



Environmental Planning Commission

Agenda Number: 1
Project #: PR-2022-007919
Case #: RZ-2022-00060
Hearing Date: March 16, 2023

Supplemental Staff Report

Agent	DK Developments NM
Applicant	DK Developments NM
Request	Zoning Map Amendment (zone change)
Legal Description	all or a portion of Lot 22, Block 27 University Heights Addition
Location	located at 305 Girard Blvd. SE, between Lead Ave. SE and Coal Ave. SE
Size	Approximately 0.2-acre
Existing Zoning	R-T
Proposed Zoning	R-ML

Staff Recommendation

APPROVAL of RZ-2022-00060, based on the Findings beginning on Page 12.

***Staff Planner
Leroy Duarte, Current Planner***

Summary of Analysis

The request was continued for a month at the February 16, 2023 EPC hearing to include commissioners who were not present for the hearing.

The request is for a zoning map amendment from R-T to R-ML to facilitate future multi-family low density development.

The applicant has adequately justified the request pursuant to the IDO zone change criteria in 14-16-6-7(G)(3). The proposed zoning would be generally more advantageous to the community because it furthers a preponderance of applicable Comprehensive Plan Goals and policies.

The affected neighborhood organizations are the Nob Hill Neighborhood Association (NA), the District 6 Coalition of Neighborhood Associations, and the University Heights NA, which were notified as required. Property owners within 100 feet of the subject site were also notified as required. Staff received 2 phone calls in opposition of the request. During the continuance, a letter of clarification was submitted.

Staff recommends approval, consistent with the original analysis.



I. Overview

The request is for a zoning map amendment (zone change) for an approximately 0.2-acre site legally described as Lot 22, Block 27 University Heights Addition, located at 305 Girard Blvd. SE, between Lead Ave. SE. and Coal Ave. SE (the “subject site”).

The applicant is requesting a zone change from R-T to R-ML (Residential Multi-family Low Density Zone District) to facilitate future low-density multi-family residential development. The subject site is already developed with a duplex.

The request was heard at the January 19, 2023 Environmental Planning Commission (EPC) hearing and continued to the February 16, 2023 EPC hearing. The continuance allowed time for staff draft alternate findings for denial for the EPC’s consideration. Following the February 16, 2023 hearing the case was then continued to the March 16, 2023 hearing in order to include commissioners who were not present for the hearing.

EPC Role

Please refer to page 8 of the January 19, 2023 Staff report.

Context

Please refer to page 8 of the January 19, 2023 Staff report.

History

Please refer to page 9 of the January 19, 2023 Staff report.

Transportation System, Comprehensive Plan Designations, Trails/Bikeways, Transit and Public Facilities/Community Services

Please refer to pages 9-10 of the January 19, 2023 Staff report.

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

Integrated Development Ordinance (IDO)

Definitions, Zoning, Use Specific Standards

Please refer to pages 12-14 of the January 19, 2023 Staff report for the original policy analysis. Some findings have been updated based upon revisions received, as warranted.

ALBUQUERQUE / BERNALILLO COUNTY COMPREHENSIVE PLAN

Note: The original policy analysis and analysis of the zone change criteria are repeated here.

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Change. Applicable Goals and policies are listed below. Staff analysis follows in bold italics.

Chapter 4: Community Identity

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 neighborhood because it would ensure a generally compatible and appropriate scale and location of development that would be consistent with the surrounding residential area, which consists of R-ML zoned properties west of the subject site and near it. Multi-family low density development would ensure that the appropriate scale of development would occur in the area, which is experiencing change due to the need for housing. The request furthers Policy 4.1.2- Community Identity.

Chapter 5: Land Use

Sub-policy (d) 5.1.1: Encourage the development of multi-unit, multi-story apartments and mixed-use residential buildings in Downtown, Urban Centers, and Activity Centers to increase housing density and expand housing options and affordability.

The request would allow multi-family low density development within an area the lies in between two activity centers. The request would encourage growth and increase housing density in which there is a much-needed demand for due to its relative location to the University of New Mexico and proximity. The request furthers Sub-policy (d) 5.1.1.

