

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

February 15, 2024

Sun Lasso Energy Center, LLC
c/o Aypa Power Development, LLC
11801 Domain Blvd, Suite 450
Austin, TX 78758

Project # PR-2024-009768
RZ-2024-00003 – Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, Inc., agent for Sun Lasso Energy Center, LLC, requests a zoning map amendment (zone change) from NR-C to NR-LM, for all or a portion of Tract 69 AKA Tract 3, ROW 1, South of unit B, West of Westland, AKA lot 3, Block 1, Lands of Town and Tract 4, ROW 1, South of unit B, West of Westland AKA Lot 4, Block 1, Lands of Town of Atrisco, located at 10100 Central Avenue SW, between 102nd Street SW, and 98th Street SW, approximately 9.1 acres. (L-8-Z & L-9-Z)
Staff Planner: William Steele

On February 15, 2024, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2024-009768, RZ-2024-00003 – Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 9.1-acre site legally described as all or a portion of Tract 69 AKA Tract 3, ROW 1, South of unit B, West of Westland, AKA lot 3, Block 1, Lands of Town and Tract 4, ROW 1, South of unit B, West of Westland, AKA Lot 4, Block 1, Lands of Town of Atrisco, located at 10100 Central Avenue SW, between 102nd Street SW and 98th Street SW (the “subject site”).
2. The subject site is zoned NR-C (Non-Residential – Commercial Zone District). The applicant is requesting a zone change to NR-LM (Non-Residential – Light Manufacturing Zone District) to facilitate redevelopment of the subject site.
3. The subject site is in an area that the Comprehensive Plan designated an Area of Change.
4. The subject site is within 660’ of the Central Ave SW Major Transit Corridor and the Central Ave. Premium Transit Corridor, as designated by the Comprehensive Plan. Major Transit Corridors are to be served by high frequency and local transit (e.g., Rapid Ride, local, and commuter buses). These Corridors prioritize transit above other modes to ensure a convenient and efficient transit system.

Premium Transit Corridors are anticipated to be served by high-quality, high-capacity, and high frequency public transit.

5. The City of Albuquerque Integrated Development Ordinance (IDO) and the Albuquerque/Bernalillo County Comprehensive Plan are incorporated herein by reference and made part of the record for all purposes
6. The request furthers the following, applicable Policies regarding communities and efficient development patterns from Comprehensive Plan Chapter 5: Land Use:
 - A. 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 proposed zone change from NR-C to NR-LM furthers the policy by expanding the permissible uses which could allow for increased opportunity for regional growth along a Major Transit Corridor. The potential for development could contribute into a sustainable development pattern along Central Ave SW.
 - 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.
The zone change could encourage more productive use of vacant lots and under-utilized lots by changing the zoning from NR-C to NR-LM and could contribute in creating healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods. The zone change would allow permissible uses not permitted with NR-C zoning and could provide more opportunities for quality development to be built on the subject site which is in proximity to a major transit corridor.
 - C. Policy 5.3.1-Infill Development: Support additional growth in areas with existing infrastructure and public facilities.
The subject site is an infill site located in an area already served by existing infrastructure and public facilities. The subject site has access to water, sewer, transit services, a major transit road and electric infrastructure systems. The request would support additional growth in this area.
7. The request furthers the following, additional Goals and Policy regarding Centers and Corridors from Comprehensive Plan Chapter 5: Land Use
 - A. Goal 5.1 Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.
The subject site is located within 660' of a Major Transit Corridor, which are intended to be served by high frequency and local transit. In addition to being a within a Major Transit Corridor, the subject site is within 660' of the Central Ave SW Premium Transit Corridor. Premium Transit Corridors are anticipated to be served by high-quality, high-capacity, and high frequency public transit.
 - B. 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 proposed zone change would direct more growth and intense development in an Area of Change because the subject site is within 660' of a Major Transit Corridor and designated Premium Transit Corridor. The permissive uses could encourage more opportunities for development that might expand employment opportunities and job creation and where change is encouraged.

