

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

June 20, 2024

Amirhamzeh Enterprises LLC
9605 Sommer Pl
Oakdale, CA 95361

Project # PR-2020-004014
RZ-2024-00031 –Zoning Map Amendment
SI-2024-00747 – Site Plan-EPC

Tierra West LLC, agent for Amirhamzeh Enterprises LLC, requests a Zone Map Amendment from MX-L to PD for Tract D-2, Plat for TR D-1, D-2, D-3, and D-4, Albuquerque South Subdivision, El Rancho Atrisco, containing 3 acres and a Site Plan – EPC for a PD development for all or a portion of Tract D-2, Plat for TR D-1, D-2, D-3, and D-4, Albuquerque South Subdivision and Tracts 483 484 & 485, Unit NO 7, Atrisco Grant, located at the SW corner of Unser Blvd and Sage Rd. SW, approximately 18 acres (M-10-Z)

Staff Planners: William Steele & William Foster

On June 20, 2024, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2020-004014, RZ-2024-00031, Zoning Map Amendment based on the following Findings.

FINDINGS – RZ-2024-00031 Zoning Map Amendment

1. The request is for a Zone Map Amendment (zone change) for a property legally described as all or a portion of Tracts 483, 484 & 485, Unit No 7, Atrisco Grant and Tract D-2, Plat for Tracts D-1, D-2, D-3 & D-4, Albuquerque South, Unit 1, being a replat of Tract D, Albuquerque South Unit 1, located on Unser Blvd. SW and located within the concurrent application for a Site Plan at the SW corner of Unser Blvd. SW and Sage Boulevard SW, approximately 3 acres, (the “subject site”).
2. The applicant is requesting a zone change from MX-L (Mixed-Use - Low Intensity) to PD (Planned Development) to facilitate a Planned Development of the subject site.
3. The subject site is in an Area of Change and located in the Southwest Mesa CPA. The request would facilitate the associated planned development. The zone change could provide the opportunity for mixed-use residential and commercial land uses that would be connected to a Major Transit Corridor.
4. A concealed wireless telecommunication facility (cell tower) was administratively approved to be located on the northwest corner of the subject site off of Sage Rd in 2006. (1002000)

5. 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.

6. The request furthers the following Goal and Policies from Comprehensive Plan Chapter 4: COMMUNITY IDENTITY

A. GOAL 4.1 CHARACTER: Enhance, protect, and preserve distinct communities.

The proposal would generally enhance, protect, and preserve the character of this community. The proposal would help facilitate development of more residential uses which could help preserve the character of the surrounding residential land uses. In addition, the proposal could enhance the surrounding area by facilitating development that is consistent with existing non-residential land uses (commercial retail, commercial services) and developments on the east side of Unser Blvd at its intersection with Sage Rd. The proposed site plan could help enhance the character of the community by adhering the IDO development standards for the MX-M, MX-L, and R-T zone districts.

B. POLICY 4.1.1 DISTINCT COMMUNITIES: Encourage quality development that is consistent with the distinct character of communities.

The proposal would facilitate quality development that is consistent with the character of the community because the proposal is adhering to most of the IDO development and design standards. The planned development's mixed-use proposal could exemplify quality development that brings diverse residential options and needed commercial uses to the west-side community's portfolio. The layout focuses on allowance of the new commercial uses not only for the residential communities within the planned development, but also neighboring residences.

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, and uses, and character of building design.

The proposed mixed-used, planned development would help protect the identity and cohesiveness of the surrounding residential neighborhood by specifying specifies uses, site standards, and most IDO development and design standards pursuant to the MX-M, MX-L and R-T zone districts. The scale and location of the proposed development near the intersection of Sage Rd and the Unser Blvd commuter corridor would help facilitate a mix of uses such as residential, light vehicle fueling station and other non-residential uses.

7. The request furthers the following Goals and Policies regarding Centers and Corridors from Comprehensive Plan Chapter 5: LAND USE

A. GOAL 5.1 CENTERS AND CORRIDORS: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The subject site is located within the Unser Blvd Commuter Corridor and the Arenal/86th/Benavides Major Transit Corridor. Though the subject site is not located in a Center but is located near a multi-modal network of Corridors that could enhance the growth of the community and provide access to designated Centers.

