

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



OFFICIAL NOTICE OF DECISION

February 20, 2025

Monte Vista Christian Church
3501 Campus Blvd NE
Albuquerque, NM 87106

Project # Project # PR-2024-010327
RZ-2024-00049 – Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Aria Studio Consultants, Inc., agent for Monte Vista Christian Church, requests a Zoning Map Amendment, from R1-B to MX-T, for all or a portion of Tract A, Block 24-A, located at 3501 Campus Blvd NE, between Purdue Pl NE and Berkley Pl NE, approximately 1.8334 acres. (K-16-Z)
Staff Planner: Dennis Felipe, Jr.

On February 20, 2025, the Environmental Planning Commission (EPC) voted to APPROVE Project # 2024-010327/RZ-2024-00049, a Zoning Map Amendment (Zone Change), based on the following Findings:

FINDINGS – RZ-2024-00049 – Zoning Map Amendment (Zone Change)

1. The request is for a Zoning Map Amendment from R-1B (Residential – Single-family) to R-T (Residential - Townhouse), for an approximately 2-acre site legally described as all or a portion of Tract A, Block 24A, Monte Vista (Replat of Lots 1 thru 5 Block 23 Lots 1 thru 4 Block 24 Monte Vista and Vacated Portion of Grande Avenue Northeast) located at 3501 Campus Blvd. NE, on situs address 3300 Purdue NE (the “subject site”).
2. The subject site is developed with a Religious Institution and incidental Child Day Care Facility (Pre-school).
3. The original zoning map amendment application requested a change from R-1B to MX-T, which was heard on December 19, 2024. Prior to the hearing, the surrounding community expressed concerns about the permissive uses allowed in MX-T. On December 18, 2024, the applicant met with the community and the applicant agreed to change the request from MX-T to R-T to satisfy both the property owner’s intention and surrounding neighbors’ concerns. The EPC continued the request to February 20, 2025 to allow the applicant time to revise the justification for the zone change.
4. The applicant intends to sell the southern portion of the subject site to the current operators of the Pre-school upon approval of the zone change and future subdivision action.
5. The day care is currently operating as an incidental activity of the religious institution use. Land uses run with the land, not the owner [IDO §14-16-4-3(F)(1)(b) and §14-16-6-4(W)(1)]. The day care will

OFFICIAL NOTICE OF DECISION

Project # 2024-010327

February 20, 2025

Page 2 of 8

continue operating after the zoning map amendment, so there is no change of use or change of impact. Pursuant to IDO Table 4-2-1, Adult or child day care facility is allowed as a conditional use in the R-T zone district. Pursuant to §14-16-4-1(E)(1), uses that existed when the IDO went into effect in May 2018 that require a Conditional Use Approval under the IDO are deemed to have a Conditional Use Approval and can continue to operate. If the day care ceases to operate for 2 years, the Conditional Use Approval will expire [IDO Table 6-4-3] and not allowed in the current zone, R1-B.

6. According to the applicant, the Monte Vista Christian Church has been located at 3501 Campus Blvd. NE. since April 1935. The prior zoning on the site was SU-1 for Church and Related Facilities, which was established by the now-repealed Comprehensive City Zoning Code. With the effective date of the IDO in May 2018, the SU-1 zoning on the subject site converted to R-1B.
7. 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.
8. The subject site is within the Monte Vista/College View Historic District and the Near Heights Community Planning Area (CPA).
9. The subject site is in an Area of Consistency and within the Central Avenue Main Street Corridor and Central Avenue Major Transit Corridor, as designated by the Comprehensive Plan.
10. The request furthers the following applicable Goals and Policies from Comprehensive Plan Chapter 4 – Community Identity.

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

The request continues to enhance the distinct community of the established Monte Vista and College View Historic District with a small business at the subject site to become part of and serve the community. Lastly, to protect and assure that the existing buildings on the subject site comply with the most current IDO zoning for its current land use.

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

The request encourages quality future development by allowing the child day facility to be owned by a small business currently operating the facility. Keeping the consistency of the distinct character of the community by allowing the child day care facility to remain in operation as a Conditional land use in its current facility with no change in infrastructure. 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.

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 of uses, and character of building design.

The request would allow the existing land uses to continue operating. The religious institution is permissive and child day care services would remain a nonconforming use which is allowed to continue or expand based on the regulations and criteria of IDO Section 14-16-6-8 in order to preserve the integrity of a neighborhood and prevent adverse impacts. The zone change would facilitate a future replat for the Child Day Care facility to continue operating as a stand along use.

The zone change generally ensures appropriate scale and location of development, by allowing an existing use to continue operating.

