

CITY of ALBUQUERQUE
SIXTEENTH COUNCIL

COUNCIL BILL NO. O-04-24 ENACTMENT NO. _____

SPONSORED BY: Tina Cummins

ORDINANCE

ANNEXATION, 03EPC-01062, ANNEXING 227-ACRES, MORE OR LESS, LOCATED AT THE SOUTH END OF JUAN TABO BOULEVARD, SOUTH OF TIJERAS ARROYO, ON THE WEST SIDE OF THE FOUR HILLS NEIGHBORHOOD, NORTH OF KIRTLAND AIR FORCE BASE, AND AMENDING THE ZONE MAP TO ESTABLISH R-D, SU-1 FOR MPOS AND SU-1 FOR VILLAGE SQUARE (WHERE VILLAGE SQUARE CONSISTS OF C-2 (WITH EXCLUSIONS), O-1 AND R-T USES) ZONING.

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

Section 1. AREA PROPOSED FOR ANNEXATION. The owners of the area annexed hereby presented a properly signed petition to annex the following territory: 227-acres, more or less, located at the south end of Juan Tabo Boulevard, south of Tijeras Arroyo, on the west side of the Four Hills Neighborhood, north of Kirtland Air Force Base; and more particularly described as follows:

- A. The NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of S-33, T-10N, R-4E, NMPM;**
- B. The W $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of S-34, T-10N, R-4E, NMPM;**
- C. The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of S-33, T-10N, R-4E, NMPM;**
- D. The E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of S-33, T-10N, R-4E, NMPM;**
- E. All of the right-of-way adjoining the land described in A., B., C., and D. of this section to the extent it is not already in the City.**

Section 2. ANNEXATION ACCEPTED. The area specified in Section 1 above is designated Developing Urban in the *Comprehensive Plan* which makes it suitable for annexation. Furthermore, the petition for annexation

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1 meets the requirements of *Resolution 54-1990* (City’s Annexation Policy).
2 Therefore, the area specified in Section 1 above is hereby annexed.

3 Section 3. ZONE MAP AMENDED. The request for R-D, SU-1 for MPOS
4 and SU-1 for Village Square C-2 with exclusions, O-1 and R-T uses zoning is
5 justified per *Resolution 270-1980* because a different use category is more
6 advantageous to the community, as articulated in the *Comprehensive Plan*
7 and adds to the health, safety, morals and general welfare of the City.
8 Therefore, the zone map adopted by Section 14-16-1-1 et. Seq. R.O.A. 1994 is
9 hereby amended, establishing R-D, SU-1 for MPOS and SU-1 for Village Square
10 C-2 with exclusions, O-1 and R-T uses zoning for the area specified in Section
11 1 above.

12 Section 4. FINDINGS ACCEPTED. The Council shall adopt the following
13 zone map amendment findings recommended by the Environmental Planning
14 Commission on February 12, 2004:

15 1. This is a request for the establishment of zoning for 227-acres
16 located at the south end of Juan Tabo Boulevard, south of Tijeras Arroyo, and
17 on the west side of Four Hills Neighborhoods legally described as 4 separate
18 parcels: the NE¼ of the SE¼ of S-33, T-10N, R-4E; the W½ of the SW¼ and the
19 W½ of the E½ of the SW¼ of S-34, T-10N, R-4E; the SE¼ of the SE¼ of S-33, T-
20 10N, R-4E; the E½ of the SE¼ of the NE¼ of S-33, T-10N, R-4E. The applicant
21 is requesting that 179.23-acres of NE¼ of the SE¼ of S-33, T-10N, R-4E, SE¼
22 of S-33, T-10N, R-4E and the W½ of the SW¼ and the W½ of the E½ of the
23 SW¼ of S-34, T-10N, R-4E be zoned R-D. A remaining portion, Tract “A3”
24 (40.44-acres), shall be SU-1 for Major Public Open Space. Another smaller
25 remaining portion, Tract “B1” (14.15-acres) shall be zoned SU-1 for Village
26 Square. Tract “B1” will be combined with Tract “B2” during the platting
27 process to make Tract “B”. Tract “B” is the Village Square with zoning of C-2
28 with exclusions (7.5-acres maximum), O-1 (11.5-acres maximum) and R-T uses
29 (160 dwelling units maximum).

