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OFFICIAL NOTICE OF DECISION

October 17, 2024

Group 1 Realty, Inc.
800 Gessner
Suite 500
Houston, TX 77024

Project # PR-2024-010834
RZ-2024-00044 – Zoning Map Amendment

LEGAL DESCRIPTION:

Birkie Ayer, Jr. P.E., agent for Group 1 Realty, Inc., requests a Zoning Map Amendment, from MX-L to NR-LM, for all or a portion of Tract B, Lands of Sandia Upholstery Company, located at 4849 Pan American Fwy. NE, between Office Blvd. NE and Chappell Dr. NE, approximately 1.3 acres.

(F-17-Z)

Staff Planner: Silvia Bolivar

On October 17, 2024, the Environmental Planning Commission (EPC) voted to APPROVE Project # 2024-010834/ RZ-2024-00044, a Zoning Map Amendment, based on the following Findings.

FINDINGS – RZ-2024-00044 – Zoning Map Amendment

1. The request is for a Zoning Map Amendment (zone change) for an approximately 1.3 acre site legally described as Tract B, Lands of Sandia Upholstery Company, located at 4849 Pan American Freeway NE (the “subject site”).
2. The subject site is zoned MX-L [Mixed-Use – Low Intensity Zone District, IDO §14-16-2-4(B)], which was converted on the effective date of the IDO in 2018 from SU-1 for C-1 Uses (Commercial). The request is to change the subject site’s zoning to NR-LM [Non-Residential Light Manufacturing zone district, IDO §14-16-2-5(C) to facilitate future development as outdoor display of inventory for the abutting Lexus of Albuquerque dealership (i.e. light vehicle sales land use).
3. IDO §14-16-7-1 defines outdoor display as part of the light vehicle sales land use. If this request is approved, the proposed outdoor display would be allowed on part of the premises of the existing dealership.
4. The existing MX-L zoning is considered a spot zone, as it is surrounded by parcels zoned Non-Residential Business Park (NR-BP) and Non-Residential Light Manufacturing (NR-LM).
5. The subject site is vacant (except for some pavement).
6. The subject site is in an Area of Change as designated by the Comprehensive Plan.

7. The Long Range Roadway System classifies Pan American Freeway (I-25) as an Interstate Freeway, serving as a major north-south transportation corridor that connects the city to other areas within the state and region. At the location of the subject site, I-25 is designated as a Premium Transit Corridor and a Commuter Corridor. MRCOG's 2040 Primary Freight Corridors and Truck Restrictions Map shows this section recognized as a primary freight corridor, with certain truck restrictions in place.
8. The subject site is not located in an area that requires a Pre-Submittal Tribal Meeting pursuant to IDO §14-16-6-4(B) or Tribal Referral pursuant to IDO §14-16-6-4(I).
9. 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.
10. The request furthers the following, applicable Goals, Policies and Sub-policies regarding growth and 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 multi-modal network of Corridors.

The request for a Zoning Map Amendment would further this goal by enhancing the operational capacity of the adjoining car dealership, an auto-oriented commercial establishment along the Pan American Freeway, a major transportation corridor. Rezoning the site to NR-LM would allow for more efficient use of land, enabling the development of an inventory parking lot that supports the dealership's operations, thereby strengthening the economic vitality of nearby Employment Centers. The request would strengthen the subject site that is located near Employment Centers by facilitating growth in an appropriate location and in accordance with the Comp Plan, and along a major collector/primary freight corridor. The request would further the goal of fostering strong, well-functioning auto-oriented commercial activity along a key Commuter Corridor.

Additionally, the Zoning Map Amendment would eliminate a spot zone, making the zoning consistent with surrounding parcels, which are also zoned for non-residential uses. By creating consistency in zoning and land use, the request would contribute to a more coherent development pattern that supports the growth of connected, multi-modal corridors, further advancing the City's vision of strong, strategically located centers.

- 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.

SUBPOLICY 5.1.1.c.: Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

The request would further this subpolicy because it would promote auto-oriented redevelopment and infill on a site along a Commuter Corridor. By redeveloping the site along Pan American Freeway as outdoor display of inventory, the request would encourage compact development within an area already equipped with infrastructure and transportation networks, reducing the need for growth at the urban edge.

Furthermore, the Zoning Map Amendment would support existing employment by enhancing operational efficiency of the adjacent auto dealership, a significant business in the area. This would contribute to economic vitality of the corridor while aligning with the policy's goal of

concentrating growth in established Centers and Corridors, ensuring that development occurs in a strategic, sustainable manner.