Sub-policy (g) 5.1.1: Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership..

The request would allow development that would create walkable places that provide opportunities to live, work, learn, shop, and play near an established activity center characterized by the University of New Mexico, commercial services (restaurants), and retail. The request would provide connectivity through sidewalks, transit and bike paths. The request furthers Sub-policy (g) 5.1.1.

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 would direct more intense growth and development of uses allowed in the R-ML (Residential- Multi-family Low Density) zone to an Area of Consistency. The subject site is within the University of New Mexico (UNM) and Nob Hill Activity Centers and along Central Ave. SE. The request would maintain the appropriate density and scale within the Near Heights area. The request furthers Policy 5.1.2- Development Areas.

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

The request would facilitate development permissive under the R-ML zone, such as multi-family low density residential development. The request would help foster a community where residents can live, work, learn, shop, and play together due to the subject site being located in

between two activity centers and therefore, the request furthers Goal 5.2-Complete Communities.

Sub-Policy 5.2.1(f) Land Uses: Encourage higher density housing as an appropriate use in the following situations: within designated Centers and Corridors; In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses, and where adequate infrastructure is or will be available.

The request would encourage higher density housing within the Near Heights area where a mixed density pattern of multi-family low density dwellings and single-family dwellings already exists. The request furthers Sub-policy f 5.2.1.

Sub-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 facilitate future multi-family low density development on an infill site within the Near Heights CPA. The subject site contains a single-family dwelling. The R-ML zone district would allow proposed multi-family low density housing on the subject site, which could contribute to an expanding community within the area. The request would facilitate development compatible in scale to the surrounding development. The request furthers Sub-policy 5.2.1(h).

Sub-Policy 5.2.1(n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request would facilitate development that would encourage more productive use of an under-utilized lot. Multi-family development would serve the community more effectively than the vacant single-family dwelling that currently exists. The request furthers Sub-policy 5.2.1(h).

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 well-served by existing infrastructure and public facilities, the redevelopment made possible by the request would promote efficient development patterns and use of land. The request furthers Goal 5.3-Efficient Development Patterns.

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

The subject site is an infill site located in an area well-served by existing infrastructure and public facilities. The request would support additional growth in this area, and therefore furthers Policy 5.3.1-Infill Development.

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 the intensity and character of the surrounding area is generally intended to be protected. The request would enhance the

character of the existing single-family neighborhood (Near Heights), thus reinforcing the character and intensity of the surrounding area as described in the Comprehensive Plan. The request furthers Goal 5.6-City Development Areas.

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 enhance the character of existing single-family neighborhoods by facilitating permissive uses that would be consistent with the existing zoning as well as develop similar density within the Near Heights area. The request furthers Policy 5.6.3.

Integrated Development Ordinance (IDO) 14-16-6-7(G)(3)-Review and Decision Criteria for Zone Map Amendments

Requirements

The review and decision criteria outline policies and requirements for deciding zone change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings:

- 1) there was an error when the existing zone district was applied to the property; or
- 2) there has been a significant change in neighborhood or community conditions affecting the site; or
- 3) a different zone district is more advantageous to the community as articulated by the Comprehensive Plan or other, applicable City plans.

Justification & Analysis

The zone change justification letter analyzed here, received on December 26, 2022, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned R-T (Residential- Townhome Zone). The requested zoning is R-ML (Residential-Multi-family Low Density Zone). The reason for the request is to facilitate development of the subject site with multi-family residential units.

The applicant believes that the proposed zoning map amendment (zone change) meets the zone change decision criteria in IDO §14-16-6-7(G)(3) as elaborated in the justification letter. The citation is from the IDO. The applicant's arguments are in *italics*. Staff analysis follows in plain text.

- A. A proposed zone change must be found to be consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

Applicant: The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not conflicting with) a preponderance of applicable Goals

and Policies in the ABC Comprehensive Plan, and other applicable plans adopted by the City. Please refer to the in-depth analysis of the applicable Goals and Policies.

Staff: 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.

