

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

December 15, 2022

Milligan Investments LLC
909 Third Avenue #6412
New York, NY 10150-2060

Project # PR-2022-007855
RZ-2022-00057 – Zoning Map Amendment (Zone Change)

Vincent L. Cano
1816 Calle del Vista Road NW
Albuquerque, NM 87105

LEGAL DESCRIPTION:

ABQ Land Use Consulting, LLC, agent for RDK Company, Milligan Investments LLC, and Vincent L. Cano, requests a Zoning Map Amendment from MX-T to MX-L for Tracts 15-17, Corona del Sol Subdivision, located at 3700, 3720 and 3730 Coors Blvd. NW, between Tucson Rd. NW and St. Josephs Dr. NW, approximately 1.3 acres (G-11-Z).
Staff Planner: Silvia Bolivar

RDK Company
3700 Coors Road, Suite B
Albuquerque, NM 87102

On December 15, 2022, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2022-007855, RZ-2022-00057 – 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 1.3-acre site legally described as Tracts 15-17, Corona del Sol Subdivision (the “subject site”), located at 3700, 3720, 3730, on the east side of Coors Blvd NW, between Tucson Road NW and St. Josephs Drive NW.
2. The subject site is zoned M-T (Mixed-Use Transition Zone District) which was converted from the former zoning of O-1(Office).
3. The applicant is requesting a zone change to MX-L (Mixed-Use – Low Intensity Zone District) in order to provide a broader range of neighborhood-scale commercial uses that would best support the surrounding neighborhoods and the Westside community.
4. The subject site is in an Area of Change as designated by the Comprehensive Plan and is in the West Mesa Community Planning Area (CPA).
5. The subject site is within 660 feet of Coors Blvd. NW, a Major Transit Corridor as designated by the Comprehensive Plan.
6. The subject site is within the boundaries of Coors Boulevard Character Protection Overlay Zone, CPO-2 (IDO Section 14-16-3-4(C)).

7. 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.
8. The request furthers the following Goals and Policies from Chapter 4: Community Identity pertaining to Character:

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

The area is not necessarily considered a distinct community but is characterized by extensive amounts of single-family residential neighborhoods/subdivisions that are enclosed by 6-foot perimeter walls. There is also a mix of low-density residential development to the east of the subject site. The request will encourage quality development that would preserve and be consistent with the character of the surrounding communities.

- B. 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 requested MX-L zone will protect the identity and cohesiveness of the surrounding neighborhood by expanding uses in the area that will best serve these neighborhoods. The scale of development allowable under the MX-L zone will be appropriate in scale and location while allowing a mix of uses.

9. The request furthers the following Goals and Policies from Chapter 5: Land Use pertaining to Centers & Corridors and Desired Growth:

- A. Goal 5.1 – Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The Comprehensive Plan does not designate the subject site as being in an Activity Center. However, the subject site is located on the west side of Coors Blvd., a Major Transit Corridor (MT). The request will facilitate development that will reinforce the corridor by increasing employment density and facilitating development of the subject site.

- B. Subpolicy 5.1.1(c) – Desired Growth: Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

The subject site is located on Coors Blvd. NW, a Major Transit Corridor and the requested MX-L zone will facilitate development of a vacant lot off Coors Blvd. The MX-L zone will encourage further development in this corridor thereby accommodating growth over time in an appropriate area while discouraging the need for development at the urban edge.

- 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 will facilitate more intense growth along Coors Blvd., a Major Transit Corridor while establishing and maintaining appropriate densities and scale of development near the surrounding R-1A and R-T zones.

- D. Policy 5.1.10(b) – Major Transit Corridors: Minimize negative impacts on nearby neighborhoods by providing transition between development along Transit Corridors and abutting single-family residential areas.

The request will help minimize the potential negative impacts of development on abutting neighborhoods by stabilizing a commercial block that at the moment is underutilized. The intent of the applicant is to expand small-scale commercial development, not expand the building footprint so the request will minimize impacts on the surrounding neighborhoods.

10. The request furthers the following Goals and Policies from Chapter 5: Land Use pertaining land use, infill development, and West Side jobs.

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

The request will foster a community where residents can work and shop together because the area is near residential neighborhoods that would benefit from a wider range of uses allowable under MX-L and near a Major Transit Corridor.

