

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



OFFICIAL NOTIFICATION OF DECISION

April 15, 2021

Cerdo En La Bolsa LLC
1907 Buena Vista Dr. SE #100
Albuquerque, NM 87106

Project #2021-005199
RZ-2021-00008 – Zone Map Amendment (zone change)

LEGAL DESCRIPTION:

Modulus Architects Inc., agents for Cerdo En La Bolsa LLC and M&C Enterprises, requests a Zoning Map Amendment for all or a portion of Lot C, Block C, American Square Addition, located at 3101 Menaul Blvd NE, between Bryn Mawr Pl NE and Richmond Dr NE, approximately 6.0 acre (H-16-Z)
Staff Planner: Sergio Lozoya

On April 15, 2021, the Environmental Planning Commission (EPC) voted to approve Project #2021-005199/RZ-2021-00008, a Zoning Map Amendment (zone change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 6.0-acre site legally described Lot C, Block C, American Square Addition and comprising a portion of land between Bryn Mawr Pl NE and Richmond Dr, along the northern portion of Menaul Blvd NE (3101 Menaul Blvd NE) (the “subject site”).
2. The subject site is located in the American Square complex, a commercial shopping center that was conceptualized in the late 1980s and has developed according to the American Square Site Development Plan. The subject site is occupied by a few businesses including a coffee shop, a computer service center, and an urgent care center. The subject site is currently about 66% vacant, the portion that is vacant used to be a large box retail and is no longer in operation.
3. The subject site is zoned MX-M (Mixed Use-Medium Intensity Zone District). The applicant is requesting a zone change to NR-C (Non-Residential Commercial) to facilitate future development of the subject site with commercial uses.
4. The subject site is in an area that the Comprehensive Plan designated an Area of Change and is within the boundaries of the American Square Activity Center. The subject site is governed by a Site Plan – EPC.
5. Menaul Blvd NE is a designated Multi-Modal Corridor and is designated as a Principal Arterial. Multi-Modal corridors are anticipated to be served by high-frequency and local transit.

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 furthers the following, applicable Goal and Sub-policies regarding growth and 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 in American Square, a designated Activity Center. Activity Centers are meant to provide convenient day-to-day services to residences within a 20-minute walking distance or a short bike ride. The request for Non-Residential – Commercial would introduce additional commercial services to serve the nearby community. This request would strengthen the established American Square Center by facilitating growth in an appropriate location and in accordance with the Comprehensive Plan, and along a designated Multi-Modal Corridor (Menaul Blvd. NE).

- B. 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 for the NR-C zone would allow a development of a wide variety of commercial uses in the established American Square Center, and would make the Activity Center more sustainable by filling the vacant portion of the subject site.

- C. Subpolicy 5.1.1a: Create walkable places that provide opportunities to live, work, learn, shop, and play.

The request would add commercial uses in the established American Square Center, which is located along Menaul Blvd, a multi-modal corridor. The filling of the partially vacant site would provide the nearby neighborhood residents, shoppers, and employees the opportunity to work learn shop and play. The proximity to transit and neighborhoods generally makes the area more walkable.

- D. Subpolicy 5.1.1c: Encourage employment density, compact development, redevelopment and infill Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

The requested zone change provides an opportunity for infill development and redevelopment on the subject site, which is currently roughly 50% vacant. The zone change to NR-C would accommodate growth in an appropriate Activity Center along a multi-modal corridor.

- E. Subpolicy 5.1.1f: Discourage the development of detached single-family housing as an inappropriate use in Centers and along Corridors.

The subject site is in a designated Center and along a designated Corridor. The request, which would result in NR-C zoning, does not allow single-family detached housing.

8. The request furthers the following, additional policies regarding Centers and Corridors from Comprehensive Plan Chapter 5: Land Use:

- A. **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 direct more intense growth and development of uses allowed in the NR-C (Non-Residential – Commercial) zone to an Area of Change that is in a designated Center (American Square) and along a designated Multi-Modal Corridor (Menaul Blvd NE).

- B. **Policy 5.1.11- Multi-Modal Corridors:** Design safe Multi-Modal Corridors that balance the competing needs of multiple modes of travel and become more mixed-use and pedestrian-oriented over time.

The request would facilitate the redevelopment of the existing, aging, auto oriented American Square Activity Center. Filling the vacant portion of the building provides an opportunity to activate this shopping center and giving shoppers or workers that walked, biked, rode transit, or drove to the shopping center more commercial services.

9. The request furthers the following Goal and policies in Chapter 5-Land use, with respect to complete communities.

- 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 area residents to work, shop, and perhaps learn and play, together, and would generally foster such a community. No residential is allowed in NR-C zones, but there are several neighborhoods near the subject site.

- 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 request would generally contribute to creating a healthy and sustainable community because it would facilitate development of a mix of commercial uses that would be accessible from the surrounding neighborhoods via designated transit corridors, which encourages transit use, walking, and biking. The requested zone change is within the American Square Activity Center, and would contribute to the redevelopment of an outdated, car-centric shopping center.

- C. **Subpolicy 5.2.1(a):** Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

The request would facilitate redevelopment and development on the subject site, which is adjacent to an established neighborhood. Any new goods, services, and amenities would be within walking and biking distance of this neighborhood and of nearby neighborhoods. The subject site's location at a designated arterial that is also a multi-modal corridor promotes good access by vehicles and transit.

- D. **Subpolicy 5.2.1(b):** Encourage development that offers choice in transportation, work areas, and lifestyles.

The zone change request would facilitate development that offers choice in transportation, work areas, and lifestyles because the subject site is located near several neighborhoods and is on Menaul Blvd., a multi-modal corridor which offers consistent transit services. Nearby residents can choose to bike, walk, or drive a car to the development to shop or work.