- D. **POLICY 4.1.4 NEIGHBORHOODS:** Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

This request would continue to protect, and preserves the existing Day Care Facility that has been a part of this community for years. Upon approval of the zone change, the applicant proposes to subdivide the property and sell the existing child day care center to the current operators of the facility, ensuring the preservation of a service to the community. The day care will continue to protect and preserve the younger generation in the neighborhood as key to their long-term health and vitality.

- E. **GOAL 4.2 PROCESS:** Engage communities to identify and plan for their distinct character and needs.

The applicant engaged the community to hear their concerns when a meeting was requested and letters of opposition were received. The applicant has stated that there is no plan to change either use on the property, which would ensure that the distinct character and needs of the community remain intact on the subject site. The applicant held a meeting with the Nob Hill Neighborhood Association and surrounding neighbors to get their view on the original zoning request to MX-T. A consensus was made with the surrounding residents and the applicant determined to change the zoning request to R-T to satisfy the needs of the community.

- F. **POLICY 4.2.2 COMMUNITY ENGAGEMENT:** Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of all residents.

The request allowed the applicant to facilitate meaningful engagement with the community that identified and addressed their concerns. Upon receiving the comments that were against the original zoning request to the EPC, the applicant coordinated a meeting with the community. The EPC approved a continuance at the December 19, 2024 EPC hearing to allow the applicant to modify their request to address the needs of the residents.

- G. **GOAL 4.3 CITY COMMUNITY PLANNING AREAS:** Protect and enhance the natural and cultural characteristics and features that contribute to distinct identity and prioritize projects and programs to meet the needs of communities, neighborhoods, and sub-areas.

The request furthers and enhances the cultural characteristic of the neighborhood by enabling the existing religious institution and incidental child care facility use to continue operating in an appropriate zone district. The religious institution contributes to the distinct identity of the Monte Vista and College View Historic District. The existing land uses of the religious institution and adjacent daycare can continue to meet the needs of the neighborhood, community, and sub-areas.

- H. **POLICY 4.3.7.5 [A] NEAR HEIGHTS CPA:** Prioritize support for local small business.

This request prioritizes supporting local small businesses by allowing the day care to remain in operation as a conditional land use once subdivided.

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

The request would contribute to the distinct character of the Nob Hill and surrounding community by allowing a zone district that allows fits in with the surrounding residential neighborhood. Additionally, the Day Care Facility is deemed to have a Conditional Use Approval and would continue operating as part of this request. The R-T zone district allows the non-residential use to continue operating in a residential zone district, therefore allowing a mix of uses that is conveniently accessible form the surrounding neighborhood. The request generally furthers Policy 5.2.1.

- J. 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 Consistency. The request would ensure that the business can continue operating without any change to the physical features of the infrastructure reinforcing the character and intensity of the surrounding area.

- K. POLICY 5.6.3 AREA OF CONSISTENCY: Protect and enhance the character of existing single-family neighborhoods, areas of Centers and Corridors, parks, and Major Open Space.

This request ensures that the development reinforces the scale and intensity of the immediately surrounding area while considering the community's comments and concerns. This request is in an area of Consistency and within the 660-foot-wide buffer of the Central Avenue Main Street Corridor and Central Avenue Major Transit Corridor. The zone change aligns the appropriate zoning district with the existing land use.

11. The request furthers the following applicable Goals from Comprehensive Plan Chapter 8 – Economic Development.

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

The request will be providing the opportunity for a small business to continue to stay and thrive in the neighborhood and connect employment opportunities to residents in the surrounding communities.

- B. 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. [ABC]

The request would generally foster a range of contexts with different development density and uses by allowing an existing Day Care Facility to continue operating under a different zone district, R-T. The Day Care is an incidental use to the exiting Religious Institution on the subject site and upon approval of this request, would be deemed to have a Conditional Use approval so may operate as a standalone use once the subject site is subdivided via future replat.

- C. POLICY 8.1.2 RESILIENT ECONOMY: Encourage economic development efforts that improve quality of life for new and existing residents and foster robust, resilient, and diverse economy. [ABC]

The zone change would encourage economic development efforts by facilitating a replat of the subject site. The applicant intends to sell the Day Care Facility to the current operators of the business. The request will continue to improve the quality of life for new and existing residents in the community and provide jobs.

12. The request furthers GOAL 11.2 HISTORIC ASSETS: Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity from Chapter 11 – Heritage Conservation.

The zone change would allow the existing Religious Institution and Day Care facility to operate as a conditional use on the subject site. The applicant intends to continue operating the religious institution and day care for years to come, which would preserve the buildings and historic district.

13. 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."

