



**Environmental
Planning
Commission**

**Agenda Number: 06
Project #: PR-2019-002663
Case #: RZ-2019-00043
Hearing Date: October 10, 2019**

Supplemental Staff Report
(to be read with the original Staff report)

Agent	Consensus Planning
Applicant	Group II U26 VC, LLC and Volcano Cliffs, Inc.
Request	Zone Map Amendment (zone change)
Legal Description	the northerly 436.01 feet of Lot 1, Block 2, and Lot 1A-1, Block 3, Volcano Cliffs Unit 26
Location	the southwestern corner and the southeastern corner of the intersection of Paseo del Norte Blvd. NW and Kimmick Dr. NW
Size	Approximately 16 acres
Existing Zoning	MX-L
Proposed Zoning	MX-M

Staff Recommendation

DENIAL of RZ-2019-00043, based on the Findings beginning on Page 6.

As directed, alternate findings are available. See Attachment A.

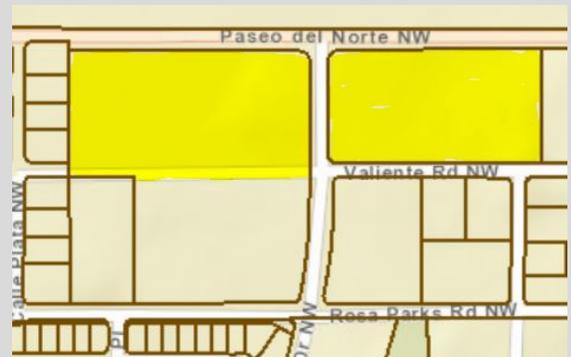
**Staff Planner
Catalina Lehner, AICP-Senior Planner**

Summary of Analysis

The request is for a zone map amendment for an approximately 16 acre vacant site, zoned MX-L. The applicant wants to change the subject site's zoning to MX-M to facilitate future development pursuant to the MX-M zone.

The subject site is in an Area of Change, but is not in the Volcano Heights Urban Center, the area's designated activity center. Paseo del Norte Blvd. is currently a Commuter Corridor. The zone map amendment has not been adequately justified pursuant to the IDO zone change criteria, primarily due to significant conflicts with the Comprehensive Plan's activity center Goals and policies.

The Westside Coalition, the Paradise Hills Civic Association, and property owners within 100 feet of the subject site were notified as required. A pre-application meeting was held. Concerns include scope of future uses, appropriateness for the immediate area, effect upon the area's character, future building height, and views. Staff recommends denial, but is providing alternate findings for approval as directed by the EPC at the September 12, 2019 hearing.



I. OVERVIEW

At the September 12, 2019 hearing, the Environmental Planning Commission (EPC) voted to continue the request for 30 days to the October 10, 2019 hearing (see attachment). This would allow time for Staff to provide alternate findings for the EPC’s consideration as directed, based upon information provided by the applicant. For the record, Staff would like to clarify some topics that the commissioners expressed confusion about at the September hearing.

Request & Lots

The request is for a zone map amendment (zone change) from MX-L to MX-M for an approximately 16 acre site that comprises the SW and SE corners of the intersection of Kimmick Dr. NW and Paseo del Norte Blvd. NW. The subject site consists of two lots and looks like this, as shown below in Figure 1:

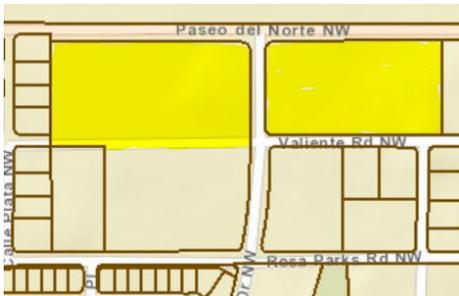


Figure 1

Though the existing site plan for subdivision shows a lot line running west-east along the vacated street (Valiente Rd. NW), the plat was never recorded. Therefore, the lot line is not shown in the City’s GIS system. Lot 1 currently consists of both the northern and southern portions above the vacated street (Valiente Rd. NW, a white line), on the western side of Kimmick Dr. NW, as shown below in Figure 2:

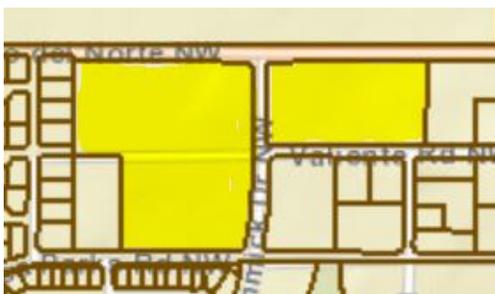


Figure 2

Lot 1 is approximately 15.7 acres as shown in Figure 2. If the 15.7 acre lot was included with the zone change request, the subject site would be 23 acres in size. Zone changes for 20 acres or more require approval by the City Council, but the applicant wants to stay in the EPC process.

Therefore, the applicant submitted the application based on the 8.7 acre, unrecorded Lot 1 shown in Figure 1, and proposes to condition the zone change upon approval and recording of a plat to create the approximately 8.7 acre lot. Though not expressly prohibited in the IDO, zone changes are not typically conditioned.

Because the approximately 8.7 acre portion of Lot 1 included in the zone change request is not a legally recorded lot, Staff requested that the applicant notify property owners based on the larger lot size, approximately 15.7 acres, which exists now and at the time of application. The applicant did this to ensure proper notification (see attachments in original Staff report).

Activity Centers

Staff believes that it is critical to maintain the integrity of the existing, designated Activity Center, the Volcano Heights Urban Center. Activity Centers, supported by a network of Corridors, are the backbone of the Comprehensive Plan and the foundation upon which sustainable, community-oriented land use and planning depends.

Urban Centers are intended to be mixed-use districts to serve as an engine for economic growth providing employment opportunities- including economic base jobs, a variety of commercial uses, and higher-density housing to support an entire area, such as the Westside (Comprehensive Plan, p. 5-14).

The subject site is located outside of the area's designated Activity Center. The Volcano Heights Urban Center, across Paseo del Norte Blvd. and north and west of the subject site, is one of only two Urban Centers designated by the Comprehensive Plan. Uptown is the other.

The Volcano Heights Urban Center, zoned NR-BP, MX-M, and MX-H, is the appropriate, designated location for commercial and higher-density residential uses and has been relied upon to establish land use patterns in the area. Though much of the area is currently vacant, individuals have purchased lots for residential development and the City is in the process of acquiring more open space lands, operating from the reasonable expectation that the more intense and less compatible land uses would be located further west.

In addition, the request would facilitate development of 16 acres under the MX-M zone, which would amount to the creation of another activity center in the area. The locations of Activity Centers, the framework of the Comprehensive Plan, can only be amended by the City Council through the process described in IDO 6-7(A)-Adoption or Amendment of the Comprehensive Plan.

For EPC Role, Context, History, Transportation System, Comprehensive Plan Corridor Designation, Transit, and Public Facilities/ Community Services:

» Please refer to p. 3-5 of the original Staff report (see attachment).

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

Zoning & IDO Text Amendment

There are some notable differences between the MX-L and MX-M zones. Liquor retail, which becomes permissive in the MX-M zone, is significant because it means that light vehicle fueling stations and convenience stores that sell alcohol, including miniatures, would be allowed provided they obtain State licensing. Hospital, catering service, and nightclub were also not allowed but become permissive.

The following uses are conditional in MX-L but become permissive in MX-M: Bar, light vehicle fueling station, light vehicle sales and rental, mortuary, pawn shop, and transit facility. Drive-throughs become a permissive, accessory use in MX-M.

Regarding retail uses, the MX-L zone only allows General Retail, Small (up to 10,000 sf). The intention is to accommodate small, neighborhood scale uses. The MX-M zone allows General Retail, Small and General Retail, Medium (up to 50,000 sf) and can accommodate larger, single users.

A text amendment to the IDO, currently in the process, proposes to change the maximum allowable square footage for General Retail, Small from 10,000 sf to 25,000 sf and the square footage for grocery stores from 15,000 to 30,000 in the MX-L zone. One of the applicant's concerns is that General Retail, Small, as allowed in the MX-L zone, is too limiting. The proposed IDO text amendment would address this concern and facilitate development without a zone change.

For analysis of the Integrated Development Ordinance (IDO), including Definitions, Zoning, Comparison of the MX-L and MXM zones, and Use-Specific Standards:

» Please refer to p. 5-7 of the Original Staff Report (see attachment).

III. AGENCY & NEIGHBORHOOD CONCERNS

For comments from Reviewing Agencies, please refer to p. 18 of the original Staff report (see attachment).

Neighborhood/Public

» Please refer to p. 18-19 of the Original Staff Report (see attachment).

Neighborhood Information

At the September 12, 2019 hearing, a representative of the Westside Coalition spoke and expressed concern about the request. She believes that neighborhood commercial zoning, such as the current zoning, is more appropriate for the subject site's location. Staff from the Open Space Division and a couple of homeowners attended, but also did not speak. Staff has not received any additional correspondence.

IV. CONCLUSION

The request is for a zone map amendment (zone change) for an approximately 16 acre site, consisting of two lots. The subject site is zoned MX-L. The applicant is requesting the MX-M (Mixed Use-Medium Intensity) zone in order to develop the subject site pursuant to the MX-M zone. The area is largely undeveloped.

Staff finds that the zone map amendment is not adequately justified due to significant conflicts with Activity Center Goals and policies (Criterion A). The Comprehensive Plan established the Volcano Heights Urban Center, and the IDO established its zoning, to allow for more intense commercial uses, higher-density housing, and a variety of jobs to be concentrated in a location that

will benefit the community as a whole, over the long-term, and be farther away from the single-family homes and Major Public Open Spaces. The request would serve to undermine the Volcano Heights Urban Center by upzoning 16 acres, outside of the designated Center, to MX-M for the short-term benefit of a the applicant. A variety of commercial uses can already develop without the proposed zone change from MX-L, which has not been shown to be inappropriate.

Lacking the required support from the Comprehensive Plan, the proposed zoning would not be more advantageous to the community overall than the current zoning (Criterion C). The justification relies predominantly on economic factors; the applicant stated a desire to get the property as high up as we can in value (Criterion G). Furthermore, If a different location for the Urban Center is desired, that is the purview of the City Council, which has the authority to amend the Comprehensive Plan.

The Paradise Hills Civic Association, the Westside Coalition and property owners within 100 feet of the subject site were notified as required. A pre-application facilitated meeting was held. Attendees are opposed, citing concerns about the effect on the area, range of uses, big box stores, higher buildings and views, loss of character, and diminished property values. The National Park Service, the Open Space Division, and three neighbors submitted letters of opposition.

Staff finds significant conflicts and therefore, pursuant to IDO 14-16-6-7(F)(3), recommends denial. However, at the direction of the EPC at the September 12, 2019 hearing, Staff is providing alternate findings for approval of the request. Please refer to Appendix A attached to this report.

FINDINGS - RZ-2019-00043, October 10, 2019- Zone Map Amendment (Zone Change)

1. The request is for a zone map amendment (zone change) for an approximately 16 acre site known as the northerly 436.01 feet of Lot 1, Block 2, and Lot 1A-1, Block 3, Volcano Cliffs Unit 26 (the “subject site”). The subject site is located at the southwestern corner and the southeastern corner of the intersection of Paseo del Norte Blvd. NW and Kimmick Dr. NW.
2. The subject site is not in an activity center designated by the Comprehensive Plan. The Volcano Heights Urban Center, one of the two designated urban centers in the City, is located north and west of the subject site.
3. The subject site is in an Area of Change. Paseo del Norte Blvd. NW is a designated Commuter Corridor with a Premium Transit Overlay. At this time, Premium Transit policies do not apply because no premium transit projects have identified station locations or have been funded in this location; only policies for the underlying corridor designation (Commuter Corridor) apply.
4. The subject site is zoned MX-L (Mixed-Use Low Intensity Zone). The applicant is requesting the MX-M zone (Mixed Use-Medium Intensity Zone) in order to sell the land for future development under a more intense zoning designation. The IDO purpose of the MX-M zone is to provide a wide array of moderate-intensity retail, commercial, institutional, and moderate-density residential uses.
5. There is existing MX-M zoning already in the area within the Volcano Heights Urban Center, which is the appropriate location for development of more intense uses. MX-L zoning is appropriately located on the southern side of Paseo del Norte Blvd., nearer to neighborhoods and open spaces, to provide smaller-scale goods and services while supporting the development of more intense uses in the designated Urban Center where MX-M zoning is already in place.
6. 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.
7. The request conflicts with the following, applicable Comprehensive Plan Goal and policies regarding growth, as follows:

Goal 5.1-Centers & 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.

Policy 5.1.2-Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The request would not lead to continued infill and development of the adjacent Volcano Heights Urban Center. First, the subject site does not meet the IDO definition of infill development; the area is almost entirely undeveloped. Second, fostering more intense development outside of designated Activity Centers directly contravenes the intentions of the Comprehensive Plan.

The City cannot grow as a community of strong centers and corridors if land outside the designated activity centers is upzoned to compete with them (Goal 5.1), which would drive development out of the activity centers where it is desirable and closer to residential uses and open spaces that are intended to be more stable and maintain a lower-intensity and scale of development (Policy 5.1.2). The more intense uses and regional growth are intended to develop in the designated activity centers (especially the Urban Centers), which would help shape the built environment into a sustainable development pattern that benefits the City as a whole (Policy 5.1.1).