- B. **POLICY 5.1.10, MAJOR TRANSIT CORRIDORS:** Foster corridors that prioritize high-frequency transit service with pedestrian-oriented development.

The proposal would foster corridors that prioritize high frequency transit service with access for pedestrians throughout the development and connections to sidewalks on Unser Blvd SW to Arenal Road. The planned development includes walkways for pedestrians and residents to access the proposed site and amenities within it. The development's location within the Arenal/86th/Benavides Major Transit Corridor priorities the ability for transit users to access goods and services.

- C. **GOAL 5.2, COMPLETE COMMUNITIES:** Foster communities where residents can live, work, learn, shop, and play together.

The proposal could foster a community where residents can live, work, learn and shop by facilitating a mixed-use development on an 18-acre site. The proposed development would include a mix of residential and non-residential uses near housing with goods and/or services within walking distance and amplify opportunities for residents to live, learn, shop and socialize together.

- D. **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 could create a healthy, sustainable, distinct community with an accessible mix of uses. The proposed planned development would incorporate uses that adhere to most IDO development and design standards which could encourage the facilitation of development that brings goods, services, and amenities within walking and biking distance of surrounding neighborhoods and promotes access for all residents.

- E. **GOAL 5.4, JOBS-HOUSING BALANCE:** Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

The proposal has the potential to balance jobs and housing by facilitating the development of residential and mixed uses in a PD zoned district. The potential for job growth by developing non-residential mix of uses primarily based on the IDO development and design standards could help increase employment and services west of the river.

- F. **POLICY 5.4.2, WEST SIDE JOBS:** Foster employment opportunities on the West Side.

The proposal could help foster employment opportunities on the West Side by allowing development of lots with a mix of non-residential uses thereby encouraging new locations for businesses. A light vehicle fueling station that would help provide employment opportunities has been proposed.

- G. **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 in an Area of Change where development is expected and desired. The proposal would be consistent with areas of change policies by allowing a mix of uses and development of higher density and intensity in areas of growth where it is desired and can be supported by multi-modal transportation. Though the subject site is almost completely surrounded by Areas of Consistency, the development and design standards are primarily based on the IDO to ensure the intensity of the surrounding area is not adversely affected.

- H. **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 proposal would direct growth and more intense development to a site in an Area of Change along Corridors where change is encouraged. The subject site is located on an underdeveloped intersection along the Unser Commuter Corridor and is within 660' of the Arenal/86th/Benavides Major Transit Corridor. The proposed planned development would help facilitate mixed-use development such as the planned light vehicle fueling station and appropriate land uses that support transit and commercial uses.

- I. **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 height and massing.

The subject site is located in an area of change abutting areas of consistency and would provide appropriate transitions through adequate setbacks, and limits on building heights and massing because the Planned Development would adhere to most of the IDO development and design standards for each lot's particular modeled zoning district. Buffering, would be per the proposed landscaping plan. Placement of the residential portion of the proposed planned development is to abut the existing single-family neighborhood that reside in Areas of Consistency could provide an appropriate transition while positioning non-residential uses such as the light vehicle fueling station closer to Unser Blvd and Sage Rd.

8. The request furthers the following Policies from Comprehensive Plan Chapter 8: **ECONOMIC DEVELOPMENT**

- A. **POLICY 8.1.1, DIVERSE PLACES:** Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

The proposed ZMA and Site Plan foster of a range of interesting places and context with different development intensities densities, uses and building scale to encourage economic development opportunities. The planned development would include residential and non-residential uses with different building scale and density based on each lot's IDO development and design standards according to its model zoning district. This investment in a proposed planned development with the potential for a mix of medium intensity uses could support a variety of employment opportunities in addition to the light vehicle fueling station, including lower-density, lower intensity services, jobs and housing outside of Centers.

- 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 proposal would generally help encourage economic development efforts and foster a robust, resilient, and diverse economy because it would allow additional non-residential uses that could improve quality of life for new and existing residents. The proposal would also help to enhance and market the West Side's unique characteristics and would generally help encourage more non-residential development that is appropriately zoned to accommodate employment growth.

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. The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

STAFF RESPONSE: The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City as shown in the sections above.

