

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

January 19, 2023

Armstrong Central Unser Blvd LLC
1 Armstrong Pl.
Butler, PA 16001

Project # PR-2018-001389
RZ-2022-00064 – Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Modulus Architects & Land Use Planning, agent for Armstrong Central Unser Blvd LLC, requests a zoning map amendment from MX-M to NR-C, for all or a portion of Tracts 1-4 and Tract 14, Unser Crossings, zoned MX-M, located at the SW corner of the intersection of Central Ave. and Unser Blvd., approximately 23 acres (K-09-Z)
Staff Planner: Megan Jones

On January 19, 2023 the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2018-001389, RZ-2022-00064 – Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a Zoning Map Amendment (zone change) for an approximately 23-acre site legally described as all or a portion of Tracts 1-4, and 14, plat of Unser Crossings, Zoned MX-M located at the SW corner of Central Ave. and Unser Blvd. (the “subject site”).
2. The subject site is zoned MX-M (Mixed Use-Medium Intensity Zone District). The applicant is requesting a zone change to NR-C (Non-residential - Commercial Zone District) to facilitate future commercial development.
3. The subject site is located in an Area of Change, along the Central Ave. Premium and Major Transit Corridor and the Unser Blvd. Commuter Corridor as designated by the Comprehensive Plan. It is within 1,320 feet (1/4 mile) of a Premium Transit Station Area, the Northwest Mesa Transit Center.
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 clearly facilitates the following applicable policy from 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.

This request would facilitate future development on the subject site that would be similar in scale and location of development within the West Route 66 Activity Center. Land uses that are currently permissive in the MX-M zone would still be permissive in the NR-C zone district, although some higher intensity uses would become permissive allowing a mix of uses for the surrounding neighborhood to utilize. The subject site is currently vacant and much of the surrounding land within the Southwest Mesa CPA is still undeveloped, with its identity and sense of community is still emerging. Furthermore, the subject site is within the West Central MRA Plan, which establishes the intersection of Unser Blvd. And Central Ave. as an opportunity site for additional industrial and commercial uses, which the request could help to meet.

The request could facilitate new development that is appropriate character of building design and scale so that the surrounding West Route 66 Activity Center and the residential neighborhood is not adversely affected.

6. The request clearly facilitates the following Comprehensive Plan Goals and Policies from Chapter 5: Land Use
 - A. Goal 5.1 – Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

The request could encourage growth along a designated Major Transit and Premium Transit corridor Central Ave. NW, and a designated Commuter Corridor, Unser Blvd. SW. The subject site is located within the West Route 66 Activity Center, which is a designated activity center that is intended to provide a mix of neighborhood commercial and residential use at a slightly higher density than the surrounding single-family homes. Development in the activity center should serve neighborhoods within a 20-minute walk or short bike ride with development patterns that support access by all transportation modes.

Major Transit Corridors are anticipated to provide access to goods and services along these Corridors and the Centers they connect. Premium Transit Corridors are planned for mixed-use and transit-oriented development within walking distance from transit stations and have adequate transitions to single-family residential neighborhoods behind the Corridor. Development along these corridors should be varied and include public spaces and pedestrian amenities. Since the subject site is within three designated corridors and ¼ mile of a premium transit station, the subject site in an area of change is a prime location where development that benefits job-creation is desired, which the zone change to NR-C could help facilitate.

This request would facilitate development within the designated Activity Center and the IDO standards for development along corridors would help shape the built environment.

- B. 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 facilitate slightly higher intensity development on the subject site, which is in an area of change, where growth should be directed and is desired. The subject site is within an established activity center and along a Major Transit and Premium transit Corridor with some surrounding NR-C zone districts. The request would generally maintain appropriate density and scale of development within an area that is intended to be developed with a mix of neighborhood commercial and residential uses at a slightly higher density than the surrounding single-family homes (Comp Plan 5-15)

- C. Policy 5.1.6 Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

The request would change the zoning on the subject site from MX-M (Mixed-use – medium intensity) to NR-C (Non-residential – Commercial) which is intended to accommodate medium-scale retail, office, commercial and institutional uses with some light industrial uses. Therefore, the request could facilitate future development of neighborhood and area wide services and amenities that meet the needs of surrounding neighborhoods within the West Route 66 Activity Center. This request would allow for a future mixed-use center to be developed with a range of services and amenities that could potentially support healthy lifestyles and meet the needs of nearby residents and businesses.

