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OFFICIAL NOTIFICATION OF DECISION

April 15, 2021

Eduardo Esquivel
2408 Mervosh Place SW
Albuquerque, NM 87105

Project #2021-005200
RZ-2021-00009—Zoning Map Amendment (zone change)

LEGAL DESCRIPTION:

ARCH+PLAN, agent for Eduardo Esquivel, requests a Zoning Map Amendment from R-1B to MX-L for Lot D, Block J, Northern Heights Addition, located at 601 Estancia Drive NW, approximately 0.40 acre (J-11)
Staff Planner: Silvia Bolivar

On April 15, 2021, the Environmental Planning Commission (EPC) voted to Approve Project # 2021-005200/RZ-2021-00009, 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 0.40-acre site legally described as Lot D, Block J, Northern Heights Addition, located at 601 Estancia Drive NW, between Daytona Road NW and Fortuna Road NW.
2. The subject site is zoned R-1B (Single-Family Zone District – Medium Lot). The zoning was received as a conversion from the subject site's former zoning of R-1 (Residential). The R-1B zone primarily referenced the R-1 zone of the Comprehensive Zoning code which was how the Integrated Development Ordinance (IDO) zoning conversion to R-1B was determined.
3. The Applicant is requesting a zone change to MX-L (Mixed-Use Low Intensity Zone District) in order to develop the subject site and relocate his light vehicle repair shop to it.
4. The subject site is in an Area of Consistency as designated by the Comprehensive Plan and is in the Southwest Mesa Community Planning Area (CPA).
5. The subject site is located approximately 600 feet from Coors Boulevard, a Major Transit Corridor as designated by the Comprehensive Plan. The subject site is within the 660-foot buffer of Coors Boulevard.

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 Goals and policies from Chapter 4: Community Identity:

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

The request for a Zoning Map Amendment to facilitate future development of the site would contribute to enhancing, protecting, and preserving the community by allowing for the development of a vacant lot that is near residential neighborhoods. The request would also expand the area's mix of uses to neighborhoods that are mostly zoned R-1B. MX-L zoning is found north of the subject site at Le Petite Academy (Daycare) and Volcano Plaza (Shopping Center). If the Zoning Map Amendment were to be approved, the Applicant would be required to submit a Site Plan- DRB for development of the property and the site plan would be subject to IDO requirements. Neighborhood edges (14-16-5-9), landscape buffering and screening (14-16-5-9), and mixed-use low intensity dimensional standards (14-16-5-1) would have to be followed in order to protect and preserve the distinct community of the Southwest Mesa CPA.

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

The requested Zoning Map Amendment to MX-L from R-1B will help activate the site that has always been vacant due to its' existing zoning of R-1B and will serve the surrounding area which is largely single-family residential. The request will not greatly impact the area but will help transition to permissive uses for retail and commercial development that are intended to be neighborhood in scale. The purpose of the MX-L zoning is intended to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. Furthermore, if the Zoning Map Amendment is approved, it will reinforce the neighborhood identity by allowing for development of a vacant lot. The zone change uses an existing zone that is found north of the subject site at the Le Petite Academy and Volcano Plaza. If the Applicant should decide not to relocate his current light vehicle auto repair shop to the subject site, further development under the MX-L would be subject to applicable IDO standards that would serve to protect and preserve the identity and design of the neighborhood.

8. The request furthers the following Goals and Policies from Chapter 5: Land Use:

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

The request would facilitate development 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 (0.40 acre) limits some of those opportunities. The request would foster complete communities where residents can live and work together because the proposed light vehicle auto repair shop will be within walking distance of residential neighborhoods and ¼ of a mile to transit stops on Coors Boulevard for Ride Route #155.

- 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 requested zone change will create healthy, sustainable and distinct communities with a mix of uses by locating the light vehicle auto repair shop at the intersection of Daytona Road NW and Estancia Drive NW that is easily accessible to surrounding neighborhoods. There are neighborhoods that are zoned R-1B to the east and south of the subject site that can easily drop off their vehicles to be serviced/go to work at the subject site and return home walking.

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

The requested MX-L zone will encourage development that will bring a light vehicle repair shop within walking distance of the residential neighborhoods nearby while promoting good access for all residents due to its' location.

- D. Subpolicy e) Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

A healthy and sustainable community with a mix of uses will be created as the currently vacant lot will be developed and use existing infrastructure that is accessible to surrounding neighborhoods.

- E. Subpolicy k) Discourage zone changes to detached single-family residential uses on the West Side.

The MX-L zone does not include single-family residential permissive uses.

- F. Subpolicy n) Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The proposed Zoning Map Amendment would allow for the development of a single, vacant lot that has been undeveloped due to the current zoning. The MX-L zone will allow for a more productive use of the vacant land by allowing the light vehicle repair shop to relocate to the subject site if the Zoning Map Amendment were to be approved.

