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OFFICIAL NOTIFICATION OF DECISION

July 09, 2020

City Of Albuquerque
1 Civic Plaza
Rm 7057
Albuquerque NM, 87103

Project #2019-002694
RZ-2020-00010– Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, agent for the City of Albuquerque, requests the above action from R-1A and R-1B to MX-L for all or a portion of Tract B-2-A, Tower West, being comprised of Tract B-2, Tower West and a vacated portion of Tower Road Right-of-way located on Tower Road SW, between 97th Street SW and 94th Street SW, approximately 1.3 acres (L-09-Z)

Staff Planner: Shawn Watson

On July 09, 2020, the Environmental Planning Commission (EPC) voted to Approve Project # 2019-002694/RZ-2020-00010, a Zoning Map Amendment (zone change) based on the following Findings:

FINDINGS:

1. This is a request for a Zoning Map Amendment for a portion of an approximately 1.27-acre site known as Tract B-2-A, Tower West, being comprised of Tract B-2, Tower West and a vacated portion of Tower Road Right-of-Way located on the south side on Tower Rd. SW between 97th St. SW and 94th St. SW.
2. The subject site is within an Area of Consistency as designated by the Comprehensive Plan.
3. The applicant requests a Zoning Map Amendment from R-1A and R-1B to MX-L. The subject site currently has three zoning designations: MX-L, R-1A, and R-1B. This resulted from an automatic application of abutting zone districts upon vacation of the Tower Rd. ROW. The applicant requests a zone change for the R-1A and R-1B portion of the subject site to create a uniform zone district that matches the predominate MX-L zoning on the site.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance are incorporated herein by reference and made part of the record for all purposes.
5. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Community Identity:
 - A. Goal 4.1: Character: Enhance, protect, and preserve distinct communities.

The request would facilitate the development of the subject site while protecting and preserving this community; this primarily low-density residential community on Albuquerque's West Side has the

potential to become a distinct community. Regardless, future development would be subject to IDO requirements established to enhance, protect, and preserve communities, such as Neighborhood Edges (14-16-5-9), buffer landscaping (14-16-5-6(E)), and mixed-use zone dimensional standards (Table 5-1-2). Future development of the site per the MX-L zone district could help create a more complete community (see Goal 5.2).

- B. Policy 4.1.2: Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The request would facilitate the development of the subject site while ensuring appropriate scale, location, and uses. Future development would be subject to IDO requirements established specifically to protect the identity and cohesiveness of adjacent neighborhoods, which are intended to remain stable: Neighborhood Edges (14-16-5-9), buffer landscaping (14-16-5-6(E)), and mixed-use zone dimensional standards (Table 5-1-2).

- C. Policy 4.1.4: Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The request would protect and preserve the adjacent neighborhood because the MX-L zone district requires future development to be subject to IDO requirements established to protect neighborhoods, such as Neighborhood Edges (14-16-5-9) and buffer landscaping (14-16-5-6(E)). The Neighborhood Edges provision sets out protections for building height, screening and buffering, and parking, drive-throughs, and loading areas.

6. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Complete Communities:

- A. Goal 5.2: Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

The request to rezone a portion of the subject site to match the MX-L zoning of the majority of the site would allow a greater range of uses than the current zone. The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs with primary land uses such as non-destination retail and commercial uses as well as institutional and civic uses and low-density residential uses. New commercial, institutional, and low-density residential uses could develop on the subject site and help strengthen the community by providing more opportunities where residents can live, work, learn, shop, and play together.

- B. Subpolicy 5.2.1.a: Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

The request encourages development that could bring goods, services, and amenities by permissively allowing potential commercial and institutional uses. MX-L also permissively allows some residential uses, which may not fully further this policy. MX-L zoning on the subject site would allow for goods, services, and amenities to be within walking and biking distance of nearby neighborhoods.

- C. Subpolicy 5.2.1.e: Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request would permissively allow commercial uses that the current R-1 zoning does not allow. The potential mix of uses, if the site develops with commercial uses, would be conveniently accessible from the surrounding neighborhoods. However, because MX-L permissively allows for some residential uses, the request does not ensure that a mix of uses would happen on the site.

- D. Subpolicy 5.2.1.h: Encourage infill development that adds complementary uses and is compatible in form and scale to the immediate surrounding development.

The request does encourage infill development that could add complementary uses and would be compatible to the surrounding neighborhood. The MX-L zone district is a lower intensity mixed-use zone, and future development would be subject to IDO requirements established to ensure compatibility in form and scale, such as: Neighborhood Edges (14-16-5-9) and mixed-use zone dimensional standards (Table 5-1-2).

- E. Subpolicy 5.2.1.k: Discourage zone changes to detached single-family residential uses on the West Side.

Single-family residential uses are not allowed in the requested MX-L zone district.

- F. Subpolicy 5.2.1.n: Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request encourages more productive use of this vacant lot because the zone change would apply the same zone district to the entire subject site, which would allow for potential development.

- G. Policy 5.3.5: School Capacity: Discourage zone changes from non-residential to residential or mixed-use zones when affected public schools have insufficient capacity to support the anticipated increase of students based on proposed dwellings units.

The request for a change from R-1, low-density residential zoning to MX-L zoning allows uses that could facilitate commercial development on the subject site. MX-L also allows some residential uses, which, if developed, could affect nearby schools, but this policy applies to zone changes from non-residential zones.

- H. Goal 5.4: Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

The request could foster a balance of jobs and housing by prioritizing job growth west of the Rio Grande by allowing commercial and institutional uses on the subject site. However, the MX-L zone district also permissively allows some residential uses, which means that the subject site would not solely be available for retail or commercial uses. The size of the subject site and the context of the surrounding area are not conducive to an NR zone district. The zone change to MX-L allows for job growth in the area versus the existing R-1, which only allows residential.