Applicable citations: Goal 4.1 - Character, Policy 4.1.1 - Distinct Communities, Policy 4.1.2 – Identity and Design, Goal 5.1 - Centers and Corridors, Policy 5.1.10 Major Transit Corridors, Goal 5.2- Complete Communities, Policy 5.2.1 - Land Uses, Goal 5.4 Jobs-Housing Balance, Policy 5.4.2 – West Side Jobs, Goal 5.6 - City Development Areas, Policy 5.6.2 – Areas of Change, Policy 5.6.4 Appropriate Transitions, Policy 8.1.1 – Diverse Places, Policy 8.1.2 – Resilient Economy

The applicant’s policy-based response adequately demonstrates that the request clearly facilitates a preponderance of applicable Goals and Policies. The request generally furthers goals and policies regarding Character, Land Uses, City Development Areas, Infill Development, and Community Facilities and Services and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City’s health, safety, and general welfare.

- B. If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

STAFF RESPONSE: The subject site is within an area of change.

- C. If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.

2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

STAFF RESPONSE: The subject site is located wholly in an Area of Change. The applicant's policy-based analysis demonstrates that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning. The proposal could stimulate more direct growth and more intense development near a Major Transit Corridor and could promote development that expands employment opportunities.

- D. The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in IDO §14-16-4-3 associated with that use will adequately mitigate those harmful impacts.

STAFF RESPONSE: The applicant stated that the usage designated (R-T) on the portion of the subject site that is currently zoned MX-L in the requested Planned Development Zone District would not be harmful to adjacent properties, neighborhoods, or communities. The designated uses within the associated PD site plan are single-family, duplexes, and townhomes. Staff finds that the Allowable Uses in IDO Section 14-16-4-2, Table 4-2-1 associated with permissive and designated uses would adequately ensure no harmful uses associated with the ZMA.

- E. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:
 1. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
 2. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.
 3. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.

STAFF RESPONSE: The City's existing infrastructure has adequate capacity for the proposed development made possible by this request.

- F. The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

STAFF'S RESPONSE: The applicant is not completely basing the justification for the request upon the subject site's location on a major street. Rather, the applicant has sufficiently demonstrated that the request proficiently furthers a preponderance of applicable Comprehensive Plan Goals and Policies.

- G. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

STAFF'S RESPONSE: The applicant's justification is not completely or predominantly based upon economic considerations. Rather, the applicant has sufficiently demonstrated that the

request proficiently furthers a preponderance of applicable Comprehensive Plan Goals and Policies.

H. The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e., create a "spot zone") or to a strip of land along a street (i.e., create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

STAFF'S RESPONSE: A zone change from MX-L to PD is not considered a "spot zone" because PD zone districts is applied on a case-by-case basis and there are multiple PD zone districts located in the subject site's general area, including the lot adjacent to the site to the north, which is the subject of the PD Site Plan associated with this request.

10. The affected neighborhood organizations are the Stinson Tower NA, Westside Coalition of Neighborhood Associations, South West Alliance of Neighborhoods, Westgate Heights NA, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
11. A post submittal meeting with Neighborhood Associations was requested by the neighbors and neighborhood associations and held on June 5, 2024. They are supportive of more commercial use in the neighborhood but opposed to alcohol sales at the light vehicle fueling station. They will have the opportunity to voice their concerns and opposition once the site plan is approved and the applicant applies for a conditional use approval from the Zoning Hearing Examiner (ZHE).
12. Staff has not received public comments in support or opposition to the request.

On June 20, 2024 the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2020-004014, SI-2024-00747 – Site Plan - EPC based on the following Findings and subject to the Conditions of Approval:

FINDINGS – SI-2024-00747 Site Plan – EPC

1. This request is for a Site Plan-EPC for an approximately 18-acre site for a PD development for all or a portion of Tract D-2, Plat for TR D-1, D-2, D-3, and D-4, Albuquerque South Subdivision and Tracts 483 484 & 485, Unit NO 7, Atrisco Grant, located at the SW corner of Unser Blvd and Sage Rd (the "subject site").
2. The request would facilitate a Planned Development. A PD zone district must contain at least 2 but less than 20 contiguous acres of land in accordance IDO section 2-6(A)(3)(a). In accordance to IDO 2-6(A)(3)(b) Planned Development zone districts with a Site Plan – EPC that specifies uses, site standards, and development standards shall be reviewed, negotiated and decided at the EPC in

conjunction with the review and decision of the zone change request pursuant to Subsection 14-16-6-7(G) (Zoning Map Amendment – EPC).

