

## PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box

(Fees are listed on the back)

Administrative Permit	Plan	Subdivision	Zoning
<input type="checkbox"/> Community Residential Care Facility	<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Annexation
<input type="checkbox"/> Development Review Committee (DRC)	<input type="checkbox"/> Corridor Plan Amendment	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Appeal
<input type="checkbox"/> Hobby Breeder	<input type="checkbox"/> Master Plan	<input type="checkbox"/> Summary Plat	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Home Occupation	<input checked="" type="checkbox"/> Master Plan Amendment	<input type="checkbox"/> Vacation of Plat	<input type="checkbox"/> Master Sign Plan
<input type="checkbox"/> Model Home / Sales Office	<input type="checkbox"/> Specific Area Plan Amendment	<input type="checkbox"/> Street Name Change	<input type="checkbox"/> Site Plan
<input type="checkbox"/> Residential Child Care Facility 6 or <	<input type="checkbox"/> Text Amendment	<input type="checkbox"/> Subdivision Interpretation	<input type="checkbox"/> Special Exception
<input type="checkbox"/> Sign Permit		<input type="checkbox"/> Subdivision Variance	<input type="checkbox"/> Variance
<input type="checkbox"/> Other			<input checked="" type="checkbox"/> Zone Map Amendment
			<input type="checkbox"/> Zoning Certification
			<input type="checkbox"/> Zoning Interpretation

**Please Print In Ink Only or Type**

Application must be complete. Please attach the appropriate checklist for the action you are requesting, if applicable.

### APPLICANT/AGENT INFORMATION

Applicant Name: DBG Properties, LLC		Phone: 503-956-4355
Address: 2164 SW Park Place		E-Mail: sgridahl@dbgpropertiesllc.com
City: Portland	State: Oregon	Zip: 201911
Proprietary Interest: Purchase Contract		List Owners: 500 Partners, LLC
Deed or Ownership Verification Provided: (Initials) Authorization letter included		Letter of Authorization Provided: (Initials) Auth. letter included
Agent Name: James K. Strozier, FAICP, Consensus Planning, Inc.		Phone: 505-764-9801
Address: 302 8th St NW		E-Mail: cp@consensusplanning.com
City: Albuquerque	State: New Mexico	ZIP Code: 87102

### DESCRIPTION OF REQUEST: (PLEASE ADD ADDITIONAL SHEET(S) IF NECESSARY)

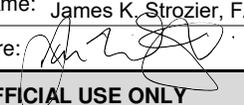
Special Use Zone Map Amendment to rezone 1.54 acres of SU/Commercial and Industrial to R-6/Multi-Family Residential.

### SITE INFORMATION: (PLEASE PROVIDE ACCURATE LEGAL DESCRIPTION)

Subdivision/Unit : Enchanted Hills Unit #12 Tract PH3	Block(s): N/A	Lot(s): N/A
Existing Zoning: SU/Commercial and Industrial; R-6/Multi-Family	Proposed Zoning: SU/Commercial, Industrial, and R-6/Multi-Family Residential	
No. of existing lots: 1	No. of proposed lots: 3	Total area of site (acres) ~23.97acres

### ACKNOWLEDGEMENT

I hereby acknowledge that I have read this entire application and affirm that all information provided is correct. I agree to comply with the requirements of the City of Rio Rancho as outlined in all applicable laws, ordinances and regulations.

Print Name: James K. Strozier, FAICP	Applicant: DBG Properties, LLC	Agent: Consensus Planning, Inc
Signature: 	Date: 6/6/2020	

### FOR OFFICIAL USE ONLY

H.T.E. PROJECT #	FEE	RECEIPT #

**APPLICATION ACCEPTED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



July 6, 2020

Mr. David Heil, Chairman  
Planning and Zoning Board  
City of Rio Rancho  
3200 Civic Center Circle NE  
Rio Rancho, NM 87144

*Re: Request for a Master Plan and Zone Map Amendment*

Landscape Architecture  
Urban Design  
Planning Services

Dear Chairman, Heil:

