

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

January 18, 2024

City of Albuquerque
Fire and Rescue
PO Box 1293
Albuquerque, NM 87103

Project # PR-2023-007518
RZ-2023-00047– Zoning Map Amendment
(Zone Change)
SI-2023-01498– Site Plan - EPC

LEGAL DESCRIPTION:

Modulus Architects & Land Use Planning, Inc., agent for Vientecillo LLC, requests a zoning map amendment from MX-L to R-ML, for all or a portion of Tract B-1, Plat of Tracts A-1, A-2, B-1 & C-1, Cibola Loop Subdivision, located on Cibola Loop NW, west of Coors Bypass NW and north of Ellison Dr. NW, approximately 5.2 acres (A-13-Z)
Staff Planner: Dustin Kiska

On January 18, 2024 the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2023-007518, RZ-2023-00047– Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 2.5- acre site described as Tract 1-B, Cibola Loop NW (the “subject site”) located at 9999 Ellison Rd. NW, west of the intersection of Ellison Dr NW and Coors Boulevard NW.
2. The subject site is zoned MX-L (Mixed Use Low-Intensity) and is currently undeveloped. The applicant is requesting a zone change to R-ML (Residential – Multi-Family Low Intensity Zone District), which will bring the non-conforming use of the subject site into compliance with its zoning.
3. The subject site is in an area that the Comprehensive Plan designated an Area of Change and is in the Northwest Mesa Community Planning Area (CPA). It is not within a designated Center but it is along a designated Major Transit Corridor, Ellison Dr. and Cibola Loop. The subject site is within ¼ mile of the Northwest Transit Station Area, as designated by the Comprehensive Plan.
4. The request furthers the following Goal and Policies from Chapter 4: Community Identity:
 - A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities
The R-ML zone district will bring the site into compliance with the IDO and help preserve and protect this longstanding community from potentially harmful uses and match the surrounding

residential character of the area. It will limit the number of new uses for development of the site and promote the development of a range of uses allowed by the proposed R-ML zoning.

- B. Policy 4.1.1 Distinct Communities – Encourage quality development that is consistent with the distinct character of communities. The requested R-ML zone would protect the cohesiveness of the neighborhood by bringing the subject site’s zoning into compliance with its multi-Family land use that matches the surrounding neighboring zone designations, thus permitting the existing character to be similar to the adjacent properties.
- 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 request protects the identity and cohesiveness of the neighborhood because the R-ML zone district standards will ensure the appropriate scale and location of development to be consistent with the surrounding neighborhood. The request would establish a zone district that better matches the neighboring multi-family and single-family residential and institutional land uses. The requested R-ML zone district is compatible with surrounding land uses and zoning patterns, which would act to reinforce and strengthen established character and protect identity and cohesiveness of the surrounding area.

5. 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, shop, and play together. The request furthers goal 5.2 because it allows for and reinforces the same type of housing found on the adjacent sites which will allow more possibilities for residents to live near the Cottonwood Employment Center and other city services like, a future Multi-Generational Center, public schools, and a transit center that will connect residents to further live, work, shop and play options
- 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 subject site is located in close proximity to a mix of institutional, retail, and commercial uses the most notable being the Cottonwood Employment Center. The nearby amenities and employment center are within walking distance, or serviced by an existing park and trail and bikeways infrastructure connecting adjacent neighborhoods including a Transit Center to the east which provides convenient accessibility to other areas of the city. Health, and distinction of this site would be promoted in the form of walkability. Self-sustainability of the site is reinforced by the live, work, recreation and shop options in close proximity. All make this site vibrant and distinct from other areas of the city.

- C. 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 request could promote efficient development patterns because it would allow uses that are consistent with development north, east and west of the subject site. The R-ML zone district

would permit a range of uses allowed and bring the site into compliance with the surrounding areas. The request helps preserve an existing community and allows for maintenance, improvement, or expansion on this infill site, which would ensure the property maximizes the utility of existing adjacent

- D. 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 within an Area of Change. The request could facilitate development that is consistent with the adjacent residential land uses. The proposed zone change from MX-L to R-ML could encourage more specific low-intensity growth to an area of change.

- E. 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 could facilitate future growth and development of the subject site, with a range of uses allowed by the proposed R-ML zoning. The subject site is in an Area of Change, and within ¼ mile of two Major Transit Corridors. The request to R-ML would allow a variety of moderate intensity uses within an Area of Change.