3. A concealed wireless telecommunication facility (cell tower) was administratively approved to be located on the northwest corner of the subject site off of Sage Rd in 2006. (1002000)
4. The proposed Site Plan is being reviewed in conjunction with the requested Planned Development (PD) zone designation.
5. The proposed Site Plan is comprised of residential and non-residential uses including a light vehicle fueling station. Associated Site work including Parking, Landscaping, Grading and Drainage, Utilities, and signage are included with the request
6. The proposed Site Plan will be required to go through the Development Hearing Officer (DHO) process to subdivide the subject site into five 5 lots which are subject to their own development and design standards as follows:
 - Lot 1 – Proposed Use: MX-M, Land Use - Light Vehicle Fueling Station - 5,630 SF
 - Lot 2 – MX-M zone district per IDO Table 4-2-1: Allowable Uses
 - Lot 3 – MX-L zone district per IDO Table 4-2-1: Allowable Uses
 - Lot 4 – Proposed Uses: R-T, Land Use - Townhouse, Duplex, Single Family
 - Lot 5 – PD - Existing Cell Tower (Wireless Telecommunication Facility)
7. IDO §14-16-6-6(I)(3)(c) states, “The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.”

The site plan has been evaluated for conformance with applicable goals and policies in the Comprehensive Plan, and other applicable Plans.

8. The request furthers the following Goal and Policies from Comprehensive Plan Chapter 4: COMMUNITY IDENTITY

A. GOAL 4.1 CHARACTER: Enhance, protect, and preserve distinct communities.

The proposal would generally enhance, protect, and preserve the character of this community. The proposal would help facilitate development of more residential uses which could help preserve the character of the surrounding residential land uses. In addition, the proposal could enhance the surrounding area by facilitating development that is consistent with existing non-residential land uses (commercial retail, commercial services) and developments on the east side of Unser Blvd at its intersection with Sage Rd. The proposed site plan could help enhance the character of the community by adhering the IDO development standards for the MX-M, MX-L, and R-T zone districts.

B. POLICY 4.1.1 DISTINCT COMMUNITIES: Encourage quality development that is consistent with the distinct character of communities.

The proposal would facilitate quality development that is consistent with the character of the community because the proposal is adhering to most of the IDO development and design standards. The planned development’s mixed-use proposal could exemplify quality development that brings diverse residential options and needed commercial uses to the west-side community’s portfolio. The layout focuses on allowance of the new commercial uses not

only for the residential communities within the planned development, but also neighboring residences.

- 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, and uses, and character of building design.

The proposed mixed-used, planned development would help protect the identity and cohesiveness of the surrounding residential neighborhood by specifying specific uses, site standards, and most IDO development and design standards pursuant to the MX-M, MX-L and R-T zone districts. The scale and location of the proposed development near the intersection of Sage Rd and the Unser Blvd commuter corridor would help facilitate a mix of uses such as residential, light vehicle fueling station and other non-residential uses.

9. The request furthers the following Goals and Policies regarding Centers and Corridors from Comprehensive Plan Chapter 5: LAND USE

- A. **GOAL 5.1 CENTERS AND CORRIDORS:** Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The subject site is located within the Unser Blvd Commuter Corridor and the Arenal/86th/Benavides Major Transit Corridor. Though the subject site is not located in a Center but is located near a multi-modal network of Corridors that could enhance the growth of the community and provide access to designated Centers.

- B. **POLICY 5.1.10, MAJOR TRANSIT CORRIDORS:** Foster corridors that prioritize high-frequency transit service with pedestrian-oriented development.

The proposal would foster corridors that prioritize high frequency transit service with access for pedestrians throughout the development and connections to sidewalks on Unser Blvd SW to Arenal Rd. The planned development includes walkways for pedestrians and residents to access the proposed site and amenities within it. The development's location within the Arenal/86th/Benavides Major Transit Corridor prioritizes the ability for transit users to access goods and services.

- C. **GOAL 5.2, COMPLETE COMMUNITIES:** Foster communities where residents can live, work, learn, shop, and play together.

The proposal could foster a community where residents can live, work, learn and shop by facilitating a mixed-use development on an 18-acre site. The proposed development would include a mix of residential and non-residential uses near housing with goods and/or services within walking distance and amplify opportunities for residents to live, learn, shop and socialize together.