8. The request conflicts with the following, additional applicable Comprehensive Plan policies, as follows:

A. Policy 5.1.4-Urban Centers: Create highly accessible and walkable Urban Centers that provide a range of employment opportunities and higher-density housing options.

Policy 5.1.6-Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

The Volcano Heights Urban Center, one of the two Urban Centers established by the Comprehensive Plan, is intended to provide a range of employment and higher-density housing options and has the zoning to do so. The request would make it more difficult to provide a range of employment opportunities and higher-density housing options in the Urban Center because it would draw future development away and undermine the Comp Plan's intent of establishing it (Policy 5.1.4). Similarly, the request would not foster mixed-use centers with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses because it would promote more intense development outside of the designated center nearby and would promote more intense development outside the center in a location that would not benefit the community as a whole.

B. Policy 5.2.1-Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

g) Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors as follows:

- i. In Activity Centers with development to serve adjacent neighborhoods with an emphasis on pedestrian and bicycle connections to nearby residential areas;
- j) Discourage zone changes to commercial, industrial, or office uses outside of Centers and Corridors.

The request also conflicts with Policy 5.2.1-Land Uses, and would not support the healthy, sustainable, and distinct community that would result from development of a mix of appropriate uses in the Volcano Heights Urban Center, based upon the IDO-established zoning that supports the Comprehensive Plan's vision. Commercial development should be located in existing commercial zones and designated centers and corridors; the Volcano Heights Urban Center is a designated center, along a designated corridor, in which the zones to achieve this purpose already exist (Subpolicy g). Zone changes, such as the request, that are outside of designated activity centers are discouraged by the Comprehensive Plan (Subpolicy j).

9. Center policies take precedence over Corridor policies (Comprehensive Plan, p. 5-13), so the conflict with applicable Activity Center policies is primary. Though secondary, corridor policies are intended to support the designated activity centers. Paseo del Norte Blvd.'s future Premium Transit designation is intended to support the Volcano Heights Activity Center. However, premium Transit policies only apply after station locations have been identified and funding allocated, which has not occurred yet.
10. Paseo del Norte Blvd. NW is a designated Commuter Corridor. A wide-variety of auto-oriented, appropriate uses can develop along the corridor without the proposed zone change; intensification of allowable uses on the subject site would detract from the Activity Center that the future Premium Transit Corridor is intended to serve.
11. Though automobile-oriented uses are generally appropriate along Commuter Corridors, Paseo del Norte Blvd. NW passes the subject site for a short portion of its length as it leads into the designated Activity Center, where more intense uses can concentrate without disrupting the lower-intensity uses that characterize the area. It is inappropriate for the medium-intensity uses allowed by the MX-M zone to be located near lower-density residential areas and Major Public Open Space; the MX-L zoning already in place south of Paseo del Norte Blvd. NW is appropriate and a much better fit for the context that surrounds the 16 acre subject site than the proposed zoning. See also Finding 16.
12. The zone map amendment is not adequately justified pursuant to the IDO Review and Decision criteria for zone changes 6-7(F)(3). The responses to Criteria A, C, D, and G are insufficient. The policy analysis does not sufficiently demonstrate that the request furthers a preponderance of applicable Goals and policies and does not conflict with them (Sections A), so it is not possible to conclude that the request would be more advantageous to the community than the current zoning (Criterion C). The applicant did not adequately address the issue of potential harm to adjacent property, the neighborhood, or the community (Criterion D). The response to Criteria G demonstrates that the justification is completely or predominantly based on economic considerations pertaining to the applicant.

13. 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 applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant has not adequately demonstrated that the request would further a preponderance of applicable Goals and policies and not be in significant conflict with them.

The request presents significant conflicts with applicable Comprehensive Plan Goals and policies regarding Activity Centers. The request to upzone approximately 16 acres outside of the designated Volcano Heights Urban Center would directly contravene the intent of the Comprehensive Plan to foster more intense development inside of the designated centers, in order to support development of less intense uses closer to residential areas and open spaces. A network of strong centers and corridors, which benefits the community as a whole, cannot be created by undermining the designated urban center.

- B. Criterion B: The subject site is located wholly in an Area of Change, so this criterion does not apply.

- C. Criterion C: A different zone district (MX-M) would generally not be more advantageous to the community as a whole than the existing zoning (MX-L). The additional uses allowed by the MX-M zone would take away from the Comprehensive Plan's intended development intensity for the nearby Volcano Heights Urban Center, which also has MX-M zoning as established by the IDO. A variety of commercial uses can already develop without the proposed zone change from MX-L, which has not been shown to be an inappropriate zone for the subject site's location.

The applicant has not demonstrated that the request furthers a preponderance of applicable Goals and policies because the policy analysis fails to address significant conflicts with Comprehensive Plan Goals and policies that support Activity Centers. The Comprehensive Plan's primary purpose is to benefit the community as a whole; one way it does so is to direct and encourage more intense development to designated Centers in order to preserve and protect the lower-intensity uses outside of designated centers. The request conflicts directly with this purpose.

- D. Criterion D: The requested zone (MX-M) includes a greater variety of non-residential uses than the existing MX-L zone. In MX-L, only General Retail, Small is allowed. In MX-M, General Retail, Small and General Retail, Medium are allowed. General Retail, Large is a conditional use in MX-M.

Other notable differences between the two zones (mixed-use low intensity and mixed-use medium intensity) are: a bar, light vehicle fueling station, and light vehicle sales and rental, mortuary, pawn shop, and transit facility are conditional uses in the MX-L zone but become permissive uses in the MX-M zone. Hospital, catering service, and nightclub are not allowed in MX-L, but are permissive in MX-M. Liquor retail is an accessory use in

MX-L and a permissive use in MX-M. A drive-through is a conditional use in MX-L and an accessory use in MX-M.

The following uses, proposed to be permissive, are often considered harmful to adjacent property, the neighborhood, or the community: bar, light vehicle fueling station, light vehicle sales and rental, pawn shop, nightclub, liquor retail, and drive through. The distance separation between the subject site (Lot 1) and the nearest low-density residential use (R-1B zoned lots) is approximately 75 feet, not 540 feet. Even with use-specific standards, the potential for harmful effects on adjacent property and the neighborhood could be more than originally represented.

The greater harm, however, would be to the community in the area and the City as a whole. Upzoning approximately 16 acres to MX-M, outside of the designated Volcano Heights Urban Center that already contains MX-M zoning, would facilitate development of medium-intensity uses outside of the designated activity center. This would be contrary to the Comprehensive Plan's establishment of designated activity centers to absorb more intense development so that the areas characterized by lower-intensity development can be protected and quality of life supported.

- E. Criterion E: Infrastructure necessary for the subject site's development is in place, and infrastructure in the area continues to develop. The City Council passed legislation that prioritizes the intersection of Paseo del Norte and Unser Blvds., which is at the heart of the Volcano Heights Urban Center. Bill No. R-18-84 was enacted in November 2018 and includes roadway infrastructure in the City's capital implementation program (CIP).
 - F. Criterion F: The applicant's justification relies on location next to Paseo del Norte Blvd. NW, a commuter corridor, to support the claim that moderate-intensity commercial uses should develop on the subject site. However, the applicant has not adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies, and that it would be more advantageous to the community than the subject site's current zoning.
 - G. Criterion G: The applicant's justification is based predominantly on the economic consideration of wanting to sell the subject site with a more-intense zoning descriptor. The request conflicts significantly with activity center policies and is not more advantageous to the community as a whole than the current zoning.
 - H. Criterion H: The request would not apply a zone district different from surrounding zone districts to one small area. The subject site is approximately 16 acres in size and does not constitute a strip of land along a street.
14. The affected neighborhood organizations are the Paradise Hills Civic Association and the Westside Coalition were required to be notified, which the applicant did. Property owners within 100 feet of the subject site were also notified, as required. Though the applicant's letter refers to the portion of Lot 1 north of the vacated ROW of Valiente Rd. NW, because there is no platted lot line, all of Lot 1 is required to be buffered for notification purposes. The

corrected buffer resulted in three more parties required to be notified, which the applicant did more than 15 days before the public hearing, as required.

15. A pre-application facilitated meeting was held on July 17, 2019. Neighbors are opposed to the request and expressed several concerns that include consequences of the proposed zone change and overall effect on the area, range of uses that would be allowed, possibility of big box stores, increased building height affecting views, loss of character, and diminished property values. The applicant stated that the lots are not large enough for big-box stores and that the applicants are not developers, but want to sell the land.
16. Staff received letters of opposition from the Open Space Division and the National Park Service. The Open Space Division is concerned that the request may have adverse effects on the Major Public Open Space nearby and about future development near sensitive lands. The National Park Service is concerned that the request could have an adverse effect on the Petroglyph National Monument, and that the MX-M zone would allow additional uses that would be incompatible with the sensitivity of the cultural resources nearby. They prefer commercial development further from the monument to avoid such impacts.
17. Three neighbors, who share the same concerns, submitted letters of opposition. They believe that many uses allowed under the MX-M designation are incompatible with the area's culturally sensitive nature and character protected by CPO-12. They believe that the existing zoning can provide for neighborhood-serving needs and that the zoning established by the IDO shouldn't be readily discarded.

RECOMMENDATION - RZ-2019-00043, October 10, 2019

DENIAL of Project #: 2019-002663, Case #: 2019-00043, a zone change from MX-L to MX-M, for the northerly 436.01 feet of Lot 1, Block 2, and Lot 1A-1, Block 3, Volcano Cliffs Unit 26, an approximately 16 acre site located at the southwestern corner and the southeastern corner of the intersection of Paseo del Norte Blvd. NW and Kimmick Dr. NW, based on the preceding Findings.

Catalina Lehner

***Catalina Lehner, AICP
Senior Planner***

Notice of Decision cc list:

Group II U26 VC, LLC & Colcano Cliffs, Inc., 8860 Desert Finch Ln NE, ABQ, NM 87122
Consensus Planning, Inc., 302 Eight St. NW, ABQ, NM 87102
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

Paradise Hills Civic Association, Maria Warren 5020 Russell Dr. NW, ABQ, NM 87114
Paradise Hills Civic Association, Tom Anderson, 10013 Plunkett Dr., NW, ABQ, NM 87114
Alan Varela, avarela@cabq.gov

CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION**
600 2nd Street NW, 3rd Floor, 87102
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Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

September 13, 2019

Group II U26 VC, LLC
& Volcano Cliffs, Inc.
8860 Desert Finch Lane NE
Albuquerque, NM 87109

Project #2019-002663
RZ-2019-00043 – Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for the northerly 436.01 feet of Lot 1, Block 2, Volcano Cliffs Unit 26 and Lot 1-A-1, Block 3, Volcano Cliffs Unit 26, zoned MX-L to MX-M, located at the southwestern corner and the southeastern corner of the intersection of Paseo del Norte Blvd. NW and Kimmick Dr. NW, containing approximately 16 acres. (C-11)

Staff Planner: Catalina Lehner

PO Box 1293

On September 12, 2019 the Environmental Planning Commission (EPC) voted to CONTINUE Project 2019-002663, RZ-2019-00043, a Zone Map Amendment (Zone Change), for 30 days to the October 10, 2019 EPC hearing.

NM 87103

www.cabq.gov

Sincerely,

For Brennon Williams
Planning Director

BW/CL

cc: Group II U26 VC, LLC & Volcano Cliffs, Inc., 8860 Desert Finch Ln NE, ABQ, NM 87122
Consensus Planning, Inc., 302 Eight St. NW, ABQ, NM 87102
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
Paradise Hills Civic Association, Maria Warren 5020 Russell Dr. NW, ABQ, NM 87114
Paradise Hills Civic Association, Tom Anderson, 10013 Plunkett Dr., NW, ABQ, NM 87114
Bill Wright, 4112 Blue Ridge Pl., NE, ABQ, NM 87111
Rene Horvath, aboard10@juno.com
Alan Varela, avarela@cabq.gov

Attachment A
Alternate Findings for Approval

FINDINGS - RZ-2019-00043, October 10, 2019- Zone Map Amendment (Zone Change)

1. The request is for a zone map amendment (zone change) for an approximately 16 acre site known as the northerly 436.01 feet of Lot 1, Block 2, and Lot 1A-1, Block 3, Volcano Cliffs Unit 26 (the “subject site”). The subject site is located at the southwestern corner and the southeastern corner of the intersection of Paseo del Norte Blvd. NW and Kimmick Dr. NW.
2. The subject site is not in an activity center designated by the Comprehensive Plan. The Volcano Heights Urban Center, one of the two designated urban centers in the City, is located north and west of the subject site.
3. The subject site is in an Area of Change. Paseo del Norte Blvd. NW is a designated Commuter Corridor with a Premium Transit Overlay. At this time, Premium Transit policies do not apply because no premium transit projects have identified station locations or have been funded in this location; only policies for the underlying corridor designation (Commuter Corridor) apply.
4. The subject site is zoned MX-L (Mixed-Use Low Intensity Zone) and located along a Commuter Corridor and adjacent to an urban center. The applicant is requesting the MX-M zone (Mixed Use-Medium Intensity Zone) to facilitate future development of the subject site under a more intense zoning designation. The purpose of the MX-M zone is to provide a wide array of moderate-intensity retail, commercial, institutional, and moderate-density residential uses.
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.
6. The subject site is more than 330 feet from the Major Public Open Space and is outside the open space edges area. The IDO includes use-specific standards and development standards that address potential impacts to the Major Public Open Space in the area.
7. The IDO defines infill development as “an area of platted or unplatted land that includes no more than 20 acres of land and where at least 75 percent of the parcels adjacent to the proposed development have been developed and contain existing primary buildings”. The request does not meet this definition because none of the lots adjacent to the subject site have developed.
8. The request generally furthers the following, applicable Comprehensive Plan Goal and policies regarding growth, as follows:
 - 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.

