

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

February 16, 2023

TLC Plumbing HVAC and Electrical
5000 Edith Blvd. NE
Albuquerque, NM 87107

Project # PR-2022-008034
RZ-2022-00068– Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, agent for TLC Plumbing HVAC and Electrical, requests a Zoning Map Amendment from NR-LM to NR-GM, for all or a portion of Tract 4-B and Tract 4-A Plat of Tracts 4-A & 4-B Lands of Lafarge, located at the NW corner of Alexander Blvd. and Carmony Rd., approximately 6 acres (G-15)

Staff Planners: Megan Jones & Robert Messenger

On February 16, 2023 the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2022-008034, RZ-2022-00068– Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 6-acre site legally described as Tract 4A and Tract 4-B, Plat of Tracts 4-A & 4-B, Lands of LaFarge (the “subject site”). The subject site is vacant.
2. The subject site is zoned NR-LM (Non-Residential Light Manufacturing Zone District). The applicant is requesting a zone change to NR-GM (Non-Residential General Manufacturing Zone District) to facilitate future development and be consistent with NR-GM zoned properties east of subject site.
3. The subject site is in an area that the Comprehensive Plan designated an Area of Consistency and is not located in a designated Center or Corridor.
4. The subject site is located in the Near North Valley Community Planning Area (CPA), which has not been assessed at the time of this writing.
5. The City of Albuquerque Integrated Development Ordinance (IDO) and the Comprehensive Plan are incorporated herein by reference and made part of the record for all purposes.
6. The request furthers the following, applicable Goal and policies from Comprehensive Plan Chapter 4: Community Identity:

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

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

The request would facilitate future development that would remain consistent with the established industrial and commercial character of the surrounding community. Additionally, the NR-GM zone district would mitigate potential harmful or inappropriate uses that are currently permissive under the NR-LM zone district, such as schools. The request for a zone change does not guarantee high quality development, therefore Policy 4.1.1 Distinct Communities is partially furthered.

- 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 request would protect the identity and cohesiveness of the surrounding community by ensuring the appropriate scale and location of future General Manufacturing development remains within an established Industrial area. Although many uses under the NR-LM zone district would remain permissive, NR-GM would be consistent with the land uses adjacent and to the east of the subject site. The request generally furthers Policy 4.1.2 Identity and Design.

7. The request furthers the following Goal and policy in Chapter 5: Land use, pertaining to Complete Communities:

- A. Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.
- B. Policy 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 would encourage future infill development that could be compatible in form and scale to the immediately surrounding community. The surrounding land uses are made up of NR-LM and NR-GM zoned properties, which future development would be consistent with. The request generally furthers Sub-Policy 5.2.1(h).

8. The request furthers the following Goal and policies in Chapter 5: Land use, pertaining to 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 would promote efficient use of the under-utilized vacant parcel currently on the subject site. Future development would promote land use patterns that are similar to the surrounding area, while also utilizing existing infrastructure that surrounds the site. The request would promote efficient development patterns and use of land, furthering Goal 5.3 – Efficient Development Patterns.

- B. 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 of Consistency and is adjacent to an Area of Change and an existing Employment Center. The request would allow future industrial growth on a site that is served by existing infrastructure and public facilities. The request furthers Policy 5.3.1 – Infill Development.

- C. Policy 5.3.7 Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly, and social responsibilities are borne fairly across the Albuquerque area.

The request would prevent siting potentially harmful industrial uses adjacent to uses allowed in the current NR-LM zoning – such as schools. It would ensure that only industrial and manufacturing uses are located in an established industrial area near an existing Employment Center. The request generally furthers Policy 5.3.7.

9. The request furthers the following Goal and policies in Chapter 5: Land use, regarding City Development Areas and Areas of Consistency:

- 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 subject site is located in an Area of Consistency, where development is intended to reinforce the character and intensity of the surrounding area. The request would allow the subject site to remain consistent in character and zoning of the adjacent property to the east and the surrounding area. The request generally furthers Goal 5.6-City Development Areas.

- 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 request would protect the character of an existing industrial area outside of existing Center and Corridors. The surrounding neighborhood is primarily characterized by industrial and manufacturing/warehouse uses, although there is an existing Employment Center adjacent to the property with an Area of Change designation. The request generally furthers Policy 5.6.3.

10. 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: 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 furthers a preponderance of applicable Goals and policies

regarding infill and efficient development patterns. Therefore, the request is consistent with the City's health, safety, morals and general welfare.

- B. Criterion B: The subject site is located wholly in an Area of Consistency. The applicant's policy-based analysis (see response to Criterion A) demonstrates that the request (1) would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character, and (2) that the existing zoning is inappropriate because of B3: a different zone district is more advantageous to the community as articulated by the Comprehensive Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).
 - C. Criterion C: The subject site is not located wholly in an Area of Change. Therefore, this criterion does not apply.
 - D. Criterion D: The applicant compared the existing NR-LM zoning with the proposed NR-GM zoning and discussed permissive uses that could be deemed harmful to the surrounding area. The most important difference between the two zones is that heavy manufacturing is permissive in NR-GM and is not allowed in NR-LM. Because the surrounding area is made up of industrial and manufacturing uses, the permitted uses would be located in an area with similar uses, and therefore the criterion is satisfied and the new zone would generally not be harmful in this location.
 - E. Criterion E: The subject site is an infill site in an area that is adequately served by existing infrastructure and therefore meets Criterion E.1.
 - F. Criterion F: Because the subject site is not located on a major street, Criterion F is not applicable.
 - G. Criterion G: The cost of land or other economic considerations are not used to base the request. The applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.
 - H. Criterion H: The request would not result in a spot zone because it will be adjacent to properties zoned NR-GM, and therefore Criterion H is not applicable.
11. There are no affected neighborhood organizations within the required notification vicinity of the subject site. Property owners within 100 feet of the subject site were notified as required.
12. As of this writing, Staff has not been contacted and is unaware of any opposition.
13. Regarding future development, the Solid Waste Management Department will require that: a) An inspection will have to be scheduled to verify if the site is vacant, and b) If it is occupied a trash enclosure will be required, and a site plan approved for access by the Solid Waste Department will be required.

OFFICIAL NOTICE OF DECISION

Project # PR-2022-008034

February 16, 2023

Page 5 of 5

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **March 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/CL/MJ/RM

cc: Consensus Planning, cp@consensusplanning.com
Legal, dking@cabq.gov
EPC File