



City of Albuquerque

Legislative File Number R-03-257 (version 2)

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## CITY of ALBUQUERQUE FIFTEENTH COUNCIL

AMENDING THE LA CUEVA SECTOR DEVELOPMENT PLAN, SECTION 5.4.5, SU-2/MIXED USE ZONE, PROVISION #7 TO ALLOW DRIVE-UP FACILITIES TO OCCUR ON LESS THAN 1.75 ACRES IF A CORNER LOT IS INVOLVED IN THE DEVELOPMENT SCHEME.

## CITY of ALBUQUERQUE FIFTEENTH COUNCIL

WHEREAS, the City adopted the La Cueva Sector Development Plan in June of 2000 through Council Enactment 65-2000; and

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

WHEREAS, the Sector Plan established SU-2/Mixed Use Zoning and land use guidelines for the plan area; and

WHEREAS, on March 20, 2003, the Environmental Planning Commission, in its advisory role on land use and planning matters, recommended approval of a text amendment to Section 5.4.5 SU-2/Mixed Use Zone, Provision #7 of the La Cueva Sector Development Plan to the City Council; and

**WHEREAS, the text amendment meets the requirements of and fulfills the policies of *Resolution 270-1980* because an oversight was committed when the 1.75 acre requirement was established by not considering corner lot acreage; and**

**WHEREAS, the Environmental Planning Commission found the sector plan amendment is not in conflict with any applicable plans including the Comprehensive Plan and the La Cueva Sector Development Plan.**

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

Section 1. LA CUEVA SECTOR DEVELOPMENT PLAN AMENDED.

Section 5.4.5, SU-2/Mixed Use Zone, Provision #7 is amended to read as follows:

7. Drive-up facility, as permissive in the C-1 zone, provided that a minimum of 1.75 acres be provided for each drive-up facility. Where corner lots are involved, a minimum of 1.3 acres shall be provided for each drive-up facility due to additional right-of-way dedication requirements.

Section 2. FINDINGS ACCEPTED. The following zone map amendment findings shall be adopted by the City Council:

1. This is a request for a text amendment to the *La Cueva Sector Development Plan*, Section 5.4.5, Provision #7 under the SU-2 Mixed Use Zone which allows drive-up facilities as a Permissive Use “provided that a minimum of 1.75 acres be provided for each drive-up facility”. The subject site is zoned SU-2/Mixed Use and is located at the southwest corner of Carmel and Wyoming NE. The site contains approximately 1.61 acres as a result of right-of-way dedication required for Wyoming Blvd. The applicant proposes to build a drive-up bank on the subject site.

2. The subject request is consistent with the Developing Urban goal of the *Comprehensive Plan* in that the proposed text amendment will allow necessary services to be built which will support urban growth in the area. The request is also consistent with Developing Urban policies d, e, i, j, and k in that the neighborhood values and integrity will not be compromised since the proposed use is appropriate under the current zoning and since development of the site will require site plan review by the EPC which will assure minimal harmful effects of traffic, livability and safety.

3. The subject site is located within a *Community Activity Center*, as designated in the Comprehensive Plan. Wyoming Boulevard, which is adjacent to the site, is designated an *Enhanced Transit Corridor* per the Comprehensive

Plan. The subject request does not jeopardize the goals and policies for *Centers and Corridors* per the Comprehensive Plan because the proposed use will be located at the edge of the Center and because development of the site will require EPC site plan approval, which will assure compliance with the goals and policies for *Centers and Corridors*

4. Although the applicant does not propose to change the zoning district from SU-2/Mixed Use, the request does involve amending a provision under this zone, which essentially changes the zone. The applicant has fulfilled the requirements of *R-270-1980* because when the Sector Plan was approved, the City Council placed a 1.75 acre, or two-lot requirement for a drive-up facility, based on an average lot size of .88 acre. Since the City Council did not take into consideration that the corner lots are less than .88 acre, which means that three lots would be required in order to develop a drive-up facility, an oversight, or error was committed.

5. The subject request meets the requirements of the *La Cueva Sector Development Plan* and does not compromise the Plan because the applicant does not propose to change the zoning or the land use that would otherwise be permitted under the SU-2/Mixed Use zone.

6. Properties zoned SU-2/Mixed Use in the *La Cueva Sector Plan* are intended to be regulated per the C-1 zone in the City Zoning Code with some exceptions. The C-1 zone only allows drive-up banks as a Permissive Use. Other drive-up services are allowed as a Conditional Use in the C-1 zone. Provision #7 of the SU-2/Mixed Use Zone in the *La Cueva Sector Plan* allows all drive-up facilities provided 1.75 acres is provided for each facility. The subject request is more in line with what is required in the C-1 zone.

7. Staff recommends approval of the subject request, however, in order to preserve the integrity of the plan and to avoid the granting of special exceptions to the plan, it is recommended that Section 5.4.5, Provision #7 be amended to read as follows: "7. Drive-up facility, as permissive in the C-1 zone, provided that a minimum of 1.75 acres be provided for each drive-up

**facility. Where corner lots are involved, a minimum of 1.3 acres shall be provided for each drive-up facility due to additional right-of-way dedication requirements.”**

**8. The District 4 Coalition of Neighborhoods supports placing a bank at this location.**

**Section 3. 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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