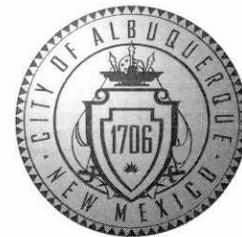


CITY OF ALBUQUERQUE



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

October 13, 2017

Bestway Investment Group, LLC
dba Fiesta Auto Group
7300 Lomas Blvd. NE
Albuquerque, NM 87110

Project# 1011337
17EPC-40031 Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for: the vacated alley lying south of Lots A-1, A-D and the westerly 20 feet of Lot E, and north of Lot P-3, and the southern half of the alley north of Lot P-4; the vacated alley lying south of the easterly 5 feet of Lot E and all of Lots F-K; the vacated alley south of and adjacent to Lot K-1; Lot P-3; and Lot P-4 of Block 14, Del Norte Subdivision of Williamson's Replat, zoned P to C-2, located on Lomas Blvd. NE, east of Louisiana Blvd. NE, between Chama St. NE and Grove St. NE, containing approximately 0.7 acre. (K-19)
Staff Planner: Catalina Lehner

PO Box 1293

Albuquerque

On October 12, 2017 the Environmental Planning Commission (EPC) voted to APPROVE Project 1011337/17EPC-40031, a Zone Map Amendment (Zone Change), based on the following Findings:
NM 87103

FINDINGS:

- www.cabq.gov
1. The request is for a zone map amendment (zone change) for the vacated alley lying south of Lots A-1, A-D and the westerly 20 feet of Lot E, and north of Lot P-3, and the southern half of the alley north of Lot P-4; the vacated alley lying south of the easterly 5 feet of Lot E and all of Lots F-K; the vacated alley south of and adjacent to Lot K-1; Lot P-3; and Lot P-4 of Block 14, Del Norte Subdivision of Williamson's Replat, an approximately 0.7 acre site located on on Lomas Blvd. NE, east of Louisiana Blvd. NE, between Chama St. NE and Grove St. NE (the "subject site").
 2. The subject site is currently used for parking, which is the only use allowed. The request is to change the subject site's zoning from P (Parking) to C-2 (Community Commercial) so that the entire site will have the same zoning, which will facilitate redevelopment of the site with an auto sales business that includes a new building, inventory storage areas, and service bays.
 3. The subject site is in an area that the Comprehensive Plan has designated an Area of Change. The La Mesa Sector Development Plan (LMSDP) applies.

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4. The Albuquerque/Bernalillo County Comprehensive Plan, the LMSDP, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request furthers the following, applicable Goals and policies of the Comprehensive Plan:
 - 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 would allow redevelopment of the larger site, which would utilize existing infrastructure and public facilities. Doing so is a more efficient use of land in the public interest, in contrast to greenfield development or fringe development.

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

The request would support additional growth in an area served by existing infrastructure and public facilities.

- C. 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 request would encourage and direct growth to a designated Area of Change, where such growth is expected.

- D. Policy 5.6.2- Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The growth resulting from the request would be directed to a location adjacent to a Major Transit Corridor, where change is encouraged. Major Transit Corridors are intended to be transit and pedestrian-oriented near transit stops, while auto-oriented along much of the corridor (p. 5-17). The proposed use would be auto-oriented along a portion of the corridor that is auto-oriented, and not near the major intersections where the transit stops tend to be located.

6. The request partially furthers the following, applicable Goals and policies of the Comprehensive Plan:
 - A. Goal 5.1- Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.
Policy 5.1.1-Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

c) Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

In general, locating commercial growth along a designated Major Transit Corridor supports the idea of Centers and Corridors. Though the development planned at this time is local

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growth (not regional growth), the C-2 zone may attract regional growth if the larger site is redeveloped again, in the future. The proposed use at this time, an auto dealership, would not generally support a multi-modal transportation network, though a future C-2 use may.

- B. Policy 5.6.4- Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.
- a) Provide appropriate transitions between uses of different intensity or density and between non-residential uses and single-family neighborhoods to protect the character and integrity of existing residential areas.
 - b) Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

The request would enable redevelopment of the larger lot with an auto dealership. The new building would be required to comply with Zoning Code requirements regarding minimum setbacks in the C-2 zone (which references the O-1 zone) and special landscape buffering between residential and commercial uses. These requirements are fixed, unless a variance is sought.

Height refers to the O-1 zone and allows 26 feet but more height, subject to the angle plane demonstration. Massing is not mentioned in the current regulations. Both height and massing can vary. A site development plan is not included with the request, so it's not possible to evaluate the appropriateness of the transitions or if they minimize development's negative effects.