The request will capture regional growth along a designated Corridor and adjacent to an urban center and will not compete with the adjacent Urban Center. The subject site abuts a designated Commuter Corridor that is also a future Premium Transit Corridor, and a zone change that allows for more variety and intensity of uses along those Corridors will help fulfill the desire for regional growth and employment density in these areas. While the surrounding area is largely vacant, there is development farther away in all directions. Much of the vacant land is the designated Volcano Heights Urban Center, so promoting development that may lead to development of the adjacent Center is beneficial to the community.

- B. Policy 5.1.2-Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The request directs more intense growth to the subject site, which is located along a designated Corridor in an Area of Change. The request furthers this policy because changing the zoning for a portion of the property from MX-L to MX-M will allow for that more intense growth to occur while maintaining the appropriate density and scale of development within other nearby areas that are not along the Commuter Corridor and are considered Areas of Consistency.

- C. Policy 5.1.12-Commuter Corridors: Allow auto-oriented development along Commuter Corridors that are higher-speed and higher-traffic volume routes for people going across town, often as limited-access roadways.

The request for a change from MX-L to MX-M will allow more intense, auto-oriented uses such as drive-through facilities and larger retail stores along Paseo del Norte, which is a designated Commuter Corridor with a posted speed limit of 35 miles per hour past the subject site. East of the subject site, below the escarpment, the speed limit is 45 miles per hour where the road cross section is more complete. In addition, the request considers the surrounding residential zoning and maintains the existing MX-L as a buffer to the lower-density residential/and uses developing to the south, as well as other residential lots and the Petroglyph National Monument approximately 785 feet to the east.

9. The request generally furthers the following Goal and policy with respect to Areas of Change:

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.

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 request directs more intense growth to a site in an Area of Change adjacent to an Urban Center and Commuter Corridor. Allowing a greater variety of moderate intensity commercial uses and higher density housing will expand employment opportunities in the area and support the development of surrounding properties including the Urban Center, and support future higher-capacity transit service as desired along Paseo del Norte. In addition, the subject site is located adjacent to one of a limited number of truck freight

routes in the northwest part of Albuquerque. The applicant has carefully considered the transitions and buffers to neighboring residential uses by leaving approximately 9.1 acres of property to the south and 6.42 acres to the east of the subject site with the existing MX-L zoning.

10. The request furthers the following, applicable Goal and policy with respect to complete communities:

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

Policy 5.2.1- Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request will help “accommodate growth primarily in and around Centers connected by key Corridors” (Comprehensive Plan, p. 5-1). Development of the subject site with a shopping center and supportive uses would provide new opportunities for nearby residents to work, shop, and play closer to their homes and potentially by walking rather than driving. Additional development on nearby properties, where it is encouraged, with moderate intensity uses will contribute to quality of life of residents and commuters on Paseo del Norte Blvd. NW by providing additional goods and services conveniently accessible to neighborhoods.

11. The request furthers the following, applicable Goal and policy with respect to infrastructure:

- 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 support development of the site which, while in an area that is mostly undeveloped, has access to existing infrastructure including multiple-lane arterial roadways, storm drainage facilities, water and sewer, and other utilities unlike those properties located in the adjacent Urban Center. Development of the subject site will maximize use of infrastructure to support the public good and may help catalyze additional development in this area.

- B. Policy 7.6.2-Transportation Infrastructure: Match infrastructure capacity, design, and maintenance to the development context, expected land use intensities of abutting development, and all travel modes.

The request matches the proposed land use intensity to the abutting regional principal arterial and other more intense zoning categories along this Commuter Corridor. The City has made the expansion of Paseo del Norte Blvd. a high priority and changing the zoning of the subject site to MX-M will add complementary uses to the type of roadway planned to abut the subject site. Paseo del Norte Blvd. is a limited access roadway, so future development will coordinate auto access and circulation using Kimmick Dr., a future Collector street, and its signalized intersection with Paseo del Norte Blvd.

12. The applicant has justified the request pursuant to 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 applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant has adequately demonstrated that the request would further a preponderance of applicable Goals and policies.
- B. Criterion B: The subject site is located wholly in an Area of Change, so this criterion does not apply.
- C. Criterion C: A different zone district (MX-M) would generally be more advantageous to the community as a whole than the existing zoning (MX-L). The additional uses allowed by the MX-M zone may help facilitate development in the area, along a designated Commuter Corridor and adjacent to the Volcano Heights Urban Center, and would provide additional goods and services in close proximity to neighbors and commuters in this developing area.
- D. Criterion D: The requested zone (MX-M) includes a greater variety of non-residential uses than the existing MX-L zone. In MX-L, only General Retail, Small is allowed. In MX-M, General Retail, Small and General Retail, Medium are allowed. General Retail, Large is a conditional use in MX-M.

Other notable differences between the two zones are: bar, light vehicle fueling station, and light vehicle sales and rental, mortuary, pawn shop, and transit facility are conditional uses in MX-L but become permissive uses in MX-M. Hospital, catering service, and nightclub are not allowed in MX-L, but are permissive in MX-M. Liquor retail is an accessory use in MX-L and a permissive use in MX-M. A drive-through is a conditional use in MX-L and an accessory use in MX-M.

The following uses, proposed to be permissive, are often considered harmful to adjacent property, the neighborhood, or the community: bar, light vehicle fueling station, light vehicle sales and rental, pawn shop, nightclub, liquor retail, and drive through. The distance separation between the subject site (Lot 1) and the nearest low-density residential use (R-1B zoned lots) is approximately 540 feet. This distance creates adequate separation to protect the low-density residential uses from harmful impacts. In addition, the IDO contains use-specific standards that further reduce the potential for harmful effects on adjacent property and the neighborhood.

- E. Criterion E: Infrastructure necessary for the subject site's development is in place, and infrastructure in the area continues to develop. The City Council passed legislation that prioritizes the intersection of Paseo del Norte and Unser Blvds., which is at the heart of the Volcano Heights Urban Center. Bill No. R-18-84 was enacted in November 2018 and includes roadway infrastructure in the City's capital implementation program (CIP).
- F. Criterion F: The subject site is located adjacent to Paseo del Norte Blvd. NW, a commuter corridor. The applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies, and is not relying on the subject site's location to justify the request.
- G. Criterion G: The applicant's justification is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies.

H. Criterion H: The request would not apply a zone district different from surrounding zone districts to one small area. The subject site is approximately 16 acres in size and does not constitute a strip of land along a street.

13. The affected neighborhood organizations are the Paradise Hills Civic Association and the Westside Coalition were required to be notified, which the applicant did. Property owners within 100 feet of the subject site were also notified, as required. Though the applicant's letter refers to the portion of Lot 1 north of the vacated ROW of Valiente Rd. NW, because there is no platted lot line, all of Lot 1 is required to be buffered for notification purposes. The corrected buffer resulted in three more parties required to be notified, which the applicant did more than 15 days before the public hearing, as required.
14. A pre-application facilitated meeting was held on July 17, 2019. Neighbors are opposed to the request and expressed several concerns that include consequences of the proposed zone change and overall effect on the area, range of uses that would be allowed, possibility of big box stores, increased building height affecting views, loss of character, and diminished property values. The applicant stated that the lots are not large enough for big-box stores and that the applicants are not developers, but want to sell the land.
15. Staff received letters of opposition from the Open Space Division and the National Park Service. The Open Space Division is concerned that the request may have adverse effects on the Major Public Open Space nearby and about future development near sensitive lands. The National Park Service is concerned that the request could have an adverse effect on the Petroglyph National Monument, and that the MX-M zone would allow additional uses that would be incompatible with the sensitivity of the cultural resources nearby. They prefer commercial development further from the monument to avoid such impacts.
16. Three neighbors, who share the same concerns, submitted letters of opposition. They believe that many uses allowed under the MX-M designation are incompatible with the area's culturally sensitive nature and character protected by CPO-12. They believe that the existing zoning can provide for neighborhood-serving needs and that the zoning established by the IDO should not be readily discarded.

RECOMMENDATION - RZ-2019-00043, October 10, 2019

APPROVAL of Project #: 2019-002663, Case #: 2019-00043, a zone change from MX-L to MX-M, for the northerly 436.01 feet of Lot 1, Block 2, and Lot 1A-1, Block 3, Volcano Cliffs Unit 26, an approximately 16 acre site located at the southwestern corner and the southeastern corner of the intersection of Paseo del Norte Blvd. NW and Kimmick Dr. NW, based on the preceding Findings and subject to the following Condition of Approval.

CONDITION - RZ-2019-00043, October 10, 2019- Zone Map Amendment (Zone Change)

1. The zone map amendment shall not become effective until Lot 1, Block 2 is replatted and a lot line is created that corresponds to the proposed zone boundary, located at 436.01 feet south of the Paseo del Norte Blvd. NW right-of-way, and the plat is recorded.



**Environmental
Planning
Commission**

Agenda #: 5
Project #: PR-2019-002663
Case #: RZ-2019-00043
Hearing Date: September 12, 2019

Staff Report

Agent	Consensus Planning
Applicant	Group II U26 VC, LLC and Volcano Cliffs, Inc.
Request	Zone Map Amendment (zone change)
Legal Description	the northerly 436.01 feet of Lot 1, Block 2, and Lot 1A-1, Block 3, Volcano Cliffs Unit 26
Location	the southwestern corner and the southeastern corner of the intersection of Paseo del Norte Blvd. NW and Kimmick Dr. NW
Size	Approximately 16 acres
Existing Zoning	MX-L
Proposed Zoning	MX-M

Staff Recommendation

DENIAL of RZ-2019-00043, based on the Findings beginning on Page 20.

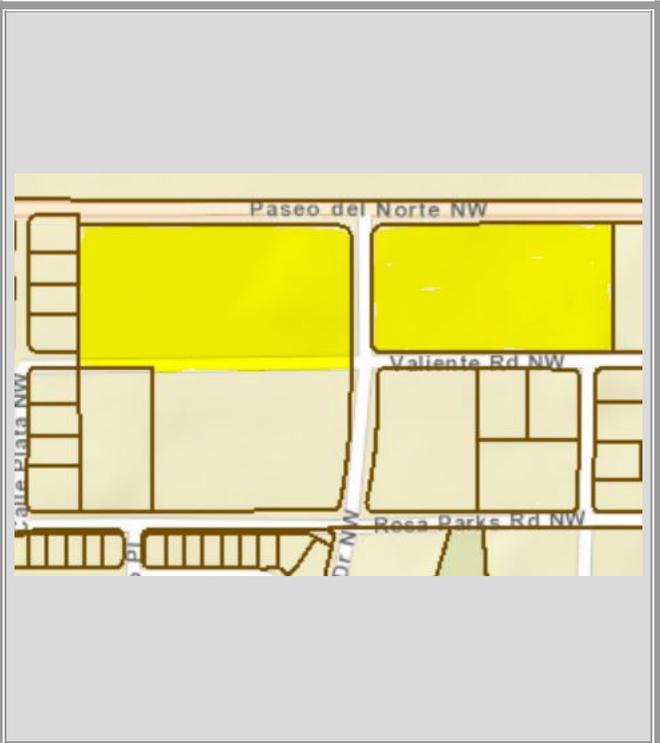
**Staff Planner
Catalina Lehner, AICP-Senior Planner**