- D. **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 could create a healthy, sustainable, distinct community with an accessible mix of uses. The proposed planned development would incorporate uses that adhere to most IDO development and design standards which could encourage the facilitation of development that brings goods, services, and amenities within walking and biking distance of surrounding neighborhoods and promotes access for all residents.

- E. **GOAL 5.4, JOBS-HOUSING BALANCE:** Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

The proposal has the potential to balance jobs and housing by facilitating the development of residential and mixed uses in a PD zoned district. The potential for job growth by developing non-residential mix of uses primarily based on the IDO development and design standards could help increase employment and services west of the river.

- F. **POLICY 5.4.2, WEST SIDE JOBS:** Foster employment opportunities on the West Side.

The proposal could help foster employment opportunities on the West Side by allowing development of lots with a mix of non-residential uses thereby encouraging new locations for businesses. A light vehicle fueling station that would help provide employment opportunities has been proposed.

- G. **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 in an Area of Change where development is expected and desired. The proposal would be consistent with areas of change policies by allowing a mix of uses and development of higher density and intensity in areas of growth where it is desired and can be supported by multi-modal transportation. Though the subject site is almost completely surrounded by Areas of Consistency, the development and design standards are primarily based on the IDO to ensure the intensity of the surrounding area is not adversely affected.

- H. **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 proposal would direct growth and more intense development to a site in an Area of Change along Corridors where change is encouraged. The subject site is located on an underdeveloped intersection along the Unser Commuter Corridor and is within 660' of the Arenal/86th/Benavides Major Transit Corridor. The proposed planned development would help facilitate mixed-use development such as the planned light vehicle fueling station and appropriate land uses that support transit and commercial uses.

- I. **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 height and massing.

The subject site is located in an area of change abutting areas of consistency and would provide appropriate transitions through adequate setbacks, and limits on building heights and massing because the Planned Development would adhere to most of the IDO development and design standards for each lot's particular modeled zoning district. Buffering, would be per the proposed landscaping plan. Placement of the residential portion of the proposed planned development is to abut the existing single-family neighborhood that reside in Areas of Consistency could provide an appropriate transition while positioning non-residential uses such as the light vehicle fueling station closer to Unser Blvd and Sage Rd.

10. The request furthers the following Policies from Comprehensive Plan Chapter 8: ECONOMIC DEVELOPMENT

- A. **POLICY 8.1.1, DIVERSE PLACES:** Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

The proposed ZMA and Site Plan foster of a range of interesting places and context with different development intensities densities, uses and building scale to encourage economic development opportunities. The planned development would include residential and non-residential uses with different building scale and density based on each lot's IDO development and design standards according to its model zoning district. This investment in a proposed planned development with the potential for a mix of medium intensity uses could support a variety of employment opportunities in addition to the light vehicle fueling station, including lower-density, lower intensity services, jobs and housing outside of Centers.

- 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 proposal would generally help encourage economic development efforts and foster a robust, resilient, and diverse economy because it would allow additional non-residential uses that could improve quality of life for new and existing residents. The proposal would also help to enhance and market the West Side's unique characteristics and would generally help encourage more non-residential development that is appropriately zoned to accommodate employment growth.

11. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(I)(3)-Review and Decision Criteria for Site Plan - EPC, as follows:

- A. The site plan is consistent with the ABC Comp Plan, as amended.

As demonstrated by the policy-based analysis, the proposed Site Plan is consistent with applicable Comprehensive Plan Goals and policies.

- B. The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the property and any related development agreements and/or regulations.

The request is for a development consisting of residential and non-residential use. The request for a Site Plan-EPC is in conjunction with a zone change from MX-L to PD. The Site Plan proposes uses, standards, and development standards pursuant to the IDO except for landscaping, buffering and screening, which are per the proposed landscaping plan. Any future development would be required to comply with the approved PD Site Plan associated with this request.

- C. The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.

The request is for Zoning Map Amendment for 3 acres for development and a Site Plan for PD. The Site Plan specifies uses, standards and development standards which are negotiated at the EPC.

The proposed Site Plan is required to comply with all applicable provisions of the IDO, DPM, other adopted City regulations.