302 Eighth St. NW  
Albuquerque, NM 87102

(505) 764-9801  
Fax 842-5495  
cp@consensusplanning.com  
www.consensusplanning.com

Consensus Planning is pleased to present this amendment to the Enchanted Hills Unit #12 Master Plan and Enchanted Hills Unit #20 Master Plan for a land use and zone map amendment (ZMA). The Zone Map and Master Plan Amendment request is for a portion of the property located at the southeast corner of Paseo del Volcan and U.S. 550. Please refer to Figure 1 for the location of the property (white line) and the portion that is the subject of this ZMA (yellow). The legal description for the property is EH12, TR PH3. The property (outlined in blue) is ~23.97 acres and is currently zoned SU/Commercial and Industrial and R-6/Multi-Family Residential.

**Figure 1: Site Location**



## ZONE MAP AND MASTER PLAN AMENDMENT REQUEST

This master Plan and Zone Map Amendment request is to re-zone 1.54 acres of SU/Commercial and Industrial to R-6/Multi-Family Residential to permit a multi-family development. If the zone map amendment is approved, a 240-unit apartment complex will be constructed on a total of 11.16 acres of R-6/Multi-Family Residential. A plat will be required to create the 11.16-acre multi-family parcel.

### PRINCIPALS

James K. Strozier, FAICP  
Christopher J. Green, PLA,  
ASLA, LEED AP  
Jacqueline Fishman, AICP



The 1.54 acres will be added to the adopted Zone Map amendment (Ordinance 42-19-37) approved by the City of Rio Rancho Governing body on November 13, 2019.

The master plan and zone map request impacts the Enchanted Hills Unit #12 master Plan and the Enchanted Hills #20 Master Plan. The table below illustrates the proposed change to the current zoning of the property.

Land Use and Zoning	Current	Proposed	% of current tract (proposed)
<b>R-6/Multi-Family Residential</b>	<b>11.28</b>	<b>11.16 acres</b>	<b>46.56%</b>
SU/Commercial and Industrial	18.45 acres	18.45 acres	53.44%

This request is one portion of a 3-part request to zone the subject property and will allow all three components to this mixed-use development to move forward together. The Applicant ultimately proposes the following zoning through 2 additional Zone Map and Master Plan Amendment requests:

Zoning	Acreage	Proposed Use
SU/Commercial and Industrial	6.93 acres	Retail and Commercial Services
SU/Commercial, Industrial, and R-6/Multi-Family Residential	5.88 acres	Senior Independent Living Apartments
R-6/Multi-Family Residential	11.16 acres	Multi-Family Apartments
Total Acreage	~23.97 acres	

**OWNERSHIP**

The site is owned by 500 Partners LLC. DBG Properties, LLC is the contract purchaser of the property and will be the developer of the apartment project. The proposed zone map amendment has been coordinated with and approved by 500 Partners LLC and DBG Properties, LLC. Consensus Planning, Inc. is the authorized Agent for this request.

**SITE HISTORY**

The site is in the Enchanted Hills Unit #12 Master Plan and the Enchanted Hills Unit #20 Master Plan and is zoned as SU/Commercial and Industrial. The Enchanted Hills Unit #12 Master Plan is an amendment to the Enchanted Hills Unit #20 Master Plan. The Unit #20 Plan was adopted in 1992 pursuant to Resolution No. 105 Enactment No. 92-107. The ordinance that governs the subject property is Ordinance No.24 Enactment No. 92-023. This ordinance describes the uses permitted under the SU/Commercial and Industrial designation (attached). The property remains vacant.



The area surrounding the site has undergone significant changes. In 1999, the south tracts of land—directly adjacent to the Enchantado Drainage Channel—underwent a zone map amendment to SU/Multi-Family Residential for the development of an apartment complex on 40 acres and SU/Single-Family Residential on 24 acres. The development brought a park, detention pond, and trail to the area. The trail is an east-west trail on the north side of the Enchantado Drainage.