Applicable citations: Policy 4.1.2 Identity and Design; Policy 5.1.1; Sub-policies d and g; Policy 5.1.2- Development Areas; Goal 5.2-Complete Communities; Policy 5.2.1-Land Use Sub-policies f, h, and n; Goal 5.3-Efficient Development Patterns; Policy 5.3.1-Infill Development; Goal 5.6- City Development Areas; Policy 5.6.3- Areas of Consistency;

The applicant's policy-based response adequately demonstrates that the request clearly facilitates a preponderance of applicable Goals and policies regarding Centers and Corridors, infill and efficient development patterns, and does not present any significant conflicts with the Comprehensive Plan. The request is located in an Area of Consistency and would be consistent with the identical scale and intensity of the surrounding area. The request generally furthers the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.

- B. If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone 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. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:
1. There was typographical or clerical error when the existing zone district was applied to the property.
 2. There has been a significant change in neighborhood or community conditions affecting the site.
 3. A different zone district is more advantageous to the community as articulated by the ABC Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant: Criteria 3 is met for this application, as a different zone district is more advantageous to the community as articulated by the ABC Comp Plan.

The site is located wholly in an Area of Consistency. However, the requested change to R-ML clearly reinforce the established character of the surrounding area and better aligns the zoning of the property to facilitate diverse and dense housing options. R-ML will allow for various developments that will increase the number of houses available in a neighborhood, creating more stable housing prices. It will also allow for the in-fill development of an underutilized lot.

The existing zoning for the subject site does not allow for the development of multifamily housing. The implementation of this zone change will be more desired by each stakeholder of the neighborhood and align with the interest of the ABC Comp Plan.

Staff: The subject site is located wholly in an Area of Consistency. The applicant's policy-based analysis demonstrates that the request 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. The response to Criterion B is sufficient.

- C. If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:
4. There was typographical or clerical error when the existing zone district was applied to the property.
 5. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
 6. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant: The subject site is located wholly in an Area of Consistency, so this criterion does not apply.

Staff: The subject site is located wholly in an Area of Change, so this criterion does not apply. The response to Criterion C is sufficient.

- D. The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Applicant: The requested zoning of R-ML does not allow permissive uses that would be harmful to the adjacent property, neighborhood, or community rather help foster a complete community with diverse land uses. Currently, all properties to the west of the subject sites are zoned as R-ML. The proposed R-ML zoning provides an appropriate transition within the neighborhood and facilitates the goals of the Comprehensive Plan policies which should not be consider harmful. The permissive uses with this request would continue to be consistent with and would continue to maintain the character of the area as well as the neighborhood

Additionally, the size of the site restricts many uses that may be allowed in the R-ML zone that maybe considered harmful to the surrounding area such as community residential facility's and living facility or nursing homes. Each one of these permissive uses would not align with the characteristics of the neighborhood and would also be more harmful rather than beneficial.

A comparison of the existing R-T and proposed R-ML zones and a full explanation of restrictions and limitations upon potentially harmful uses are included in Table 2, below.

Use	R-T	R-ML
Dwelling, single-family detached	P	P
Dwelling, mobile home		
Dwelling, cluster development	P	P
Dwelling, cottage development	P	P
Dwelling, two-family detached (duplex)	P	P
Dwelling, townhouse	P	P
Dwelling, live-work	C	C
Dwelling, multi-family		P
Assisted living facility or nursing home	C	P
Community residential facility, small	P	P
Community residential facility, large		P
Dormitory		
Group home, small		C
Group home, medium		C
Group home, large		

Staff: The applicant compared the existing R-T zoning and the proposed R-ML zoning and discussed each use that would become permissive. Adding one residential use (the key difference between existing and proposed zoning) to the existing area is generally not considered harmful. The surrounding parcels are zoned R-ML, which contain a few more uses that would become permissive (community and residential) that would generally not be considered harmful or have any detrimental impacts to the surrounding community.

Uses that would become permissive under the R-ML zone, which are not currently allowed, are multi-family, assisted living or nursing home, community residential facility, and elementary or middle school. (see IDO table 4-2-1: Allowable Uses p. 146).