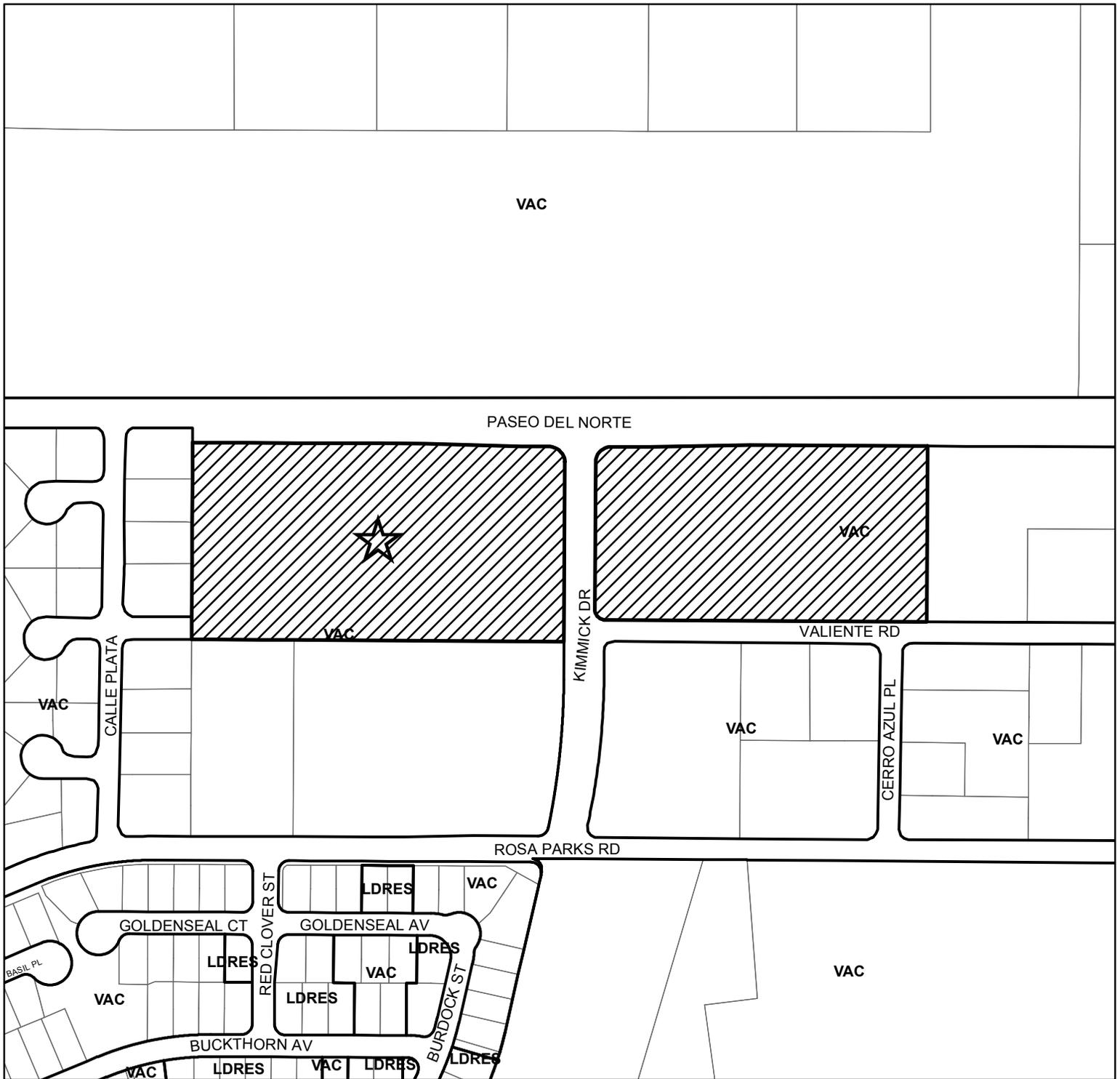
Summary of Analysis

The request is for a zone map amendment for an approximately 16 acre vacant site, zoned MX-L. The applicant wants to change the subject site's zoning to MX-M to facilitate future development pursuant to the MX-M zone.

The subject site is in an Area of Change, but is not in the Volcano Heights Urban Center, the area's designated activity center. Paseo del Norte Blvd. is currently a Commuter Corridor. The zone map amendment has not been adequately justified pursuant to the IDO zone change criteria, primarily due to significant conflicts with the Comprehensive Plan's activity center Goals and policies.

The affected neighborhood organizations are the Westside Coalition and the Paradise Hills Civic Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required. A pre-application meeting was held. Concerns include scope of future uses, appropriateness and affect upon area, future building height, and views. Staff recommends denial.





LAND USE MAP

Note: Gray shading indicates County.

- Key to Land Use Abbreviations**
- LDRES | Low-density Residential
 - MULT | Multi-family
 - COMM | Commercial Retail
 - CMSV | Commercial Services
 - OFC | Office
 - IND | Industrial
 - INSMED | Institutional / Medical
 - ED | Educational
 - APRT | Airport
 - TRANS | Transportation
 - AGRI | Agriculture
 - PARK | Parks and Open Space
 - DRNG | Drainage
 - VAC | Vacant
 - UTIL | Utilities
 - CMTY | Community
 - KAFB | Kirtland Air Force Base



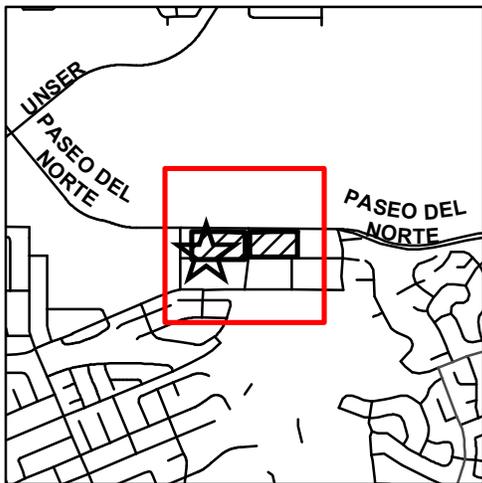
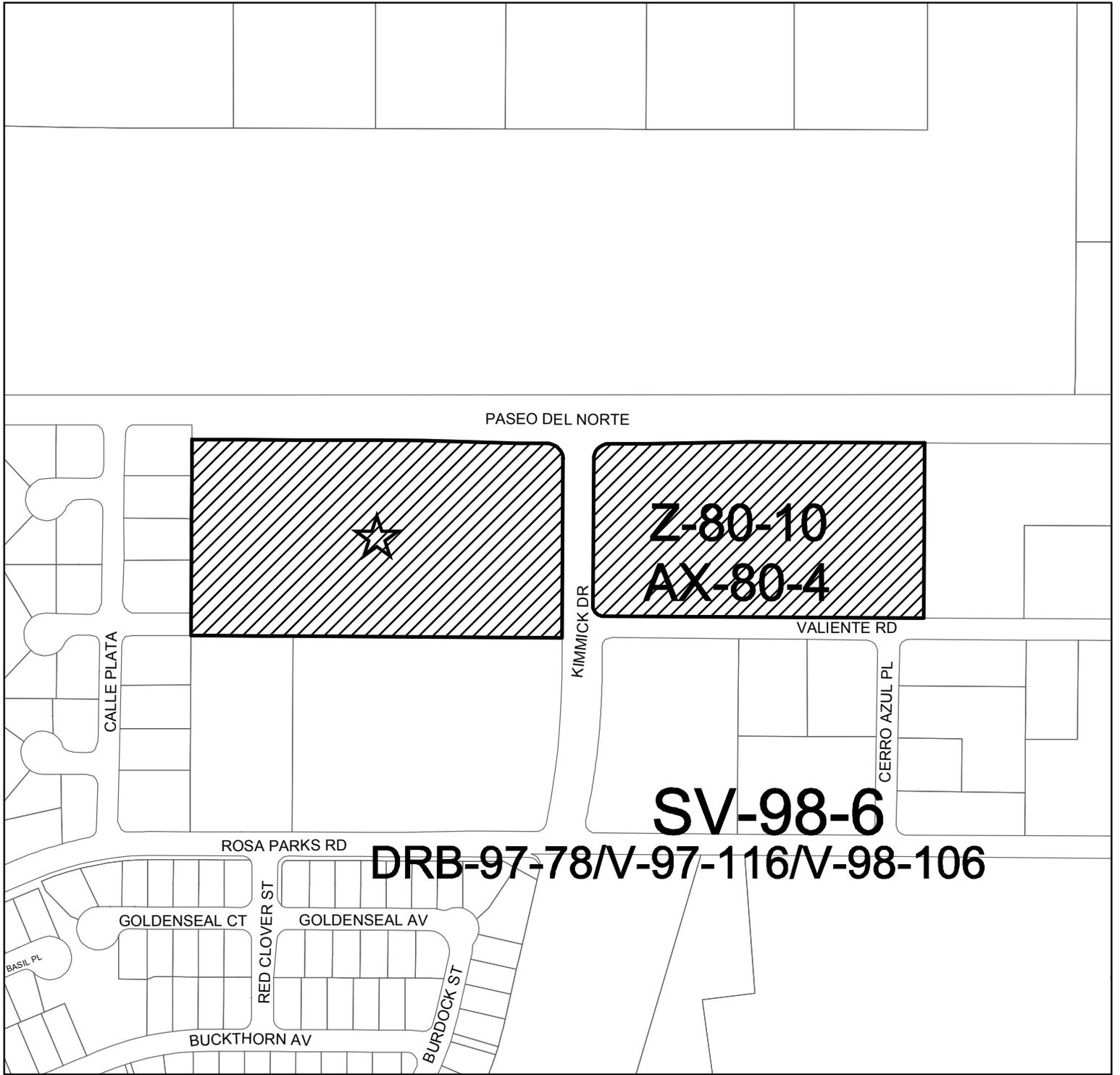
1 inch = 325 feet

Hearing Date:
9/12/2019

Project Number:
PR-2019-002663

Case Numbers:
RZ-2019-00043

Zone Map Page:
C-11



HISTORY MAP

Note: Gray shading indicates County.



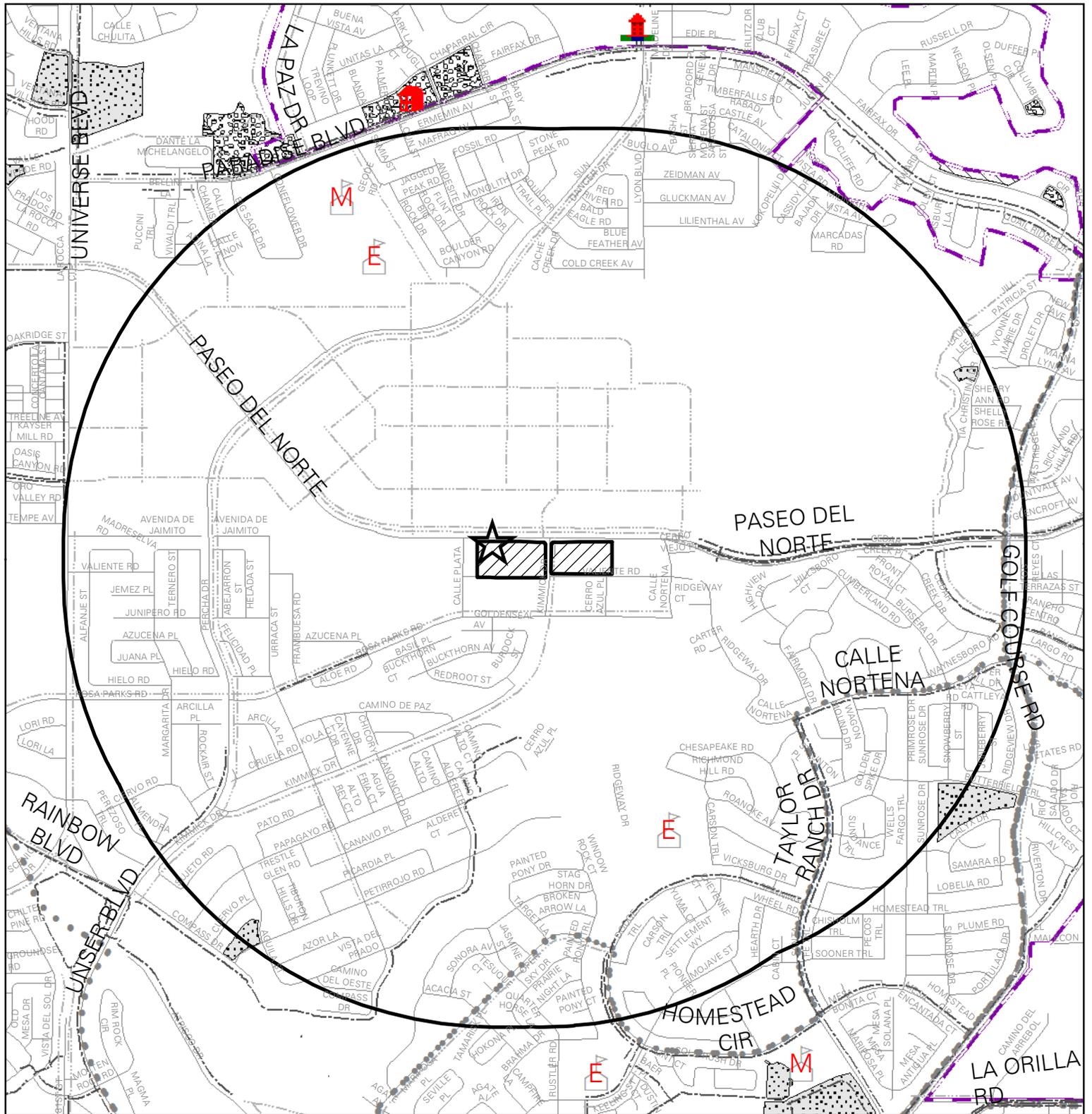
1 inch = 325 feet

Hearing Date:
9/12/2019

Project Number:
PR-2019-002663

Case Numbers:
RZ-2019-00043

Zone Map Page:
C-11



Public Facilities Map with One-Mile Buffer

- | | | | |
|--|---|--|---|
|  Community Center |  Fire |  Public Schools |  Landfill Buffer (1000-foot) |
|  Multi-Service Center |  Police |  Proposed Bike Facilities |  Landfill designated by EHD |
|  Senior Center |  Sheriff |  ABQ Bike Facilities |  Developed County Park |
|  Library |  Solid Waste |  ABQ Ride Routes |  Undeveloped County Park |
|  Museum |  Albuquerque City Limits | |  Developed City Park |
| | | |  Undeveloped City Park |

Project Number: PR-2019-002663

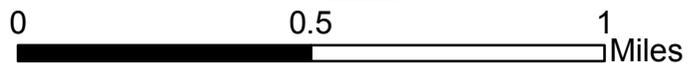


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Attachments

I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area</i>	<i>Land Use</i>
<i>Site</i>	MX-L	Area of Change	Vacant
<i>North</i>	NR-BP	Area of Change	Vacant
<i>South</i>	R-1B, R-ML	Area of Change	Vacant
<i>East</i>	R-ML, MX-L	Area of Change	Vacant
<i>West</i>	R-ML	Area of Change	Vacant

Request

The request is for a zone map amendment (zone change) for an approximately 16 acre site known as the northerly 436.01 feet of Lot 1, Block 2, and Lot 1A-1, Block 3, of Volcano Cliffs Unit 26 (the “subject site”). The subject site consists of two lots. Both lots are between Paseo del Norte Blvd. NW and Rosa Parks Rd. NW.

