

CABQ PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTICE OF DECISION

September 19, 2024

SimonCRE
6900 E 2nd St
Scottsdale, AZ 85251

Project # PR-2024-010770
RZ-2024-00043 – Zoning Map Amendment

LEGAL DESCRIPTION:

SimonCRE requests a Zoning Map Amendment from NR-BP to NR-C, for all or a portion of Tract I-1 Tracts I-1 and I-2, Cottonwood Corners, located at 3731 Ellison Blvd. NW, between Ellison Blvd. NW and NM 528 NW, approximately 13.2 acres.

(A-14)

Staff Planner: Catherine Heyne

On September 19, 2024, the Environmental Planning Commission (EPC) voted to APPROVE PR-2024-010770/RZ-2024-00043 – Zoning Map Amendment, based on the following findings:

FINDINGS – RZ-2024-00043 – Zoning Map Amendment

1. This is a request for a Zoning Map Amendment (i.e., zone change) for all or a portion of Tract I-1 Tracts I-1 and I-2 Cottonwood Corners (being a replat of Tract I, Cottonwood Corners), consisting of approximately 13.2 acres located at 3731 Ellison Dr. NW in the Cottonwood Corners Shopping Center, to the south and west of NM 528. This area is near the confluence of Rio Rancho, Corrales, unincorporated Bernalillo County, and the City of Albuquerque.
2. The subject site is zoned NR-BP (Non-Residential – Business Park Zone District). The applicant is requesting a zone change to NR-C (Non-Residential - Commercial Zone District) to allow for a grocery store.
3. The subject site falls within the Cottonwood Employment Center and within 660 feet of two Major Transit Corridors: Cottonwood Dr. and Ellison Dr., as designated by the ABC Comprehensive Plan.
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 applicable Goal and Policy from Comprehensive Plan Chapter 4-Community Identity:
 - A. GOAL 4.1 CHARACTER: Enhance, protect, and preserve distinct communities.

The subject site is within the distinct community of the Cottonwood Employment Center located along the Major Transit Corridors of Cottonwood Dr. and Ellison Dr. NW. The request could

facilitate future development that would remain consistent with the established commercial and retail character of the surrounding area and would enhance, protect, and preserve the distinct community through the reuse of an existing building.

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

The request would encourage quality development that does not conflict with any surrounding or adjacent land uses because uses allowed in the NR-C zone district are appropriate within the context of the character of the Cottonwood Employment Center and commercial strip mall, in general. Any proposed updates would be required to meet site design standards and current IDO and Development Process Manual (DPM) standards to be consistent with the distinct character of the surrounding community.

6. The request furthers the following, applicable Goals and Policies 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 request could further activate the Cottonwood Employment Center that currently consists of business park uses to the north, east, south and west and moderate intensity mixed-use and commercial uses to the south and southeast by adding additional NR-C uses that were previously not permissible in the area, such as a grocery store. This request could also encourage the reuse of a currently vacant building that could support additional employment opportunities that would be accessible by adjacent Ellison Dr. and Cottonwood Dr. Major Transit Corridors as well as the nearby NW Transit Center (within 0.3 mi to the west).

- 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 would continue to help capture regional growth in Centers and Corridors. It would also help shape the built environment into a sustainable development pattern by allowing additional land use options within a partially vacant strip mall located along two Major Transit Corridors. Future development under the NR-C zone district could also result in a greater employment density within an Employment Center and in an Area of Change where job creation is encouraged.

- C. **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.

Although the subject site is being downzoned to NR-C, the proposed zoning will still direct more intense growth to the Cottonwood Employment Center and Cottonwood Dr. and Ellison Dr. Major Transit Corridors. This establishes and maintains appropriate density and scale of development within areas most appropriate for new growth and development and minimally impact areas that should be more stable.

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

The request could facilitate further development of the subject site by making additional uses permissive that contribute to a complete community. For example, the newly permissive uses of grocery, medium retail, and/or art gallery could provide additional opportunities for residents to

work, learn, shop, and play together in an area conveniently accessible by a variety of transportation modes.

- E. **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 contribute to the existing healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods. Any future development at the subject site would occur in an area where development is desired and supported by different transportation options that can promote health and sustainability according to the ABC Comp Plan.

- F. **GOAL 5.3 EFFICIENT DEVELOPMENT PATTERN:** 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 served by existing Business Park infrastructure. Development made possible by the request would promote efficient development patterns through the reuse of standing architecture. Redevelopment on the subject site featuring uses allowed in the NR-C zone district would support the public good in the form of economic development, job creation, and an expansion to the tax base.

- G. **POLICY 5.3.1 INFILL DEVELOPMENT:** Support additional growth in areas with existing infrastructure and public facilities.

The subject site would potentially support additional growth through redevelopment in an area already served by existing infrastructure and public facilities. The request could support the revitalization of an existing but vacant retail building on the subject site.

- H. **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 zone change request to NR-C would allow the development of new business at the subject site as well as allow for the various commercial, small- to large-scale retail, office, commercial, and industrial uses that have been allowable in the NR-BP zone district and that serve both neighborhood and area-wide shopping interests. Allowing for NR-C would likely result in filling a current building vacancy and thereby add employment opportunities in an Employment Center west of the Rio Grande, where there is a deficit of jobs compared to the amount of housing units.

- I. **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 part of a concentrated commercial and retail hub within an Area of Change and Employment Center where growth is expected and desired. The proposed zone change would allow current uses to continue, encourage and direct growth to the subject site, and reinforce the existing character and intensity of the surrounding area.