To date, the property holds a PNM power line easement along the western edge of the property line, and an easement for the Town of Bernalillo Water Tank and PNM substation on the northwest corner of the property.

On November 13, 2019, the Governing Body of the City of Rio Rancho adopted Ordinance 42-19-37, amending the Zone Map by assigning a zoning designation on approximately 11.28 acres of the subject property from SU/Special Use to R-6/Multi-Family Residential.

On June 10, 2020, an additional Master Plan and Zone Map Amendment request was submitted to the City of Rio Rancho to request that 5.88 acres of SU/ Commercial and Industrial be changed to SU/ Commercial, Industrial, and Multi-family Residential. The request was continued for 30-day by the Planning and Zoning Board to the July 28, 2020. The request was continued to in order for the Applicant to produce a comprehensive plan to rezone the subject property.

#### ZONE MAP AMENDMENT JUSTIFICATION: RIO RANCHO COMPREHENSIVE PLAN

DBG Properties, LLC recognizes the importance of bringing forth development that furthers Rio Rancho’s desired growth scenario. The Rio Rancho Comprehensive Plan was consulted to ensure the project furthers multiple goals and policies as expressed in the plan. Presented below is an analysis of how the zone map amendment to R-6/Multi-Family Residential complies with and furthers multiple Land Use, Transportation, Urban Design, and Economic Development goals and policies.

1. Land Use Goal 1: Encourage mixed uses - retail, office, and residential centered on pedestrian-oriented developments along principal arterial roads.

*The proposed use supports Land Use Goal 1 in two ways. The opportunity for mixed-use development will remain as the subject property, once approved, will be zoned SU/ Commercial, Industrial, and R-6/ Residential; SU/Commercial and Industrial; and R-6/Multi-Family Residential. The mix of uses in proximity to each other will further the pedestrian-oriented development desired by the Land Use Goal 1. The property is adjacent to an existing trail that provides a non-vehicular connection to the balance of the property.*



2. Land Use Policy 3: Promote and support development that incorporates walkability.

*The zone map amendment provides the opportunity for the City to continue fulfilling the policy to promote and support development that incorporate walkability, as the apartment complex is located adjacent to the existing trail along the Enchantado Drainage Channel. The channel trail leads users to a network of additional recreational trails and takes users east towards goods and services (approximately a 1.5 mile walk on designated pedestrian walk-ways to the nearest grocery store).*

*As the adjacent SU/Commercial and Industrial tracts develop, residents of the apartment complex will also have direct and immediate access to the goods and services by foot and/or bicycle, further supporting development that incorporates walkability in the future.*

3. Population and Housing Goal 3: Promote a variety of housing types to meet the needs of all members of the community.

*The proposed apartment complex meets the goal of having a city with a variety of housing types to meet the needs of community members. The Enchanted Hills area is predominantly single family. The property is adjacent to an existing apartment complex and future commercial development. The apartment complex development will make the rental housing market in the area more robust and present the opportunity for community members to choose a housing situation that fits their lifestyle best while still living in the desired Enchanted Hills neighborhood.*

4. Transportation Goal 1: Encourage development that effectively mixes land uses to create an efficient transportation system that reduces congestion, improves air quality and creates opportunities to build Rio Rancho's economy.

*The location of the site is fulfilling Transportation Goal 2 in multiple ways. The location is within a 5-mile radius of major employers in Rio Rancho, such as Safelite (located on Safelite Boulevard (.5 miles away) and Convergys's call center (5 miles away). The apartment complex creates the opportunity for employees to live closer to their work and shorten associated travel distances. This will reduce vehicle miles travelled, resulting in reduced traffic congestion. The site is located along Paseo del Volcan and close to the Pat D'Arco Highway, both thoroughfares that move traffic longer distances and connect people with other major employment centers.*

5. Urban Design Goal 6: Support development that links neighborhoods and encourages the use of all modes of transportation.