- D. Policy 5.1.10 Major Transit Corridor: Foster corridors that prioritize high frequency transit service with pedestrian-oriented development

The subject site is located along the Central Ave. Major Transit and Premium Transit Corridors and within mile of a Premium Transit Station. The request would change the zoning to NR-C and any future development would be subject to IDO design standards along a designated corridor ensuring development that is pedestrian friendly, although the request does not guarantee future pedestrian-oriented development since it would allow transit-oriented uses.

7. The request clearly facilitates the following Comprehensive Plan Goals and Policies regarding infill and development areas from 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.

Sub-policy h: Encourage infill development that adds complementary uses and is compatible in form and scale to the immediate surrounding development.

The request could facilitate future development of the subject site, which may provide an opportunity for complementary uses for surrounding residents and employees to utilize that are compatible in form and scale to the West Route 66 Activity Center. Future development under the NR-C zone district would be pursuant to standards for an Activity Center, along corridors, and within a transit area and would facilitate walkable and pedestrian oriented development that could contribute to a healthy and sustainable community that is accessible from surrounding neighborhoods.

Additionally, the request would continue to facilitate a healthy and sustainable community because it would facilitate future development in an area with a mix of uses including

commercial-retail, offices, industrial and surrounding residential. The subject site is conveniently accessible by all transportation modes.

Although there is no guarantee of future development, the request encourages infill development on a vacant site in an area of change.

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

The subject site would encourage infill development on a vacant site that is served by existing infrastructure and public facilities that would support additional growth in the Unser Crossings shopping center and the West Route 66 Activity Center.

- C. Goal 5.6 – 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 and in the West Route 66 Activity Center, where growth is expected and desired. The request would help facilitate future development under the NR-C zone district as regulated by the IDO. The IDO has design standards for sites within activity centers and corridors which reinforce the character and intensity of the surrounding area. The Unser Crossings shopping center and Southwest mesa CPA are still developing, and its identity and sense of community is still emerging. The request would continue to encourage, enable, and direct growth to the area.

- D. 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.

Subpolicy b: Encourage development that expands employment opportunities.

The request would generally facilitate future growth along a designated Major Transit and Premium Transit corridor, Central Ave. NW, and a designated Commuter Corridor, Unser Blvd. SW. The subject site is located within an Area of Change and the West Route 66 Activity Center, where change is encouraged. The Activity Center is intended to provide a mix of neighborhood commercial and residential use at a slightly higher density than the surrounding single-family homes. Since the subject site is within three designated corridors and ¼ mile of a premium transit station, the IDO place standards on development for the subject site.

The requested zone change to NR-C would allow slightly higher density than the existing MX-M zone district, which is emphasized in Activity Center. The NR-C zone district would generally encourage, enable, and direct future growth that may expand employment opportunities to the West Route 66 Activity Center, An Area of Change, and along two corridors.

- E. Policy 5.6.2, Subpolicy g: Encourage development where adequate infrastructure and community services exist.

The request would generally encourage development on a vacant site that is served by existing infrastructure and community services in the Unser Crossings shopping center and the West Route 66 Activity Center.

8. The request clearly facilitates the following Comprehensive Plan Policies from Chapter 8:
Economic Development

- A. Policy 8.1.1 Diverse Places: Foster a range of interesting places and contexts with different development, intensities, densities, uses, and building scales to encourage economic development opportunities. Sub policy

The subject site is located in an Area of Change within the West Route 66 Activity Center and the Central Ave. Major Transit and Premium Transit Corridor where growth that contributes to job creation is expected and desired. The request to NR-C could facilitate future development that is slightly higher density than the existing MX-M and surrounding zone districts, therefore fostering different development intensity, uses and building standards.

- B. 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 would facilitate future development efforts of the subject site that would generally foster a robust, resilient, and diverse economy by creating an opportunity for a variety of commercial, retail, and light industrial land uses in an area of change and the West Route 66 Activity Center. The NR-C zone district would also help to implement economic development visions in the West Central MRA plan at the Intersection of Central Ave and Unser Blvd. The request will allow the applicant to develop the subject site in accordance with the NR-C zone district development on the subject site, which would be generally consistent with the character of the existing area. This would generally improve the quality of life for area residents by encouraging future development that could lead to a resilient economy or economic development efforts within the City, although the request does not include future development plans for the subject site.

