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OFFICIAL NOTIFICATION OF DECISION

February 19, 2021

Insight Construction
3909 12th Street NW
Albuquerque NM, 87107

PR-2021-004918/RZ-2021-00003
Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, agent for Insight Construction, requests a Zoning Map Amendment from NR-LM to MX-M for Lots 99 & 100, Rio Grande Heights Addition, located at 301 and 303 Old Coors Dr. SW, between Churchill Rd. SW and Gonzales Rd. SW, approximately 0.65 acre (K-11-Z)

Staff Planner: Silvia Bolivar

On February 18, 2021, the Environmental Planning Commission (EPC) voted to approve Project #2021-004918, RZ-2021-00003, based on the following findings:

1. The request is for a zoning map amendment (zone change) for an approximately 0.65-acre site legally described as lots 99 & 100, Rio Grande Heights Addition.
2. The subject site is zoned NR-LM (Non-Residential – Light Manufacturing Zone District). The zoning was received as a conversion from the subject site's former zoning of M-1 (Industrial/Wholesale). The M-1 zone primarily referenced the NR-LM zone of the Comprehensive Zoning Code, which was how the Integrated Development Ordinance (IDO) zoning conversion to NR-LM was determined.
3. The applicant is requesting a zone change to MX-M (Mixed-Use-Medium Intensity Zone District) in order to facilitate new development that will support a daycare/school for children ages 6 months to 12 years.
4. The application was submitted on January 6, 2021 and is being reviewed using the November 2020 version of the Integrated Development Ordinance (IDO).
5. The subject site is in an Area of Change as designated by the Comprehensive Plan and is in the Southwest Mesa Community Planning Association (CPA). The Southwest Mesa is characterized by its' suburban subdivisions, impressive vistas, and connection to the Western mesa vista. The area has an arid mesa environment characterized by sand flats, dunes, and

escarpments dotted with scrub juniper and sage and is the “Gateway” to Albuquerque from the west, where I-40 and Route 66 separate from each other.

6. The subject site is located approximately 1100’ south of Central Avenue SW and west of Old Coors Drive SW. Central Avenue SW is designated a Premium Transit Corridor all the way to Tramway Blvd, and a Major Transit Corridor.
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 furthers the following applicable Comprehensive Plan Policies regarding Community Identity:

A. Goal 4.1. Character: Enhance, protect, and preserve distinct communities.

The subject property is located in an area that contains miscellaneous commercial, office, industrial and retail development that include a vehicle repair shop, audio/alarm customization, industrial equipment storage, and vacant buildings. The renovation/adaptive reuse of the site will help create a harmonious relationship between the proposed daycare/school and the existing surroundings that will enhance the unique qualities of the neighborhood through functional and visual relationships.

B. Policy 4.1.1 – Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

There are residential neighborhoods zoned R-1C to the west of the subject property that are in Areas of Consistency. The properties to the north of the subject site are in Areas of Change/Areas of Consistency while the areas to the south and east are in Areas of Change. The request is consistent with surrounding uses, which are mostly miscellaneous commercial and retail to the north. The area along Coors Drive SW is distinctly non-residential. The proposed development of the subject site that will include the currently abandoned warehouse and possible incorporation of the existing restaurant into its’ design will promote quality development that is consistent with the character of the community. Future redevelopment would be required to follow the design standards and regulations in the Integrated Development Ordinance (IDO), which would encourage quality development.

C. Policy 4.1.2 - Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The proposed development will protect the identity and cohesiveness of the neighborhood by incorporating the two existing buildings into the design of the daycare/school. The building scale will not be impacted as the warehouse is being adapted for reuse and the restaurant, currently in operation, will possibly be incorporated into the design. The zone change uses an existing zone in the area (adjacent to the north) that will support the redevelopment of the existing restaurant and vacant warehouse.