*The development of the apartment complex with existing access to the trail will support a variety of transportation modes for residents.*



*Residents will be able to walk, ride bikes, or use other forms of transportation to goods and services, employment, and other nodes in the Enchanted Hills neighborhood.*

6. Economic Development Goal 3: Enhance the tax base.

*The proposed development enhances the tax base by locating residents near commercial centers where residents can easily support Rio Rancho's tax base. Residents will have the opportunity to purchase their goods and services in the neighboring businesses. The availability of rental housing lowers housing costs and increases the spending power of residents. Proximity of the proposed apartment complex to existing goods and services will reduce leakage of Gross Receipts Tax to other neighboring cities.*

*The development will serve as a catalyst for vacant commercial land to develop. The increase of residents the apartment complex will bring to the Enchanted Hills neighborhood will be a desirable factor for future commercial development and businesses. Tenants of the commercial development will support the expansion of the city's tax base.*

#### ZONE MAP AMENDMENT POLICY COMPLIANCE

(D) The following policies for deciding zone map change applications pursuant to the City Zoning Code are:

1. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

*The proposed zone map amendment is consistent with the health, safety, morals, and general welfare of the City through the creation of development conditions necessary for a new multi-family neighborhood and locate residents closer to employment centers, make the remaining land more viable for development commercial use, and will expand housing choices.*

2. Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made.

*If granted, the zone map amendment will have a positive effect on the stability of land use and zoning. The proposed zoning will provide development that is more compatible with surrounding uses, such as the current apartment complex, Enchantado Drainage Channel Trail, the neighborhood park to the south, and the commercial development to the east. The site has remained undeveloped for 20+ years and the influx of more people in the area*



*will serve as an incentive for commercial development to build on the remaining vacant portion of the property. Furthermore, Residents will have multi-modal access (pedestrian, bicycle, and vehicular) to goods, services, and employment centers.*

*R-6/Multi-Family Residential is more appropriate than the Special Use (SU) designation because the development seeks to enhance the current character of the area and not change it. SU requires the additional step of a site plan, but this is unnecessary, since the proposal will have to follow the design guidelines designated in the Enchanted Hills Unit #12 Master Plan. R-6/Multi-Family Residential provides the appropriate permissive uses the project will require to ensure an efficient development process.*

3. A proposed change shall generally be consistent with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.

*The proposed zone map amendment is consistent with the City of Rio Rancho Comprehensive Plan. It furthers principles of the Comprehensive Plan in the following ways: it ensures a land use pattern that encourages mixed-uses as the area within ½ radius would be characterized as SU/Commercial and Industrial, SU/Residential, Single-Family, and R-6/Multi-Family Residential (proposed zone map amendment); create pedestrian-oriented development that incorporate walkability as the site is located in close proximity to goods and services that residents can access by way of trails; promotes multi-modal transportation as residents can rely on other forms of transportation such as bikes or walking to get to goods and services or employment centers; links neighborhoods as the site is located adjacent to major thoroughfares that aid in accessing other areas of Rio Rancho; and enhances the tax base by locating residents in close proximity to goods and services within Rio Rancho.*

4. The applicant must demonstrate the existing zoning is inappropriate because:
  - a) there was an error, mistake or is necessary to correct an injustice that occurred when the existing zone map pattern was created, antiquated plat filed before the City's incorporation and adoption of its own Zoning Code or on land annexed by the City or
  - b) changed neighborhood or community conditions justify the change, or
  - c) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master



plan, even though (1) or (2) above do not apply. Applicant's reliance on this provision requires proof that (a) there is a public need for a change of the kind in question, and (b) that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

*In this case, b and c apply. The conditions of the site have changed dramatically since the adoption of the Enchanted Hills Unit #12 Master Plan and Enchanted Hills Unit #20 Master Plan. Paseo del Volcan has been constructed affecting the access to the property, the character has changed to various housing types with the rezoning and construction of the apartment complex to the south and single family residential, national trends of declining retail have decreased the demand for commercial real estate acreage, and the City of Rio Rancho has since then updated their zoning code and comprehensive plan to better reflect the values and growth needs of the community.*

