

CITY OF ALBUQUERQUE



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

OFFICIAL NOTIFICATION OF DECISION

September 15, 2017

ELCO Mutual
c/o: Paul J. Grawe, VP
916 Sherwood Dr
Lake Bluff, IL 60044

Project# 1011325
17EPC-40029 Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Lots 10-12, Block 11 & Lots 7-12, Block 10, Swearingen & Marberry Subdivision and Lots 7-9, Block 9, Hinton's Subdivision of Tract 9, Mile-Hi Addition, zoned O-1 to R-2, located at 5905, 6101, and 6001 Marble Ave. NE between Valencia Dr. NE and San Pedro Dr. NE, containing approximately 2.3 acres. (J-18)
Staff Planner: Michael Vos

PO Box 1293

On September 14, 2017 the Environmental Planning Commission (EPC) voted to APPROVE Project 1011325/17EPC-40029, a Zone Map Amendment (Zone Change), based on the following findings:
Albuquerque

FINDINGS:

- NM 87103
- www.cabq.gov
1. This request is for a Zone Map Amendment (Zone Change) for Lots 10-12, Block 11 and Lots 7-12, Block 10, Swearingen Mayberry Subdivision, and Lots 7-9, Block 9, Hinton's Subdivision of Tract 9, Mile-Hi Addition, an approximately 2.3 acre site located on the north side of Marble Avenue NE between Valencia Drive NE and San Pedro Drive NE.
 2. The applicant is proposing to change the zoning of the subject site from the O-1 Office and Institution Zone to the R-2 Residential Zone in order to allow for development of townhouse style apartments.
 3. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
 4. The subject site is within both the Area of Change and Area of Consistency of the Comprehensive Plan and is along a Main Street (San Pedro Drive) and a Major Transit Corridor (Lomas Boulevard). The following policies apply:

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

c) Support improvements that protect stable thriving residential neighborhoods and enhance their attractiveness.

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The request furthers Policy 4.1.4 c) by allowing for redevelopment of a currently blighted site with a productive residential use that will add residents who can patronize nearby businesses, thus adding to the stability and attractiveness of the residential neighborhood.

Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

a) Create walkable places that provide opportunities to live, work, learn, shop, and play.

g) Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership.

The request furthers Policy 5.1.1 by adding medium density residential development adjacent to an Activity Center, Main Street, and Major Transit Corridor, which provides opportunities for future residents to walk to nearby commercial uses for jobs and shopping, as well as supporting transit ridership on the adjacent corridors.

Policy 5.1.9 Main Streets: Promote Main Streets that are lively, highly walkable streets lined with neighborhood oriented businesses.

b) Minimize negative impacts on nearby neighborhoods by providing transitions between Main Street Development and abutting single-family residential areas.

The request furthers Policy 5.1.9 by providing a transition from the Fair Plaza shopping center to the single-family residential to the north and increasing the number of residents who will visit neighborhood businesses.

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

a) Encourage higher-density residential developments within 1/4 mile of transit stops or stations.

The request furthers Policy 5.1.10 by adding residential density within ¼ mile of transit stops along Lomas Boulevard, a designated Major Transit Corridor.

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

b) Encourage development that offers choice in transportation, work areas, and lifestyles.

d) Encourage development that broadens housing options to meet a range of incomes and lifestyles.

f) Encourage higher density housing as an appropriate use in the following situations:

ii. In areas with good street connectivity and convenient access to transit;

iii. In areas where a mixed density pattern is already established by zoning or use where it is compatible with existing area land uses and where adequate infrastructure will be available;

v. In areas where a transition is needed between single family homes and much more

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intensive development.

The request furthers Policy 5.2.1 because additional multi-family development at the subject site allows for choice in housing and lifestyle, as well as providing more people the opportunity to live near transit, which meets various incomes and provides a transition from the intensive C-2 commercial development to the single-family neighborhood to the north.

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

The request furthers Policy 5.3.1 because the subject site is an infill parcel that is surrounded by existing infrastructure.

Policy 5.3.3 Compact Development: Encourage development that clusters buildings and uses in order to provide landscaped open space and/or plazas and courtyards.

