

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

May 10, 2018

Robert J. Vigil
729 Montano Rd NW
ABQ, NM 87107

Project# 1011572
18EPC-40017 Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Lot 11-A, Zapf-Van Addition No. 10, zoned R-1, to O-1, located at 729 Montano Road NW, between Guadalupe Trail NW and 4th Street NW, containing approximately 0.5 acre.
(F-14) Staff Planner: Cheryl Somerfeldt

PO Box 0293 May 10, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 1011572/18EPC-40017, a Zone Map Amendment (Zone Change), based on the following Findings:

FINDINGS:

Albuquerque

NM 87103

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1. This is a request for a Zone Map Amendment (Zone Change) for all or a portion of Lot 11-A Zapf-Van Addition No. 10 located at 729 Montano Road NW between Guadalupe Trail NW and 4th Street NW and containing approximately 0.5 acres.
2. The request is to change the zone from the existing R-1 (Residential) zone to O-1 (Office) zone in order to change the primary use of the property from single family residential to the operation of an office use for a consulting business.
3. The subject site is currently developed with a single family residence in the front/southern portion bordering Montano Road NW with existing accessory structures located in the northern portion of the subject site. The applicant currently intends to utilize the existing building.
4. The Albuquerque/Bernalillo County Comprehensive Plan (Rank I), the North Valley Area Plan (Rank II), and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The Albuquerque/Bernalillo County Comprehensive Plan (Rank I) designates the subject site as being within an Area of Consistency, and Montano Road NW as a Major Transit Corridor. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

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- A. **Policy 4.1.1: Distinct Communities:** Encourage quality development that is consistent with the distinct character of communities.

The request furthers Policy 4.1.1 because the requested zone change will encourage quality development that is consistent with the distinct character of the community. The zone change will permit the existing structure to be transferred from a residential use into an office use. The historic residential character will be able to continue while the use is more appropriate due to the subject site's location on a designated Major Transit Corridor.

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

The request furthers Policy 5.1.10 because it prioritizes the high frequency traffic of Montañño Boulevard NW Major Transit Corridor by assigning a zone that is more appropriate to the existing traffic volume.

- C. **Policy 5.1.10 b):** Minimize negative impacts on nearby neighborhoods by providing transitions between development along Transit Corridors and abutting single family residential areas.

The request furthers Policy 5.1.10 b) because it provides a buffer between Montañño Boulevard NW and the abutting single family residential neighborhood to the north of the subject site.

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

h) Encourage infill development that adds complimentary uses and is compatible in form and scale to the immediately surrounding development

The request furthers Policy 5.2.1 and Policy 5.2.1 h) because it will allow an office use that is conveniently accessible from surrounding residential uses. The property is not being redeveloped at this time because the existing structures will be converted to the permitted uses, however, the subject site could be redeveloped in the future. The subject site is in an infill location since it is part of the existing urban fabric and on Montañño Road NW, a Major Transit Corridor with access to a Railrunner station. The O-1 zone is generally considered a complimentary zone that provides a transition between residential and more intense commercial zones which are appropriate for a transit corridor.

- E. **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 it supports development and growth in the area by allowing a slightly more intense set of uses in an appropriate location with existing infrastructure. The request promotes the existing development pattern of residential architecture styles among existing infrastructure and public facilities provided by the corridor. Montañño Road NW connects the area to the West Side of the City as well as the Railrunner line, which supports infill development.

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

b) Ensure that development reinforces the scale, intensity and setbacks of the immediately surrounding context.

The request furthers Policy 5.6.3 and Policy 5.6.3 b) because it is in an Area of Consistency, and the request reinforces the intensity of the surrounding area by providing a transition from the surrounding single-family neighborhoods to Montaña Road, a Major Transit Corridor. The requested zone change will permit the existing residential building to remain while permitting an office use. The subject site abuts properties currently being used as light commercial and an institution (church), therefore the request will permit blending along the corridor.

G. Policy 5.6.3 c): Carefully consider zone changes from residential to non-residential zones in terms of scale, impact on land use compatibility with abutting properties, and context.

The request furthers Policy 5.6.3 c) because it will be compatible with the surrounding residential, light commercial, and church properties and buffer the intense traffic from the Major Transit Corridor. The request will permit the appropriate office use while maintaining the existing residential scale, which is consistent with the architectural style of the corridor.

H. Policy 8.2.1: Local business: Emphasize local business development.

The request furthers Policy 8.2.1 because it fosters entrepreneurship and encourages private and local businesses to grow by permitting the applicant's local business to exist on the subject site.

6. The subject site is within the boundaries of the North Valley Area Plan (Rank II). Applicable policies include:

A. Goal 6: To encourage quality commercial/industrial development and redevelopment in response to area needs in already developed/established commercial industrial zones and areas. To discourage future commercial/industrial development on lots not already zoned commercial/industrial.

B. Zoning and Land Use Policies: The City and County shall stabilize residential zoning and land use in the North Valley Area.

C. Housing Policies: The City and County shall stabilize land use to protect affordable housing and land presently zone for housing.

