

PLANNING DEPARTMENT
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OFFICIAL NOTICE OF DECISION

November 21, 2024

Pitre Holdings, LLC
C/O Robert G. Pitre
9797 Eagle Range Rd NW
Albuquerque, NM 87114

Project # PR-2024-011052
RZ-2024-00048 – Zoning Map Amendment

LEGAL DESCRIPTION:

Tierra West LLC, agent for Pitre Holdings LLC c/o Robert G Pitre, request a Zoning Map Amendment from NR-BP & MX-M to NR-C, for all or a portion of Tract B-1 Plat of Tract B-1 & B-2; & Tract C-1, all for Adobe Wells Subdivision, located at 9640 Eagle Ranch Rd. NW, between Westside Dr. and Irving Blvd, approximately 6.3 acres. (B-13-Z)

Staff Planner: William Steele & Daniel Soriano

On November 21, 2024, the Environmental Planning Commission (EPC) voted to APPROVE Project # 2024-011052/ RZ-2024-00048, a Zoning Map Amendment, based on the following Findings.

FINDINGS – RZ-2024-00048 – Zoning Map Amendment – EPC

1. This is a request for a Zoning Map Amendment for all or a portion of Tract B-1 Plat of Tract B-1 & B-2; & Tract C-1, all for Adobe Wells Subdivision, located at 9640 Eagle Ranch Rd. NW and containing approximately 6.3 acres.
2. This is a request for a zone change to remedy a floating zone line on the subject site. The subject site is zoned Non-Residential-Business Park (NR-BP) and Mixed-Use-Medium Intensity (MX-M). The applicant is seeking to zone the entire subject site as Non-Residential - Commercial (NR-C). The lot does not meet the IDO eligibility requirements to be rezoned entirely NR-BP. NR-C will align the subject site with the zoning of surrounding properties to the south, all containing the same or similar land uses.
3. Prior to the effective date of the IDO, the subject site was zoned SU-1 to include R-2, IP, and C-2 uses. Upon the effective date of the IDO in May 2018, the subject site was converted to NR-BP to match the IP uses, and MX-M to match the C-2/R-2 uses, creating the floating zone line.

4. The 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.
5. The subject site is in an Area of Consistency as designated by the Comprehensive Plan and is not in a designated Center or Corridor.
6. The subject site is within the Coors Boulevard Character Protection Overlay (CPO-2) zone.
7. The request furthers the following, applicable Goals and Policies related to Land Uses, Complete Communities, Development Patterns, and West Side Jobs from Comprehensive Plan Chapter 5: Land Use.

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

The request furthers the Goal by allowing non-residential land uses that provide services to existing residential development nearby, including the expansion of the existing light vehicle sales business that exists on the subject site. The expansion will allow residents who live in nearby residential neighborhoods the convenience of servicing their vehicle and shopping for a new vehicle in the community where they live, work, shop and play.

- B. POLICY 5.2.1 LAND USES: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request furthers the Policy because it contributes a range of non-residential uses to the existing residential uses in the area, adding to the mix of uses that are accessible from surrounding neighborhoods and promoting healthy and sustainable communities. The existing light vehicle sales business is located near residential and commercial areas that could benefit from the expansion of the building. This expansion would complement nearby light vehicle sales businesses with similar uses in the area, contributing to the convenience of being easily accessible in the surrounding neighborhoods.

- C. SUB-POLICY 5.2.1.a: Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

The request furthers this sub-policy by allowing an expansion of the existing light vehicle sales business that is within walking and biking distance of residential development. The expansion will provide opportunities for nearby residents to have their vehicles serviced at a location that is easily accessible.

- D. GOAL 5.3 EFFICIENT DEVELOPMENT PATTERNS: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The requests further the Goal because it promotes development patterns that maximize the existing infrastructure, public facilities and the efficient use of land to support the public

good. The Zoning Map Amendment to NR-C promotes the efficient use of land by eliminating a floating zone line and providing uniformity of the existing land use. The site plan is located near public facilities such as bus stops and will be able to use the existing water, sewer and other utilities on the site for the expansion of the light vehicle sales business.

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

The request promotes the Policy by correcting the floating zone line, so the parcel will support additional growth and align with a compatible zoning designation for the existing use of the land. The addition to the light vehicle sales facility will be able to use the existing public infrastructure on site and nearby public facilities.

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

This request furthers this Goal through the expansion of an existing business that will promote employment opportunities on the West Side. The Zoning Map Amendment will complement and match the surrounding land uses with similar light vehicle sales businesses.

- G. SUB-POLICY 5.4.2.a: Ensure adequate capacity of land zoned for commercial, office, and industrial uses west of the Rio Grande to support additional job growth.

The request supports this Policy because the rezoning of the subject site to NR-C will resolve an existing floating zone line on an existing parcel, remove allowable residential uses, and continue to support commercial, office, and industrial uses west of the Rio Grande. The expansion of the existing light vehicle and sales business will provide the opportunity to support additional job growth.

