

**PLANNING DEPARTMENT**  
**URBAN DESIGN & DEVELOPMENT DIVISION**  
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## **OFFICIAL NOTIFICATION OF DECISION**

April 23, 2020

Holly Partners LLC  
904 Copperhead Ct. NE  
Albuquerque NM 87113

**Project #2020-003443**  
RZ-2020-00005 – Zone Map Amendment (Zone Change)

### **LEGAL DESCRIPTION:**

The above action for all or a portion of Tract 20A-1 Vacation Amended Plat & Repl of Paradise North situated within the Town of Alameda Grant Cont., located on Unser Boulevard NW, between Bandelier Drive NW and McMahon Boulevard NW, approximately 20 acres (A-11 ) Staff Planner: Linda Rumpf

On April 23, 2020, the Environmental Planning Commission (EPC) voted to Approve Project # 2020-003443/ RZ-2020-00005, Zone Map Amendment (Zone Change) from MX-L to MX-M, based on the following Findings and Conditions of Approval:

### **FINDINGS:**

The zone map amendment has been adequately justified pursuant to the IDO Review and Decision criteria for zone changes 6-7(F)(3).

1. The request is for a zone map amendment (zone change) for an approximately 10.1-acre portion of an approximately 19.1-acre site known as: all or a portion of Tract 20A-1 Vacation Amended Plat & Repl of Paradise North situated within the Town of Alameda Grant Cont., (the “subject site”). The subject site is located at the southwest corner of Unser Boulevard NW and McMahon Boulevard NW and is bounded by Bandelier Drive NW on the south and west, which is currently vacant.
2. The subject site is zoned MX-L (Mixed-Use Low Intensity Zone) and the Applicant is requesting MX-M (Mixed-Use Medium Intensity) zoning for an approximately 10.1-acre portion of the site to allow for a greater variety of commercial uses at this highly traveled intersection.
3. The subject site is in an area that the Comprehensive Plan has designated an Area of Change. The site is on the Unser and McMahon Commuter Corridors. It is also on the future Unser Premium Transit Corridor. It should be noted that the benefits of Premium Transit Corridor

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status are not invoked until the route has been determined and station areas have been defined. The latter test has not been met.

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 request furthers the following, applicable Goal and policies regarding 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 generally furthers Goal 5.1 Centers & Corridors because the zone change can support appropriate development along the Unser and McMahon Corridors and by helping to shape future development that supports the corridors.
  - 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 generally furthers Policy 5.1.1 -Desired Growth because the zone change can support appropriate development along the Unser and McMahon Corridors and by helping to shape future development that supports the corridors.
  - 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 generally furthers Policy 5.1.2-Development Areas because the scale of development allowed in MX-M is appropriate along the Unser and McMahon Corridors.
  - D. 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 furthers Policy 5.1.12 Commuter Corridors because the automobile-oriented uses, such as light vehicle fueling, drive-throughs, and other similar uses in the MX-M zone are appropriate along the Unser and McMahon Commuter Corridors. Appropriate access and buffering will be coordinated in future site planning and development review.
6. The request furthers the following, applicable Goal and policies regarding Complete Communities:
  - A. Goal 5.2 Complete Communities: Foster communities where residents can live, work,

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learn, shop, and play together.

The request generally furthers Goal 5.2-Complete Communities because the MX-M zoning district provides more opportunities for residents to live, work, learn, shop, and play in close proximity to growing communities and neighborhoods.

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 generally furthers Policy 5.2.1-Land Uses because the MX-M zoning district allows for a greater mix of uses that would be accessible from surrounding neighborhoods.

7. The request furthers the following, applicable Goal and policies regarding Efficient Development Patterns:

A. 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 generally furthers Goal 5.3- Efficient Development Patterns because the MX-M zoning district allow for a greater variety and intensity of uses that can more efficiently utilize existing infrastructure and public facilities along the Unser and McMahon Corridors.

B. Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The request furthers Policy 5.3.1-Infill Development because the subject site is appropriately located to accommodate additional growth with available infrastructure and public facilities along the Unser and McMahon Corridors.

8. The request furthers the following, applicable Goal and policies regarding Jobs-Housing Balance:

A. Goal 5.4 Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing growth west of the Rio Grande.

The request furthers Goal 5.4 Jobs-Housing Balance because the more intense non-residential uses allowed in the MX-M zoning district may help balance jobs and housing on the City's west side.

B. Policy 5.4.1 Housing near Jobs: Allow higher-density housing and discourage single-family housing near areas of concentrated employment.

The request furthers Policy 5.4.1 Housing near Jobs because the MX-M zoning district may accommodate concentrated employment near already established and future residential uses.

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C. Policy 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.

The request furthers Policy 5.4.2 West Side Jobs because the more intense non-residential uses of the MX-M zoning district may foster new employment opportunities on the City's west side.

9. The request furthers the following, applicable Goal and policies regarding City Development Areas:

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.

The request generally furthers Goal 5.6 City Development Areas because the site is an Area of Change where growth is expected and desired and the change to MX-M will direct more intense development to the Unser and McMahon Corridors.

B. 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 generally furthers Policy 5.6.2-Areas of Change because the site is an Area of Change where growth is expected and desired and the change to MX-M will direct more intense development to the Unser and McMahon Corridors.