- Policies 1a: Maintain and expand areas zoned for residential uses including A-1, R-1, MH.
- Policy 1b: Limit encroachment of non-residential uses into residential areas.
- Policy 1c: Encourage residential zoning of parcels with residential use.

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In general, the subject request does not further Zoning and Land Use Policies or Housing Policies in the North Valley Area Plan. However, the North Valley Area Plan has not been updated since the construction of the Montaña bridge or the widening of the roadway to a four-lane arterial, which forever destabilized the R-1 zoning along this stretch of Montaña Road NW. Since then, the updated Comprehensive Plan updated in 2017 designated Montaña Road NW as a Major Transit Corridor. The Rank I Comprehensive Plan policies supersede the Rank II North Valley Area Plan policies, and the request furthers Comprehensive Plan policies related to transit corridors and infill development. Staff finds that Zoning and Land Use Policies which primarily relate to the retention of residential zoning in the North Valley Area Plan do not apply to this property due to changed conditions.

D. Transportation Policies:

- Policy 1: The City and County shall encourage the smooth flow of traffic on arterials.
- Policy 1b: Limit access to Second Street, Alameda Boulevard, and Montaña Road.

In general, the subject request furthers Transportation Policies in the North Valley Area Plan. The request would reduce residential zoning on Montaña Road NW. The flow of traffic on Montaña Road NW during rush hour is not conducive to the stability of residential uses and residentially zoned lots that face this arterial.

7. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:

- A. Consistency with the City's health, safety, morals, and general welfare is shown by demonstrating that a request furthers applicable goals and policies from the Comprehensive Plan (and other plans if applicable), which the applicant has done as demonstrated in the response to Section C and re-stated in Section D.
- B. Zoning has not been consistent with land use in this corridor, in that many properties currently zoned residential appear to be operating commercial businesses. Construction of the Montaña bridge created a concentrated amount of traffic on Montaña, and it was subsequently designated a Major Transit Corridor. As a City grows and develops, it is typical for higher traffic corridors to convert from their historic residential uses to light commercial uses due to noise and lack of privacy; and using higher traffic corridor properties for office and commercial is a higher and better use. Office and light commercial uses are expected in this corridor due to the proximity to intense traffic; therefore, land use stability is furthered by the request.
- C. The request is not in significant conflict with adopted elements of the Rank I Comprehensive Plan as shown by the Comprehensive Plan policy analysis in this report. The Rank II North Valley Area Plan also applies to the subject property, and the request conflicts with some of the policies; however changed conditions has been shown to be the cause of the conflict. No Rank III Sector Development Plans apply to this area. Since this is a request for a straight zone and a Site Development Plan is not proposed at this time, issues such as site design, building design, materials, and compatibility with the surroundings cannot be evaluated except as they pertain to uses.

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- D. Changed neighborhood or community conditions due to the construction of the Montañío Road bridge increasing traffic levels beyond what is typically expected for a residential corridor have been adequately demonstrated to justify the requested zone change. The request would facilitate a use that is appropriate to the location, compatible with nearby uses, and would further applicable goals and policies in the Comprehensive Plan, as shown in the policy-based discussion in Section C.
 - E. The request is to change the zone from R-1 to O-1. The request would not be harmful to adjacent property, the existing neighborhood, or the community because the area has long been characterized by a mixture of residential, commercial, and industrial uses.
 - F. The request would not require major or unprogrammed capital expenditures by the City and the subject site is already served by existing infrastructure.
 - G. Economic considerations are a factor, but are not the determining factor for the request, which is that the requested zone is more advantageous to the community subsequent to the changed conditions along Montañío Road NW. The O-1 zone will allow for a transition between residential zones and the Major Transit Corridor as well as provide for employment opportunities in an appropriate location near transit and other commercial services.
 - H. The request would result in a spot zone because it would give an O-1 zone designation, different from surrounding R-1 and SU-1 zones, to one area. However, the applicant has demonstrated that the request would clearly facilitate realization of the Comprehensive Plan (see Section C).
 - I. The subject request would not constitute a "strip of land along a street" because it is an approximately 0.5 acre rectangular-shaped property, and therefore would not be suitable for strip commercial development.
8. The Los Poblanos Neighborhood Association and North Valley Coalition were notified along with property owners within 100 feet of the subject site as required. Staff has not received comments in support of opposition to the request.

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APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MAY 25, 2018**. 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,



David S. Campbell
Planning Director

DSC/CS

cc: Robert J. Vigil, 729 Montano Rd NW, ABQ, NM 87107
Arch + Plan Land Use Consultants, P.O. Box 25911, ABQ, NM 87125
Los Poblanos NA, Karon Boutz, 1007 Sandia Rd NW, ABQ, NM 87107
Los Poblanos NA, Don Newman, 5723 Guadalupe Trail NW, ABQ, NM 87107
North Valley Coalition, Doyle Kimbrough, 2327 Campbell Rd NW, ABQ, NM 87107
North Valley Coalition, Peggy Norton, P.O. Box 70232, ABQ, NM 87197