8. The request furthers the following applicable Goals and Policies regarding Placemaking, Resilient Economy and Entrepreneurship from Comprehensive Plan Chapter 8: Economic Development:

- A. GOAL 8.1 PLACEMAKING: Create places where businesses and talent will stay and thrive.

The request is consistent with the Goal because the Site Plan would expand an existing business that has been in existence for 20 years. This would contribute to the support of a place where business and talent will continue to stay and thrive. The expansion of the business would provide the opportunity for it continue to grow and possibly attract more talent to their business.

- 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 request would encourage economic development that would improve the quality of life for residents by allowing a range of land uses at an appropriate location scale intensity and density. The proposed NR-C allows land uses that are compatible with surrounding land

uses. The Site Plan allows the expansion of an existing business that contributes to economic development efforts to foster a robust, resilient, and diverse economy.

- C. GOAL 8.2 ENTREPRENEURSHIP: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.

The request furthers the Goal by fostering a culture of entrepreneurship and encouraging private businesses to grow. The Zoning Map Amendment would align the parcels with surrounding land uses and allow new land uses in the future. The expansion of the subject site would encourage the existing business to grow and continue to promote entrepreneurship.

9. Pursuant to IDO §14-16-6-7(G)(3) Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria." The applicant has adequately justified the request as follows:

- 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.

The applicant's policy-based response demonstrates that the request furthers a preponderance of applicable Goals and Policies regarding Land Uses, Jobs-Housing Balance, Entrepreneurship 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 subject property is located partially or completely 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).

The subject site is located entirely within an Area of Consistency, where any new development or redevelopment must be consistent with the established character of the surrounding area. The subject site has been a light vehicle sales and repair use since EPC approval in 2003. A zone change to NR-C would strengthen the character of the

surrounding area by ensuring the land use is able to continue, while remaining a commercially focused lot going forward reinforces the character of the area for any potential changes in the future. The applicant argues that the existing zoning is inappropriate because it meets Criteria 3. The subject site is currently zoned both NR-BP and MX-M. A change solely to NR-BP was not possible due to minimum acreage IDO requirements. The applicant has proposed NR-C as a more advantageous zone district for the subject site, as it is consistent with the current and surrounding land uses, matching the zoning of two lots on the southern edge and east side of the subject site, both of which are also light vehicle sales centers. The applicant's policy-based analysis demonstrates that the request would further a preponderance of applicable Comprehensive Plan Goals and Policies and would be more advantageous to the community than the current zoning.

- C. 6-7(G)(3)(c) If the subject property 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 any of the following criteria.

The subject site is located wholly in an Area of Consistency, as designated by the Comp Plan; therefore, Criterion C does not apply.

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

The zone change will not negatively impact the surrounding area given the zoning and land uses are oriented toward motor-vehicle related and business park activities.

Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair could be seen as a potentially harmful because of the fueling aspect of this use. The surrounding land uses and IDO use specific standards would mitigate the likelihood of negative impacts to the surrounding community by prohibiting vehicle repair, servicing and maintenance within 25 feet of any Residential zone district or a residential use in any Mixed-use zone district [§14-16-4-3(D)(17)(f)], requiring a Conditional Use Approval if within 330 feet of any Residential zone district [§14-16-4-3(D)(17)(g)] and prohibiting the use if within 330 feet of Major Public Open Space [§14-16-4-3(D)(17)(h)].

- 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 any of the following criteria:
1. Have adequate capacity to serve the development made possible by the change of zone.
 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
 3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement (IIA).

4. 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

This request meets the requirement by ensuring the infrastructure and public improvements will have adequate capacity as determined through the city's permitting process and following the obligations set under the IDO, DPM and/or an IIA, meeting Criterion E.

- F. 6-7(G)(3)(f) The applicant's justification for the Zoning Map Amendment is not completely based on the property's location on a major street.

The request is not completely based on the property's location on a major street; rather, the request is based on policy analysis of the existing land uses on surrounding properties, proposed Major Amendment to the Site Plan, and proposed Zoning Map Amendment to remedy a floating zone line and request a zone that is compatible with the surrounding land uses and the Goals and Policies of 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.

The applicant's justification is not completely or predominately based on economic considerations or the cost of land. Rather, the applicants request is to remedy a floating zone line with a zone that be more advantageous to the community, because it furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not significantly conflict with them.

- H. 6-7(G)(3)(h) The Zoning Map Amendment 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 requested zoning will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least 1 of the following applies.

1. The subject property is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The subject property 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 subject property 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 remedy a floating zone line on the property to match the NR-C on the lot that abuts the subject site to the south.

10. Recognized Neighborhood Associations within 660 feet, Paradise Hills Civic Association and Westside Coalition of Neighborhood Associations, and property owners within 100 feet of the

subject site were notified as required and then re-notified to correct hearing information on the notification letter.

11. As of this writing, Staff has not received any correspondence in favor or opposition of the proposed project.
12. The subject site is within 660 feet of Major Public Open Space. A Pre-submittal Tribal Meeting request was sent to Tribes, as required. No meeting requests have been received as of this writing.

APPEAL

If you wish to appeal, you must do so within 15 days of the EPC's decision or by **December 9, 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/WS/DS

cc:

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EPC file