Furthermore, the IDO has Use-Specific standards to mitigate the impacts of uses that could be considered harmful. The response to Criterion D is sufficient.

- E. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:
 1. Have adequate capacity to serve the development made possible by the change of zone.
 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
 3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.

4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.

Applicant: This request meets criterion (1) having the capacity to serve the development based on the existing infrastructure. The property will be adequately served by the existing City infrastructure immediately adjacent to the property and in the surrounding area. This infrastructure includes roadways/alleyways, water, sewer, and storm drain facilities in the Near Heights neighborhood. The developer will be responsible for any on-site infrastructure costs that would be required when development moves forward.

Staff: The subject site is an infill site that is adequately served by existing infrastructure (requirement 1). The response to Criterion E is sufficient.

- F. The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

Applicant: The justification for this Zoning Map Amendment is not based on the property's location on a major street but rather the request being more advantageous to the community as articulated by the Comprehensive Plan. The proposed R-ML zone will be compatible with the existing zoning surrounding the site and stays consistent with the neighborhood. While the property does lie on a main street, "Girard" the rationale for the zoning change stems in furthering the numerous benefits it will serve for the community and more specifically its members. Further justification of this request reveals that this request is consistent with the health, safety, and general welfare of the city based on the Goals and Policies set by the Albuquerque Bernalillo Comprehensive Plan.

Staff: The subject site is located on Girard Blvd. SE, a Major Collector Street as designated by the comprehensive plan. Though this location factors into the applicant's policy analysis, the applicant is not completely basing their justification for the request upon the subject site's location on a major street. Rather, the request to R-ML is located in an area of consistency and would protect the identity of the neighborhood by allowing permissive uses of the same scale and density. The response to Criterion F is sufficient.

- G. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Applicant: The justification for this Zoning Map Amendment does not rely on the cost of land or economic considerations. The request is based on the applicable Goals and Policies of the Albuquerque Bernalillo Country Comprehensive Plan. The requested zone changes from R-T (Residential – Townhouses) to R-ML (Residential – Multifamily) is rather more advantageous to the community by filling a vacant lot, helping with the imbalance of housing, and taking positive steps for bettering the neighborhood and community overall. Each one of benefits are goals and policies articulate by the Comprehensive Plan. Further justification for the request R-ML zone is the R-ML zone being more appropriate and in line with the existing surrounding zones.

Staff: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them. Rather, the applicant has adequately demonstrated that the request 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. The response to Criterion G is sufficient.

- H. The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:
1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
 2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
 3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

Applicant: This request to change the zoning to R-ML for the property located at 305 Girard Blvd SE should not be considered a spot zone due to the existing R-ML zoning on the various adjacent lots to the east and south of the property. This is supported as properties located at (list a few examples (addresses)) also have an R-ML zoning over a large area of neighborhood and further continues on into other parts of University heights. The proposed zone clearly facilitates the ABC Comprehensive Plan by providing affordable housing, infill development, and desired growth within the Near University Area. This location is more suitable to the proposed zoning of R-ML, as it fosters the needs of the community by allowing for future infill development of housing that is affordable for all income levels.

Staff: The request would not apply a zone district different from surrounding zone districts to one small area or one premises. Directly adjacent to the west of the subject site is a parcel with R-ML zoning; therefore, the proposed zone would not be different from surrounding zone districts. Furthermore, three parcels south of the subject site are also zoned R-ML, so there is additional R-ML zoning in the immediate area. Therefore a "spot zone" would not be created. The response to Criterion H is sufficient.

IV. CONCLUSION

The request is for a zoning map amendment (zone change) from R-T to R-ML for an approximately 0.2-acre located at 305 Girard Blvd. SE, between Lead Ave. SE. and Coal Ave. SE (the "subject site").

The applicant has adequately justified the request based upon the proposed zoning being more advantageous to the community than the current zoning because it would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would generally not permit development that is significantly different from that character.

The affected neighborhood organizations are the Nob Hill Neighborhood Association, the District 6 Coalition of Neighborhood Associations, and the University Heights Neighborhood Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required. Staff received 1 phone call regarding the status of the case.