7. The request furthers the following, long-term objectives of the La Mesa Sector Development Plan (LMSDP):
 - A. Objective 1 (long-term): Elimination of blight and prevention of blighting influences.
In general, redevelopment of infill sites is considered to help prevent blight and conditions that lead to blight, such as run-down and unmaintained sites. The request would enable redevelopment of the larger site, including construction of a new building and site improvements.
 - B. Objective 4: Enhancement of the area as a primarily residential area with strips of commercial uses on the north, east and south.
Though the request would expand the strip of commercial zoning along the Plan's northern boundary (Lomas Blvd.), it would not encroach onto the established residential area to the south of the subject site and would maintain the land use patterns desired in the Plan.
8. The applicant has adequately justified the zone map amendment (zone change) request pursuant to Resolution 270-1980 as follows:
 - A. Section A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Goals and policies from the Comprehensive Plan (and other applicable plans), which the applicant has done in the response to Section C.
 - B. Section B: The applicant has adequately demonstrated that the zone change is justified based on responses to Sections C and D, and that generally the proposed use would not adversely affect stability of land use or zoning in the area.

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- C. Section C: The applicant's policy-based discussion demonstrates that applicable Comprehensive Plan Goals and policies, and applicable objectives of the La Mesa Sector Development Plan (LMSDP), support the request and do not significantly conflict with it.
 - D. Section D: A different use category is more advantageous to the community (3) as articulated in the Comprehensive Plan and the LMSDP. The policy-based discussion in the response to Section C demonstrates that the proposed zoning would not result in a significant conflict with applicable Goals and policies in the Comprehensive Plan.
 - E. Section E: The applicant has adequately addressed the permissive uses in the C-2 zone, which would generally not be harmful to adjacent property, the neighborhood or the community. The applicant's policy-based arguments support the request.
 - F. Section F: The request will not facilitate a development that will require any major or unprogrammed capital expenditures by the City.
 - G. Section G: Economic considerations pertaining to the applicant are a factor, but the applicant is not raising any economic considerations as arguments so therefore they are not the determining factor for the request.
 - H. Section H: The subject site is not located on a major street. Rather, it is located at the rear of a larger property. Therefore, location of a major street cannot be used as justification for the request.
 - I. Section I: The subject site is approximately 0.7 acres and is a "small area". However, the request is for a zone (C-2) that is well-established in the area and does not differ from other zones nearby. Also, the applicant has demonstrated that the request does not present any significant conflicts with applicable Goals and policies of the Comprehensive Plan and the LMSDP.
 - J. Section J: The subject site does not constitute a "strip of land along a street" because it is located along the rear boundary of a property and is approximately 0.7 acre in size.
9. The applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. The policy-based response to Section C demonstrates that the request would not result in a significant conflict with applicable Goals and policies in the Comprehensive Plan and the LMSDP. Another zoning category would be more advantageous to the community because it would further applicable Goals and policies (Section D). The remaining sections (A, B, E-J) are adequately addressed.
10. The La Mesa Community Improvement Association (LMCIA) was notified as required, as were property owners within 100 feet of the subject site. A facilitated meeting was not requested. As of this writing, Staff has not received any inquiries or correspondence regarding the request. There is no known opposition.
11. The District 4 Coalition was inadvertently omitted from the list of parties required to be notified, so the request was deferred at the September 14, 2017 EPC hearing for 30 days to allow for proper notification. The applicant notified the District 4 Coalition as required. A facilitated meeting was not requested and Staff has not been contacted.

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APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **OCTOBER 27, 2017**. 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 14-16-4-4 of the Zoning Code. 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).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

Sincerely,


for Suzanne Lubar
Planning Director

SL/CL

cc: Bestway Invest., LLC dba Fiesta Auto Group, 7300 Lomas Blvd. NE, Albuquerque, NM 87110
SMPC Architects, Attn: Glenn Fellows, 115 Amherst SE, Albuquerque, NM 87106
La Mesa Community Improvement Assoc., Charles Bennett, 600 San Pablo St. NE, Albuquerque, NM 87108
La Mesa Community Improvement Assoc., Nancy Bearce, 600 San Pablo St. NE, Albuquerque, NM 87108
District 4 Coalition, Gina Dennis, 1816 Buena Vista Drive NE, #2, Albuquerque, NM 87106
District 4 Coalition, Marian Jordan, 816 Arizona St. NE, Albuquerque, NM 87108