The request furthers Policy 5.3.3 because the R-2 zone requires landscaped usable open space to be provided for each unit of the development.

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

The schools affected by this request all have capacity for more students, so the request should not be discouraged by Policy 5.3.5.

Policy 5.4.1 Housing near Jobs: Allow higher density housing and discourage single-family housing near areas with concentrated employment.

a) Prioritize high-density housing where services and infrastructure are available.

The request furthers Policy 5.4.1 because the change is for additional higher density housing that is located where services and infrastructure are available, as well as being located on the east side of the city in proximity to Uptown where significant employment exists.

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.

c) Foster a range of housing options at various densities according to each Center and Corridor Type.

d) Encourage higher density housing and mixed use development as appropriate land uses that support transit and commercial and retail uses.

f) Minimize potential negative impacts of development on existing residential uses with respect to noise, stormwater runoff, containments, lighting, air quality and traffic.

g) Encourage development where adequate infrastructure and community services exist.

h) Encourage development in areas with a highly connected street grid and frequent transit

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service.

The request furthers Policy 5.6.2 because the proposed development is located in an area with adequate existing infrastructure, a highly connected street grid, and transit service. Additional medium density housing in the area surrounding an Activity Center, Main Street, and Major Transit Corridor will provide housing options to residents and support for transit and nearby commercial uses. A traffic study was not required for this request, and city regulations will ensure any impacts related to noise, stormwater, air quality, and light are minimal.

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

- b) Ensure that development reinforces the scale, intensity and setbacks of the immediately surrounding area.
- f) Limit the location of higher-density housing and mixed use development to areas within 1/4 mile of transit stations and within 660 feet of arterials and Corridors as an appropriate transition to single-family neighborhoods.
- g) Provide setbacks and/or setbacks to protect solar access and privacy on abutting single family residential properties.

The request furthers Policy 5.6.3 because the R-2 zone is limited to 26 feet in height except where there is room to meet angle plane requirements, and based on lot sizes it would be difficult to meet those requirements in close proximity to any of the existing single-family residential to the north and west of the subject site. As such, the proposed development will allow for continued solar access and privacy on the abutting properties while providing a medium density transition within 660 feet of a Major Transit Corridor into the neighborhood.

Policy 5.6.4 Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

- a) Provide appropriate transitions between uses of different intensity or density and between non-residential uses and single-family neighborhoods to protect the character and integrity of existing residential areas.
- b) Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

The request furthers Policy 5.6.4 because the request will not generate enough trips to trigger the need for a traffic study and other regulations will ensure any potential negative impacts are minimized. In addition, the request provides a transition between more intense commercial uses and the single-family residential neighborhood that is more stable than the existing blighted office complex.

Policy 5.7.2 Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes,

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and quality of life priorities.

c) Avoid the use of SU-1 as a tool to negotiate design or use standards between stakeholders and limit its application to uses specified in the SU-1 zone.

The request is consistent with Policy 5.7.2 c) because the applicant has requested a "straight zone" to accomplish their objectives rather than pursuing an SU-1 designation.

Policy 5.7.5 Public Engagement: Provide regular opportunities for residents and stakeholders to better understand and engage in the planning and development process.

The applicant has met with the affected neighborhoods, including in a facilitated meeting, thus furthering the intent of Policy 5.7.5.

Policy 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

a) Increase the supply of housing that is affordable for all income levels.

i) Provide for the development of multi-family housing close to public services, transit and shopping.

The request furthers Policy 9.1.1 by allowing for additional market rate, medium density housing that will increase supply available for a variety of incomes in an area that is close to shopping and transit service.

Policy 9.1.2 Affordability: Provide for mixed income neighborhoods, by encouraging high-quality, affordable and mixed income housing options throughout the area.

b) Encourage a diversity of housing types, such as live/work spaces, stacked flats, townhouses, urban apartments, lofts, accessory dwelling units, and condominiums.

c) Encourage housing types that maintain the scale of existing single-family neighborhoods while expanding housing options.

d) Encourage the development of higher-density affordable and mixed income housing in Downtown, near job centers, and along transit corridors.