- I. Subpolicy 5.4.2.a: Ensure adequate capacity of land zoned for commercial, office, and industrial uses west of the Rio Grande to support additional job growth.

The request could create additional capacity for land zoned for commercial and office uses west of the Rio Grande to support additional job growth since MX-L does permissively allow these uses. However, the MX-L zone district also permissively allows some residential uses.

7. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Efficient Development:

- A. Goal 5.3: Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The request to create a consist zone for the entire site would promote development of this vacant site with existing infrastructure and public facilities as well as promoting the more efficient use of this site to support the public good by adding a range of other uses that further other Comprehensive Plan goals and policies.

- B. Policy 5.3.1: Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is an infill site because it is located in an area that is largely surrounded by developed land. Existing infrastructure and public facilities are in place to serve the subject site.

- C. Policy 5.3.2: Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The subject site is an infill site where desired growth can occur with existing infrastructure and public facilities.

8. The request generally furthers the following applicable Comprehensive Plan goals and policies related to City Development Areas:

- A. Goal 5.6: City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is designated as an Area of Consistency as are the surrounding neighborhoods. The request would ensure that future development reinforces the character and intensity of the surrounding area through protections in the IDO for residential areas, such as Neighborhood Edges (14-16-5-9), buffer landscaping (14-16-5-6(E)), and mixed-use zone dimensional standards (Table 5-1-2).

- B. Policy 5.6.3: Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The request would protect and enhance the character of the surrounding existing single-family neighborhoods in this Area of Consistency. Future development would be subject to the following IDO requirements which protect these areas that are intended to remain stable: Neighborhood Edges (14-16-5-9), buffer landscaping (14-16-5-6(E)), and mixed-use zone dimensional standards (Table 5-1-2). The Neighborhood Edges provision sets out protections for building height, screening and buffering, and parking, drive-throughs, and loading areas.

9. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Placemaking:

- A. Goal 8.1: Placemaking: Create places where business and talent will stay and thrive.

The request could create a place where businesses and talent will stay and thrive if the subject site were developed with a commercial, mixed-use, or institutional use.

- B. Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

The request could create appropriately zoned land to accommodate projected employment growth for the West Side. However, the MX-L zone district does permissively allow some residential uses, which means that the land would not solely be available for commercial uses to accommodate employment growth.

10. The applicant has adequately justified the request pursuant to IDO Section 6-7(F)(3) Review and Decision Criteria for Zoning Map Amendments, as follows:

- A. Criterion A: Consistency with the City's health, safety, and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant has adequately demonstrated, in a policy-based response, that the request would be consistent with the City's health, safety, and general welfare.
- B. Criterion B: The site is located wholly within an Area of Consistency. A different zone district (MX-L) would generally be more advantageous to the community as a whole than the existing zoning (R-1A and R-1B), which the applicant's policy analysis has shown to be inappropriate since the subject site currently has multiple zone districts. The request for a single zone (MX-L) on the site could promote development in a manner that is appropriate in the context of the surrounding zones. The request would further Comp Plan goals and policies relating to Identity and Design, Neighborhoods, Infill Development, and Areas of Consistency.
- C. Criterion C: The subject site is located wholly within an Area of Consistency, so this criterion does not apply.
- D. Criterion D: The requested zone (MX-L) includes a greater variety of uses than the existing zones (R-1A and R-1B), including the allowance of retail, commercial, and institutional uses as well as other residential uses not permitted in R-1, such as townhouse, live-work, and multi-family uses. However, the majority of the property is already zoned MX-L, so these uses are permissively allowed on most of subject site.

The portion of the site that the request would apply to abuts a single-family neighborhood zoned R-1A and R-1B. The IDO requires protections for the abutting neighborhoods, such as Neighborhood Edges (14-16-5-9), buffer landscaping (14-16-5-6(E)), mixed-use zone dimensional standards (Table 5-1-2), and use-specific standards on certain uses allowed in the MX-L zone district (Table 4-2-1). The Neighborhood Edges provision sets out protections for the abutting residential neighborhood, such as regulating building height, screening and buffering, and parking, drive-throughs, and loading areas.

- E. Criterion E: The request furthers this requirement because the City's existing infrastructure and public improvements currently have adequate capacity to serve the subject site
- F. Criterion F: The applicant's justification is not completely based on the subject site's location on Tower Road SW, a Major Collector. The request is based on creating a single zone district (MX-L) for the subject site. The request is supported by a preponderance of applicable Comprehensive Plan goals and policies.
- G. Criterion G: Economic considerations are a factor, but the applicant's justification is not based completely or predominately on the cost of land or economic considerations. The main purpose of the request is based on creating a single zone district (MX-L) for the subject site.

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H. Criterion H: The request would not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone"). The zone change request for a portion of the subject site would result in that portion having the same zoning as the majority of the site (MX-L). Further, the properties to the west of the subject site, across 97th St. SW, are currently zoned MX-L.

11. The applicant's policy analysis adequately demonstrates that the request furthers a preponderance of applicable goals and policies in the Comprehensive Plan and does not significantly conflict with it. Based on this demonstration, the proposed zone category would be more advantageous to the community than the current zoning.

12. As of this writing, Staff has not received any communication of support or opposition.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **July 24, 2020**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the IDO, Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the Integrated Development Ordinance must be complied with, even after approval of the referenced application(s).

Sincerely,

for Brennon Williams
Planning Director

BW/SW

cc:

EPC file

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