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

The request would facilitate the renovation/adaptive re-use at the NE corner of an intersection surround by other miscellaneous, commercial and office retail which would buffer it from the neighborhood to the west of the subject site. Further development under the MX-M zone would be subject to applicable IDO standards that serve to protect and preserve neighborhoods, even though the nearest neighborhood is approximately 460 feet west of the subject site. The proposed use will enhance, protect, and preserve the neighborhoods by locating the daycare/school in an area that is accessible to the surrounding neighborhoods thus allowing residents in the area to access the property by either walking or public transportation.

9. The request furthers the following applicable Comprehensive Plan Policies regarding Land Use:

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

The request would facilitate redevelopment of the subject site, which would provide additional opportunities for residents to work and shop in the area, although the subject site's small size (.65 acres) limits some of these opportunities. The request would foster complete communities where residents can live and work together because the daycare/school will be located within ½ mile of commuter rail and ¼ of mile to two or more bus lines to encourage the use of transportation, particularly for employees.

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

The requested zone change will create healthy, sustainable and distinct communities with a mix of uses by locating the daycare/school at the intersection of Old Coors Drive SW and Churchill Road SW that is easily accessible to surrounding neighborhoods. There are neighborhoods to the west of the subject site that are zoned R-1C that can easily access the daycare/school and allow the families to proceed to their work places nearby as the area has a mix of uses that offer employment opportunities. Sustainability will be achieved by the adaptive re-use of the abandoned warehouse and restaurant and down-zoning the two lots in order to allow development that will be more efficient and less consumptive on the area and existent lot. The requested MX-M zoning district is prevalent to the north of the subject site, so the mix of possible uses would not change much, particularly given the subject's site small size (.65 acres).

C. Goal 5.3 Efficient Development: 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 partially developed and served by existing infrastructure and public facilities, so the redevelopment made possible by the request would generally promote efficient development patterns and use of land. The redevelopment/adaptive reuse of the existing property for either the proposed use or any use listed in the Allowable Uses, Table 4-2-1:

Allowable Use, IDO, page 143-148 will help promote the patterns of development that exists in the area and will help ensure that the warehouse on the subject site not fall further into disrepair.

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

The subject property consists both of an underused lot (restaurant) and a vacant lot (vacant warehouse). The location of the daycare/school is within walking distance of public transportation as ABQ Ride Route 66 and ABQ Ride Route 766 have transit stops nearby. The location will also ensure that bicyclists have access to the site as Old Coors Drive SW (Old Coors) has an existing bicycle lane and there are proposed bike routes for Gonzalez Road SW/Don Luis Road SW.

E. Policy 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.

If the Proposed Zoning Map amendment were to be approved, it would foster employment opportunities on the West Side as the MX-M zone would allow for the daycare/school on the subject site to expand and offer more services than what is currently offered at their location further south. The larger center will allow for increased capacity in student enrollment thereby creating more employment opportunities. The Applicant believes that the overall employment will not be a major increase but staff disagrees as daycares/schools require qualified teachers, teacher aides, food, laundry, janitorial service, delivery, waste and refuse removal, security staff, in addition to general maintenance services. The services required by the center would add to the jobs available in the area which could be filled by local West Side residents.

F. 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 surrounding areas.

The request would facilitate redevelopment of the subject site that includes two lots, and thereby would encourage and direct growth to this Area of Change where growth is expected and desired. The areas immediately to the west of the subject site are residential zones and in Areas of Consistency that would benefit from the development of a daycare/school in order to allow nearby residents to take their children to daycare/school and then proceed to their place of employment.

G. 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 subject site is in an Area of Change, at the intersection of Old Coors Drive SW and Churchill Road SW, and 460 feet to the west of the subject site are Areas of Consistency (residential). In this Area of Change where a transition from residential to commercial has taken place over the past few years, the additional opportunities provided by the MX-M (daycare/school) zoning will direct more growth along this area while expanding employment opportunities.

H. 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 heights and massing.

The proposed MX-M zone transition lies between Areas of Change and Areas of Consistency and would provide an appropriate transition between uses of different intensity and density. The transition aspects of the proposed zone with less intense use as compared to NR-LM would provide buffering as an intermediate transitional zone thereby protecting the existing residential neighborhoods to the west of the subject site.

