



**PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION**
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

June 13, 2019

Circle K Stores, Inc.
5500 South Quebec St., #100
Greenwood Village, CO 80111

Project #2018-001924
RZ-2018-00063 – Zone Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for Tract A and Tract B, a plat of Tracts, A, B, and C, Lands of Romero-Page Etal., zoned M-XL, to NR-C, located at 1100 Old Coors Dr. SW, between Bridge Blvd. SW and San Ygnacio Rd. SW, containing approximately 4.5 acres. (L-11) Staff Planner: Catalina Lehner

PO Box 078 June 13, 2019 the Environmental Planning Commission (EPC) voted to DENY Project# 2018-001924/RZ-2018-00063, a Zone Map Amendment (Zone Change), based on the following findings:

Findings:

Albuquerque

NM 87103

www.cabq.gov

1. The request is for a zone map amendment (zone change) for an approximately 4.5 acre site known as Tract A and Tract B, a plat of Tracts, A, B, and C, Lands of Romero-Page Etal. (the "subject site"). The subject site is located at the southeast corner of the intersection of Old Coors Dr. SW and Bridge Blvd. SW (1100 Old Coors Dr. SW).
2. The approximately 0.8 acre Tract A, which is smaller than Tract B and located at the hard corner of the intersection, contains an existing light vehicle fueling station. Tract B contains approximately 3.6 acres and is vacant.
3. The subject site is zoned MX-L, which it received upon adoption of the Integrated Development Ordinance (IDO) as a conversion from the C-1 zone. The applicant is requesting a zone change to NR-C (Non-Residential Commercial zone) in order to re-develop the subject site with a new convenience store, additional fueling pumps, and liquor retail. The NR-C zone allows a wide variety of retail and commercial uses intended to serve neighborhood and area-wide needs, as well as some industrial uses.
4. The subject site is in an area that the Comprehensive Plan has designated an Area of Change. Bridge Blvd. SW is designated as a Major Transit Corridor.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.

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6. The request conflicts with the following, applicable Comprehensive Plan Goal and policy:
- A. Goal 5.1-Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The subject site, located at the southeastern corner of the intersection of Bridge Blvd. SE and Old Coors Blvd., is not in a designated Activity Center (the Tower Employment Center lies to the west). Bridge Blvd. SE is designated as a Major Transit Corridor and there is a transit shelter on the subject site. The request would facilitate development of permissive uses in the NR-C (non-residential commercial) zone, but the uses would be smaller scale and would be outside of a designated activity center, so the ability to support transit along this major transit corridor would be limited, especially since the NR-C zone does not allow residential uses.

- B. Policy 5.1.10- Major Transit Corridors: Foster corridors that prioritize high-frequency transit service with pedestrian-oriented development.

Bridge Blvd. SW is a designated Major Transit Corridor. The request would allow permissive uses in the NR-C zone, which is intended to accommodate medium-scale retail, office, commercial, and institutional uses. Major Transit Corridors are intended to prioritize transit; development should be transit and pedestrian oriented near transit stops though auto-oriented along much of the corridor. Residential uses (especially multi-family) are generally desirable along Major Transit Corridors because they could result in more people using transit and walking along the corridor as intended. The NR-C zone does not allow residential uses and allows more auto-oriented uses than the current MX-L zoning.

7. The applicant has not adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(3)-Review and Decision Criteria for Zone Map Amendments, as follows:

- A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them. The applicant did not address the Goals cited, and generally did not create strong connections between the request and the Goals and policies to demonstrate that a preponderance of them would be furthered. The policy analysis does not focus sufficiently on the NR-C zone; a zone change would allow all permissive uses in the requested zone.

There are a couple of significant issues with respect to the Major Transit Corridor designation of Bridge Blvd. that create policy conflicts. The intent of a Major Transit Corridor designation is to prioritize transit and walkability; development should be transit and pedestrian oriented near transit stops, such as the transit shelter on the subject site. Some significant auto-oriented uses that would be allowed in the NR-C zone, on the subject site, are light vehicle fueling station (the intended use), light vehicle sales and rental, and self-storage. Furthermore, the NR-C zone does not allow residential uses that could help promote transit usage along the Corridor.

- B. Criterion B: This criterion does not apply because the subject site is not located in an Area of Consistency, either wholly or in part.

