

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

August 21, 2025

Lynda Giang, SNL Properties  
9307 Central Ave. NE  
Albuquerque, NM 87123

**Project #** [ZMA-2025-00008](#)  
Zoning Map Amendment (Zone Change)

### LEGAL DESCRIPTION:

Penny Design, LLC, agent for SLN Properties, LLC requests a Zoning Map Amendment, from MX-H and MX-M to MX-H, for all or a portion of Lots 1, 2, 3-7, 17, 18 including, block 7, located at 9307 Central Ave NE, between Central Ave and General Chennault, approximately 1.0216 acres.

(K-20)

Staff Planner: Dennis Felipe, Jr.

On August 21, 2025, the Environmental Planning Commission (EPC) voted to APPROVE Plan # ZMA-2025-00008, a Zoning Map Amendment (Zone Change), based on the following Findings:

### FINDINGS – ZMA-2025-00008- Zoning Map Amendment (Zone Change)

1. This is a request for a Zoning Map Amendment for all or a portion of Waggoman Denison Lots 1 2 3 to 7 17 17 incl X Block 7, located at 9307 Central Ave. NE, Albuquerque, NM 87123 for approximately 1.0 acres. The request is a quasi-judicial matter.
2. The subject site is zoned MX-M (Mixed-Use – Medium Intensity) and MX-H (Mixed-Use – High Intensity). The request would allow for the consolidation of the properties, which cannot be done until both properties have the same zone designation; therefore, preventing the creation of a floating lot line, that will be more advantageous to the community and unify the property under a single zone district, MX-H.
3. Before the adoption of the Integrated Development Ordinance (IDO), the northern portion of the subject site, now zoned, MX-M, was zone SU-2 for EG-C. The southern portion of the subject site, now zoned, MH-H, was zoned for SU-2 for EG-C-2.
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. Pre-Application Review, Sketch Plat has been requested for a Site Plan – Administrative action under PR-2021-005479, which has not yet been approved. Upon review of this project, planning staff became aware of the need for the zone map amendment in order to prevent the creation of a floating zone line at the property, an action needed in order to replat the site.

6. The subject site is within 660 ft. of the Central Ave. Major Transit and Major Street Corridors, as designated by the Comp Plan.
7. The subject site is within an Area of Change as designated by the Comprehensive Plan.
8. The request furthers the following goals and policies from 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 request could contribute to the long-term vitality of Central Ave., as a major transit corridor and main street corridor. MX-H zoning would also allow more intense and diversified commercial and industrial offerings as well as denser housing development along a major transportation corridor. Any proposed development would be required to meet site design and compatibility standards to ensure appropriate integration with the surrounding area.

- 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 support growth along a major transportation corridor for a building to be developed into with second-story housing. The proposed MX-H zoning would allow for more cohesive development and could reduce commuting and traffic to shape the built environment into a sustainable development pattern.

- 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.

The request would support more intense growth as the applicant wishes to expand a second-story to the building on the subject site within a major transit and main street corridor. No matter which permissive use, a building expansion would establish and maintain appropriate density and scale of development within this area meant to be more stable.

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

The request would foster the Central Avenue Major Transit and Main Street Corridor by providing creating a larger consolidated lot for future development along thereof.

- E. 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 request to the MX-H zone district would also allow for more options and a wider variety of commercial and industrial uses that correspond with adjacent properties' use, infrastructure, and public facilities such as the Central Ave. major transit and major street corridor, where development can take advantage of established transportation networks. The request will bring

the building the subject site into conformance to be suitable for future expansion or development.

A future site plan for development of the property would be subject to IDO requirements, including site design standards (IDO§14-16-5-11), parking and loading requirements (IDO§14-16-5-5), and mixed-use dimensional standards (IDO §14-16-5-1) to ensure the efficient use of resources and infrastructure.

- F. 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 located wholly within an Area of Change. The request would direct growth to an area where redevelopment is encouraged and adjacent to parcels with corresponding zoning. A unified MX-H zone at the subject site could allow for a more concerted development that could include high-density residential, and expanded commercial and industrial uses that align with the area's existing development pattern.

- G. 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 request could direct growth and more intense development to an Area of Change by establishing a cohesive MX-H zoning on the subject site that is along the Central Ave. Major Transit and Main Street Corridor, where change and development is encouraged. By facilitating a more cohesive development that conforms to existing area uses, the request aligns with the City's goal to direct growth to areas where it is expected and desired. Future development could be subject to applicable design and compatibility standards to ensure integration with the surrounding community. Additionally, this request promotes infill development thereby maximizing existing resources.

9. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(F)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

- 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.

The applicant's policy-based analysis demonstrates the request would further a preponderance of applicable Comprehensive Plan goals and policies as well as more advantageous to the community than the current zoning.