30 2. The request is justified under *Resolution 270-1980* as a change that
31 would be more advantageous to the community as articulated in the
32 *Comprehensive Plan*, Developing Urban Area (Policy d) by providing intensity
33 and design of new development that shall respect existing neighborhood

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1 values and by providing new growth through development in areas where
2 vacant land is contiguous to existing or programmed urban facilities and
3 services and where the integrity of existing neighborhoods can be ensured (R-
4 270-1980, D. 3.). **There will not be any full connection of roadways or streets**
5 **between Juan Tabo Hills and Four Hills Village.**

6 3. The request is in conformance with the *Albuquerque/Bernalillo*
7 *County Comprehensive Plan* applicable goals and policies, which allow a full
8 range of urban land uses and states that the location, intensity and design of
9 new development shall respect existing neighborhood values and resources
10 and where vacant land is contiguous to existing or programmed urban
11 facilities and services and where vacant land is contiguous to existing or
12 programmed urban facilities and services and where the integrity of existing
13 neighborhoods can be ensured. (Developing Urban Area Policies a, d, e, g, i, m
14 and n).

15 4. The Site's 30-acre Village Square, a mixed-use Village Center zoned
16 SU-1 for Village Center C-2 with exclusions (7.5-acres maximum), O-1 (11.5-
17 acres maximum) and R-T uses (160 dwelling units maximum), furthers the
18 *Comprehensive Plan's* Goal for Activity Centers by creating an Activity Center
19 that provides daily services, at a neighborhood scale, which can be accessed
20 via alternative modes of transportation, i.e., pedestrian, bicycle, transit. (Part
21 II, Section B, Goal 7, Policy a).

22 5. The applicant is requesting the following zoning to be established for
23 the following tracts (the tract identification corresponds to the attached
24 Zoning Map):

25 (A) Tract "A3" (40.44-acres) is requested to be zoned SU-1 for
26 Major Public Open Space. This is a continuous tract that runs throughout the
27 entire site; for the portion requested to be annexed, Tract "A3" follows 3
28 arroyos and an archaeological site. This is not open space to be used for the
29 open space requirement for the newly created lots.

30 (B) Tract "B1" (14.15-acres) is requested to be zoned SU-1 for
31 Village Center. The combined "B1" and "B2" tracts that make up Tract "B"
32 (30-acres), the Village Square, is an area of mixed uses and is defined as C-2
33 with exclusions (7.5-acres maximum), O-1 (11.5-acres maximum) and R-T (160

1 dwelling units maximum) uses. This tract lies in the northern portion of the
2 site and will be adjacent to the bridge and Juan Tabo Boulevard on the south
3 side of Tijeras Arroyo.

4 (C) Tracts "E2", "F" and "G" are requested to be zoned R-D. The
5 R-T controls within this zone help to accommodate for the varying terrain
6 causing irregularly shaped lots with varying setbacks on each lot. The
7 residential portion of the site is to the south of the Village Square.

8 6. The applicant has submitted new information that clearly shows the
9 land to be annexed and the associated zoning for each of the annexed tracts.

10 7. There is no known opposition to this request.

11 Section 5. The Recommended Conditions from the City Engineer,
12 Municipal Development, Public Works and NMDOT from the February 13, 2004
13 Environmental Planning Commission Official Notice of Decision for the
14 Annexation, Zone Map Amendment and Site Development Plan for Subdivision
15 shall be required **with the exception of Condition (k) which shall be stricken.**
16 **The Juan Tabo Hills Village Square Site Plan for Subdivision shall be amended**
17 **accordingly by deleting "unimproved" and inserting in lieu thereof "unpaved"**
18 **in the vehicular access note on Sheet 4 of 5.**

19 Section 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
20 clause, word or phrase of this ordinance is for any reason held to be invalid or
21 unenforceable by any court of competent jurisdiction, such decision shall not
22 affect the validity of the remaining provisions of this ordinance. The Council
23 hereby declares that it would have passed this ordinance and each section,
24 paragraph, sentence, clause, word or phrase thereof irrespective of any
25 provisions being declared unconstitutional or otherwise invalid.

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

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1 LEGISLATIVE HISTORY OF O-04-24 ANNEXATION OF JUAN TABO HILLS

Date	Action Taken
03/15/04	Council President Cadigan recommended referral to the Land Use, Planning and Zoning (LUPZ) committee.
03/15/04	City Council referred to LUPZ.
04/14/04	Councilor Tina Cummins moved to adopt amendments: <ol style="list-style-type: none"> 1. Adding last sentence of Section 4, para 2; lines 4-5 on page 3 of final document. 2. Adding the exception and substituted word in Section 5; lines 15-18 on page 4 of the final document. Passed 5-0.
04/14/04	Councilor Cummins moved to send amended ordinance to the City Council with a “Do Pass” recommendation. Passed 5-0.
04/14/04	Councilor Cummins moved to request “Immediate Action” by the City Council. Passed 5-0.
04/19/04	Council accepted the amended ordinance with the Do Pass and Immediate Action recommendations 9-0.
04/19/04	Council passed the amended ordinance 9-0.
05/11/04	Council forwarded the amended ordinance to the Mayor.
05/11/04	Mayor Chávez signed the amended ordinance.
05/13/04	Amended Ordinance O-04-24 published by the Clerk.

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