F. Subpolicy 5.2.1(h): Encourage infill development that adds complementary uses.

The zone change to NR-C would add complementary uses to the American Square Activity Center because the Activity Center is largely zoned MX-M, and MX-H, and the NR-C zone would offer commercial uses not available in the MX-M and MX-H zones.

10. The request furthers the following Goals and policy regarding infill and efficient development patterns in 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, so the redevelopment made possible by the request would generally promote efficient development patterns and use of land.

B. 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 request would support additional growth in this established Activity Center.

C. Policy 5.3.2- Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The request discourages growth in areas without existing infrastructure and public facilities by facilitating growth in an Area of Change and an Activity Center where growth and development are desired. The subject site is located within a well-established area of the City, where there are existing infrastructure and public facilities.

11. The request furthers the following Goal, policy, and sub-policies regarding city development areas in chapter 5-Land Use.

A. 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.

The subject site is located in American Square, a designated Activity Center within an Area of Change. The request for Non-Residential – Commercial would introduce additional commercial services to serve the nearby community and encourages and directs potential growth to an area that is desired.

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 request furthers the above policy because it facilitates and directs growth and more intense commercial uses to the American Square Activity Center, which is located along Menaul Blvd. an established multi-modal corridor.

C. Subpolicy 5.6.2(b): Encourage development that expands employment opportunities.

The zone change from MX-M to NR-C allows for more intense commercial uses such as big-box stores, and hardware stores which often provide employment opportunities.

D. Subpolicy 5.6.2(g): Encourage development where adequate infrastructure and community services exist.

The subject site exists along a multi- modal corridor and within the American Square Activity Center which is well established. The subject site is currently built out, but is roughly 50% vacant, the request would facilitate the occupancy and potential redevelopment.

E. Subpolicy 5.6.2(h): Encourage development in areas with a highly connected street grid and frequent transit service.

The request facilitates and encourages potential growth and redevelopment to the subject site which is located on Menaul Blvd, a designated Multi-Modal Corridor. The subject site is adjacent to a multi-modal corridor that is part of a highly connected street grid with frequent transit service.

12. The request furthers the following Goal, and policy regarding placemaking in chapter 8-Economic Development.

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

If granted, the zone change would facilitate the occupancy and potential redevelopment of the vacant portion of the subject site and will help strengthen the shopping center. The rezoning and occupancy of the site will promote longevity and allow businesses within to stay and thrive.

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 subject site is currently roughly 50% vacant. Vacant buildings are not being used to their potential and do not contribute economically to the City. The zone change request fosters a robust, resilient and diverse economy by allowing more commercial uses and can facilitate the redevelopment and occupancy of the vacant space.

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:

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 demonstrates that the request furthers a preponderance of applicable Goals and policies regarding land use, transit corridors, redevelopment and infill, Areas of Change, and economic diversity. 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 located wholly in an Area of Change. The applicant's policy-based analysis (see response to Criterion A) 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.

D. Criterion D: The applicant compared the existing MX-M zoning and the proposed NR-C zoning. Uses that would become permissive under the NR-C zone, which are not currently allowed, are Kennel, Nursery, Heavy vehicle and equipment sales, rental, fueling, and repair, Construction contractor facility and yard, Self-storage, Other outdoor entertainment, Building and home improvement materials store, General retail (large), Liquor retail, Cannabis cultivation, Cannabis-infused products manufacturing, Light manufacturing, Recycling drop-off bin facility, Warehousing, and Wholesaling and distribution center.

The applicant discussed, in-depth, all new permissive uses and included discussion on those that have potential to be harmful: Heavy vehicle and equipment sales, rental, fueling, and repair, Construction contractor facility and yard, Building and home improvement materials store, Liquor retail, Cannabis Cultivation, Cannabis-infused products manufacturing, Light manufacturing, and Recycling drop-off bin facility. The applicant discusses the applicable IDO Use-Specific standards and State laws that would adequately regulate these uses and mitigate any potential harm to the surrounding properties, the neighborhood, or the community.

E. Criterion E: Staff agrees that 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 (requirement 1).

F. Criterion F: Staff agrees that the subject site's location along designated Menaul Blvd, which is classified as a Principal Arterial provides rationale for the proposed NR-C zoning. However, this is not the primary reason for the request. Rather, this rationale is tied to the policy analysis, which shows that the request furthers a preponderance of applicable Goals and policies regarding complete communities, development patterns, redevelopment, Corridors, and economic development.

G. Criterion G: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them or upon the cost of land. The applicant already owns the subject site. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.

H. Criterion H: The request would not result in a spot zone because it would not apply a zone different from surrounding zone districts. NR-C zoning exists in the immediate area to the west, and southwest.

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. The affected neighborhood organizations is the District 7 Coalition of Neighborhood Associations and was notified as required. Property owners within 100 feet of the subject site were also notified as required.
16. As of this writing, Staff has not received any correspondence or phone calls 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 **April 30, 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(V) 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/SL

cc: Cerdo En La Bolsa LLC (Property Owner), 1907 Buena Vista Dr. SE #100 Albuquerque, NM 87106
M&C Enterprises (Future Property Owner), lia@kingcapitalcre.com
Modulus Architects, Inc., awilliamson@modulusarchitects.com, rokoye@modulusarchitects.com
District 7 Coalition of Neighborhood Associations, Lynne Martin, lmartin900@aol.com
District 7 Coalition of Neighborhood Associations, David Haughawout, davidh.d7@comcast.net
Legal, avarela@cabq.gov
EPC File