Applicable Citations: Goal 5.1 Centers & Corridors; Policy 5.1.1 Desired Growth; Policy 5.1.2 Development Areas; Policy 5.1.10 Major Transit Corridors; Policy 5.2.1 Land Use; Goal 5.3 Efficient Development Patters; Goal 5.6 City Development Areas; Policy 5.6.2: Areas Of Change

Non-Applicable Citations: Goal 4.1 Character; Policy 4.1.1 Distinct; Goal 5.2 Complete Communities; Policy 5.2.1 Land Uses; Policy 5.4.1 Housing Near Jobs; Goal 7.3 Sense of Place

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 within an Area of Change, and not wholly or partially in an Area of Consistency, as designated by the Comp Plan. This criterion does not apply.

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 within an Area of Change where growth and development are encouraged. within Centers (other than Old Town) and Corridors (other than Commuter Corridors). Within a Main Street Corridor and along a Major Transit Corridor – prime locations for concentrating growth.

The applicant demonstrates that there has been a significant change in neighborhood or community conditions affecting the site that justifies this request, and that unifying two separate lots is more advantageous to the community.

Staff agrees that the request would strengthen the character of the surrounding area by supporting development, while expanding Mixed Use High Intensity across the entire site. maintaining a commercial or higher-density residential focus similar to adjacent properties to the north and south, and to a lesser intensity than those properties to the north of Central Ave. An MX-H zone district at this location is consistent with surrounding properties along Central Ave, and could reinforce the existing character of the area.

- 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 applicant compared allowable uses in the existing MX-M (Mixed- Use – Medium Intensity) and MX-H (Mixed-Use – High Intensity) zone districts to the proposed unified MX-H zone district. Permissive uses allowed under the proposed MX-H zoning but not the current MX-M zoning are adult retail and as conditional uses, construction contractor’s facility and amphitheater. With the preponderance of MX-H zoning in the area, this will not be introducing these uses.

The agent noted the applicant intends to continue the current use, pending request approval. Potential permissive uses for the proposed northern portion of the lot are already permissive in the southern portion, and adjacent properties surrounding the subject site. This request would make all of these uses are already permissive for the southern portion of the subject site, permissive for the northern portion. Future development would be required to adhere to their respective use-specific standards for each use in the IDO to mitigate potential harm.

- 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 City infrastructure and public improvements, and the request meets the requirement by ensuring that future uses will have adequate capacity. The site is developed as retail which will continue to utilize existing infrastructure that serves the site.

This request will ensure that infrastructure and public improvements have adequate capacity when the applicant fulfills its obligations for development under the IDO, the DPM, and/or an Infrastructure Improvements Agreement that would be established during a Site Plan review process, as required.

- 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;

Although the subject site is located along Central Ave., a Community Principal Arterial, the applicant's justification is not completely base on the subject site's location; rather, the applicant has adequately demonstrated that the request furthers and does not conflict with a preponderance of applicable Comp Plan goals. The zone change would facilitate the applicant's request is to allow for the consolidation of the properties, which cannot be done until both properties have the same zone designation. Therefore, preventing the creation of a floating lot line that will 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. Therefore, allowing for the previously requested replat by bringing all lots to the same zone classification.

- 6-7(G)(3)(g) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

While economic considerations are not a factor, the applicant's justification is not completely or predominantly based upon the cost of land or economic considerations. Rather, the applicant's request is to allow for the consolidation of the properties, which cannot be done until both properties have the same zone designation. Therefore, preventing the creation of a floating lot line that will 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.

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.

A zone change from MX-M to a unified MX-H across the subject site is not a "spot zone" because the proposed MX-H Zone District is consistent with adjacent parcels to the north and south along Central Ave. that are also zoned MX-H. The request is consistent with the intent of the Comprehensive Plan by facilitating appropriate zoning that aligns with the subject site lot lines.

10. Neighborhood associations (NA) within 660-feet of the subject site are the District 6 Coalition of NA and South Los Altos NA which were notified as required. Property owners within 100 feet of the subject site were also notified as required during the same time-frame.
11. The South Los Altos Neighborhood Association notified the applicant the board would not request a meeting.
12. Staff has received no public comment regarding the request at the time of this writing.

### APPEAL

If you wish to appeal, you must do so within 15 days of the EPC's decision or by **September 5, 2025**. The date of the EPC's decision is not included in this 15-day period. If the 15<sup>th</sup> 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.

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August 21, 2025

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Sincerely,

*Megan Jones*

for Alan Varela  
Planning Director

AV/MJ/DF

cc: Case Agent, Penny Designs LLC, [penny@pennydesign.net](mailto:penny@pennydesign.net)  
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