*DBG Properties, LLC feels the requested use category is more advantageous to the community of Rio Rancho for the following reasons:*

- a. *The request fulfills a community need articulated in the comprehensive plan. Within the Population and Housing element in the Comprehensive Plan, under section 6.3.2.6 Community Development Block Grant, the document states the following:*

*"– to attract and create well-planned high-quality, stable, residential, commercial and industrial development, as the second goal of the City's Strategic Plan directs, we need to create a mix of housing opportunities" (PH-6).*

*The plan implies a mix of housing opportunities will aid the stability of other zones. In this case, the R-6/Multi-Family Residential designation is more advantageous because the apartment complex will add to the variety of housing desired by the City and support the future development of neighboring commercial and industrial by increasing the number of patrons to the establishments and potential employees.*

- b. *Existing utility infrastructure affects visibility of commercial and industrial development allowed under the provisions outlined in Ordinance No. 24 Enactment No. 92-023. The 11.28 acres neighbor the PNM Substation and the Town of Bernalillo water tank. The placement of these two*



*infrastructure pieces on the site unfortunately block the visibility of to the property, as the subject site sits directly behind them. This will strain the ability for businesses to thrive financially and be productive elements of the tax base. The infrastructure elements, in this case, will act as privacy barriers between U.S. 550 and the proposed apartment development.*

- c. Limited access from major corridors negatively impacts commercial and industrial development. The site has limited access from U.S. 550 and no access from Paseo del Volcan providing for difficult traffic circulation for commercial or industrial development that will need efficient circulation to move higher volumes of traffic and have an easy accessibility point. The apartment development will have lower volumes of traffic dispersed at different points in the day. The traffic can easily flow onto the adjacent arterial roadway, Safelite Boulevard.*
- d. The site has remained vacant for 20+ years. The local demand for retail development has decreased, mirroring the national trend of declining brick and mortar-based commerce. The addition of more residents combined with a more concentrated SU/Commercial and Industrial parcel will provide better conditions for remaining commercial development to thrive.*
- e. Requested zoning creates concentrated and efficient growth nodes. The subject site is in an ideal location to support multi-family residential development due to its proximity to existing commercial development east of Safelite Boulevard. Future commercial development on the property will also benefit from the proximity of the apartment complex as residents will likely make use of goods and services and provide nearby housing for employees.*

(E) The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

*The cost of land or other economic considerations are not the determining factor behind this request.*

(F) Location on a collector or major street is not in itself sufficient justification of apartment, office, or commercial zoning.

*The purpose for the request for R-6/Multi-Family Residential zoning is that it will provide compatible land uses for existing SU/Commercial to the east and act as an additional buffer between*



*U.S. 550 and the SU/Single-Family Residential further south (south of the current adjacent apartment complex). Consult Figure 1 to understand proposed development location relative to existing single-family residences.*

(G) A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. the change will clearly facilitate realization of the Comprehensive plan and any applicable adopted sector development plan or area development plan;

Or

2. the area of the proposed zone change is different from surrounding land because it will function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of the structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

*This request for R-6/Multi-Family Residential creates a land use that is the same as the land use directly to the south (on the south end of the Enchantado Channel Drainage). The south development is zoned SU/Multi-Family Residential within the Enchanted Hills Unit #12 Master Plan.*

The proposed Zone Map and Master Plan amendment clarifies and refines the development plan for the subject property. This change is due to a new developer and refined engineering analysis. This refinement will allow all three components to this mixed-use development to move forward together. The infrastructure needed to support the multi-family (11.16 acres); senior independent living facility (5.88 acres); and commercial (6.93 acres) will be developed simultaneously. Based upon the justification provided, we respectfully request that the Rio Rancho Planning and Zoning Board recommend approval of this request for an amendment to the Enchanted Hills Unit #12 Master Plan and the Enchanted Hills Unit #20 Master Plan and the associated Zone Map Amendment. Please feel free to contact me at (505) 764-9801 with any questions that you might have.

Sincerely,

James K. Strozier, FAICP  
Principal