



City of Albuquerque

Legislative File Number R-03-307 (version 2)

CITY of ALBUQUERQUE FIFTEENTH COUNCIL

AMENDING CHAPTER 5 OF THE LA CUEVA SECTOR DEVELOPMENT PLAN, TO PROVIDE FURTHER CLARIFICATION OF EXISTING LANGUAGE.

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

WHEREAS, Chapter 5 of the La Cueva Sector Plan contains some unclear language that needs to be further clarified in order to provide consistent interpretation and application of the development and design regulations contained in the sector plan; and

WHEREAS, clarification of certain language in the La Cueva Sector Development Plan was presented to the Environmental Planning Commission on June 19, 2003 as text amendments to the sector plan; and

WHEREAS, on June 19, 2003, the Environmental Planning Commission, in its advisory role on land use and planning matters, recommended approval of certain text amendments to Chapter 5 of the La Cueva Sector Development Plan to the City Council.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE THAT LA CUEVA SECTOR DEVELOPMENT PLAN, CHAPTER 5 is amended as follows:

SECTION 1. Section 5.2, RD Zone is amended to read:

The RD (developing residential) zone is the predominant residential zone in the plan area.

Maximum densities for areas zoned RD are established in the Zoning Plan (Exhibit 12).

Densities are based on gross acreage of the lot, which is measured from property line to property line, excluding existing public right-of-way and/or prescriptive roadway easements.

The residential uses in the RD zone shall be regulated according to the City Zoning Code,

subject to the density maximums shown in Exhibit 12.

Residential development more intense than what is typically allowed in the R-1 zone (i.e. lot

size less than 5000 square feet) will be subject to site development plan for subdivision

approval by the DRB.

Development in the RD zone that requires a site development plan must meet the design

regulations in Section 5.4.6 of this plan.

SECTION 2. Section 5.4, SU-2 Zones, paragraph 5 is amended to read:
A site development plan and landscaping plan approved by the Environmental Planning Commission are required for all SU-2 zoned properties except that residential development on lots greater than 5,000 square feet will not require site development plan approval by the EPC.

SECTION 3. Section 5.4.5, SU-2/Mixed Use, Permissive Use #2 is amended to read:

2. Dwelling unit (house, townhouse, or apartment) constituting up to 25% of the gross floor area on the premises, pursuant to a site development plan. Usable open space shall be provided on site in an amount equal to 400 square feet for each efficiency or one-bedroom dwelling unit, 500 square feet for each two-bedroom dwelling unit, and 600 square feet for each dwelling unit containing three or more bedrooms. The total open space requirement of the R-D zone shall also be met.

SECTION 4. Section 5.4.5, SU-2/Mixed Use, Conditional Uses is amended to read:
Conditional Uses

1. Uses conditional in the C-1 zone except that the following are not allowed as a conditional use.

- a. Auto, trailer, truck rental
- b. Kennel
- c. Watchman mobile home
- d. Outdoor storage

SECTION 5. Section 5.4.6, Common Design Regulations, Regulation 8R-1 is amended to read:

8R-1: Open space, as provided in the RD zone, is required for residential development in the RD and SU-2/Mixed Use zone. Priority areas for open space dedications are:

First Priority: east/west arroyo trails or "pockets" adjacent to the trails.

Second Priority: north/south mid-block pedestrian ways.

SECTION 6. FINDINGS ACCEPTED. The following text amendment findings shall be adopted by the City Council:

1. This is a request for text amendments to Chapter 5 of the La Cueva Sector Development Plan for clarification purposes. The proposed text amendments will not change the context or intent of the plan, but will only provide further clarification of existing language in order to provide consistent application and interpretation of the regulations contained in Chapter 5 of the plan.
2. The La Cueva Sector Development Plan was adopted in June of 2000 to provide land use, zoning and development strategies to encourage urban development within the plan area. The proposed text amendments will not in any way alter these intentions.
3. The District 4 Coalition of Neighborhoods is in support of the proposed text amendments. No opposition to the request has been expressed by the La Cueva

Community or any other interested parties.

SECTION 7. 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.

X:\SHARE\Legislation\Fifteen\R-307fin.doc