- C. Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

The request would change the subject sites zoning to NR-C, which would allow for more commercial and industrial uses than are currently allowed under the MX-M zone. This change would generally facilitate future development that could lead to employment growth in an Area of Change, the West Route 66 Activity Center and along a designated corridor, which the Comprehensive Plan Identifies as a place that should be the focus of new urban-scale development that benefit job creation.

9. The request facilitates the following Goal and Objectives regarding Economics form the West Central Metropolitan Redevelopment Area Plan (“WCMRA Plan”).

Goal 1: Increase the economic vitality of the MRA

Objective 1: Reduce crime in the MRA

Objective 2: Attract public and private investment to key opportunity sites and locations in the MRA.

Objective 6: Increase the number of jobs in the MRA.

Objective 7: Upgrade infrastructure to support economic development.

The request to change the zoning of the subject site to NR-C would help to facilitate the WCMRA Plan's vision to develop additional commercial, industrial and warehousing space at the Intersection of Unser Blvd. and Central Ave. by providing appropriate zoning that could attract public and private investment for future development. Future development would be encouraged on an infill site within the WCMRA plan and a designated Comprehensive Plan Activity Center.

Additionally, the request could lead to future development of the site that may help to increase the number of jobs and economic vitality of the MRA by providing appropriate zoning on an opportunity site, where public infrastructure already exists. The applicant has stated that investment has been made towards upgrading the infrastructure to serve the subject site, which would contribute to the surrounding area

10. The request meets the Zoning Map Amendment Review & Decision Criteria in IDO Section 14-16-6-7(G)(3) as follows:
 - A. 6-7(G)(3)(a): Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request clearly facilitates applicable Comprehensive Plan Goals and policies (and the West Route 66 MRA Plan) and does not significantly conflict with them. The applicant's policy-based response demonstrates that the request facilitates several applicable Goals and policies regarding character, land use, centers and corridors, infill and city development, and economic 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.
 - B. 6-7(G)(3)(b): The subject site is located wholly in an Area of Change. Therefore, this criterion does not apply.
 - C. 6-7(G)(3)(c): The subject site is located wholly in an Area of Change. The applicant's policy-based analysis (see response to Criterion A) demonstrates that the request would clearly facilitate several applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning.
 - D. 6-7(G)(3)(d): The applicant has adequately demonstrated in their analysis how potential negative impacts could be mitigated through IDO development standards, use-specific standards and other applicable city development requirements.

Staff generally agrees with the discussion and the focus on said uses that were discussed, and that the NR-C zoning and any potential harm to the surrounding properties, the neighborhood, or the community could be mitigated.

- E. 6-7(G)(3)(e): The request meets the requirement that the City's existing infrastructure and public improvements adequately serve the subject site and have adequate capacity to serve the development made possible by the change of zone. The applicant has stated that any future infrastructure improvements needed will be provided by the applicant/developer.
- F. 6-7(G)(3)(f): The applicant's justification is not based on the subject site's location along a major corridor. The applicant adequately justifies the request based on applicable Comprehensive Plan goals and policies.
- G. 6-7(G)(3)(g) Economic considerations are a factor in regards to how the NR-C zone district could promote economic development and vitality within a City MRA, but the applicant's justification is not completely or predominantly based upon them. Nor is the justification based completely or predominantly upon the cost of land.
- H. 6-7(G)(3)(h): Criterion H is a two-part test which the request generally meets. The request to NR-C from MX-M would create a spot zone. The applicant has demonstrated that the request would (1) clearly facilitate implementation of several applicable goals and policies of the ABC Comp Plan and (2) The applicant has justified the request because it can function as a transition between adjacent zone districts.

The applicant has generally demonstrated how the NR-C zone is more suitable for subject site and surrounding area. The requested zone change to NR-C is generally consistent with the surrounding land uses because there are few but notable differences in allowable land uses in the MX-M zone district with surrounds the site to the east and west. Staff generally agrees with the applicant's justification to create a spot zone

- 11. The affected, registered neighborhood organizations are the SWAN Coalition, Westside coalition, and South Valley Coalition of Neighborhood Associations were notified as required. Property owners within 100 feet of the subject site were also notified as required.
- 12. A pre-application neighborhood meeting was not held for this request. A facilitated meeting was not requested.
- 13. 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 **February 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

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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

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