Staff recommends approval based on the original analysis.

FINDINGS - RZ-2022-007919, March 16, 2023- Zoning Map Amendment (Zone Change)

1. The request is for a zoning map amendment (zone change) for an approximately 0.2-acre site legally described as Lot 22, Block 27 University Heights Addition, located at 305 Girard Blvd. SE, between Lead Ave. SE. and Coal Ave. SE (the “subject site”).
2. At the February 16, 2023 hearing, the EPC voted to continue this case to the March 16, 2023 hearing.
3. The subject site contains a duplex.
4. The subject site is zoned R-T (Residential Townhomes Zone District). The applicant is requesting a zone change to R-ML (Residential Multi-family Low Density Zone District) to facilitate future low-density multi-family development.
5. The subject site is in an area that the Comprehensive Plan designated an Area of Consistency. Girard Blvd. SE is a designated Major Collector Street. It is not in a designated Activity Center.
6. 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.
7. The request furthers the following, applicable Goal and Sub-policies regarding growth and Centers and Corridors from Comprehensive Plan Chapter 4: Community Identity:

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 neighborhoods by ensuring the appropriate scale and location of development would be consistent to the surrounding area. R-ML zoning surrounds the subject site. Multi-family low density will ensure that the appropriate scale of development would occur.

8. The request furthers the following, applicable Goal and Sub-policies regarding growth and Centers and Corridors from Comprehensive Plan Chapter 5: Land Use:
 - A. Goal 5.1-Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The request for would introduce multi-family low density residential uses into an area with similar uses. The subject site is within two activity centers (UNM and Nob Hill) and along Central Ave. The request would strengthen this area by facilitating growth in an appropriate location and in accordance with the Comprehensive Plan, and along a well-connected Multi-Modal Corridor.
 - B. Sub-policy 5.1.1 (d): Encourage the development of multi-unit, multi-story apartments and mixed-use residential buildings in Downtown, Urban Centers, and Activity Centers to increase housing density and expand housing options and affordability.

The request would allow multi-family low density development within an area the lies in between two activity centers. The request would encourage growth and increase housing density in which there is a much-needed demand for due to its relative location to the University of New Mexico and proximity.

- C. Sub-policy 5.1.1 (g): Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership.

The request would allow development that would create walkable places that provide opportunities to live, work, learn, shop, and play near an established activity center characterized by the University of New Mexico, commercial services (restaurants), and retail. The request would provide connectivity through sidewalks, transit and bike paths.

- D. 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 would direct relatively more intense growth and development of uses allowed in the R-ML (Residential- Multi-family Low Density) zone to an Area of Consistency. The subject site is within the UNM and Nob Hill Activity Centers and along Central Ave. SE. The request would maintain the appropriate density and scale within the Near Heights area.

9. The request furthers the following Goal and sub-policies in Chapter 5-Land use, with respect to complete communities.

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

The request would facilitate development permissive under the R-ML zone, such as multi-family low density residential development. The request would help foster a community where residents can live, work, learn, shop, and play together due to the subject site being located in between two activity centers.

- B. Sub-Policy 5.2.1(f) Land Uses: Encourage higher density housing as an appropriate use in the following situations: within designated Centers and Corridors; In areas with good street connectivity and convenient access to transit.

The request for MX-H zoning would allow and encourage higher density housing in a designated Employment Center and along a designated Multi-Modal Corridor, where the street connectivity is exceptionally sufficient and access to transit is also very good.

- C. Sub-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 facilitate future mixed-use development on an infill site within a designated Employment Center. The subject site contains a parking lot of 314 spaces. The MX-H zone district would allow proposed multi-family housing on the subject site, which could contribute to an expanding community within the employment center. The request would facilitate development compatible in scale to the surrounding development.

- D. Sub-Policy 5.2.1(n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request would facilitate development that would encourage more productive use of an under-utilized lot. Multi-family development would serve the community more effectively than the development that currently exists.