Lot 1, approximately 16 acres, is on the western side of Kimmick Dr. NW and Lot 1A-1, approximately 7.3 acres, is on the eastern side of Kimmick Dr. NW. The applicant states that the zone change is intended for an approximately 8.7 acre portion of Lot 1. However, there is no recorded lot line to separate Lot 1 into northern and southern portions. The vacated street, Valiente Rd. NW, is not a lot line and has not been platted or recorded.

The subject site is zoned MX-L. The applicant is requesting a zone change to MX-M (Mixed Use-Medium zone) to facilitate sale of the subject site for future development.

EPC Role

The Environmental Planning Commission (EPC) is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the City. Pursuant to IDO 6-7(G)(1), the request is required to be forwarded to the City Council because it exceeds 20 acres in size and is located wholly in an Area of Change. The EPC is a recommending body and the City Council will make the final decision. Appeals of City Council decisions are heard by the District Court. The request is a quasi-judicial matter.

Context

The subject site is in the Volcano Heights area and within the boundaries of CPO-12, the Volcano Mesa character protection overlay. Much of the land is undeveloped, though development of some single-family homes has occurred. The larger area is characterized by Piedras Marcadas Canyon, which is Major Public Open Space located east of the subject site. Further to the west are some developing subdivisions and Volcano Vista High School.

Immediately north, south, east and west of the subject is undeveloped land with a variety of zoning designations. Land west of the subject site is zoned R-ML. East of the subject site is R-ML and MX-L zoning, and then some R-1D zoning and MPOS. A portion of the subject site is in VPO-2, the Northwest Mesa Escarpment view protection overlay.

R-1B zoning and R-ML zoning lie south of the subject site. To the north, across Paseo del Norte Blvd. NW, is land zoned NR-BP and MX-M.

Activity Center

The subject site is located outside of a designated Activity Center. The Volcano Heights Urban Center is north of the subject site, across Paseo del Norte Blvd. NW, and is one of two Urban Centers designated by the Comprehensive Plan. Uptown is the other. Urban Centers are intended to be mixed-use districts that are important for economic growth, and offer employment opportunities and a range of housing options (Comprehensive Plan, p. 5-14).

The Volcano Heights Urban Center is zoned NR-BP, MX-M, and MX-H to accommodate a variety of future development to serve the area and region. MX-T zoning serves as a buffer for the R-1D subdivision south of the Paseo del Norte/Unser Blvd. intersection. A wide variety of commercial development, economic base jobs, and higher density housing can develop here and support the entire Westside.

History

The subject site is located in Unit 26 of the Volcano Cliffs Subdivisions, which were originally platted mostly in the late 1960s and early 1970s. Unit 26 was platted and recorded in 1971.

The subject site was part of a much larger annexation, of Volcano Cliffs Units 2 through 27, which began in 1980 and was finalized in 1981. The annexation, of approximately 2,404 acres, was heard by the Environmental Planning Commission (EPC) at its February 21, 1980 meeting (AX-80-4/Z-80-10). City Staff recommended withholding approval until a service agreement, replatting, and addressing agency comments had occurred, and that these items were too large to condition in the absence of any clear procedures. However, the EPC voted 5-3 to forward a recommendation of approval to the City Council.

The proposed annexation was introduced at City Council on October 13, 1980. The City Council heard the case at its October 27, 1980 meeting. It's unclear if there were multiple meetings about the case, but the legislation (O-92, Enactment No. 1-1981, see attachment) was adopted on December 11, 1980 and became effective on January 2, 1981.

In more recent history, the subject site was included in the Volcano Cliffs Sector Development Plan (VCSDP), adopted by the City Council, signed by the Mayor in 2011, and amended in 2014. The subject site was zoned SU-2/VCMX, which approximated the Zoning Code's C-1 and R-2 zones with some exceptions. Upon adoption of the Integrated Development Ordinance (IDO) in May 2017, the subject site's zoning converted to its current zoning of MX-L, Mixed-Use Low Intensity zone.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Metropolitan Region Planning Organization (MRMPO), identifies the functional classifications of roadways. Paseo del Norte Blvd. NW is a Regional Principal Arterial. Kimmick Dr. NW is a proposed Minor Collector as it bisects the subject site.

Comprehensive Plan Corridor Designation

Paseo del Norte Blvd. NW is currently designated a Commuter Corridor. Commuter Corridors are intended for long-distance trips across town by automobile, including limited access streets. Paseo del Norte Blvd. NW is also designated a Premium Transit Corridor as it passes the subject site. Premium Transit Corridors are intended to have high-quality, high-capacity, and high-frequency public transit, intended for mixed-use and transit-oriented development.

The Premium Transit designation acts as an overlay on other corridor designations. Until premium transit projects have identified transit station locations and funding has been secured, development policies for the underlying corridor apply. Once stations and funding have been identified, Premium Transit Corridor policies kick in (Comp Plan, p. 5-16). Therefore, the request is being evaluated using the **Commuter Corridor** designation.

Trails/Bikeways

A bicycle lane is proposed along Kimmick Dr. NW. Along Paseo del Norte Blvd. NW, a bicycle lane and a paved trail, the Paseo del Norte Trail, are proposed.

Transit

The subject site is not currently served by Transit. The nearest transit stop is approximately 1 mile east, at the intersection of Paseo del Norte Blvd. NW and Unser Blvd. NW. Albuquerque Ride Route #92-Taylor Ranch Express, runs along Unser Blvd. NW twice in the AM and twice in the PM, weekdays only.

Public Facilities/Community Services

Please refer to the Public Facilities Map (see attachment), which shows public facilities and community services located within one mile of the subject site.

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

Integrated Development Ordinance (IDO)

Definitions

Adjacent: Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. See also Alley, Multi-use Trail, Private Way, Public Right-of-Way, and Street.

General Retail: An establishment providing for the retail sale of general merchandise or food to the general public for direct use and not for wholesale; including but not limited to sale of general merchandise, clothing and other apparel, flowers and household plants that are not grown on-site,

dry goods, convenience and specialty foods, hardware and similar consumer goods, or other retail sales not listed as a separate use in Table 4-2-1. See also Adult Retail, Building and Home Improvement Materials Store, Large Retail Facility, Liquor Retail, and Grocery Store.

General retail is divided into 3 categories based on the size of the establishment or use (not the size of the structure):

1. General Retail, Small: An establishment with no more than 10,000 square feet of gross floor area.
2. General Retail, Medium: An establishment of more than 10,000 square feet of gross floor area and no more than 50,000 square feet of gross floor area.
3. General Retail, Large: An establishment of more than 50,000 square feet of gross floor area. See also *Large Retail Facility*.

Infill Development: An area of platted or unplatted land that includes no more than 20 acres of land and where at least 75 percent of the parcels adjacent to the proposed development have been developed and contain existing primary buildings.

Liquor Retail: A retail sales establishment licensed by the state selling packaged alcoholic liquors (including beer, wine, and spirituous liquors) for consumption off-site. Establishments that operate under a Small Brewer's, Winegrower's, or Craft Distiller's license are not considered Liquor Retail.

Zoning

The subject site is currently zoned MX-L [Mixed-Use Low Intensity Zone District, IDO 14-16-2-4(B)], which was assigned upon adoption of the IDO. Primary land uses are non-destination retail and commercial uses, townhouses, low-density multi-family residential dwellings, and civic and institutional uses to serve the surrounding area. Specific permissive uses are listed in Table 4-2: Allowable Uses, IDO p. 130.

The request proposes to change the subject site's zoning to MX-M (Mixed Use, Medium Intensity Zone District, IDO 14-16-2-4(C)). The purpose of the MX-M zone is to provide a wide array of moderate-intensity retail, commercial, institutional, and moderate-density residential uses. Specific permissive uses are listed in Table 4-2 of the IDO.

Comparison of MX-L and MX-M

A couple of key differences between the MX-L and the MX-M zones are general retail and grocery stores. The IDO defines three types of general retail: General Retail, Small; General Retail, Medium; and General Retail, Large (IDO, p. 464 and see above). In the MX-L zone, only General Retail, Small is allowed. In the MX-M zone, General Retail, Small and General Retail, Medium are allowed permissively. General Retail, Large is a conditional use and would require a hearing before the Zoning Hearing Examiner (ZHE).

Other notable differences between the MX-L and the MX-M zones include:

- Bar, light vehicle fueling station, light vehicle sales and rental, mortuary, pawn shop, and transit facility are conditional uses in the MX-L zone (and require a hearing before the ZHE), but become permissive uses in the MX-M zone.
- Hospital, catering service, and nightclub are not allowed in MX-L, but are permissive in MX-M.
- Liquor retail is an accessory use in MX-L and a permissive use in MX-M.
- Drive-through is a conditional use in MX-L and an accessory use in MX-M.

The existing MX-L zone allows General Retail, Small (up to 10,000 sf), but does not allow General Retail, Medium (up to 50,000 sf). New permissive uses in the MX-M zone are general retail-medium, hospital, catering service, nightclub, liquor retail, and drive-through. In the nearby Volcano Heights Urban Center, drive-throughs are prohibited pursuant to IDO Section 14-16-4-3(F).

Use-Specific Standards

Noteworthy Use Specific Standards include those for liquor retail and light vehicle fueling station. The use-specific standards for Liquor Retail [see 4-3(D)(36)(a through h), p. 159] specify in Standard (c) that a conditional use is required when a proposed liquor retail use is within 500 feet of any residential or NR-PO zone district or any group home use.

Due to the R-ML and R-1B zoning adjacent to the subject site, it's likely that a conditional use would be required for liquor retail. A conditional use is subject to a hearing before the Zoning Hearing Examiner (ZHE). If the conditional use is obtained, the next step would be a hearing before the State liquor board.

The IDO's use-specific standards for Light Vehicle Fueling Station [see 4-3(D)(17)(a through n), p. 147] regulate items such as access points, canopies, and screening. (D)(17)(i) and state that a conditional use is required when this use is located adjacent to any residential zone district. Therefore, due to the adjacent R-ML and R-1B zoning, it's likely that a conditional use would be required.

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan designates an Area of Change. Applicable Goals and policies are listed below. The Goals and policies listed below are cited by the applicant in the zone change justification letter dated August 23, 2019 (see attachment).

Staff does not provide analysis or additional citations other than what the applicant provided because, pursuant to the IDO Subsection 14-16-6-4(F)(2), the applicant bears the burden of providing a sound justification for the request, based on substantial evidence.

Chapter 4: Community Identity

Policy 4.1.2-Identity and Design

Chapter 5: Land Use

Goal 5.1-Centers & Corridors

Policy 5.1.1- Desired Growth and subpolicies a and b

Policy 5.1.2- Development Areas

Policy 5.1.8-Premium Transit Corridors

Policy 5.1.12-Commuter Corridors

Goal 5.2-Complete Communities

Policy 5.2.1-Land Uses and subpolicies a, b, e, g, and n

Goal 5.3-Efficient Development Patterns

Policy 5.3.1-Infill Development

Goal 5.4 Jobs-Housing Balance

Policy 5.4.2 -West Side Jobs and subpolicy a

Goal 5.6- City Development Areas

Policy 5.6.2- Areas of Change and subpolicies b, c, d, e, and g

Chapter 7-Urban Design

Policy 7.6.2-Transportation Infrastructure

Economic Development

Goal 8.1- Placemaking

Policy 8.1.1- Diverse Places and subpolicy a

Integrated Development Ordinance (IDO) 6-7(F)(3)-Review and Decision Criteria for Zone Map Amendments

Requirements

The review and decision criteria outline requirements for deciding zone change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone district was applied to the property; or 2) there has been a significant change in neighborhood or community conditions affecting the site; or 3) a different zone district is more advantageous to the community as articulated by the Comprehensive Plan or other, applicable City plans.

Justification & Analysis

The zone change justification letter analyzed here, received on August 23, 2019, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned MX-L (Mixed-Use Low Intensity Zone). The requested zoning is MX-M (Mixed Use, Medium Intensity Zone). The reason for the request is to facilitate sale of the subject site for future development.

The applicant believes that the proposed zone map amendment (zone change) meets the IDO's zone change decision criteria [14-16-6-7(F)(3)] as elaborated in the justification letter. Citations are from the IDO. The applicant's arguments are in *italics*. Staff analysis follows.