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- C. **Criterion C:** The applicant states that a different zone district is more advantageous to the community, as articulated by the ABC Comp Plan, than the current zoning. Though the proposed zone change would allow for a larger variety of retail, service, and industrial uses in the area, the applicant has not adequately demonstrated that the request would be more advantageous as articulated in the Comprehensive Plan. The request furthers some applicable Comprehensive Plan Goals and policies, but conflicts with others, especially with respect to the intent of a Major Transit Corridor designation of Bridge Blvd.
- Upon annexation, the subject site was given C-1 Neighborhood Commercial zoning purposefully, to be consistent with its former zoning of County C-1 and C-N. The C-1 zoning converted to MX-L under the IDO. Though the subject site's annexation resulted in a spot zone, in this case there is no connection between eliminating a spot zone and being more advantageous to the community. The response is insufficient because all applicable Comprehensive Plan Goals and policies have not been addressed.
- D. **Criterion D:** The applicant provided a thorough listing of the uses that would become allowed under the NR-C zone, with a statement that the subject site's relatively small size could preclude some uses. Other uses, such as kennel, nursery, auditorium or theatre, bar, catering service, nightclub, and liquor retail could fit on the subject site and would become permissive uses.
- These uses would not be without harmful impacts to adjacent property, the neighborhood, or the community. The response is insufficient because the applicant has not adequately addressed the issue of potential harm to the neighborhood and the community.
- E. **Criterion E:** Requirement 1 applies. The applicant states that existing infrastructure and public improvements would have adequate capacity to serve development made possible by the proposed zone change.
- F. **Criterion F:** The subject site is located on Bridge Blvd. SW, a Community Principal Arterial, and Old Coors Blvd. SW, a Minor Arterial. The applicant's justification is not completely based on the property's location on major streets.
- G. **Criterion G:** Economic considerations are a factor. Since the applicant has not adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies, it has not been proven that the justification is not completely or predominantly based on the cost of land or economic considerations.
- H. **Criterion H:** The request would not result in a spot zone. Although the subject site is one premise, there is other NR-C zoning in the immediate area.
8. The applicant's policy analysis does not adequately demonstrate that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan, and does not conflict with them, because the applicant did not fully analyze and show conformance with applicable Comprehensive Plan Goals and policies. Therefore, one cannot conclude that the proposed zone category would be more advantageous to the community than the current zoning.

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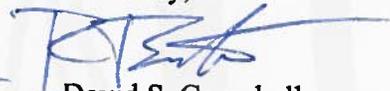
9. The affected neighborhood organizations are the Alamosa Neighborhood Association (NA), the Southwest Alliance of Neighbors (SWAN), the Westside Coalition of NAs, and the South Valley Coalition of NAs, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
10. The applicant attended a regular meeting of the Alamosa Neighborhood Association on February 11, 2019. Seventeen people attended. As of this writing, meeting notes were provided for the record. A facilitated meeting during the EPC process was neither requested nor held.
11. As of this writing, Staff has received ten letters of opposition. All are from residents of the Los Altos neighborhood, which is north of the subject site across Bridge Blvd. SW. Residents are mostly concerned about alcohol sales and safety in the area, but are also concerned about light pollution, traffic, noise, crime, potential for alcohol-related incidents, and permissive uses in the NR-C zone.
12. The applicant met with neighbors from the Los Altos neighborhood on May 31, 2019. Nine neighbors attended. At the meeting, they expressed concern about adverse lighting effects, traffic, alcohol sales, safety and security, and development plans for the remainder of the subject site. The applicant addressed the concerns by offering mitigation measures such as security monitoring, sign posting, and site improvements.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JUNE 28, 2019**. 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 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 City Zoning Code must be complied with, even after approval of the referenced application(s).

Sincerely,


for David S. Campbell
Planning Director

DSC/CL

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cc: Circle K Stores Inc., 5500 South Quebec St., #100, Greenwood Village, CO 80111
Dave Cisiewski, Land Development Consultants, 11811 N. Tatum Blvd. #1051, Phoenix, AZ 85028
Alamosa NA, Jeanette Baca, 901 Field SW, ABQ, NM 87121
Alamosa NA, Jerry Gallegos, 5921 Central Ave., NW, ABQ, NM 87105
SW Alliance of NAs, SWAN Coalition, Johnny Pena, 6525 Sunset Gardens, ABQ, NM 87121
SW Alliance of NAs, SWAN Coalition, Jerry Gallegos, 5921 Central Ave NW, ABQ, NM 87105
Westside Coalition of NAs, Rene Horvath, 5515 Palomino Dr., NW, ABQ, NM 87120
Westside Coalition of NAs, Harry Hendriksen, 10592 Rio del Sol NW, ABQ, NM 87114
South Valley, Coalition of NAs, Marcia Fernandez, 2401 Violet SW, ABQ, NM 87105
South Valley Coalition of NAs, Rod Mahoney, 1838 Sadora Rd SW, ABQ, NM 87105
Cheryl Zatim, 932 Rio Vista Cr. SW, ABQ, NM 87105
Alan Varela, avarela@cabq.gov
Luis Carrillo, 51luis.carrillo@gmail.com
Hugo Cotter, kvcotter@comcast.net
Susan Daniels and Cheryl Zahm, sdaniels41214@outlook.com
Bruce and Patti Stouter, sunsculpt@zoho.com
Richard D. Van Dongen, rdvandongen@comcast.net
Spiro Vassilopoulos, spiro@vassilopoulos.com
James Collins Moore, mujames@unm.edu
Catherine Trujillo, cltrujillo59@gmail.com
Mrs. Sirpa Freccia, sirpafreccia@gmail.com
Stephen Benz, stephenconnelybenz@gmail.com
Jennifer Kepesh, jen_kepesh@yahoo.com
Athena la Roux, athenalaroux@gmail.com
Victor Beserra, victorbeserra@comcast.com