- J. **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 would direct growth and more intense development to an Employment Center and an area that is also within two Major Transit Corridors (Cottonwood Dr. and Ellison Dr.), where change is encouraged.

7. The request furthers the applicable Goal 7.3 Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes from Comprehensive Plan Chapter 7: Urban Design:

This request would reinforce the sense of place by either maintaining context-sensitive design of development and streetscapes through the reuse of existing buildings or through new development that has to meet site design standards and current IDO and Development Process Manual (DPM) standards to form and embrace the character of the existing surrounding community.

8. The request furthers the applicable Goal 8.1 Placemaking: Create places where business and talent will stay and thrive from Comprehensive Plan Chapter 8: Economic Development:

Due to its advantageous location within an area concentrating neighborhood and regional shopping opportunities and employment, the subject site would continue to contribute to a dynamic and interesting place where business and talent could stay and thrive.

The request would expand the community's access to commercial services and jobs, (i.e., medium retail, art gallery, open air market, and grocery store), which could encourage economic development that could improve the quality of life for new and existing residents. Additionally, the request would restrict business developments (e.g., as adult retail and entertainment, salvage yard) that could be seen as less inviting and family friendly.

9. The applicant has adequately justified the zone change request pursuant to IDO § [14-16-6-7\(G\)\(3\)](#) Review and Decision Criteria for Zoning Map Amendments as follows:

- 6-7(G)(3)(a) Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that this request furthers applicable Comprehensive Plan Goals and policies and does not significantly conflict with them.

Applicable citations: Goal 4.1- Character, Policy 4.1.1-Distinct Communities; Goal 5.1-Centers & Corridors, Policy 5.1.1-Desired Growth, Policy 5.1.2-Development Areas; Goal 5.2-Complete Communities, Policy 5.2.1-Land Uses; Goal 5.3-Efficient Development Pattern, Policy 5.3.1-Infill Development; *Goal 5.4-Jobs-Housing Balance; Goal 5.6-City Development Areas, Policy 5.6.2-Areas of Change; *Goal 7.3-Sense of Place; and Goal 8.1-Placemaking.

The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and Policies and does not present any significant conflicts with the Comprehensive Plan.

- 6-7(G)(3)(b) The subject site is not within an Area of Consistency; therefore, this criterion does not apply.

- 6-7(G)(3)(c) The subject site is located wholly within an Area of Change where change is expected. The request meets Sub-criterion 3 because the proposed NR-C Zone District would generally be more advantageous to the community as articulated in the goal and policy-based response addressed in Criterion A.

- 6-7(G)(3)(d) The applicant compared allowable uses in the existing NR-BP (Non-Residential – Business Park) zone district and the proposed NR-C (Non-Residential – Commercial) zone district. The requested NR-C zone district does not include permissive uses that

would be harmful to adjacent property, the neighborhood, or the community. The key difference between the existing NR-BP and the proposed NR-C zone districts is that the NR-C zone district is more restrictive in Commercial and Industrial Uses. That is, NR-C does not allow adult entertainment, a blood services facility, adult retail, helipad, park-and-ride-lot, and geothermal energy generation permissively, whereas the NR-BP does.

Permissive uses allowed under the proposed NR-C zoning but not the current NR-BP zoning includes art gallery, general retail-medium, grocery store, and heavy vehicle and equipment sales, rental, fueling, and repair. All future development under the NR-C zone district would be subject to applicable IDO standards that would serve to protect and preserve the identity of the neighborhood to mitigate the impacts of uses that could be considered harmful (see IDO [Table 4-2-1](#): Allowable Uses).

- 6-7(G)(3)(e) The subject site has adequate infrastructure and public improvement capacity to serve the development made possible by the zone change as the subject site is already served by existing infrastructure.
 - 6-7(G)(3)(f) Although the subject site is located along NM 528 (Alameda Blvd. NW) and Ellison Dr. NW, both Existing Regional and Urban Principal Arterials, the applicant is not completely basing the justification for the request upon the subject site's location. 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 for an NR-C zone district would also allow the redevelopment of the subject site's vacant building to a grocery store.
 - 6-7(G)(3)(g) While economic considerations are a factor, the applicant's justification is not completely or predominantly based upon the cost of land or economic considerations. Rather, the applicant's justification is based on the sound justification that the zone change request furthers and does not conflict with a preponderance of applicable Comprehensive Plan Goals and policies.
 - 6-7(G)(3)(h) A zone change from NR-C to NR-BP is not a "spot zone" because the proposed NR-C Zone District is not different from surrounding zone districts. Namely, multiple parcels across Ellison Dr. to the southwest of subject site's southwest corner are also zoned NR-C.
10. The applicant provided notice to all eligible Neighborhood Association representatives—Cibola Loop Neighborhood Association and Westside Coalition of Neighborhood Associations—and adjacent property owners as required (IDO §[14-16-6-4\(J\)](#)). All received public comment at the time of this writing, which included several phone calls to the applicant and two letters to staff, are in support of the zone change: one from the Cibola Loop Neighborhood Association and one from adjacent property owner at 3801 Ellison Dr. NW.
11. The existing site plan does not establish allowable uses, so uses would be pursuant to IDO [Table 4-2-1](#) for the NR-C zone district, if approved.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **October 4, 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.

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For more information regarding the appeal process, please refer to IDO §14-16-6-4(U) (Appeals). A non-refundable filing fee will be charged and must be paid at the time the appeal is filed.

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,

/ Mikaela Renz-Whitmore /

for Alan M. Varela,
Planning Director

AV/MRW/WS/CH

CC:

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EPC file