- A. A proposed zone change must be found to be consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

Applicant: The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering a preponderance of Comprehensive Plan policies related to Centers and Corridors, Development Areas, Complete Communities, and Land Use.

Staff: 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 other plans if applicable) and does not significantly conflict with them. The Goals and policies listed here as applicable are relevant to the request; note that relevancy does not automatically mean that the Goal or policy is furthered. In several instances, the request presents a significant conflict with an applicable Goal and/or policy.

Applicable citations: *Policy 4.1.2-Identity and Design; Goal 5.1-Centers & Corridors; Policy 5.1.2-Development Areas; Policy 5.1.8-Premium Transit Corridors Subpolicy d; Policy 5.1.12-Commuter Corridors and Subpolicies a and b; Goal 5.2-Complete Communities; Policy 5.2.1-Land Uses; Policy 5.2.1-Land Uses Subpolicies a, e, and g; Goal 5.3- Efficient Development Patterns; Goal 5.4-Jobs Housing balance; Policy 5.4.2-West Side Jobs and subpolicy a; Goal 5.6-City Development Areas; Policy 5.6.2-Areas of Change and Subpolicies b, c, d, e, and g; Policy 7.6.2-Transportation Infrastructure; Policy 8.1.1-Diverse Places and Subpolicy a; Policy 8.1.2-Resilient Economy.*

Non-applicable citations: *Policy 5.1.1-Desired Growth; Policy 5.1.2-Development Areas; Policy 5.1.8-Premium Transit Corridors; Policy 5.1.12-Commuter Corridors Subpolicy c; Policy 5.2.1-Land Uses Subpolicies b and n; Policy 5.3.1-Infill Development;*

Relevant Goals and Policies not cited: *Policy 5.1.4-Urban Centers; Policy 5.1.6-Activity Centers; Policy 5.2.1-Land Uses Subpolicy j; Policy 5.4.2-West Side Jobs subpolicy b; Policy 5.6.4-Appropriate Transitions; Policy 8.1.1-Diverse Places Subpolicy b*

Staff: The applicant has provided the required policy-based response, but has not adequately demonstrated that the request would further a preponderance of applicable Goals and policies and not be in significant conflict with them.

Staff finds that the request conflicts with a preponderance of applicable Comprehensive Plan Goals and policies. The subject site is not in a designated Activity Center so activity center goals and policies (such as Goal 5.1 and Policy 5.1.1) cannot be used to justify the request. The Volcano Heights Urban Center is located north of the subject site, across Paseo del Norte Blvd.

and spans westward to include a large area around the intersection of Paseo del Norte and Unser Blvds.

Activity center Goals and policies are relevant, however, because the request conflicts with them. For instance, one of the applicant's main arguments is that upzoning the subject site would lead to continued infill and development of the adjacent Center. Staff disagrees and finds that fostering more intense development outside of designated Activity Centers directly contravenes the intent of the Comprehensive Plan. A community of strong centers cannot be created by upzoning land outside of designated activity centers, and driving development desired for activity centers away from them and closer to residential uses and open spaces where the more intense uses are not generally desired.

The request would serve to undermine the Volcano Heights Urban Center in favor of more intense development in a location that is not beneficial to the community as a whole, and is the opposite of the intention of the Comprehensive Plan. The request conflicts with Policy 5.1.4-Urban Centers regarding creation of Urban Centers that provide a range of employment opportunities and housing, and Policy 5.1.6-Activity Centers regarding fostering mixed-use centers of activity that meet the needs of residents and businesses.

The request also conflicts with Policy 5.2.1-Land Uses, and would not support the healthy, sustainable, and distinct community that would result from development of a mix of appropriate uses in the Volcano Heights Urban Center, based upon the IDO-established zoning that supports the Comprehensive Plan vision. Subpolicy g states that commercial development should be located in existing commercial zones and designated centers and corridors, and Subpolicy j states that zone changes outside of designated activity centers are discouraged.

The applicant's other main argument is that, because the subject site is located along a designated Corridor, that more intense development should be directed to it. Staff does not agree. More intense development is clearly intended to be in designated activity centers, especially Urban Centers. Centers and Corridors work together as a mutually reinforcing framework that forms the backbone of the Comprehensive Plan; a major conflict with activity center policies means a major conflict with the Comprehensive Plan.

The Comprehensive Plan states that center policies generally take precedence over corridor policies (p. 5-13), so the conflict with applicable Activity Center policies is primary. Though corridor policies are secondary, it's worth noting the conflicts with them as well because they are intended to support centers. Paseo del Norte Blvd.'s future Premium Transit designation is intended to support the Volcano Heights Activity Center. However, premium Transit policies only apply after station locations have been identified and funding allocated, which has not occurred yet. Staff is not convinced by the applicant's argument that the zone change is a good idea because it would support more intense mixed-use development along this designated Commuter Corridor that would be desirable in the future along a Premium Transit Corridor. A wide-variety of auto-oriented, commuter corridor type uses can develop without the proposed zone change, and intensification of allowable uses on the subject site would detract from the Activity Center that the future Premium Transit Corridor is intended to serve.

Also, there is a conflict with the applicant's argument that the request protects the identity and cohesiveness of nearby neighborhoods because the request would leave a buffer of MX-L zoned land on its southern side that is at least 500 feet wide. Lot 1, on the western side of Kimmick Dr., has not been platted into northern and southern portions. The vacated western portion of Valiente Rd. NW is not a lot line. The existing MX-L zoning is purposefully north of the residentially-zoned parcels, and acts to buffer them from Paseo del Norte Blvd. NW.

Therefore, because the applicant has not demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not significantly conflict with the, there is no demonstration that the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is insufficient.

- B. If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:
1. There was typographical or clerical error when the existing zone district was applied to the property.
 2. There has been a significant change in neighborhood or community conditions affecting the site.
 3. A different zone district is more advantageous to the community as articulated by the ABC Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant: The subject site is located wholly in an Area of Change, so this criterion does not apply.

Staff: The subject site is located wholly in an Area of Change, so this criterion does not apply. The response to Criterion B is sufficient.

- C. If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:
1. There was typographical or clerical error when the existing zone district was applied to the property.
 2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
 3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use,

development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant (summarized): The proposed amendment is located wholly in an Area of Change, and the existing zoning is inappropriate because a different zone district is more advantageous to the community as articulated by the ABC Comp Plan. As described in this justification letter, the requested MX-M zone furthers numerous goals and policies of the Comprehensive Plan, including locating larger retail along automobile-oriented Commuter Corridors, infill development and land use patterns, supporting future transit along Paseo del Norte, and helping shift the jobs-housing balance on the west side of the Rio Grande.

The Northwest Mesa has several locations of vacant MX-L zoned property, but nothing that allows more intense, even moderately intense, development outside of the Volcano Heights Urban Center, which lacks utilities and other infrastructure. Approving a change to the MX-M zone in the proposed location will implement the appropriate pattern of land use, development density, intensity, and connectivity as desired by the community and described by the Comprehensive Plan.

MX-M is more advantageous than MX-L because the existing zoning includes a variety of use restrictions that are not appropriate for a property located next to a Commuter Corridor, future Premium Transit Corridor, and Urban Center. It is unrealistic to assume that a site this large will successfully develop with all 10,000 square-foot or less individual businesses or without many of the other uses allowed by the MX-M zone, especially considering the Comprehensive Plan policies to allow automobile-oriented uses along Corridors like Paseo del Norte and promoting additional job opportunities for the West Side. When these uses develop, they will be conveniently accessible to the surrounding neighborhoods, as well as others driving on Paseo del Norte without requiring them to travel farther distances for the same goods and services.

Staff: A different zone district (MX-M) on the subject site would generally not be more advantageous to the community as a whole than the existing zoning (MX-L). The additional uses allowed by the MX-M zone would take away from the Comprehensive Plan's intended development intensity for the nearby Volcano Heights Urban Center, which already has MX-M zoning.

The applicant has not demonstrated that the request furthers a preponderance of applicable Goals and policies and does not conflict with them. The policy analysis fails to address significant conflicts with Comprehensive Plan Goals and policies that support Activity Centers such as the Volcano Heights Urban Center, which was zoned MX-H, MX-M, and NR-BP specifically so that more intense uses can concentrate in the designated activity center and not outside of it. The Comprehensive Plan's primary purpose is to benefit the community as a whole by directing and encouraging more intense development to designated Centers in order to preserve and protect the lower-intensity uses outside of designated centers. The request conflicts directly with this purpose.

Though automobile-oriented uses are generally appropriate along Commuter Corridors, Paseo del Norte Blvd. NW passes the subject site for a short portion of its length as it leads into the designated Activity Center, where more intense uses can concentrate without disrupting the lower-intensity uses that characterize the area. In this area and context, it is inappropriate for the medium-intensity uses allowed by the MX-M zone to be located near low-density residential areas and Major Public Open Space; the MX-L zoning already in place south of Paseo del Norte Blvd. NW is a much better fit for the context that surrounds the 16 acre subject site than the proposed zoning.

The MX-H and NR-BP zoning in the Volcano Heights Urban Center allow a wide variety of commercial, office, and industrial uses that can result in economic base jobs that have a multiplier effect throughout the local economy. The proposed zone change from MX-L to MX-M may result in a few more service jobs than keeping the MX-L zone, though the effect of undermining the designated activity center could be detrimental to the area overall in the long run. The response to Criterion C is insufficient.

- D. The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Applicant: None of the permissive uses in the MX-M zone will be harmful to the adjacent property, neighborhood, or community. The table provides a comparison of the MX-L and MX-M zones, limited to uses permissive in the MX-M zone that are not already permissive in the MX-L zone. Many are already allowed conditionally in the MX-L zone, including light vehicle fueling station, tap room or tasting room, and drive-through or drive-up facility. Many also have use-specific standards that mitigate their impact, including separation requirements between residential uses. The distance separation between the subject site and the nearest low-density residential use is approximately 540 feet.

Some uses that are of concern to neighbors include "big box" stores, home improvement stores, hospitals, warehouses, a temporary circus, drive-in theater, and group homes. Other than hospitals, most of these uses are Conditional and would require additional hearings with the Zoning Hearing Examiner. Part of that hearing process would be a determination that the use would not be harmful to the neighbors.

Regarding "big box" stores, the IDO includes Use-specific Standards that adequately mitigate the impacts. Such facilities are also typically larger than the area proposed for this request. Sites 12 to 20 acres are typical, which would require a site 50% larger than either of the areas proposed to become MX-M. The location of Kimmick splitting the subject site in half and leaving the MX-L to the south limits the possibility of this site becoming a large retail facility.

Other Use-specific standards will ensure these uses are not harmful to adjacent neighbors. Hospitals in the MX-M zone are limited to 20 overnight beds and prohibit ambulance traffic, so size and noise concerns are minimized. Light vehicle fueling stations become a Conditional Use if proposed adjacent to residential, and light vehicle sales and rental includes extra screening requirements.

Liquor retail also becomes a Conditional Use if it is within 500 feet of any surrounding residential zone. Pawn shops have a minimum separation requirement from other pawn shops. Lastly, drive-through facilities include a significant number of design standards. In addition, drive-throughs are Conditional Uses within 330 feet of Major Public Open Space and prohibited when adjacent to Major Public Open Space.

USE	MX-L	MX-M
Hospital	-	
Sports Field	C	P
University or College	C	P
Auditorium or Theater	A	P
Bar	C	P
Catering Service	-	P
Nightclub	-	P
Tap room or tasting room	C	P
Light vehicle fueling station	C	P
Light vehicle sales and rental	C	P
Mortuary	C	P
Personal and business services/large	-	P
General retail/medium	-	P
Liquor retail	A	P
Pawn shop	C	P
Park-and-ride lot	C	P
Transit facility	C	P
Drive-through or drive-up facility	CA	A
Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours	-	A

Staff: The requested zone (MX-M) includes a wider variety of non-residential uses than the existing MX-L zone. Permissive residential uses are the same. The zones differ mostly with respect to permissive commercial uses. The table shows uses that would become permissive in the MX-M zone.

In MX-L, which is roughly equivalent to the former C-1 zone, only General Retail, Small is allowed. In MX-M, General Retail, Small and General Retail, Medium are allowed. General Retail, Large is a conditional use in MX-M. The approximately 16 acre Lot 1, on the western side of Kimmick Dr. NW, contains enough area for a large, single-user store to develop provided a conditional use is obtained. 12 to 20 acres is the typical size lot for a big box store, as stated by the applicant.

Other notable differences between the two zones (mixed-use low intensity and mixed-use medium intensity) are: bar, light vehicle fueling station, and light vehicle sales and rental, mortuary, pawn shop, and transit facility are conditional uses in the MX-L zone that become

permissive uses in the MX-M zone. Hospital, catering service, and nightclub are not allowed in MX-L, but are permissive in MX-M. Liquor retail is an accessory use in MX-L and a permissive use in MX-M. A drive-through is a conditional use in MX-L and an accessory use in MX-M.

The following uses, proposed to be permissive, are often considered harmful to adjacent property, the neighborhood, or the community: bar, light vehicle fueling station, light vehicle sales and rental, pawn shop, nightclub, liquor retail, and drive through.