6. The request furthers the following Goal and Policy from Chapter 9: Housing:

- A. Policy 9.2.1 - Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e., urban, suburban, or rural – with appropriate densities, site design, and relationship to the street.

The requested zone change to R-ML generally furthers Policy 9.2.1 by encouraging the future development of housing that could enhance the character of the surrounding neighborhood consisting of both single-family and multi-family residential as well as institutional and commercial land uses. The R-ML zone district would ensure appropriate density, site design and relationship to the street that is consistent with the surrounding Residential land uses.

- B. Policy 9.3.1 – Centers & Corridors: Encourage higher density, multi-unit housing and mixed-use development in downtown, Urban activity, and Village Centers, and along Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas.

The subject site not within a Center but it is located within the Ellison Drive and the Cibola Loop, Major Transit Corridors. The zone change request allows a range of uses allowed by the proposed R-ML zoning, where walkability is encouraged and where transition between single-family and multi-family residential affordable housing is needed. The request encourages lower density residential development as appropriate uses near existing public facilities, educational facilities, job centers, social services, and shopping districts.

7. 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. 14-16-6-7(G)(3)(a): Applicable Citations: Goal 4.1 Community Identity, Policy 4.1.1 Distinct Communities, Policy 4.1.2 Identity and Design, Goal 5.2 Complete Communities, Goal 5.2.1 Land Use, Goal 5.3 Efficient Development Patterns, Goal 5.6 City Development Areas, Policy 9.2.1 Compatibility, and Policy 9.3.1 Centers & Corridors.

The applicant’s policy-based response adequately demonstrates that the request furthers a preponderance of applicable goals and policies regarding community character, land use, and housing and does not present any significant conflicts with the Comprehensive Plan. Based upon the applicant’s responses, the request clearly reinforces and strengthens the City’s health, safety, and morals and general welfare, as well as the character of the area surrounding the subject site.

B. 14-16-6-7(G)(3)(b) The subject site is located wholly in an area of change, therefore criterion B does not apply to this request.

C. 14-16-6-7(G)(3)(c): The subject site is located wholly in an Area of Change. A zone change from MX-L to R-ML will reinforce and strengthen the established character of the subject site and surrounding parcels. A different zone district (R-ML) would be more advantageous by creating less harm to the community than the existing zone districts. The request would further Comprehensive Plan goals and policies relating to community character, land use, and housing.

D. 14-16-6-7(G)(3)(d): The applicant is requesting a change to R-ML which is a downzone from the existing MX-L zone district on the subject site. There are allowable uses under the MX-L zone that would be considered more harmful and undesirable such as: cannabis, restaurants, bars (conditionally), car wash, gas stations (conditionally), and drive through facilities.

The proposed Residential – Multi-Family zone district is limited to low-density residential land uses that are compatible with a neighborhood, such as residential amenities, commercial facilities, retail, public schools, and transit amenities. This proposed use is not considered harmful to the adjacent property, the neighborhood, or the community. Further Use-specific Standards will control future changes to the subject site, thus minimizing any potential harmful impacts.

E. 14-16-6-7(G)(3)(e): The City’s existing infrastructure and public improvements will have adequate capacity to serve the development made possible by the zone change (Criterion 1).

F. 14-16-6-7(G)(3)(f): The justification is not based on the property’s location on a major street. Ellison Dr. is classified as a local street.

G. 14-16-6-7(G)(3)(g): The justification for the R-ML zone is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request is to bring the property’s zoning into alignment with its use and is more advantageous to the community.

- H. 14-16-6-7(G)(3)(h): A zone change from MX-L to R-ML does not create a “spot zone” because the adjacent properties to the north east are zoned R-ML.
8. The applicant’s policy analysis adequately demonstrates that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with them. Based on this demonstration, the proposed zone category would generally be more advantageous to the community than the current zoning.
 9. The affected neighborhood organizations are Cibola Loop Neighborhood Association, which were notified of this application. Property owners within 100 feet of the subject site were also notified as required.
 10. A neighborhood meeting was held on December 7th 2023.
 11. As of this writing, Staff received comments in opposition to the request. Overall, the Cibola Loop Neighborhood Association participants voiced opposition to Applicant’s request for an EPC zoning variance from MX-L to RM-L.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC’s decision or by **February 2nd, 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/DK/MJ

OFFICIAL NOTICE OF DECISION

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Notice of Decision cc list:

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