

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

February 18, 2022

Gary Hines
5300 High Canyon Trail
Albuquerque NM, 87111

Project #2022-006448
RZ-2022-00006– Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, agent for Gary Hines, requests a zoning map amendment from PD to MX-M for all or a portion of Tract C-1-B, Plat of Tracts C-1-A and C-1-B Albuquerque West Subdivision, located on 57th St. NW, between Quail Rd. NW and Ouray Rd. NW, approximately 0.7 acre (H-11)
Staff Planner: Leroy Duarte

On February 17, 2022, the Environmental Planning Commission (EPC) voted to Approve Project #2022-006448/RZ-2022-00006, a Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment for a vacant site (approximately 0.7 acres) located on 57th St. NW.
2. The subject site is zoned PD (Planned Development). The applicant is requesting a zone change to MX-M (Mixed Use Medium Intensity) to facilitate future development as allowed by the MX-M zone.
3. The subject site is in an Area of Change and is not in a designated center or corridor.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
5. The request furthers the following Goals, policies, and sub-policies from Comprehensive Plan Chapter 5: Land Use.
 - A. 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 request would create a wider range of allowable commercial uses for potential development with a mix of uses that are similar to its surrounding environment- MX-M. The future

development would be conveniently accessible to the surrounding community such as the neighborhood to the north and west.

- B. Sub-policy(n) 5.2.1 – Land Uses: Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The zone change request would be an efficient and productive use of the vacant land by creating a wider range of uses that will promote development.

- C. 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 land by creating development that is similar to the adjacent parcels, future development would use existing infrastructure that will support the public good.

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

The subject site is adjacent to MX-M, commercial retail, to the north is PD-which is a commercial service, and to the south and west is PD-Multi-family dwelling. Future growth if zone change is granted would utilize existing infrastructure.

- E. Sub-Policy (h) 5.3.1 Infill Development: Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request would facilitate development that would be compatible in form and scale to the surrounding development by creating similar zoning along with the permissive uses that are allowed.

- F. Goal 5.6.2 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 in an Area of Change. The request would encourage and direct growth of the surrounding area by matching zoning adjacent to the site (MX-M), which would allow desired growth to occur.

- G. 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 direct growth and more intense development to the existing area by offering a wider range of permissive uses to promote infill development. The infill development will be consistent with existing zoning adjacent to the site.

6. The request furthers the following policy from Comprehensive Plan Chapter 7: Urban Design.

Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The request would promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block by adopting the IDO standards for the MX-M zone but would also conform to the Coors Boulevard Protection Overlay Zone (CPO-2) in which building materials and colors are established.

7. 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 land uses, efficient development patterns, infill development, city development areas and compatibility. 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 in an Area of Change. The applicant's response demonstrates that the request would clearly reinforce a preponderance of applicable Comprehensive Plan Goals and policies and therefore would generally be more advantageous to the community than the current zoning.
 - D. Criterion D: The applicant discussed potential uses that could be harmful in an area of PD. Harmful uses that would become permissive under the proposed MX-M zone include nightclub and pawnshop. In addition, use-specific standards as well as the Coors Boulevard Overlay Protection Zone would be implemented to mitigate harm on permissive uses that would be allowed in the MX-M zone. The surrounding land is zoned MX-M, uses that would become permissive already exist in the current zone and are not considered to be harmful in this setting because the uses would become identical.
 - E. Criterion E: The subject site is an infill parcel in an area that has adequate infrastructure, full access is allowed at the site and will not require infrastructure improvements, and therefore meets requirement 1.
 - F. Criterion F: The request is not based on the property's location on a major street. The request reinforces and strengthens the character of the area in accordance with applicable Comprehensive Plan Goals and policies.
 - G. Criterion G: The applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them, so the cost of land or other economic considerations are not the driving factors for the proposed request.

- H. Criterion H: The applicant has demonstrated that the request would result in zoning that would match the existing zoning of the surrounding area and therefore would not create a “spot zone”.
8. The applicant’s policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding, infill and efficient development patterns, utilization of existing infrastructure, and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City’s health, safety, morals, and general welfare.
 9. The affected, registered neighborhood organization is the Westside Coalition of Neighborhood Associations, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
 10. As of this writing, Staff has not been contacted and is unaware of any opposition.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC’s decision or by **March 4, 2022**. 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 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,

for Alan M. Varela,
Planning Director

AV/CL//LD

cc: Westside Coalition of Neighborhood Associations, Elizabeth Haley, ekhaley@comcast.net
Westside Coalition of Neighborhood Associations, Rene Horvath, aboard111@gmail.com
Consensus Planning, Inc., Jackie Fishman, fishman@consensusplanning.com
Gary Hines, ghines125@comcast.net
Legal, dking@cabq.gov
EPC File