10. The request furthers the following Goal and policy regarding infill and efficient development patterns in 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 subject site is well-served by existing infrastructure and public facilities, the redevelopment made possible by the request would 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 an infill site located in an area well-served by existing infrastructure and public facilities. The request would support additional growth in the surrounding area.

11. The request furthers the following Goal and policy regarding city development areas and area of consistency in Chapter 5-Land use:

- 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 the intensity and character of the surrounding area is protected. The request would enhance the character of the existing single-family neighborhood (Near Heights), thus reinforcing the character and intensity of the surrounding area as described in the Comprehensive Plan.

- 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 enhance the character of existing single-family neighborhoods by facilitating permissive uses that would be consistent with the existing zoning as well as develop similar density within the Near Heights area.

12. 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 clearly reinforces a preponderance of applicable Goals and policies regarding Centers and Corridors, infill and efficient development patterns, and does not present any significant

conflicts with the Comprehensive Plan. The request is located in an Area of Consistency and would be consistent with the identical scale and intensity of the surrounding area. The request generally furthers 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 demonstrates that the request 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.
- C. Criterion C: The subject site is located wholly in an Area of Consistency, so this criterion does not apply.
- D. Criterion D: The applicant compared the existing R-T zoning and the proposed R-ML zoning and discussed each use that would become permissive. Adding one residential use (the key difference between existing and proposed zoning) to the existing area is generally not considered harmful. The surrounding parcels are zoned R-ML, which contain a few more uses that would become permissive (community and residential) that would generally not be considered harmful or have any detrimental impacts to the surrounding community.

Uses that would become permissive under the R-ML zone, which are not currently allowed, are multi-family, assisted living or nursing home, community residential facility, and elementary or middle school. (see IDO table 4-2-1: Allowable Uses p. 146).

Furthermore, the IDO has Use-Specific standards to mitigate the impacts of uses that could be considered harmful.
- E. Criterion E: The subject site is an infill site that is adequately served by existing infrastructure (requirement 1).
- F. Criterion F: The subject site is located on Girard Blvd. SE, a Major Collector Street as designated by the Comprehensive Plan. Though this location factors into the applicant's policy analysis, the applicant is not completely basing their justification for the request upon the subject site's location on a major street. Rather, the request to R-ML is located in an area of consistency and would protect the identity of the neighborhood by allowing permissive uses of the same scale and density.
- G. Criterion G: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them. Rather, the applicant has adequately demonstrated that the request clearly reinforces a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.
- H. Criterion H: The request would not apply a zone district different from surrounding zone districts to one small area or one premises. Directly adjacent to the west of the subject site is a parcel with R-ML zoning; therefore, the proposed zone would not be different from surrounding zone districts. Furthermore, three parcels south of the subject site are also zoned R-ML, so there is additional R-ML zoning in the immediate area. Therefore a "spot zone" would not be created.

13. The applicant's policy-based response adequately demonstrates that the request clearly reinforces a preponderance of applicable Goals and policies regarding Centers and Corridors, infill and efficient development patterns, 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.
14. The affected neighborhood organizations are the Nob Hill Neighborhood Association, the District 6 Coalition of Neighborhood Associations, and the University Heights Neighborhood Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required. A pre-application neighborhood facilitated meeting was held on October 27, 2022 via Zoom. Concerns regarding the request included location, parking, design and pricing and were answered by the applicant.
15. On January 1, 2023 staff was contacted by Beverly Paca, an adjacent property owner from the site and expressed opposition of the request. Don Hancock, also reached out to staff on January 9, 2023 and was also in opposition. A letter of clarification during the continuance period was received on January 21, 2023.

RECOMMENDATION - RZ-2022-007919, March 16, 2023

APPROVAL of Project #: 2022-007919, Case#: RZ-2022-00060, a zone change from R-T to R-ML, for Lot 22, Block 27 University Heights Addition, located at 305 Girard Blvd. SE, between Lead Ave. SE. and Coal Ave. SE, an approximately 0.2-acre site, based on the preceding Findings.

Leroy Duarte
Current Planner

Notice of Decision cc list:

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EPC file