10. The request furthers the following Comprehensive Plan Policies regarding Transportation:

A. Goal 6.2 Multi-Modal System: Encourage walking, biking, and transit, especially at peak-hour commuting times, to enhance access and mobility for people of all ages and abilities.

The proposed zone change would facilitate the encouragement of access to transit as the area is close to Yucca Station located at Central and Yucca that serves lines 766. There are transit stops located throughout the area that are within walking distance of the proposed daycare/school. The area is near ABQ Ride Route 66 (Central Avenue) that runs east-west and serve families that live nearby, drop off their children at the daycare/school, and proceed to their places of employment. Biking would be encouraged as Old Coors Drive SW (Old Coors) has an existing buffered bicycle lane (conventional bike lanes paired with a designated buffer space) in both directions. Gonzalez Road SW/Don Luis Road SW have proposed bike routes. Central Avenue (Central) has a bike lane with a portion of the street a designated lane running in both directions. The area is walkable along Coors Drive SW and Churchill Road SW both can be used to access the residential neighborhoods nearby. With more people walking it also opens up possibilities for environmentally friendly means of public transportation and potentially improves air quality.

B. Policy 6.2.3 Pedestrian & Bicycle Activity: Provide direct pedestrian and bicycle access to and circulation within Centers, commercial properties, community facilities, and residential neighborhoods.

The existing bike lane along Old Coors Drive SW, Central Avenue, and Gonzales Road SW are easily accessible from the subject site. There have been recent sidewalk improvements along Coors Drive SW where they have been widened and are now ADA Compliant allowing for the area to be more pedestrian and bicycle friendly with access within commercial properties and residential neighborhoods.

11. The request furthers Goals and policies from Chapter 8: Economic Development

A. Goal 8.1 Placemaking: Create places where business and talent will stay and thrive.

The request would enable redevelopment of the subject site with a wider range in the age of students to attend the daycare/school. The wider range in age will allow for local teachers, staff

aides, custodial staff and perhaps even security staff to be employed locally. The request would create places where business and talent will stay and thrive in the SW section of Albuquerque.

- B. Policy 8.1.2 Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

The request furthers Policy 8.1.2 – Resilient Economy because the proposed Zoning Map Amendment will encourage economic developments efforts that will improve the quality of life for new and existing residents. A more robust and diverse economy will be created by allowing for the implementation of a larger daycare/school than what currently exists further south of the subject property. Daycares/schools require food, laundry, janitorial service, delivery, waste and refuse removal in addition to general maintenance services. These services could be performed by area residents that would improve the quality of life of new and existing residents. The implementation of a larger daycare/school will address the blight that currently exists on the property and in turn, this redevelopment may raise property values, attracts new businesses, and create a desirable place to live and work.

12. The request furthers the following Comprehensive Plan Policies regarding Resilience & Sustainability.

- A. Goal 13.5 Community Health: Protect and maintain safe and healthy environments where people can thrive.

The redevelopment of the abandoned warehouse and restaurant that are currently at the subject site will protect and maintain a safe and healthy environment by allowing for the daycare/school that is located further south to expand and increase the range of their students. The implementation of the daycare/school will allow adult family members may spend time at the daycare/school in several different ways including arriving with the children, picking them up to take them home, as well as spending time with them while at the center. The daycare/school may even function as a focus for human contact and stress reduction that would not be possible if it was not located near transit and residential neighborhoods. Also, with more people walking/bicycle riding it will open up possibilities for environmentally friendly means of transportation leading to potential improvement in air quality.

- B. Policy 13.5.4 Environmental Justice: Recognize and work to address adverse environmental impacts that are experienced disproportionately by underrepresented and at-risk communities, in order to help to improve the health outcomes of their residents over time.

Environmental justice will be promoted by providing employment opportunities in several areas mentioned under Policy 8.1.2 – Resilient Economy. The daycare/school could become the catalyst for change in the area by providing a healthy and safe environment that can help address environmental impacts in the area and provide employment opportunities for local residents.