- G. Goal 5.3 – Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient land use of land to support the public good.

The surrounding neighborhoods are already developed and even though the subject site is not, the area is served by existing infrastructure and public facilities, so the development made possible by the request would generally promote efficient development patterns and use of land.

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

The subject site consists of a vacant lot and infill development generally occurs on vacant and underused lots in otherwise built-up sites or areas. The location of the subject site is within walking distance of public transportation (Ride Route #155) that has transit stops on Coors Boulevard. There are also bicycle routes/paths nearby (Fortuna Road/Coors Boulevard) that could be accessed if someone was to work at the repair shop and not have automobile transportation readily available.

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

The request would expand mixed use development where infrastructure and public facilities already exist.

- J. Goal 5.6 – City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired to ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The request would further this Goal because Areas of Change are located further north of the subject site and would reinforce the character and intensity of those areas. The request would facilitate development of the subject site that consists of one lot and would thereby encourage and direct growth to the area. The areas immediately to the east and south of the subject site are residential zones in Areas of Consistency that would benefit from having a light vehicle auto repair shop nearby.

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

The subject site is in an Area of Consistency, where the Comprehensive Plan encourages support of zone changes in predominantly single-family residential neighborhoods that help align the appropriate zone with existing land uses. The zone change will ensure that the development will reinforce the scale, intensity and setbacks of the immediately surrounding context. The properties to the north of the subject site are already zoned for mixed-use development therefore the requested MX-L zone would be consistent with the character of those areas.

- L. Sub-policy 5.6.3d – In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses:

The requested MX-L zone furthers subpolicy 5.6.3d because it would bring the zoning of the site into alignment with existing land uses further north of the subject site.

9. The request furthers Goals and Policies from Chapter 8: Economic Development:

- A. Goal 8.2 – Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private business to grow.

The requested MX-L zone will permit the Applicant to operate a local business that has been in service for over 20 years at various locations thereby fostering a culture of entrepreneurship along with encouraging private business to grow.

- B. Policy 8.2.1 – Local business: Emphasize local business development.

The requested MX-L zone will permit the Applicant to operate a local business that has been in service for over 20 years thereby emphasizing local business 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 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 community identity, identity and design, land use, infill development, entrepreneurship, and local business.
- B. Criterion B: The subject site is located wholly in an Area of Consistency but the MX-L zone is more advantageous to the community. The site was never developed with single family residential uses due to it being owned by the religious institution to the west of the subject site. The applicant's policy-based analysis (Criterion 3) 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.
- C. Criterion C: The subject site is located wholly in an Area of Consistency, so this Criterion does not apply.
- D. Criterion D: The requested MX-L (Mixed-Use-Low Intensity Zone) and use of the subject site are intended to be more neighborhood in scale. Permissive uses in the MX-L zone are listed above, specifically in the Motor Vehicle Related category. Light vehicle repair could be harmful to nearby residences to the east of the subject site, but the IDO's Development Standards serve to limit the overall density on the site, specifically for this 0.40 acre site. The MX-L will allow for more flexibility but yet will be under the jurisdiction of the IDO.
- E. Criterion E: The City's existing infrastructure and public improvements have adequate capacity to serve the development made possible by the zone change.

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- F. Criterion F: The Applicant's justification is not completely based on the property's location on a major street. The property is located on Estancia Drive NW, between Fortuna Road NW and Daytona Road NW, which are both local roads.
- G. Criterion G: Economic considerations are always a factor, but the Applicant's justification for the MX-L zone is not based completely or predominantly on the cost of land or economic considerations. Rather, the Applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies.
- H. Criterion H: The request will not create a spot zone. The proposed zoning will be consistent with zone districts to the north of the subject site and the uses for the property will be more appropriate.
11. 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.
12. The affected neighborhood organizations are the West Mesa Neighborhood Association , South West Alliance of Neighborhoods (SWAN), and the Westside Coalition of Neighborhood Associations, which were notified as required. Property owners within 100 feet of the subject site were also notified as required. As of this writing, Staff has not received any correspondence or phone calls.
13. A pre-application neighborhood meeting was held on February 9, 2021 with members of the West Mesa Neighborhood Association. The Association generally supports the development that the request would facilitate. A letter of support from the West Mesa Neighborhood Association dated February 11, 2021 was submitted as part of the application.
14. As of the writing of the Staff report, Staff did not receive communication of support or opposition. At the public hearing, three members of the public spoke in opposition and one member of the public spoke in support. Concerns included proximity of potential light vehicle repair use near residential uses, buffering, and traffic.

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/SB

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