The request furthers Policy 9.1.2 by increasing the availability of mixed income apartment/townhouse style housing options along a Major Transit Corridor while maintaining the general scale of the neighborhood based on height and setback requirements.

Policy 9.2.1 Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design, and relationship to the street.

b) See Land Use Policy 5.2.1 for land use compatibility.

The request furthers Policy 5.2.1, so the request also furthers Policy 9.2.1 because the proposed development will be compatible with and enhance the surrounding neighborhood.

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Policy 9.3.2 Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

b) Encourage multi-family and mixed-use development in areas where a transition is needed between single-family homes and more intense development.

The request furthers Policy 9.3.2 because it allows for additional multi-family development in a transition area between more intense commercial development and a single-family neighborhood.

5. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
- A. The cited policies in Finding 4 support the statement that the request is consistent with the health, safety, morals, and general welfare of the city.
 - B. Stability of land use is maintained and enhanced by this request by replacing a blighted office complex with medium density residential. Residential uses are already allowed by the existing O-1 zoning up to 60% of the gross floor area with an approved conditional use, and the request to change the zoning to R-2 will allow for a 100% residential use. This solely residential development is consistent with other multi-family residential located nearby and offers an appropriate transition between the Fair Plaza shopping center and the single-family neighborhood to the north:
 - C. As shown in Finding 4, the proposed zone map amendment is not in significant conflict with, but rather furthers the applicable policies of the Comprehensive Plan.
 - D. The applicant has clearly demonstrated that the existing zoning is inappropriate because a different use category would be more advantageous to the community. The request to change the zoning will allow for redevelopment of the subject site in a way that will be advantageous to the community as articulated by numerous policies of the Comprehensive Plan as outlined in the Analysis section of the staff report above; therefore, the proposed R-2 zone designation is more appropriate for the subject site.
 - E. The requested R-2 zone is identical to the zoning of other properties in the immediate vicinity, and those existing uses are not harmful to those adjacent properties, the neighborhood, or community. Any future development of the subject site will comply with the requirements of the Zoning Code and other applicable regulations, which will limit the impacts of the development on adjacent properties.
 - F. Approval of the requested amendment will not require any capital improvements because the site is located in an area that already has sufficient infrastructure.
 - G. The cost of land or other economic considerations are not a determining factor in the request for a zone map amendment; rather the determining factor is the request being more advantageous to the community as articulated by the Comprehensive Plan.
 - H. The location of the subject site is not the sole justification for the requested zoning; rather, the request is based on the request being more advantageous to the community as articulated by numerous goals and policies of the Comprehensive Plan.
 - I. The request clearly facilitates realization of the Comprehensive Plan, and does not constitute a spot zone as the request is to change all of the existing zoning on the affected blocks to a different zone category and there are other properties with the same R-2

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designation located across the street.

- J. The request will not create a zone different than the surrounding zoning in a strip along the street, so this request does not constitute "strip zoning."
6. The Mile-Hi Neighborhood Association and property owners within 100 feet of this request were notified and a facilitated meeting was held. There is a general level of support for this project from the neighborhood as an improvement over the existing blighted office complex.
7. Six written comments of support and three written comments expressing concerns were submitted regarding this request.

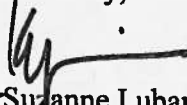
APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 29, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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

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

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

Sincerely,


Suzanne Lubar
Planning Director

SL/MV

cc: ELCO Mutual, c/o Paul J. Grawe, VP, 916 Sherwood Dr., Lake Bluff, IL 60044
DAC Enterprises, Inc c/o Doug Crandall, 1521 Edith Blvd NE, ABQ, NM 87102-1611
Mile-Hi N.A., Cynthia Serna, 1616 Cardenas Dr. NE, ABQ, NM 87110
Mile-Hi N.A., Julia North, 1509 Cagua Dr. NE, ABQ, NM 87110
Greg Perea, 1305 Cardenas Dr. NE, ABQ, NM 87110

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Ahmet Tijai, 1815 Cagua Pl NE, ABQ, NM 87110
Taz Alley, 1316 Dennison Rd SW, ABQ, NM 87105