13. 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:

OFFICIAL NOTICE OF DECISION

Project #2021-004918

February 18, 2021

Page 7 of 9

- 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's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and Policies regarding character, distinct communities, land uses, efficient development, west-side jobs, and multi-modal systems. Therefore, the request is consistent with the City's health, safety, morals and general welfare.
- 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 in an Area of Change, at the intersection of Old Coors Drive SW and Churchill Road SW, and 460 feet to the west of the subject site are Areas of Consistency (residential). In this Area of Change where a transition from residential to commercial has taken place over the past few years, the additional opportunities provided by the MX-M (daycare/school) zoning will direct more growth along this area while expanding employment opportunities.
- D. Criterion D: The applicant compared the existing NR-LM zoning to the proposed MX-M zoning and has clearly shown that the requested down-zoning would not include permissive uses that would be harmful to the adjacent properties, the neighborhood, or the community. The Use-Specific Standards in Section 16- 16-4-3 associated with the proposed use will adequately mitigate harmful impacts if there were to be any.
- E. Criterion E: The request meets the requirement that the City's existing infrastructure and public improvements have adequately served the subject site for many years and have adequate capacity to serve the development made possible by the change of zone. The lots are served by the existing roadway network including Old Coors Drive SW and Churchill Road SW street frontage, nearby transit, water/sewer services, and storm drainage systems.
- F. Criterion F: The requested zone change is not completely based on the property's location on a major street. The property is located on Old Coors Drive SW, between Churchill Road SW and Gonzales Road NW. Old Coors Drive SW is classified as an Urban Minor Arterial.
- G. Criterion G: Economic considerations are not a factor. The justification is also not based completely or predominantly upon the cost of land. The main purpose of the request is to change the zoning in order to facilitate the development of a daycare/school for children aged 6 months to 12 years.
- H. Criterion H: The request will not create a spot zone because the subject site is adjacent to existing MX-M zoning to the north and the uses of the subject property will be more appropriate.

OFFICIAL NOTICE OF DECISION

Project #2021-004918

February 18, 2021

Page 8 of 9

14. The applicant's policy analysis adequately demonstrates that the request furthers applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with it. Based on this demonstration, the proposed zone category would be more advantageous to the community than the current zoning.
15. Consensus Planning has spoken to the owner of 300 55th Street who had requested a facilitated meeting. Her concern is that they have dogs that get very aggressive when someone approaches the fence between the two properties and they do not want a child to be bitten. Mr. Jim Strozier of Consensus Planning informed them that as part of the improvements to the property, they will be improving the fence to make sure that it is not a concern and will most likely build a new one. That was really her only concern and she thanked him for explaining the intent with the property. Her concerns have been satisfied.
16. The affected neighborhood organizations are the Alamosa Neighborhood Association, Crestview Bluff Neighbors Association, South West Alliance of Neighborhoods (SWAN), Westside Coalition of Neighborhood Associations, South Valley Coalition of Neighborhood Associations. Property owners within 100 feet of the subject site were also notified as required. A pre-application meeting was not requested.
17. Staff has not received a letter of opposition from the tenant/potential owner of 309 Old Coors Drive SW, south of the subject site. The tenant is opposing any kind of zone change and would like for the area to remain only as an NR-LM zone. They are concerned about the noise that is generated from the uses on their property and how these noises will affect the children, specifically during their nap time. They also mentioned that they are planning on expanding the services they provide and, in the future, will be manufacturing concrete masonry units (CMU's). They are concerned about the dust and noise and how this will severely impact the property next door as there is only 24" separating the two buildings on each property. Staff has received documentation from Insight Construction who met with their client, Little World Daycare, who have assured them that they have no concerns about noise from neighboring properties as they are planning significant improvements to the property to include the addition of insulation to the structures as part of their work.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **March 5, 2021**. 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(U) of the 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 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).

Sincerely,

for Brennon Williams
Planning Director

BW/SB

cc:

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EPC file