

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

MAY 16, 2024

JLM Living Inc.
3839 Bee Caves Road,
Suite 205
Austin, TX 78746

Project # PR-2023-009652
RZ-2024-00023 –Zoning Map Amendment

Consensus Planning Inc., agent for JLM Living LLC, requests a Zone Map Amendment from MX-M to MX-T on all or a portion of Tract 1 (westerly portion), Summary Plat 68.75 Acre Tract and a 66.15 Acre Tract, Paradise Hills (excludes a portion out to the R/W), located at the northwest corner of Unser Blvd and Avenida de Jaimito, approximately 20 acres (C-10-Z)

Staff Planner: William Foster

On May 16, 2024, the Environmental Planning Commission (EPC) voted to APPROVE- Project # PR-2023-009652, RZ-2024-00023, Zoning Map Amendment, based on the following Findings.

FINDINGS – RZ-2024-00023 Zoning Map Amendment

1. The request is a Zone Map Amendment (zone change) on the northern portion of the property located at the northwest corner of Unser Boulevard and Avenida de Jaimito. The subject property is legally described as Tract 1 (westerly portion), Summary Plat 68.75 Acre Tract and a 66.15 Acre Tract, Paradise Hills (excludes a portion out to the R/W), located at the northwest corner of Unser Blvd and Avenida de Jaimito, approximately 20 acres, (the “subject site”).
2. The applicant is requesting a zone change from MX-M (Mixed-Use - Medium Intensity) and MX-T (Mixed-Use - Transition) to MX-T (Mixed-Use - Transition) to remedy a floating zone line and facilitate future development of the subject site.
3. The subject site is in an Area of Change and located in the Volcano Heights Urban Center. It is also within the overlay zones of Volcano Mesa CPO-13 and Northwest Mesa Escarpment VPO-2. The request could facilitate the development that would be accessible to the surrounding residential areas to the south and west and mixed commercial development to the north and east with this property being a central low intensity development site for both zoning districts. Ideally within walking and/or biking distance. The zone change could provide the opportunity for lower intensity transitional growth as a community of strong Centers connected by a multi-modal network of Corridors.

4. 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.
5. The request furthers the following Goal and Policy from Comprehensive Plan Chapter 4: Community Identity
 - A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities The request to downzone from MX-M and MX-T to MX-T could enhance, protect and preserve the surrounding community. The requested zoning could facilitate future development, enhancing the surrounding community by offering uses of lower intensity that could align with the character of the area.
 - B. 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 could encourage quality development that would be consistent with the distinct character of neighboring communities. The area currently has a limited transitional zone between higher intensity zone districts and residential zone districts.
6. The request furthers the following Goal and Policies 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 multimodal network of Corridors.

The subject site is in an Area of Change and located in the Volcano Heights Urban Center. It is also within the overlay zones of Volcano Mesa CPO-13 and Northwest Mesa Escarpment VPO2. The request could facilitate the development that would be accessible to the surrounding residential areas to the south and west and mixed commercial development to the north and east with this property being a central low intensity development site for both zoning districts. Ideally within walking and/or biking distance. The zone change could provide the opportunity for lower intensity transitional growth as a community of strong Centers connected by a multi-modal network of Corridors.

- 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 subject site could facilitate desired growth by many of the permissive uses that MX-T presents serving as a transitioning zone. However, it also allows for the permissive uses of residential single-family detached which the current ABC Comp Plan seeks to highly discourage more of on the West Side.

- C. Policy 5.1.2 Development Areas: Direct more intense growth to Center and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The proposed zoning map amendment could facilitate development of the subject site along Unser Boulevard. Because the subject site is located in an Urban Center and is a downzone the proposed zone change could contribute to establishing and maintaining appropriate density and scale of development within areas that should be more stable and where similar developments exist.

- D. Policy 5.1.4 Urban Centers: Create highly accessible and walkable Urban Centers that provide a range of employment opportunities and higher-density housing options.

The proposed zoning map amendment to MX-T could provide office, institutional, and pedestrian oriented commercial uses. These uses would provide a wide range of employment that compliments NR-BP and MX-M zoning to the north.

- 7. The request furthers the following Goal and Policy regarding Development Areas from Comprehensive Plan 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 designated as and in surrounded by Areas of Change. The request could encourage and direct growth to the area where it is expected and desired. Because the subject site is near an Area of Consistency the proposed zone change would promote uses that would reinforce the character and intensity of the surrounding area.

- 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 could serve as an integral transition and direct growth and more intense development to the north and east of the subject site and less intense development on the subject site as adjacent to the south and west as part of an Area of Change within Volcano Heights Urban Center, although future development is not included with this request. The request could promote development in the area where change is encouraged.

- 8. The request furthers the following Goals from Comprehensive Plan Chapter 9: Housing

- A. Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

The subject site's transition to MX-T could provide housing supply, but currently has the availability of housing supply with MX-M through townhomes, live-work, and multifamily housing options.

- B. Goal 9.3 Density: Support increased housing density in appropriate places with adequate service and amenities.

The permissive use of these residential options would decrease density possibilities and not increase which would be certain of in zones R-MH, MX-L, MX-M, and MX-H.

9. 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.

Applicable citations: Goal 4.1-Character, Policy 4.1.2-Community Identity, Goal 5.1-Centers & Corridors, Policy 5.1.1-Desired Growth, Policy 5.1.2-Development Areas, Policy 5.1.4-Urban Centers Goal 5.6-City Development Areas, Policy 5.6.2-Areas of Change, Goal 6.1Transportation Integration, Policy 6.1.8-Commuter Corridors, Housing Goal 9.1-Supply, Housing Goal 9.3-Density

The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding land use, centers and corridors, and economic development and thereby does not present any significant conflicts with the Comprehensive Plan. Thus, the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.

- B. Criterion B: The subject site is located wholly in an Area of Change, so this criterion does not apply.

- C. Criterion C: The subject site is located wholly in an Area of Change. According to Criterion 1 The subject site existing zoning is currently split with a floating zone line which was an error when the existing boundary of the zone district was applied, most likely with the conversion of zoning when the IDO was established in 2018. Zone district boundaries are usually lot lines. Based on Criterion 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 MX-T zoning is a downzoning from MX-M and MX-T and does not include many permissive uses that would be potentially harmful to adjacent properties, neighborhoods, or communities. Permitted MX-M uses of consequence would now become conditional uses on the subject site.

- E. Criterion E: The City's public improvement and existing infrastructure would have adequate capacity. The applicant would have to meet all requirements under the IDO, DPM and infrastructure agreements (Criterion 3).
- F. Criterion F: The subject site is located along Unser Blvd which is a major street. Though this location factors into the applicant's policy analysis as being on a Major Street and Major Transit Corridor, the applicant is not completely basing their justification for the request upon the subject site's location on a major street. The justification for the proposed zone change is based on the advantages it could bring to the community, through the zone change.
- 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. The request to downzone could facilitate the development of the subject site with a moderate-intensity use that could serve the community.
- H. Criterion H: This Zoning Map Amendment from MX-M and MX-T to MX-T does not create a "spot zone" that is different from surrounding zone districts. The subject site's southern portion is already zoned MX-T.

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 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.

- 10. The affected neighborhood organization is the Paradise Hills Neighborhood Association (NA), which was notified as required. Property owners within 100 feet of the subject site were also notified as required.
- 11. A facilitated meeting was not requested and staff is unaware of any opposition or support.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **May 31, 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,

A handwritten signature in cursive script that reads "Megan Jones".

for Alan M. Varela,
Planning Director

AV/WF/MJ

CC: Consensus Planning Inc fishman@consensusplanning.com
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