11. The request furthers the following applicable Policy regarding Commuter Corridors from Comprehensive Plan Chapter 5: Land Use:

- A. **POLICY 5.1.12 COMMUTER CORRIDORS:** Allow auto-oriented development along Commuter Corridors that are higher-speed and higher-traffic volume routes for people going across town, often as limited-access roadways.

The request for a Zoning Map Amendment from MX-L to NR-LM furthers this policy because it would promote auto-oriented development along a major commuter corridor, the Pan American Freeway. This freeway serves as a high-speed, high-traffic route for people traveling across the city, making it an ideal location for businesses that cater to vehicle-dependent customers. By rezoning the 1.3-acre site to NR-LM, the auto dealership will be able to expand its outdoor display area, improving operational efficiency and meeting the needs of commuters who rely on this corridor for quick and easy access to vehicle-related services.

The Zoning Map Amendment supports the policy's intent to facilitate development that aligns with the function of commuter corridors. Allowing for the dealership's expansion along the Pan American Freeway enhances the corridor's role as a hub for auto-oriented uses, contributing to economic activity while maintaining the transportation efficiency of the roadway. The request would bring the subject site into conformity with surrounding NR-LM and NR-BP zoning, ensuring that the development made possible by the request is consistent with nearby land uses and the broader goals of the Comp Plan.

- B. **SUBPOLICY 5.2.1.f.** Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors.

The request would support this subpolicy because, if approved, it would allow for the subject site, located within an existing commercial zone along the Pan American Freeway to be redeveloped. The zone map amendment would support the operational needs of the auto dealership and would ensure that commercial development would occur in a location already designated for such uses. The request would support the goal of concentrating quality commercial activity within established Centers and Corridors, where infrastructure and transportation networks are in place to accommodate business growth.

The proposal leverages the site's proximity to the Renaissance Employment Center and Journal Center, two major employment centers, to enhance the area's overall commercial and economic vitality. By situating redevelopment in an appropriate commercial zone, the request would help reinforce the city's vision of focusing quality commercial development within Centers and Corridors.

- C. **SUBPOLICY 5.2.1.g.** Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request furthers this subpolicy because, if approved, it would promote infill development on a previously developed site, which would add a complementary use to the surrounding area. The proposed inventory parking lot for the abutting auto dealership supports the operational needs of an existing business, making it a logical and compatible addition to the area. Given

that the surrounding properties are zoned for non-residential uses, such as light manufacturing and business parks, the request aligns with the form and scale of neighboring development.

By repurposing the cleared site for a use that complements the dealership, the request ensures that the infill development integrates smoothly with the existing commercial and industrial character of the area. The request furthers this subpolicy's goal of encouraging infill that is not only compatible but also enhances the functionality of surrounding businesses.

12. The request furthers the following, applicable Goals, Policies and Sub-policies regarding Efficient Development Patterns and Infill Development from Comprehensive Plan Chapter 5: Land Use:

- A. **Goal 5.3 EFFICIENT DEVELOPMENT PATTERNS:** Promote infill 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 furthers this goal by utilizing an existing, cleared site within an established commercial area, thereby maximizing the use of existing infrastructure and public services. Since the site is already part of a developed corridor, the proposed zone change avoids the need for extending infrastructure to undeveloped areas, making more efficient use of public resources. This would promote responsible land use by focusing growth in a location that can efficiently support it, rather than encouraging sprawl or development on the urban edge.

By redeveloping the site as outdoor display of inventory for the auto dealership, the request would allow for the enhanced operational capacity of a key business without requiring new infrastructure investment. The request furthers this goal by promoting infill development patterns that not only support the needs of individual businesses but also will contribute to the overall public good by fostering sustainable growth within established areas.

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

The request furthers this policy by promoting the growth of the auto dealership within an area that already has existing infrastructure and public facilities in place. By developing the site as outdoor display of inventory, the dealership can expand its operational capacity without requiring new infrastructure or additional public investment. Though the growth is specific to one business, it still contributes to the overall economic activity along the Commuter Corridor and supports efficient use of land. This type of infill development ensures that available land in developed areas is used efficiently, fostering business growth while minimizing the need for new infrastructure.

13. The request furthers the following applicable Goals and Policies regarding City Development Areas and Areas of Change 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.

