

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

August 19, 2021

540 Chama LLC
414 Executive Center Blvd.
El Paso, TX 79902-1066

PR-2021-005538
RZ-2021-00017– Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

SMPC Architects, agent for 540 Chama LLC, requests a zone map amendment from MX-T to NR-C for all or a portion of Lots 13, 14, 15 & 16, Block 9, Del Norte Subdivision, located at 540 Chama NE, between Roma Ave. NE, and Marquette Ave. NE, approximately 1.0 acre (K-19-Z)
Staff Planner: Sergio Lozoya

On August 19, 2021, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2021-005538, RZ-2021-00017– Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a Zoning Map Amendment (zone change) for an approximately 1.0-acre site legally described as Lots 13, 14, 15 & 16, Block 9, Del Norte Subdivision, located at 540 Chama Rd NE, between Roma Ave. NE, and Marquette Ave. NE (the subject site).
2. The subject site is vacant and zoned MX-T (Mixed-Use –Transition Zone District). The applicant is requesting a zone change to MX-M (Mixed-Use – Medium Intensity) to facilitate future development of mixed uses specifically, a car wash to support an existing nearby car dealership.
3. The applicant originally requested a zone change from MX-T to NR-C (Non-Residential Commercial), but staff found that the request would create a “spot zone” and could be harmful to the adjacent neighborhood (primarily zoned R-1). Staff worked with the applicant and determined the MX-M zone would be generally more appropriate in this setting.
4. The subject site is in an Area of Consistency as designated by the Comprehensive Plan and is in the La Mesa area.
5. The subject site is not located in any Center or along any Corridor as designated by the Comprehensive Plan.

6. 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.

7. The request furthers the following Goals and Policies from Chapter 5: Land Use, pertaining to Areas of Consistency:

- A. Goal 5.6 – City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired to ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located within an Area of Consistency and abuts an Area of Change to the west and north, and is abutting residential development to the east. The proposed MX-M zone has potential uses which can reinforce the character and intensity of area, while ensuring that the protections for the neighborhood provided in the IDO are met.

- B. Policy 5.6.3 – Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The subject site is located in an Area of Consistency as established by the Comp Plan. The zone change would facilitate the development of an otherwise undeveloped lot. The development of the lot would generally protect, and enhance the character of the La Mesa neighborhood, and would direct growth where it is expected and desired within that community. The request would also reinforce the intensity of the area, as there are several surrounding lots, which are zoned MX-M.

8. The request furthers the following Goals and Policies from Chapter 5: Land Use:

- A. Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop and play together.

This requested Zone Map Amendment will foster communities where residents can live, work, learn, shop and play together because the MX-M zone district allows a mix of uses and is located near two Major Transit corridors, and in between two Activity Centers. Future development on the site can be accessed by the neighboring single-family residential development as it is in within walking distance.

- 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 subject site is located within the La Mesa community, and is located along two Major Transit Corridors; Lomas Blvd NE, and Louisiana Blvd NE. The requested MX-M zone would facilitate the development of the subject site, and the creation of healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from the La Mesa neighborhood.

- C. Goal 5.3 – Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient land use of land to support the public good.

The surrounding areas are mostly developed, even though the subject site is not. The area is served by existing infrastructure and public facilities, so the development made possible by the request would generally promote efficient development patterns and use of land.

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

The subject site is located in an area with existing infrastructure and public facilities. The surrounding properties are already developed with a mix of uses and development of the subject site would support additional growth, while maintaining existing infrastructure.

9. The request furthers the following Goal from Chapter 4: Community Identity:

Goal 4.1 – Character - Enhance, protect, and distinct communities.

The subject site is located within the La Mesa community. This area consists of single-family residential land uses, framed by commercial development on the north, east, west, and south. The commercial uses bordering Lomas predominantly consist of light vehicle sales. The MX-M zone change would enhance, protect, and preserve the La Mesa community because it would facilitate the development of the vacant subject site, which would act as a transition from the surrounding commercial land uses. Further development under the MX-M zone would be subject to applicable IDO standards that would serve to protect and preserve neighborhoods.