IDO regulations could help mitigate some impacts to nearby lower-intensity uses. Future development would be required to comply with applicable IDO regulations, such as the 5-5(I)(1)- Drive Through Facility Design and Section 14-16-5-9: Neighborhood Edges, due to the single-family homes to the south. These requirements for buffering and screening would apply to future development. State regulations pertaining to alcohol licensing would also apply to future uses on the subject site, just as they apply City-wide.

Though many of these uses would be subject to the IDO's use-specific standards, the distance separation between the subject site (the northerly 436.01 feet of Lot 1) and the nearest low-density residential use (R-1B zoned lots) is approximately 540 feet as stated. Even with use-specific standards, however, there could still be a potential for harmful effects on adjacent property and the neighborhood because of the moderate-intensity uses in this context.

The greater harm that could result from the request, however, would be to the community in the area and the City as a whole. Upzoning approximately 16 acres to MX-M, outside of the designated Volcano Heights Urban Center that already contains MX-M zoning, would adversely affect the area because it would facilitate development of medium-intensity uses outside of the designated activity center and affect its potential to develop with the desired mix and intensity of uses intended by the Comprehensive Plan.

The Volcano Heights Urban Center is one of two designated urban centers in the City, and is the only urban center on the City's Westside. Allowing a zone change that would facilitate development of more intense uses than intended, outside of the activity center and south of Paseo del Norte, would harm the community because it would be contrary to the Comprehensive Plan's establishment of designated activity centers that absorb more intense development so that the areas characterized by lower-intensity development can be protected and quality of life supported. The response to Criterion D is insufficient.

- E. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:
1. Have adequate capacity to serve the development made possible by the change of zone.
 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
 3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.

4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.

Applicant: The proposed zone change will not require major and unprogrammed capital expenditures by the City. The Applicant has already helped pay for and install the infrastructure necessary for development of this site through Special Assessment District 228. It has access to adequate roadways, water, sewer, and storm water facilities. Additionally, any additional required extensions of these services for any specific development proposal will be the sole responsibility of the developer.

Staff: The applicant did not respond directly to the question, but uses language found in the former R270-1980 in lieu of choosing option 1, 2, 3, or 4. The applicant states that infrastructure necessary for the subject site's development has been put in place, but did not address the issue of capacity.

Staff points out that infrastructure in the area continues to develop. In October 2018, the City Council passed legislation that prioritizes the intersection of Paseo del Norte and Unser Blvds., which is at the heart of the Volcano Heights Urban Center. Bill No. R-18-84 was enacted in November 2018 and includes roadway infrastructure in the City's capital implementation program (CIP). The response to Criterion E is sufficient.

- F. The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

Applicant: While the property is located adjacent to Paseo del Norte, a regional principal arterial, it is not the only reason for providing justification for the zone change to MX-M. As described earlier in this letter, the request is based on being more advantageous to the community as it furthers a preponderance of applicable Comprehensive Plan policies for Commuter Corridors, land use, infill development, jobs-housing balance, and economic development.

Staff: Though not completely based on the subject site's location on a major street, the applicant's justification relies on location next to Paseo del Norte Blvd. NW, a commuter corridor, to support the claim that moderate-intensity commercial uses should develop on the subject site due. Because the applicant has not adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies, and that is would be more advantageous to the community than the subject site's current zoning, the street location argument becomes more important. The response to Criterion F is insufficient.

- G. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Applicant: While economic considerations of the owner related to marketability of the property are a consideration in this request, the justification is not completely or

predominantly based on such considerations. The determining factor for this request is support for Comprehensive Plan policies making the request more advantageous to the community. The requested zone change will allow additional moderate-intensity commercial uses to develop that will provide additional needed services closer to residents in the northwest part of the City.

Staff: The applicant's justification is based predominantly on economic considerations. Staff does not agree that the determining factor for the request is support for Comprehensive Plan policies because of the significant conflicts with activity center policies, and the request cannot be demonstrated to be more advantageous to the community. The applicant's desire to sell the subject site with a more-intense zoning descriptor is predominantly economic. The response to Criterion G is insufficient.

- H. The zone change does 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") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:
1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
 2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
 3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

Applicant: The zone change does not apply a zone district to one small area or one premise, or to a strip of land along a street. The subject site is nearly 16 acres, so it is not a small area. Additionally, while not immediately adjacent to the subject site, there is a significant amount of MX-M zoned property in the area also along the Paseo del Norte and Unser Boulevard Commuter Corridors. Based on these two factors, the request does not constitute a spot zone.

The request is also not considered a strip zone because while running parallel to Paseo del Norte, the two properties that constitute the subject site are over 400 feet deep. Oriented toward the signalized intersection of Kimmick with Paseo del Norte, they create a relatively large development node of higher intensity uses in an appropriate location with adequate transitions before getting to low-density residential uses.

Staff: The request would not apply a zone district different from surrounding zone districts to one small area. The subject site is approximately 16 acres in size and does not constitute a strip of land along a street. The existing MX-M zoning in the area is with the Volcano Heights Urban Center, which is the appropriate location for development of more intense uses. The response to Criterion H is sufficient.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City departments and other interested agencies reviewed this application from 8/7/2019 to 8/21/2019. Long Range Planning Staff notes that the subject site is adjacent to the Volcano Heights Urban Center designated in the Comprehensive Plan, and suggests that the EPC carefully consider whether an upzone is appropriate in this area south of Paseo del Norte Blvd., which was designated to be lower-intensity mixed-use to be compatible with the single-family zoning to the south. The discrepancy between the applicant's analysis and the legal ad, which covers all of Lot 1, was noted.

The Open Space Division provided a letter (see attachment) expressing concern that the request for MX-M zoning may have adverse effects on the Major Public Open Space property nearby, La Cuentista. The City is in the process of purchasing more land in this area for open space and is concerned about future development near sensitive lands.

The National Park Service submitted a letter (see attachment) stating concern that the proposed zone change could have an adverse effect on the Petroglyph National Monument, and that the MX-M zone would allow additional uses that would be incompatible to the sensitivity of the culturally significant resources nearby. They prefer to see larger commercial development further from the monument to avoid such impacts.

Albuquerque Public Schools (APS) notes that all three schools that serve the area, Sunset View Elementary School, Tony Hillerman Middle School, and Volcano Vista High School, are currently over capacity for enrollment and future development would be a strain on the school system.

The Mid-Region Metropolitan Planning Organization (MRMPO) notes that Paseo del Norte Blvd. is a Regional Principal Arterial and that it's a limited access facility. PNM commented regarding easements and coordination in the future when construction occurs. Agency comments begin on p.27.

Neighborhood/Public

The Paradise Hills Civic Association and the Westside Coalition were required to be notified, which the applicant did (see attachments). Property owners within 100 feet of the subject site were also notified, as required (see attachments). Though the applicant's letter refers to the portion of Lot 1 north of the vacated ROW of Valiente Rd. NW, because there is no platted lot line, all of Lot 1 is required to be buffered for notification purposes. The corrected buffer resulted in three more parties required to be notified, which the applicant did more than 15 days before the public hearing, as required (see attachments).

A pre-application facilitated meeting was held on July 17, 2019 (see attachment). Representatives from the Westside Coalition and Petroglyph Estates subdivision attended. Neighbors, who are opposed to the request, expressed several concerns that include consequences of the proposed zone change and overall effect on the area, range of uses the proposed zone would allow, possibility of big box stores developing, increased building height becoming allowable and affecting views, loss of character, and diminished property values. The applicant stated that the lots are not large enough for big-box stores and that the applicants are not developers, but want to sell the land.

Staff received a letter of opposition from three neighbors (see attachment), who share the same concerns. They believe that many uses allowed under the MX-M designation are incompatible with the area's culturally sensitive nature and character protected by CPO-12. They believe that the existing zoning can provide for neighborhood-serving needs and that the zoning established by the IDO shouldn't be readily discarded.

IV. CONCLUSION

The request is for a zone map amendment (zone change) for an approximately 16 acre site, consisting of two lots and located on the western and eastern sides of Kimmick Dr. NW, south of Paseo del Norte Blvd. NW. The area is largely undeveloped.

The subject site is zoned MX-L. The applicant is requesting the MX-M (Mixed Use-Medium Intensity) zone in order to develop the subject site pursuant to the MX-M zone.

The zone map amendment is not justified because the applicant has not adequately shown that the request would further a preponderance of applicable Goals and policies and not be in conflict with them (Criterion A). There are significant conflicts with Activity Center policies. Lacking the required support from the Comprehensive Plan, the proposed zoning would also not be more advantageous to the community than the current zoning (Criterion C) and the justification relies predominantly on economic factors (Criterion G).

The affected neighborhood organizations are the Paradise Hills Civic Association the Westside Coalition, which were notified as required. Property owners within 100 feet of the subject site were also notified as required. A pre-application facilitated meeting was held. Neighborhood attendees are opposed to the request, citing concerns about the proposed zone change's effect on the area, range of uses, big box stores, higher buildings and views, loss of character, and diminished property values.

Staff received letters of opposition from the National Park Service, the Open Space Division, and three neighbors as of this writing.

Staff recommends denial.

FINDINGS - RZ-2019-00043, September 12, 2019- Zone Map Amendment (Zone Change)

1. The request is for a zone map amendment (zone change) for an approximately 16 acre site known as the northerly 436.01 feet of Lot 1, Block 2, and Lot 1A-1, Block 3, Volcano Cliffs Unit 26 (the “subject site”). The subject site is located at the southwestern corner and the southeastern corner of the intersection of Paseo del Norte Blvd. NW and Kimmick Dr. NW.
2. The Environmental Planning Commission (EPC) is hearing this case as a recommending body. Pursuant to Section 6-7(G)(1) of the Integrated Development Ordinance (IDO), the request is required to be forwarded to the City Council because it exceeds 20 acres in size and is located wholly in an Area of Change. The request is a quasi-judicial matter.
3. The subject site is an area that the Comprehensive Plan designated an Area of Change. Paseo del Norte Blvd. is designated as a Commuter Corridor with a Premium Transit Overlay. Because no premium transit projects have identified station locations or have been funded in this location yet, only the policies for the underlying corridor designation (Commuter Corridor) apply.
4. The subject site is not in a designated activity center. The Volcano Heights Urban Center, one of only two urban centers in the City designated by the Comprehensive Plan, is located north and west of the subject site.
5. The subject site is zoned MX-L (Mixed-Use Low Intensity Zone). The applicant is requesting the MX-M zone (Mixed Use-Medium Intensity Zone) in order to sell the land for future development under a more intense zoning designation. The IDO purpose of the MX-M zone is to provide a wide array of moderate-intensity retail, commercial, institutional, and moderate-density residential uses.
6. There is existing MX-M zoning already in the area within the Volcano Heights Urban Center, which is the appropriate location for development of more intense uses. MX-L zoning is found on the southern side of Paseo del Norte Blvd. to provide neighborhood scale goods and services while supporting the development of more intense uses in the designated activity center where MX-M zoning is already in place.
7. 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.
8. The request conflicts with the following, applicable Comprehensive Plan Goal and policies regarding growth, as follows:
Goal 5.1-Centers & 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.

Policy 5.1.2-Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The request would not lead to continued infill and development of the adjacent Volcano Heights Urban Center. First, the subject site does not meet the IDO definition of infill development; the area is almost entirely undeveloped. Second, fostering more intense development outside of designated Activity Centers directly contravenes the intentions of the Comprehensive Plan.

The City cannot grow as a community of strong centers and corridors if land outside the designated activity centers is upzoned to compete with them (Goal 5.1), which would drive development out of the activity centers where it is desirable and closer to residential uses and open spaces that are intended to be more stable and maintain a lower-intensity and scale of development (Policy 5.1.2). The more intense uses and regional growth are intended to develop in the designated activity centers (especially the Urban Centers), which would help shape the built environment into a sustainable development pattern that benefits the City as a whole (Policy 5.1.1).

9. The request conflicts with the following, additional applicable Comprehensive Plan policies, as follows:

A. Policy 5.1.4-Urban Centers: Create highly accessible and walkable Urban Centers that provide a range of employment opportunities and higher-density housing options.

Policy 5.1.6-Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

The Volcano Heights Urban Center, one of the two Urban Centers established by the Comprehensive Plan, is intended to provide a range of employment and higher-density housing options and has the zoning to do so. The request would make it more difficult to provide a range of employment opportunities and higher-density housing options in the Urban Center because it would draw future development away and undermine the Comp Plan's intent of establishing it (Policy 5.1.4). Similarly, the request would not foster mixed-use centers with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses because it would promote more intense development outside of the designated center nearby and would promote more intense development outside the center in a location that would not benefit the community as a whole.

B. Policy 5.2.1-Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

- g) Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors as follows:
 - i. In Activity Centers with development to serve adjacent neighborhoods with an emphasis on pedestrian and bicycle connections to nearby residential areas;
- j) Discourage zone changes to commercial, industrial, or office uses outside of Centers and Corridors.

The request also conflicts with Policy 5.2.1-Land Uses, and would not support the healthy, sustainable, and distinct community that would result from development of a mix of appropriate uses in the Volcano Heights Urban Center, based upon the IDO-established zoning that supports the Comprehensive Plan's vision. Commercial development should be located in existing commercial zones and designated centers and corridors; the Volcano Heights Urban Center is a designated center, along a designated corridor, in which the zones to achieve this purpose already exist (Subpolicy g). Zone changes, such as the request, that are outside of designated activity centers are discouraged by the Comprehensive Plan (Subpolicy j).