Upon approval by the EPC, the subject site will be required to go through the Development Hearing Officer (DHO) subdivision process to subdivide the 4 existing tracts into 5 parcels as shown on the Site Plan prior to final sign off. Each lot modeled after IDO Development and Design standards minus landscaping, buffering and screening as follows: Lot 1 MX-M, Lot 2 MX-M, Lot 3 MX-L, Lot 4 R-T, Lot 5 PD (Wireless Telecommunication Facility, (WTF)). A lease agreement for the cell tower easement ensures Lot 5 is not disturbed but no other terms or conditions regarding future development on the site.

All conditions must be met prior to building permit approval or DFT final sign off.

- D. The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.

The City's existing infrastructure has adequate capacity for the proposed development made possible by this request. According to the City transportation engineer, A Traffic Impact Study (TIS) is being conducted and any mitigation requirements as a result of the TIS will be addressed and made a condition of issuance of the building permit.

- E. The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.

The applicant has demonstrated that the request would not negatively impact the surrounding area based on responses to applicable Comprehensive Plan Goals and Policies. The applicant has conducted a sensitive lands analysis and no sensitive lands were found on the subject site. The applicant has stated that they have taken steps to mitigate any adverse impacts on the surrounding community by choosing to follow applicable IDO Standards for the Site Plan.

- F. If the subject property is within an approved Master Development Plan, the Site Plan meets any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.

The subject property is not within a Master Development Plan.

- G. If a cumulative impact analysis is required in the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements), the Site Plan incorporates mitigation for all identified cumulative impacts. The proposed development will not create material adverse impacts on water quality or other land in the surrounding area through increases in traffic congestion, parking congestion, noise, vibration, light spillover, or other nuisances without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

The subject property is not within the Railroad and Spur Area and no cumulative impact analysis is required. Therefore, the above criterion does not apply.

12. The affected neighborhood organizations are the Stinson Tower NA, Westside Coalition of Neighborhood Associations, South West Alliance of Neighborhoods, Westgate Heights NA, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
13. A post submittal meeting with Neighborhood Associations was requested by the neighbors and neighborhood associations and held on June 5, 2024. They are supportive of more commercial use in the neighborhood but opposed to alcohol sales at the light vehicle fueling station. They will have

the opportunity to voice their concerns and opposition once the site plan is approved and the applicant applies for a conditional use approval from the Zoning Hearing Examiner (ZHE).

14. Staff has not received public comments in support or opposition.

Conditions of Approval - SI-2024-00747 Site Plan – EPC

1. After approval by the Environmental Planning Commission (EPC), the applicant shall submit the proposed site plan to the Development Facilitation Team (DFT) for final sign-off. The reviewer will be responsible for ensuring that all EPC Conditions have been satisfied and that the IDO, DPM, and all other applicable City requirements have been met.
2. The applicant shall coordinate with the Staff Planner prior to submitting to the DFT to ensure that the EPC Conditions in the Official Notification of Decision have been met. The staff planner will provide a post-EPC memo.
3. Upon approval by the EPC, the subject site will be required to go through the Development Hearing Officer (DHO) subdivision process to subdivide the 4 existing tracts into 5 parcels as shown on the Site Plan prior to final sign off.
4. Transportation Development Review Services Conditions
 - A. The Developer shall be responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Facilitation Team (DFT).
 - B. The applicant shall provide a Traffic Circulation Layout.
 - C. A Traffic Impact Study shall be required for each newly developed lot.
 - D. The Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
5. All sheets with Vicinity Maps shall include Tract D-2 within the boundary of the subject site.
6. Sheet C1.0 Site Plan – EPC
 - A. Site Data: Lot 4 Proposed Usage - The site plan shall include duplexes and single family uses for Lot 4 to match the Uses and Design Standards table for this lot.
 - B. Uses and Design Standards Table Lot 1 & 2: Use Specific Standards - The words “Access and Connectivity” shall be removed.
 - C. Uses and Design Standards Table Lot 4: Building Design – IDO provision 14-16-5-11(E) referencing mixed use and non-residential building design shall be replaced with IDO provision 14-16-5-11(C) which references residential building design.
 - D. Keyed Note 11 - The total number of bikes spaces provided shall be listed.
 - E. Materials to Alert Motorist per IDO 14-16-14(D)(3)(C) to identify on-site pedestrian walkways and crosswalks to motorist and pedestrians shall be added to the site plan sheets.
7. Sheet C1.1 Site Plan – EPC
 - A. Uses and Design Standards Table: Lot 4 - The site plan shall include duplexes and single family uses for Lot 4 to match the Uses and Design Standards table for this lot.