10. The request furthers the following policy from chapter 7 – Urban Design.

Policy 7.3.3 – Placemaking: Encourage efforts to establish and strengthen district identity within Centers, business districts, and neighborhoods.

The request would generally encourage efforts to strengthen the identity of the La Mesa neighborhood because it would allow the owner to develop the subject site with a use to support an existing, nearby car dealership, and establish the potential development of a wide variety of land uses.

11. The request furthers the following Goals and Policies from Chapter 8: Economic Development:

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

The request would generally create places where business will stay and thrive because the MX-M zone offers a wider range of land uses, which would provide opportunities for new development. The request would also facilitate the development of the site with a use that would support an existing nearby car dealership, which would generally help the existing business to stay and thrive.

- B. Policy 8.1.2 – Resilient Economy – Encourage economic development efforts that improve the the quality of life for new and existing residents and foster a robust, resilient and diverse economy.

The mix of uses allowed in the MX-M zone would facilitate the nearby community that is mostly residential to be more diverse in its' use and service offerings.

12. 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:

A. Criterion A: The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding identity, land use, urban design, and economic development and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, and morals and general welfare.

B. Criterion B: The subject site is located wholly in an Area of Consistency. A zone change from MX-T to MX-M would permit development that would clearly reinforce and strengthen the established character of the surrounding parcels. The MX-M zone district would be more advantageous to the community than the existing MX-T zone district as demonstrated in the applicant's policy-based analysis (see response to Criterion A). The request would further Comprehensive Plan Goals and policies relating to identity, land use, urban design, and economic development.

C. Criterion C: The subject site is located wholly in an Area of Change and not in an Area of Consistency.

D. Criterion D: The applicant compared the existing MX-T zoning and the proposed MX-M zoning. Uses that would become permissive under the MX-M zone, which are not currently allowed, are listed in IDO Table 4-2-1 Allowable Uses. Uses that could be interpreted as harmful (and are permissive in MX-M) are: Group Home (medium), Hospital, Auditorium or Theatre, Bar, Nightclub, Restaurant, Tap Room, or Tasting Room, Light Vehicle Fueling Station, Parking Structure, Cannabis Retail, General Retail (Medium), Pawn Shop, Nicotine Retail, Park and Ride Lot, and Transit Facility.

The applicant discussed potentially harmful uses allowed in the MX-M zone district. Generally speaking, regulations in place would mitigate some of the impacts of said uses, along with IDO requirements, that would mitigate the development of some of the more intense uses.

E. Criterion E: The City's existing infrastructure and public improvements will have adequate capacity to serve the development made possible by the zone change (Criterion 1).

F. Criterion F: The applicant's justification is not completely based on the property's location on a major street. The property is located on Chama St NE, and Roma Ave NE; both are classified as local urban streets. G. Criterion G: Economic considerations are always a factor, but the applicant's justification for the MX-M zone is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and therefore would generally be more advantageous to the community than the existing zoning.

H. Criterion H: The requested would not result in a spot zone because the subject site is adjacent to several other properties zoned MX-M.

13. The applicant's policy analysis adequately demonstrates that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with them. Based on this demonstration, the proposed zone category would generally be more advantageous to the community than the current zoning.
14. The affected neighborhood organizations are the La Mesa Community Improvement Association, and the District 6 Coalition of Neighborhood Associations, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
15. A neighborhood meeting was not requested by any of the notified neighborhood associations.
16. As of this writing, Staff has not received any comment in opposition to the request. The applicant has provided a few letters from community members in support of the proposed zone change.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **September 3, 2021**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th 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(V) 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,

for Alan M. Varela,
Planning Director

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cc: SMPC Architects, 219 Central Ave. NW, Suite 800, Albuquerque NM, 87102
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