8. The request furthers the following Goals regarding City Development Areas from Comprehensive Plan Chapter 5: Land Use:

- 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 subject site is already served by existing infrastructure and public facilities such as being located near the intersection of Principal Arterials Central Ave SW and 98th St SW., so development made possible by the request would generally promote efficient development patterns and use of land.

- B. 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.

Because the subject site is an Area of Change it would further the goal by encouraging direct growth in the neighboring area where it is expected and desired. The subject site is surrounded by Areas of Consistency and the proposed zone change would ensure that the character and intensity of the surrounding area is reinforced and not hindered.

9. The request furthers the following, additional Policy regarding City Development Areas from Comprehensive Plan Chapter 8: Economic Development:

- A. Policy 8.1.3 Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending.

The proposed zone change furthers this policy by expanding the permissible uses allowed on the subject site and provides the opportunity for development by entities that could strengthen and diversify the economic base to help reduce reliance on government spending in an area that is slowly expanding its non-residential development.

10. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3)-Review and Decision Criteria for Zoning 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 generally furthers applicable Comprehensive Plan Goals and policies and does not significantly conflict with them.

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

- C. Criterion C: The subject site is located wholly in an Area of Change. Based on criteria C.3, the applicant's policy-based analysis demonstrates that the request would further a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning. The applicant also provided responses to the analysis based on the character, land use and economic development goals and policies of the Comprehensive Plan, based on the request. The uses associated with the zone change could be more advantageous to the community.
- D. Criterion D: The requested NR-LM zoning does include permissive uses that could be potentially harmful to adjacent properties, neighborhoods, or communities. The permissive uses such as adult entertainment, adult retail and helipad would not be permitted on the subject site because they do not meet the Separation of Uses requirement as mentioned by the applicant.

As stated by the applicant, the permissive, conditional, accessory, and temporary uses are very similar between the NR-C and NR-LM zones. There are a couple of permissible uses that have a potential to be harmful:

- Freight Terminal or Dispatch Center use has the potential to harm surrounding uses to possible noise pollution that could affect nearby residents. According IDO Section 14-16-4-3(D)(43)(a) if no building is provided on the premises, this use shall be screened from any adjacent Residential zone district.
- The conditional use Above-ground Storage of Fuels or Feeds has no specific use standards and has the potential to harm surrounding uses due to the storage of fuels that could possibly leak or ignite thus impacting nearby residents.

Furthermore, the IDO has Use-Specific standards in place that would contribute to mitigating uses that could be considered harmful. The conditional use Above-ground Storage of Fuels or Feeds would go to the Zoning Hearing Examiner for a decision.


- E. Criterion E: The subject site is an infill site that is adequately served by existing infrastructure and therefore meets requirement E.1.
- F. Criterion F: The subject site is located on Central Ave SW, and within 660' of a Major Transit Corridor and Premium Transit Corridor. Though this location factors into the applicant's policy analysis as being near Major and Premium Transit Corridors, the applicant is not completely basing their justification for the request upon the subject site's location on a major street.
- G. Criterion G: Economic considerations or cost of land are not factors, and the applicant's justification is not based upon them. Rather, the applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.
- H. Criterion H: This Zoning Map Amendment from NR-C to NR-LM does not create a "spot zone" that on a small site that is different from surrounding zone districts. The subject site is surrounded by similar non-residential zoning along and across Central Ave SW and is less than 700 ft away from two parcels totaling approximately 13 acres zoned NR-LM.

11. The applicant's policy-based response adequately demonstrates that the request clearly does not facilitate a "spot zone" and furthers a preponderance of applicable Goals and policies regarding land use, centers and corridors, infill and efficient development patterns, placemaking, and economic development; and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals, and general welfare.
12. The affected neighborhood organizations are South West Alliance of Neighborhoods (SWAN Coalition) and Route 66 West Neighborhood Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required. Staff is not aware of any opposition as of this writing.
13. A pre-application facilitated meeting was not requested.
14. As of this writing, Staff has not been contacted and is unaware of any opposition.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **March 1, 2024**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

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 IDO must be complied with, even after approval of the referenced application(s).

Sincerely,

for Alan M. Varela,
Planning Director

AV/WS/MJ

cc: Consensus Planning, Inc, Jacqueline Fishman, fishman@consensusplanning.com
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