- B. **POLICY 5.6.2 AREAS OF CHANGE:** Direct growth and more intense development to Centers, Corridors, and industrial business parks and Metropolitan Redevelopment Areas where change is encouraged.

The request furthers this goal and policy because it will direct growth to a site that is within an Area of Change. The zone change to NR-LM is necessary to allow the outdoor display of inventory as part of the light vehicle sales for an existing business, so the request, if granted, would further this policy by allowing more intense development than allowed under the existing MX-L zoning. By focusing on infill development within this established Commuter Corridor along the Pan American Freeway, the request furthers the City's policy to concentrate growth in Areas of Change, where redevelopment is encouraged.

14. By enhancing the dealership's capacity and promoting efficient land use, the request furthers the goal and policy by fostering development in an Area of Change that is most appropriate for intense commercial activities.
15. Pursuant to §14-16-6-7(G)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria."

A. 6-7(G)(3)(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.

Consistency with the City's health, safety, 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 Centers and Corridors, Desired Growth, infill and efficient development patterns. Therefore, the request is consistent with the city's health, safety, and general welfare.

B. 6-7(G)(3)(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).

This criterion does not apply because the subject site is not located in an Area of Consistency, either wholly or in part.

C. 6-7(G)(3)(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).

The subject site is located wholly in an Area of Change. The applicant's policy-based analysis (see response to Criterion A) 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.

D. 6-7(G)(3)(d)

The NR-LM zone district allows some permissive uses that could be considered problematic, such as adult entertainment, adult retail, and nightclub. These uses are already allowed in the surrounding properties because they are zoned NR-LM and NR-BP. This zone change does not introduce new uses that are not already allowed in the area. The IDO allows these uses permissively to recognize that they are appropriate in those zone districts and provides use-specific standards to mitigate harm to the surrounding community.

E. 6-7(G)(3)(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.

The subject site is an infill site in an established area that is adequately served by existing infrastructure and therefore meets requirement E.1.

F. 6-7(G)(3)(f)

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

Though the subject site's location off of Pan American Freeway NE (a Premium Transit Corridor and Commuter Corridor) factors into the policy analysis, the applicant is not completely basing their justification upon it. Rather, the request would generally strengthen Centers and Corridors and direct growth to an appropriate location in accordance with the Comprehensive Plan.

G. 6-7(G)(3)(g)

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

Economic considerations are a factor, but the applicant's justification is not completely or predominantly 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 significantly conflict with them

H. 6-7(G)(3)(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.

The request would not create a spot zone or strip zone, as it seeks to rezone the existing spot zone of MX-L, which is inconsistent with the surrounding zone districts, NR-BP and NR-LM. The request is consistent with the intent of the Comprehensive Plan by facilitating more appropriate zoning that supports the broader land-use patterns and policies in the area, thus avoiding the creation of an incompatible zone district.

16. According to the Office of Neighborhood Coordination, there are no affected registered neighborhood organizations that were required to be notified.
17. Property owners within 100 feet of the subject site were notified. A total of six certified mail receipts were submitted, as the seventh property owner is Group 1 Realty Inc. Re-notification notices were sent on September 26, 2024, to provide the updated Zoom link for the EPC hearing.

18. As of the writing of this staff report, no individuals have reached out to express either opposition or support for the request.
19. If this request is approved, the applicant will need to amend the existing approved Site Plan (PR-2023-008423 / SI-2023-00606) for the abutting lot to include the subject site and meet applicable IDO requirements.

APPEAL

If you wish to appeal, you must do so within 15 days of the EPC's decision or by **November 1, 2024**. The date of the EPC's decision is not included in this 15-day period. If the 15th day falls on a Saturday, Sunday, or Holiday, the next working day is considered the deadline for filing an appeal.

For more information regarding the appeal process, please refer to the Integrated Development Ordinance (IDO), §14-16-6-4(U) (Appeals). The IDO is available online here: <https://www.cabq.gov/ido>. A non-refundable fee is required to be paid when the appeal is filed. It is not possible to appeal EPC recommendations to the City Council, because a recommendation is not a final decision.

You will receive notification if anyone files an appeal. If the decision is not appealed, you can receive building permits any time after the appeal deadline, provided all conditions of approval associated with the decision and all other applicable regulations have been met.

Sincerely,

/Mikaela Renz-Whitmore /

for Alan Varela
Planning Director

AV/MRW/SB

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