C. Policy 5.6.4 Appropriate Transitions: Provide Transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

The request furthers Policy 5.6.4 Appropriate Transitions because the proposed zoning boundaries of the requested MX-M zoning district will retain MX-L zoning along the Bandelier frontage to act as a transition to the existing residential neighborhood. The IDO's Neighborhood Edge protections will apply to both the retained MX-L and new MX-M zoning districts to ensure appropriate transitions to the protected R-T zoned properties to the west.

10. The request furthers the following, applicable Goal and policies regarding Urban Design:

Policy 7.3.4-Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The request partially furthers Policy 7.3.4-Infill because the development on the larger site will create a built environment that is unique to the large southwest quadrant of the Unser/McMahon intersection that will enhance development on the surrounding, already

developed intersection quadrants.

11. The request furthers the following, applicable Goal and policies regarding Placemaking:

A. Goal 8.1 Placemaking: Create places where business and talent will stay and thrive.

The request furthers Goal 8.1-Placemaking because the MX-M zoning district allows for more intense uses that can accommodate a greater variety of businesses and more flexibility for building scale and densities that can encourage business retention and economic development.

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.

The request furthers Policy 8.1.1 Diverse Places because the MX-M zoning district allows for more intense uses that can accommodate a greater variety of businesses and more flexibility for building scale and densities that can encourage business retention and economic development.

C. 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 furthers Policy 8.1.2-Resilient Economy because the MX-M zoning district will allow for more intense uses that will provide for more diverse economic potential.

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

A. Criterion A: A proposed zone change must be found to be 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 has adequately demonstrated, in a policy-based response, that the request is consistent with the City's health, safety, morals and general welfare because it would generally further a preponderance of applicable Comprehensive Plan Goals and policies. The request would support infill development and use existing infrastructure along a designated corridor in an Area of Change, where growth is desired.

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

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C. Criterion C: The subject site is located in an Area of Change. The applicant chooses #3, that a different zone district is more advantageous to the community, as articulated in the Comprehensive Plan, than the current zoning. The applicant has adequately demonstrated, through the required policy analysis in the response to Criterion A, that the request would be generally more advantageous to the community as articulated in the Comprehensive Plan.

D. Criterion D: The applicant provided a thorough discussion of the uses that would become permissive in the MX-M zone and addressed the issue of potential harm to adjacent property, the neighborhood, or the community. The applicant points out that some of the uses, such as artesian manufacturing and light vehicle fueling station, have applicable use-specific standards that contain requirements to mitigate potential, harmful effects on the surrounding area.

E. Criterion E: Requirement 1 applies. The applicant states that existing infrastructure and public improvements would have adequate capacity to serve development made possible by the proposed zone change. However, if the use change would cause the need for infrastructure improvements, the applicant would be responsible for providing them.

F. Criterion F: The subject site is located on Unser Boulevard and McMahon Boulevard, which the Comprehensive Plan designates as Commuter Corridors. Blvd. NE, a Principal Arterial and multi-modal corridor, but that location is not being used as the primary justification for the request. The applicant has demonstrated that the request furthers a preponderance of applicable, Comprehensive Plan Goals and policies and does not conflict with them.

G. Criterion G: The applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan policies (Criteria A, C, and D) and does not conflict significantly with them.

H. Criterion H: The request would result in a spot zone because it is different than the surrounding zones but is justified because it facilitates implementation of the Comprehensive Plan by allowing uses that are appropriate and preferred along Commuter Corridors and furthers all applicable policies of the Comprehensive Plan cited above. It will provide the needed scale for commercial retail in this area.

13. The zone map amendment is adequately justified pursuant to the IDO Review and Decision criteria for zone changes in 14-16-6-7(F)(3). The policy analysis demonstrates that the request furthers a preponderance of applicable Goals and policies and does not conflict with them.

14. The affected neighborhood organizations are the Tuscan Neighborhood Association and Westside Coalition of Neighborhood Associations, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.



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15. An informal neighborhood meeting was held with representatives of the Tuscany Neighborhood Association. Notes from this meeting are included in the application for this Zone Map Amendment. The neighborhood representatives would like to see the long vacant lot built out and indicated support for the proposed rezoning. No other neighborhood representatives requested a meeting or reached out for information about the request.
16. The Applicant submitted a sketch plat to DRB that showed the proposed zone boundary that will be completed as a platting action to implement the zone map amendment.

**CONDITIONS OF APPROVAL:**

1. The applicant shall meet with the Staff planner to ensure that all conditions of approval are met.
2. The site shall be re-platted (minor subdivision) at the Development Review Board (DRB) per the sketch plat submitted to the DRB on February 25, 2020 showing a measurable boundary that corresponds to the proposed zone line to be created with approval of the Zone Map Amendment (attached to the application).

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **May 8, 2020**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the IDO, Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

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 City Zoning Code must be complied with, even after approval of the referenced application(s).

Sincerely,

**RBrito**

for Brennon Williams  
Planning Director

Digitally signed by RBrito  
DN: cn=RBrito, o=CABQ Planning Dept,  
ou=UD&D, email=rbrito@cabq.gov, c=US  
Date: 2020.04.24 12:11:41 -06'00'

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cc: EPC file

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