- 10. Center policies take precedence over corridor policies (Comprehensive Plan, p. 5-13), so the conflict with applicable Activity Center policies is primary. Though secondary, corridor policies are intended to support the designated activity centers. Paseo del Norte Blvd.'s future Premium Transit designation is intended to support the Volcano Heights Activity Center. However, premium Transit policies only apply after station locations have been identified and funding allocated, which has not occurred yet. Paseo del Norte Blvd. NW is a designated Commuter Corridor. A wide-variety of auto-oriented, appropriate uses can develop along the corridor without the proposed zone change; intensification of allowable uses on the subject site would detract from the Activity Center that the future Premium Transit Corridor is intended to serve.
- 11. Though automobile-oriented uses are generally appropriate along Commuter Corridors, Paseo del Norte Blvd. NW passes the subject site for a short portion of its length as it leads into the designated Activity Center, where more intense uses can concentrate without disrupting the lower-intensity uses that characterize the area. It is inappropriate for the medium-intensity uses allowed by the MX-M zone to be located near low-density residential areas and Major Public Open Space; the MX-L zoning already in place south of Paseo del Norte Blvd. NW is a much better fit for the context that surrounds the 16 acre subject site than the proposed zoning. See also Finding 16.
- 12. The zone map amendment is not adequately justified pursuant to the IDO Review and Decision criteria for zone changes 6-7(F)(3). The responses to Criteria A, C, D, and G are insufficient. The policy analysis does not sufficiently demonstrate that the request furthers a preponderance of applicable Goals and policies and does not conflict with them (Sections A), so it is not possible to conclude that the request would be more advantageous to the community than the current zoning (Criterion C). The applicant did not adequately address the issue of potential harm to adjacent property, the neighborhood, or the community (Criterion D). The response to

Criteria G demonstrates that the justification is completely or predominantly based on economic considerations pertaining to the applicant.

13. 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 applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant has not adequately demonstrated that the request would further a preponderance of applicable Goals and policies and not be in significant conflict with them.

The request presents significant conflicts with applicable Comprehensive Plan Goals and policies regarding Activity Centers. The request to upzone approximately 16 acres outside of the designated Volcano Heights Urban Center would directly contravene the intent of the Comprehensive Plan to foster more intense development inside of the designated centers, in order to support development of less intense uses closer to residential areas and open spaces. A network of strong centers and corridors, which benefits the community as a whole, cannot be created by undermining the designated urban center.

B. Criterion B: The subject site is located wholly in an Area of Change, so this criterion does not apply.

C. Criterion C: A different zone district (MX-M) would generally not be more advantageous to the community as a whole than the existing zoning (MX-L). The additional uses allowed by the MX-M zone would take away from the Comprehensive Plan's intended development intensity for the nearby Volcano Heights Urban Center, which also has MX-M zoning.

The applicant has not demonstrated that the request furthers a preponderance of applicable Goals and policies because the policy analysis fails to address significant conflicts with Comprehensive Plan Goals and policies that support Activity Centers. The Comprehensive Plan's primary purpose is to benefit the community as a whole; one way it does so it to direct and encourage more intense development to designated Centers in order to preserve and protect the lower-intensity uses outside of designated centers. The request conflicts directly with this purpose.

D. Criterion D: The requested zone (MX-M) includes a greater variety of non-residential uses than the existing MX-L zone. In MX-L, only General Retail, Small is allowed. In MX-M, General Retail, Small and General Retail, Medium are allowed. General Retail, Large is a conditional use in MX-M.

Other notable differences between the two zones (mixed-use low intensity and mixed-use medium intensity) are: a bar, light vehicle fueling station, and light vehicle sales and rental, mortuary, pawn shop, and transit facility are conditional uses in the MX-L zone but become permissive uses in the MX-M zone. Hospital, catering service, and nightclub are not allowed in MX-L, but are permissive in MX-M. Liquor retail is an accessory use in MX-L

and a permissive use in MX-M. A drive-through is a conditional use in MX-L and an accessory use in MX-M.

The following uses, proposed to be permissive, are often considered harmful to adjacent property, the neighborhood, or the community: bar, light vehicle fueling station, light vehicle sales and rental, pawn shop, nightclub, liquor retail, and drive through. The distance separation between the subject site (the northerly 436.01 feet of Lot 1) and the nearest low-density residential use (R-1B zoned lots) is approximately 540 feet. Even with use-specific standards, the potential for harmful effects on adjacent property and the neighborhood could be more than originally represented. Even with use-specific standards, however, there could still be a potential for harmful effects on adjacent property and the neighborhood because of the moderate-intensity uses in this context that would become permissive.

The greater harm, however, would be to the community in the area and the City as a whole. Upzoning approximately 16 acres to MX-M, outside of the designated Volcano Heights Urban Center that already contains MX-M zoning, would facilitate development of medium-intensity uses outside of the designated activity center. This would be contrary to the Comprehensive Plan's establishment of designated activity centers to absorb more intense development so that the areas characterized by lower-intensity development can be protected and quality of life supported.

- E. Criterion E: Infrastructure necessary for the subject site's development is in place, and infrastructure in the area continues to develop. The City Council passed legislation that prioritizes the intersection of Paseo del Norte and Unser Blvds., which is at the heart of the Volcano Heights Urban Center. Bill No. R-18-84 was enacted in November 2018 and includes roadway infrastructure in the City's capital implementation program (CIP).
 - F. Criterion F: The applicant's justification relies on location next to Paseo del Norte Blvd. NW, a commuter corridor, to support the claim that moderate-intensity commercial uses should develop on the subject site. However, the applicant has not adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies, and that it would be more advantageous to the community than the subject site's current zoning.
 - G. Criterion G: The applicant's justification is based predominantly on the economic consideration of wanting to sell the subject site with a more-intense zoning descriptor. The request conflicts significantly with activity center policies and is not more advantageous to the community as a whole than the current zoning.
 - H. Criterion H: The request would not apply a zone district different from surrounding zone districts to one small area. The subject site is approximately 16 acres in size and does not constitute a strip of land along a street.
14. The affected neighborhood organizations are the Paradise Hills Civic Association and the Westside Coalition were required to be notified, which the applicant did. Property owners within 100 feet of the subject site were also notified, as required. Though the applicant's letter

refers to the portion of Lot 1 north of the vacated ROW of Valiente Rd. NW, because there is no platted lot line, all of Lot 1 is required to be buffered for notification purposes. The corrected buffer resulted in three more parties required to be notified, which the applicant did more than 15 days before the public hearing, as required.

15. A pre-application facilitated meeting was held on July 17, 2019. Neighbors are opposed to the request and expressed several concerns that include consequences of the proposed zone change and overall effect on the area, range of uses that would be allowed, possibility of big box stores, increased building height affecting views, loss of character, and diminished property values. The applicant stated that the lots are not large enough for big-box stores and that the applicants are not developers, but want to sell the land.
16. Staff received letters of opposition from the Open Space Division and the National Park Service. The Open Space Division is concerned that the request may have adverse effects on the Major Public Open Space nearby and about future development near sensitive lands. The National Park Service is concerned that the request could have an adverse effect on the Petroglyph National Monument, and that the MX-M zone would allow additional uses that would be incompatible with the sensitivity of the cultural resources nearby. They prefer commercial development further from the monument to avoid such impacts.
17. Three neighbors, who share the same concerns, submitted letters of opposition. They believe that many uses allowed under the MX-M designation are incompatible with the area's culturally sensitive nature and character protected by CPO-12. They believe that the existing zoning can provide for neighborhood-serving needs and that the zoning established by the IDO shouldn't be readily discarded.

RECOMMENDATION - RZ-2019-00043, September 12, 2019

DENIAL of Project #: 2019-002663, Case #: 2019-00043, a zone change from MX-L to MX-M, for the northerly 436.01 feet of Lot 1, Block 2, and Lot 1A-1, Block 3, Volcano Cliffs Unit 26, an approximately 16 acre site located at the southwestern corner and the southeastern corner of the intersection of Paseo del Norte Blvd. NW and Kimmick Dr. NW, based on the preceding Findings.

Catalina Lehner

***Catalina Lehner, AICP
Senior Planner***

Notice of Decision cc list:

Group II U26 VC, LLC & Colcano Cliffs, Inc., 8860 Desert Finch Ln NE, ABQ, NM 87122
Consensus Planning, Inc., 302 Eight St. NW, ABQ, NM 87102

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
Paradise Hills Civic Association, Maria Warren 5020 Russell Dr. NW, ABQ, NM 87114
Paradise Hills Civic Association, Tom Anderson, 10013 Plunkett Dr., NW, ABQ, NM 87114
Alan Varela, avarela@cabq.gov

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Long Range Planning

The request is for a Zone Map Amendment from MX-L to MX-M to allow for a light vehicle fueling station and a convenience store with liquor sales, which would be considered small general retail and liquor retail uses under the IDO. This site is adjacent to the Urban Center designated for Volcano Heights in the Comprehensive Plan. The zoning pattern north of Paseo del Norte includes NR-BP and MX-M, appropriate for the more intense uses expected in the Urban Center. Zoning south of Paseo del Norte was designated to be lower-intensity mixed-use to be compatible with the single-family zoning to the south. The Environmental Planning Commission will need to carefully consider whether an upzone in this area is appropriate south of Paseo del Norte or whether such a zone change might compete with the more intense zoning to the north where the City has designated the Urban Center as the more appropriate place for more intense uses.

The Environmental Planning Commission considerations should also address the discrepancy in the application between the applicant's analysis, which only covers the northern portion of Tract 1, and the legal description of the zone map amendment request, which includes the entire tract.

Should the zone map amendment be approved, this site would require an amendment to the existing site plan, which only allows office and townhouse uses. The site would also require a minor subdivision to establish a zone boundary for the northern half of Tract 1, Block 2.

CITY ENGINEER

Transportation Development

No objection to the request.

Hydrology Development

No objections.

New Mexico Department of Transportation (NMDOT)

No comments at this time.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

No comments.

Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:

WATER UTILITY AUTHORITY

Utility Services

1. Identification: UPC – 101106404014530102
 - a. No adverse comment to the zone change
 - b. As the site develops the public sanitary sewer shall not be impacted. Once service is desired an Availability Statement shall be requested. Requests can be made at the link below:
 - i. http://www.abcwua.org/Availability_Statements.aspx
 - ii. Request shall include a City Fire Marshal approved Fire 1 Plan and a zone map showing the site location.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

Please see comment letter dated August 22, 2019

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- No comment.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

AMAFCA has no objections to the EPC case being heard in September.

ALBUQUERQUE PUBLIC SCHOOLS

APS Case Comments: A zone change from MX-L (Mixed Use Low Intensity) to MX-M (Mixed Use Moderate Intensity) creates a potential of residential development until property is developed for probable uses. In the future, should there be on-site residential development on this property, at Kimmick Drive between Paseo del Norte NW and Rosa Parks NW, the follow APS schools will be impacted: Sunset View Elementary School, Tony Hillerman Middle School, and Volcano Vista High School. Currently, all three of these schools are operating at enrollments above capacity and development will be a strain on the schools.

School Capacity and Enrollment

School	2018-2019 40th Day Enrollment	Facility Capacity	Space Available
Sunset View Elementary School	698	660	-38
Tony Hillerman Middle School	1207	1180	-27
Volcano Vista High School	2223	2202	-21

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
 - Construct new schools or additions
 - Add portables
 - Use of non-classroom spaces for temporary classrooms
 - Lease facilities
 - Use other public facilities
- Improve facility efficiency (short term solution)
 - Schedule Changes
 - Double sessions
 - Multi-track year-round
 - Other
 - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
 - Boundary Adjustments / Busing
 - Grade reconfiguration
- Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments. For informational purposes:

- The Long Range Roadway System indicates Paseo del Norte is to be a Regional Principal Arterial, Kimmick Drive is a proposed Minor Collector, and Rosa Parks Road is proposed to be a Major Collector.

- The Long Range Bikeway System indicates a proposed Paved Trail and Bike Lane along Paseo del Norte, and a proposed Bike Lane on Kimmick Drive and Rosa Parks Road.
- Paseo del Norte is a limited access facility. Please contact Dave Pennella at 724-3621 or dpennella@mrcog-nm.gov with any questions about access control.
- Paseo del Norte is an Intelligent Transportation System (ITS) Priority Corridor. Please consult the reviewing agency's Traffic Engineering and/or ITS Department with any questions regarding ITS infrastructure.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

1. There is an existing PNM underground distribution line along the east side of the subject property with associated above ground equipment at Kimmick NW and Valiente NW. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
2. When construction occurs, it will be necessary for the applicant to coordinate with PNM to ensure that compliance with the National Electrical Safety Code for both horizontal and vertical clearances are met between the existing distribution line and the proposed building footprint. The customer must also ensure applicable OSHA safe working clearance requirements for employees and equipment with respect to PNM's lines are met during and after construction of the building.
3. It will be necessary for the developer to contact the PNM New Service Delivery Department when the site is to be developed in order to coordinate electric service. Contact:

Contact: Andrew Gurule, PNM Service Center
4201 Edith Boulevard NE Albuquerque, NM 87107
Phone: (505) 241-0589