- B. Uses and Design Standards Table Lot 4: Building Design - IDO provision 14-16-5-11(E) referencing mixed use and non-residential building design shall be replaced with IDO provision 14-16-5-11(C) which references residential building design.
 - C. Keyed Note 11 - The total number of bikes spaces provided shall be listed.
 - D. Materials to Alert Motorist per IDO 14-16-14(D)(3)(C) to identify on-site pedestrian walkways and crosswalks to motorist and pedestrians shall be added to the site plan sheets.
8. Sheet LS-101 Landscaping
- A. The Landscape Plan shall specify whether or not buffering standards pursuant to 14-16-5-6(E) EDGE BUFFER LANDSCAPING is being followed.
 - B. Landscape Legend - The tree named Desert Willow shall be added on the Landscape Legend. It is missing but shown on the drawings.
 - C. Shrub and Groundcovers - A note shall be added stating that only female Buffalo Juniper will be planted.
 - D. The line weight shall be made heavier for note: "See sheet LS-102 For Lot 4 Landscaping Calculation."
9. Sheet LS-102 Landscaping - The Landscape Plan shall specify whether or not buffering standards pursuant to 14-16-5-6(E) EDGE BUFFER LANDSCAPING is being followed.
10. Sheet C2.1 Conceptual Drainage Plan
- A. Proposed Drainage Notes - The text "northeast side" in the third paragraph shall be changed to "southeast side."
 - B. A North Arrow and Scale shall be added to the sheet.
11. Sheet A1.50 Elevations – New Exterior: Details for exterior signs shall be added and proposed signage shall be included on a separate sign detail sheet. The signage should include full dimensions, materials, and colors.
12. Sheet C5.1 Detail Sheet
- A. A Detail of the 26' sign for the light vehicle fueling station on Lot 1 shall be added. If there isn't enough room on the detail sheet add another detail sheet to the set.
 - B. A front elevation of the garbage dumpster shall be provided in addition to the cross section and top view detail.
 - C. A material/colors list for the garbage dumpster shall be provided.
13. AMAFCA Conditions:
- A. Development on this site shall show compliance with this drainage master plan.
 - B. This development shall show conformance with both DMPs (whichever is most restrictive) and any on- and off-site drainage infrastructure sized appropriately prior to approval of the grading and drainage plans.
 - C. AMAFCA does not recommend having a public storm drain beneath a development's proposed detention pond.

- D. The proposed southern 24” SD appears to cross property not owned by the applicant. It shall be verified that the adjacent property owner has allowed this proposed SD connection.
14. The proposed monument sign shall be lowered from the proposed 30-foot height to a 26-foot height pursuant to the MX-M zone district standards.
15. The proposed usage for lot 1 shall be amended to remove the incidental uses of liquor sales and convenience store. A note shall be added to the site plan which states: “Any future liquor retail sale use shall be pursuant to the MX-M zone district standards and requires a conditional use approval by the Zoning Hearing Examiner (ZHE).”

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC’s decision or by **July 5, 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/WS/WF/MJ

CC: Amirhamzeh Enterprises LLC, damirhamzeh@gmail.com
Tierra West LLC, Sergio Lozoya, slozoya@tierrawestllc.com
Stinson Tower NA, Emilio Chavez, epchavez49@gmail.com
Stinson Tower NA, Bruce Rizzieri, rizzierinm@gmail.com
Westside Coalition of Neighborhood Associations, Elizabeth Haley, elizabethkayhaley@gmail.com
Westside Coalition of Neighborhood Associations, Rene Horvath, aboardlll@gmail.com
South West Alliance of Neighborhoods (SWAN Coalition), Geraldine Ulibarri, gerulibarril@gmail.com
South West Alliance of Neighborhoods (SWAN Coalition), Lorenzo Otero, housealbchrome@gmail.com
Westgate Heights NA, Christopher Sedillo, navrmc6@aol.com
Westgate Heights NA, Matthew Archuleta, mattearchuleta@hotmail.com
Legal, Dking@cabq.gov
Legal, Nasanchez@cabq.gov
EPC file