- 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 area is not necessarily considered a distinct community as the residential developments throughout the area are separated by six-foot perimeter walls. However, the requested MX-L zone will permit for the development of future uses under the MX-L zone that will generally contribute to the health of the community through increased land use diversity and will be accessible from surrounding neighborhoods.

- C. Subpolicy 5.2.1(h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request will encourage infill development and add complementary uses that are compatible in form and scale to the surrounding development as two of the existing buildings will remain the same and the empty lot will be developed thereby contributing to infill development.

- D. 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.

Although part of the subject site has been vacant, the surrounding areas are already developed. The area is served by existing infrastructure and public facilities, so the development made possible by the request will promote efficient development patterns and use of land.

- E. 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 the development of the vacant land will support additional growth while maintaining existing infrastructure.

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

The request partially fulfills this Goal because although job growth will occur west of the Rio Grande, residential growth will not be provided as the applicant has stated in the justification letter that the reason for the request is to allow for “neighborhood needs”, not residential development.

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

This policy is furthered because the request will foster employment opportunities on the West Side as the MX-L zone will allow for the proposed development of the subject site and expand and offer more services than what is currently available in the area. Services offered by future development will add to area jobs which could be filled by West Side residents.

11. The request furthers the following Goals and Policies from Chapter 5: Land Use pertaining to Areas of Change and Implementation Processes:

- 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 areas.

The request will encourage and direct growth to an Area of Change where the subject site is located and will help focus growth at this location. Directing growth to this area will help direct developmental pressure away from the surrounding neighborhoods located in Areas of Consistency while reinforcing the character of the area.

- 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 subject site is in an Area of Change, along Coors Blvd. NW, a Major Transit Corridor, and the request will direct growth and more intense development to the area while expanding employment opportunities.

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

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 will allow for economic development efforts that will improve the quality of life for new and existing residents as services provided in the area will be expanded. The request will also help foster a robust, resilient, and diverse economy as an expansion of services and uses will be provided.

13. 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 identity, land use, infill, efficient development patterns, 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 Change, so this Criterion does not apply.
 - C. Criterion C: The subject site is located wholly in an Area of Change and the applicant refers to sub-criterion 3, that a different zone district is more advantageous to the community as articulated by the Comprehensive Plan, including implementation of land use patterns, development density and intensity, and connectivity. The applicant has adequately justified the request by demonstrating that it would facilitate redevelopment of existing buildings with more intense neighborhood-commercial uses that will better support the needs of the neighborhood. The request would further Comprehensive Plan Goals and policies relating to community identity, land use, centers and corridors, and infill.
 - D. Criterion D: The requested MX-L (Mixed-Use-Low Intensity Zone) and use of the subject site are intended to be less intense in scale. Permissive uses in the MX-L zone are listed above, specifically in the Motor Vehicle Related category. Light vehicle repair could be harmful to nearby residences to the east of the subject site, but the IDO's Development Standards serve to limit the overall density on the site, specifically for this 1.3 acre site. The applicant has also discussed how the IDO's Development Standards would protect the neighborhood from artisanal manufacturing, cannabis cultivation, and cannabis manufacturing. The requested MX-L zone will allow for more flexibility, yet uses that could be considered harmful have appropriate Use-Specific Standards.
 - E. Criterion E: The City's existing infrastructure and public improvements would have adequate capacity to serve the development made possible by the zone change (Criterion 1) .
 - F. Criterion F: The requested zone change is not completely based on the property's location on a major street. The property is located on Coord Boulevard NW between Tucson Road NW and St Joseph's Drive NW.
 - G. Criterion G: Economic considerations are always a factor, but the applicant's justification for the MX-L 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 request will not create a spot zone because MX-L is located south of the subject site, the proposed zoning will be consistent with those zone districts, and the uses for the property will be more appropriate.
14. 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.
15. The affected neighborhood organizations are Vista Grande Neighborhood Association and the Westside Coalition of Neighborhood Associations. Property owners within 100 feet of the subject site were notified as required.
16. As of this writing, Staff has not received any comments in support or opposition to the request.

OFFICIAL NOTICE OF DECISION

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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/SB/CL

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EPC File