- 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 proposed zone change is consistent with the health, safety, and general welfare of the City as shown by applicant's policy-based response furthering (and not being in conflict with) a preponderance of applicable Goals and Policies regarding 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, POLICY 4.1.2, POLICY 4.1.4, GOAL 4.2, POLICY 4.2.2, GOAL 4.3 City Community Planning Areas, POLICY 4.3.7.5 [A], POLICY 5.2.1, GOAL 5.6 City Development Areas, POLICY 5.6.3, GOAL 8.1 Placemaking, POLICY 8.1.1, POLICY 8.1.2, GOAL 11.2 Historic Assets.

- 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).

The subject site is entirely located in an Area of Consistency, where significant growth is typically undesirable and where any new development or redevelopment must be consistent with the established character of the surrounding context.

The applicant claims that the existing zoning is inappropriate and meets Criteria 3 due to the subject sites current land uses and because the daycare will be conditional in the R-T zone district, or in this case a nonconformity. The change is more advantageous to the surrounding community because the day care facility would continue to operate as a nonconforming use

upon the lot being subdivided after this request, allowing the community to continue to utilize it.

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 completely located in an Area of Consistency, as designated by the Comp Plan.

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 subject site is surrounded by R-1B, R-T and MX-T lots. The majority of new permissive uses on the subject site would not be harmful to the residential areas of the surrounding neighborhood. Although not harmful, Geothermal energy generation and freestanding wireless telecommunications facility (WTF) are Permissible Accessory land use. For Geothermal energy generation, pursuant to IDO §16-16—4-3(E)(10) where the use is listed as Permissible Accessory, it must be for private energy generation. The WTF would be prohibited on this lot pursuant to IDO §14-16-4-3(E)(13)(e)(1)(a) which prohibits freestanding WTFs within 100 feet of any property line in any residential zone district.

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 served by existing infrastructure and public improvements and the request meets the requirement by ensuring they will have adequate capacity. The site is developed with a Religious Institution and Day Care Facility, which will continue to utilize existing infrastructure that serves the site.

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.

OFFICIAL NOTICE OF DECISION

Project # 2024-010327

February 20, 2025

Page 7 of 8

The applicant's justification for the zone change is to facilitate the purchase of the preschool facility from the church to continue operating as a nonconforming use. Though the subject site is within 660' of the Central Avenue Main Street Corridor it is not located on a major street and therefore is not the applicant's justification for the zone change.

- 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, nor is the justification based completely or predominantly upon the cost of land. 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 proposed zone change does not create a "spot zone" or "strip zone." The request is to change the zoning of the subject site from R-1B to R-T. There are lots surrounding and adjacent to the subject site that are currently zoned R-T.

14. The District 6 Coalition of Neighborhood Associations and Nob Hill Neighborhood Association are within 660 feet of the subject site and were notified as required. Property owners within 100 feet of the subject site were also notified as required. Although not required, the applicant mailed notice of the continuance to the same property owners and Neighborhood Associations.
15. On December 18, 2024, the applicant met with the community and agreed to change the request from MX-T to R-T to satisfy both the property owner's intention and surrounding neighbors' concerns. No additional meetings have been requested.
16. The subject property is not within the areas that trigger the Pre-submittal Tribal Meeting pursuant to IDO §14-16-6-4(B).
17. No public comment has been received regarding this new request to R-T. Public comment was received both supporting and opposing the original request to MX-T.
18. Sign postings for the continuance have been verified by the staff planner, and photos have been submitted by the applicant.
19. A public comment from a property owner within 100-feet and a letter from the Nob Hill Neighborhood Association were submitted in support of the request for the updated zone change request to R-T, during

the 48-hour public comment period. An additional letter was submitted by a community member highlighting the analysis made in the staff report.

APPEAL

If you wish to appeal, you must do so within 15 days of the EPC's decision or by **March 07, 2025**. 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,



for Alan Varela
Planning Director

AV/MJ/DFJ

cc: Aria Studio Consultants, Inc., Project Agent, debra@ariascinc.com
Monte Vista Christian Church, Applicant, 3501 Campus Blvd. NE, Albuquerque NM 87106
District 6 Coalition of Neighborhood Associations, Patricia Willson, info@willsonstudio.com
District 6 Coalition of Neighborhood Associations, M. Ryan Kious, m.ryankious@gmail.com
Nob Hill Neighborhood Association, Gary Eyster, meyster1@me.com
Nob Hill Neighborhood Association, Greg Weirs, vgweirs@gmail.com
Winn, Property owner within 100 feet, winngeorge@gmail.com
Heatly, Property owner within 100 feet, mcheatly@yahoo.com
City Legal, acon@cabq.gov
EPC file