

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 15, 2022

Impact MHC Management
PO Box 457
Cedaredge, Colorado 81413

Project # PR-2022-007852
RZ-2022-00052– Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, agent for Impact MHC Management and Deemer Properties NM, LLC, requests a Zoning Map Amendment from MX-M & NR-C to R-MC for all or a portion of Tracts 1 & 3 unplatted Land Snow Vista Excluding Northeasterly Portion of Tract 1, located at 757 and 809 98th Street SW, between Tower Road SW and De Vargas Road SW, approximately 8.8 acres (M-9-Z)

Staff Planners: Lorena Patten-Quintana, Michael Vos

On December 15, 2022, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2022-007852, RZ-2022-00052 – Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 8.8-acre portion of a 10-acre site described as all or a portion of Tracts 1 & 3 Unplatted Land Snow Vista Excluding Northeasterly Portion of Tract 1 (the “subject site”).
2. The subject site is zoned NR-C (Non-Residential – Commercial Zone District) and MX-M (Mixed Use Medium Intensity).
3. The applicant is requesting a zone change to R-MC (Residential – Manufactured Home Community Zone District) in order to create a contiguous zone with the parcel abutting the site on the north and to better align with the current land use of the manufactured home community.
4. This request does not include the 1.4-acre tract (Portion of Tract 1) currently developed with commercial uses.
5. 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.
6. The subject site is in an Area of Consistency as designated by the Comprehensive Plan and is in the Southwest Mesa Community Planning Area (CPA).

7. The subject site is located along 98th Street SW between Tower Road SW and De Vargas Road SW. The site is not located in a designated Center or Corridor area by the Comprehensive Plan.

8. The request furthers the following Goal and Policies from Chapter 4: Community Identity:

A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

The requested Zoning Map Amendment furthers Goal 4.1 because the R-MC zone district will bring the existing nonconforming use into compliance with the IDO and help preserve and protect this longstanding community from potentially harmful uses and match the surrounding residential character of the area.

B. Policy 4.1.1 Distinct Communities – Encourage quality development that is consistent with the distinct character of communities.

The requested R-MC zone would protect the cohesiveness of the neighborhood by bringing the site's zoning into compliance with its land use permitting the existing character to continue.

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

This request helps preserve and protect an existing manufactured home community and residential neighborhood because it aligns the zoning with the existing land use. This change will allow the existing use to remain in place and facilitate improvements should the applicant desire by eliminating the nonconforming use status.

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

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 would contribute to creating a sustainable community with efficient development patterns because it would reinforce the same type of housing found on the site as well as north of the subject site. By adding more residential development options and bringing the use into compliance with the zoning, the request helps preserve an existing community that has access to adjacent roads, transit routes, and trails; commercial shopping options; and a newly constructed community center.

B. 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 within an Area of Consistency. The request furthers Goal 5.6 because aligning the zoning with the existing residential land use ensures the development in and near Areas of Consistency reinforces the character and intensity of the surrounding area, which is mostly residential with only smaller-scale commercial options.

- C. 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 request furthers policy 5.6.3 – Areas of Consistency because the subject site and the surrounding areas are located in an Area of Consistency, where the Comprehensive Plan intends and encourages support of zone changes in predominantly single-family residential neighborhoods that help align the appropriate zone with existing land uses. It seeks to ensure that development will reinforce the scale, intensity, and setbacks of the immediately surrounding context. The requested R-MC zoning is consistent with the zoning of properties to the north of the subject site and bring the subject site into alignment with the existing use.

- D. Sub-policy 5.6.3d – In areas with predominantly single-family residential uses, support zone changes that help to align the appropriate zone with existing land uses.

The requested R-MC zone matches densities in the area and the existing use of the subject site.

10. The request furthers the following Goal and Policy from Chapter 9: Housing:

- A. Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

The request furthers Goal 9.1 because aligning the zoning with the existing land use will ensure the continued operation of the manufactured home community, which provides an additional housing option to residents.

- B. Policy 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

The request would support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households by maintaining a sufficient supply and range of housing types.

11. The Applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(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 community character, land use, and housing 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 NR-C and MX-M to R-MC will reinforce and strengthen the established character of the subject site and surrounding parcels. A different zone district (R-MC) would be more advantageous to

the community than the existing zone districts. The request would further Comprehensive Plan goals and policies relating to community character, land use, and housing.

- C. Criterion C: The subject site is located wholly in an Area of Consistency, so this Criterion does not apply.
 - D. Criterion D: The existing zoning allows for many uses that might be harmful to a residential neighborhood, such as light manufacturing, bars and nightclubs, and several different automobile-oriented businesses. The applicant is requesting a down zone which will make the current manufactured home community use of the property conforming and restrict these potentially harmful uses that are currently permitted. The proposed Residential – Manufactured Home Community zone district is limited to low-density residential land uses and a few accessory uses that are compatible with a neighborhood, such as residential amenities, day care facilities, and small retail.
 - 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 justification is not based on the property’s location on a major street. The property is located on 98th Street SW, a Community Principal Arterial between De Vargas Road SW and Tower Road SW, both collector streets.
 - G. Criterion G: The justification for the R-MC zone is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request is to bring the property’s zoning into alignment with its use and is more advantageous to the community.
 - H. Criterion H: The request will not create a spot zone because R-MC is located north of the subject site. The proposed zoning will be consistent with that zone district.
12. 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.
13. The affected neighborhood organizations are the South West Alliance of Neighborhoods (SWAN), Westgate Neighborhood Associations, and the Route 66 West Neighborhood Association, which were notified of this application. Property owners within 100 feet of the subject site were also notified as required.
14. A neighborhood meeting was not requested by any of the notified neighborhood associations.
15. As of this writing, Staff has not received any comments in support or opposition to the request.

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APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **January 3, 2023**. 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 Integrated Development Ordinance (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 an EPC Recommendation to the City Council since this is not a final decision.

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

Sincerely,

Catalina Lehner

for Alan M. Varela,
Planning Director

AV/LPQ/CL

cc: Impact MHC Management, pburget@impactmhc.com
Consensus Planning, Frank@consensusplanning.com
South West Alliance of Neighborhoods, Jerry Gallegos, jgallegoswccd@gmail.com
South West Alliance of Neighborhoods, Luis Hernandez Jr., luis@wccd.org
Westgate Heights NA, Matthew Archuleta, mattearchuleta1@hotmail.com
Westgate Heights NA, Christoper Sedillo, navrmc6@aol.com
Route 66 West NA, Cherise Quezada, cherquezada@yahoo.com
Route 66 West NA, Paul Fava, paulfava@gmail.com
Legal, dking@cabq.gov
EPC File