

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 Fax (505) 924-3339



OFFICIAL NOTIFICATION OF DECISION

December 10, 2020

Western Refining Retail, LLC
1250 W. Washington St., Suite 420
Tempe, AZ 85281

Project #2020-003814
RZ-2020-00041—Zoning Map Amendment (zone change)

LEGAL DESCRIPTION:

WT Group, agent for Western Refining Retail LLC, requests a zoning map amendment from MX-L to MX-M for Lots 1P through 6P and Lots 1C through 6C and the northerly 9.66 feet of Lots 7C and 7P, Block 101, Brentwood Hills, located at 2932 Juan Tabo Blvd. NE, between Candelaria Rd. NE and Lexington Ave. NE, approximately 0.5 acre (H-21-Z)

Staff Planner: Catalina Lehner

On December 10, 2020, the Environmental Planning Commission (EPC) voted to Approve Project # 2020-003814/ RZ-2020-00041, a Zoning Map Amendment (zone change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 0.5 acre site legally described as Lots 1P through 6P and Lots 1C through 6C and the northerly 9.66 feet of Lots 7C and 7P, Block 101, Brentwood Hills (the “subject site”). The subject site is located at the southeast corner of the intersection of Candelaria Rd. NE and Juan Tabo Blvd. NE.
2. The subject site, which the applicant owns, is zoned MX-L (Mixed-Use Low Intensity Zone District) and contains an existing light vehicle fueling station.
3. The applicant is requesting a zone change to MX-M (Mixed Use-Medium Intensity Zone District) to allow future re-development of the subject site with an expanded light vehicle fueling station and convenience store, and facilitate lot consolidation with the MX-M zoned property adjacent to the south. Also, liquor retail is first permissive in the MX-M zone district.
4. The application was submitted on September 23, 2020 and is being reviewed using the May 2018 version of the Integrated Development Ordinance (IDO).
5. The subject site is in an area the Comprehensive Plan designated an Area of Change, but is not in a designated Activity Center. The subject site is along Juan Tabo Blvd. NE, a designated Multi-Modal Corridor, and is not within the boundaries of an Overlay Zone or a Metropolitan Redevelopment Area (MRA).

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, applicable Comprehensive Plan policies from Chapter 4-Community Identity:

- A. 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 facilitate future development on the subject site, which comprises approximately 0.5 acre of land at the SE corner of an intersection and not near an established neighborhood. Future development under the MX-M zone would be subject to IDO requirements such as the mixed use zone dimensional standards (Table 5-1-2) and building design standards (14-16-4-11), which would help ensure appropriate scale and location of development and character of building design.

- B. Policy 4.1.4-Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The request would facilitate development at the SE corner of an intersection surrounded by other commercial uses, which would buffer it from the neighborhood further east. Future development under the MX-M zone would be subject to applicable IDO standards that serve to protect and preserve neighborhoods, even though the nearest neighborhood is approximately 500 feet east of the subject site.

8. The request furthers the following Goals and policies from Chapter 5: Land Use, pertaining to 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 would facilitate redevelopment of the subject site and the lot adjacent south of it, and thereby would encourage and direct growth to this Area of Change where growth is expected and desired.

- 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 would serve to direct growth and more intense development to an Area of Change, at the intersection of a designated Major Transit Corridor (Juan Tabo Blvd. NE) and a major road (Candelaria Rd. NE), where change is encouraged.

9. The request furthers the following Goal and policy from Chapter 5: Land Use, pertaining to Infill Development:

- 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 subject site is already developed and served by existing infrastructure and public facilities, so the redevelopment made possible by the request would generally promote efficient development patterns and use of land.

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

The subject site is in an established urban area that is already served by existing infrastructure and public facilities; the request would support additional growth and redevelopment in an infill location.

10. 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: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant's policy-based response demonstrates that the request generally furthers a preponderance of applicable Goals and policies regarding identity and neighborhoods, development areas, and infill. Therefore, the request is consistent with the City's health, safety, morals and general welfare.

- 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.

- C. Criterion C: The subject site is located wholly in an Area of Change. The applicant's policy-based analysis (see response to Criterion A) demonstrates that the request would further a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning.

- D. Criterion D: The applicant compared the existing MX-L zoning and the proposed MX-M zoning, noting uses that would become permissive. Much of the surrounding zoning is already MX-M. Notable uses that would become permissive under the MX-M zone, which are not currently allowed, are catering service, nightclub, and personal and business services-large. Liquor retail is not allowed in the MX-L zone except for in the Downtown, EDO, and La Cueva areas and in conjunction with a grocery store, but would become permissive in the MX-M zone. Light vehicle fueling station, bar, and tap room, currently Conditional Uses, would become permissive.

New permissive uses would be subject to the IDO's Use Specific Standards, DPM regulations, and applicable State Laws, which would serve to mitigate potential harm to surrounding properties, the neighborhood, or the community. Staff generally agrees,

especially given the existing light vehicle fueling station and the surrounding land use context.

- E. Criterion E: The subject site is adequately served by existing infrastructure (requirement 1) and the applicant would bear any costs of additional infrastructure if needed (requirement 3).
 - F. Criterion F: The subject site is located on Juan Tabo Blvd. NE, a Community Principal Arterial, which is a major street. The primary reason for the zone change is to obtain the same zoning as the lot to the south, in order to consolidate the lots. Another reason is that Liquor Retail is first allowed permissively in the MX-M zone. Therefore, the justification is not completely based on the subject site's location on a major street.
 - G. Criterion G: 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 since the applicant already owns the subject site. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and would allow for the subject site to be consolidated with the lot to the south.
 - H. Criterion H: The request would not result in a spot zone because it would not apply a zone different from surrounding zone districts. MX-M zoning exists in the immediate area to the north, south, and east.
11. The applicant's policy analysis adequately demonstrates that the request furthers applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with them. Based on this demonstration, the proposed zone category would be generally more advantageous to the community than the current zoning.
 12. The affected neighborhood organizations are the Enchanted Park Neighborhood Association (NA), the Holiday Park NA, and the District 8 Coalition, which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required.
 13. A pre-application meeting was offered as required, but was declined by the Holiday Park NA. It appears that the other organizations did not respond. As of this writing, Staff has not received any correspondence or phone calls regarding the zone change request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **December 28, 2020**. 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(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,

for Brennon Williams
Planning Director

BW/CL

cc: Western Refining Retail LLC, TVYoun@speedway.com
WT Group, ChrisKalischefski@cdg-llc.com
Enchanted Park NA, Eddie Plunkett, plunkett5724@outlook.com
Enchanted Park NA, Gary Beyer, financialhelp@earthlink.net
District 8 Coalition of NAs, Mary Ann Dix, dix.mary.ann@gmail.com
District 8 Coalition of NAs, Donald Couchman, dhc@zianet.com
Holiday Park NA, Jack O'Guinn, jlosmo@comcast.net
Holiday Park NA, Timothy Engelmann, resurgenthomesabq@gmail.com
City Legal, avarela@cabq.gov
EPC file