

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

July 09, 2020

Presbyterian Healthcare Services
Attn: Jim Jeppson
PO Box 26666
Albuquerque, NM 87109

Project #2020-003861
RZ-2020-00012—Zoning Map Amendment (zone change)

LEGAL DESCRIPTION:

Will Gleason, Dekker/Perich/Sabatini, agent for Presbyterian Healthcare Services, requests a zone map amendment from MX-T to MX-H for all or a portion of Tract 1, replat of Tracts E, F, and A, East End Addition, located at 8300 Constitution Ave. NE, between Wyoming Blvd. NE and Constitution Pl. NE, approximately 19 acres (J-19)
Staff Planner: Catalina Lehner

On July 09, 2020, the Environmental Planning Commission (EPC) voted to Approve Project # 2020-003861/ RZ-2020-00012, a Zoning Map Amendment (zone change) based on the following Findings:

FINDINGS:

1. The request is for a zoning map amendment (zone change) for an approximately 19 acre site legally described as Tract 1, Replat of Tracts E, F, and A, East End Addition, located south of Constitution Ave. NE, and bounded by Constitution Pl. NE on the west, south, and east (8300 Constitution Ave. NE, the “subject site”).
2. The subject site is zoned MX-T, a zone designation received upon effective date of the Integrated Development Ordinance (IDO) and based on application of the zone conversion rules adopted by the City Council. The subject site was formerly zoned O-1 and had operated under this zoning and served the community for many years.
3. The subject site contains an existing hospital, which is a non-conforming use in the MX-T zone. Generally non-conforming uses are not intended to expand, though limited expansion is allowed within the parameters specified in IDO 14-16-6-6(C)(3) and if approved by the Zoning Hearing Examiner (ZHE).
4. The applicant is requesting a zoning change to MX-H (Mixed Use-High Intensity zone district), which is the first zone that permissively allows a hospital with more than 20 overnight beds and ambulance service. The zone change would allow the hospital to expand in the future, by more than 25% of approved square footage, if needed and approved by the ZHE.

5. The subject site is in an area that the Comprehensive Plan has designated an Area of Change. Wyoming Blvd. NE is a designated Major Transit Corridor, from which the hospital campus can be accessed.
6. 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.
7. The request generally furthers the following Goal and policy regarding Development Areas (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 in a designated Area of Change and the surrounding, established neighborhoods and offices to the north, west, and south are in designated Areas of Consistency. The request would enable future expansion to be accommodated on the subject site, which would encourage and direct future growth to an Area of Change as desired.

- 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 located in an Area of Change and near a designated Major Transit Corridor, where the Comprehensive Plan intends and encourages change. The request would generally direct any future growth of the hospital to the subject site, which contains an existing hospital campus, while directing it away from the surrounding Areas of Consistency.

8. The request generally furthers the following Goal and policy regarding Centers and Corridors (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 would make the existing hospital a permissive use, and therefore be able to expand in the future in excess of 25% of its existing square footage, if needed and approved by the ZHE. The subject site is not located in a designated Activity Center or along the Multi-Modal Corridor (Wyoming Blvd.). However, the applicant owns two of the three lots fronting Wyoming Blvd. and they are a part of the larger hospital campus. Therefore, any future growth would generally support, and be supported by, the designated Multi-Modal corridor where growth is desired.

- 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.

Though not in a designated Center or along a Corridor, the subject site is in a designated Area of Change where growth is generally desired. Any future expansion made possible by the

request would be directed to the subject site and away from the less dense and smaller-scale development around it, thereby supporting the maintenance of appropriate density and scale of development in the Areas of Consistency nearby that are intended to be more stable.

9. The request generally furthers the following Goal and policies regarding development patterns (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 located in an established urban area that that has been developed since the 1960s and is well-served by existing infrastructure and public facilities. The request would enable the existing hospital to expand in place and would generally support the public good by providing more medical services in an established area of the City.

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

The request would make the hospital a permissive use, which would allow for expansion in excess of 25% of its existing square footage, as needed in the future. The subject site is already served by existing infrastructure and public facilities. Any growth would be considered infill development due to the subject site's location in an established urban area.

10. The request generally furthers the following Goal and policies regarding communities (Chapter 5-Land Use):

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

The request would enable the continued existence, and potential future expansion, of the existing hospital, which would foster a community where residents can live, work, learn, shop, and play together. The hospital and the services it provides have served this quadrant of the City for many years in terms of providing opportunities to work and learn. Housing, shopping, and recreational opportunities are nearby and part of this well-established community.

- 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 request contributes to creating and supporting a healthy, sustainable community with a mix of uses because it would facilitate future growth and expansion of the existing hospital use, the presence of which has characterized the community in the area for many years. Additional services would be conveniently accessible from surrounding neighborhoods by transit users, pedestrians, and bicyclists due to proximity and the Major Transit Corridor nearby.

11. The request generally furthers the following policy from Comprehensive Plan Chapter 6-Transportation:

Policy 6.4.2 –Air Quality: Reduce the adverse effects of automobile travel on air quality through coordinated land use and transportation that promote the efficient placement of housing, employment, and services and improve the viability of multi-modal transportation options.

Because the request would facilitate future expansion of the hospital on the subject site, it would promote efficient placement of employment and services in an established urban location near a designated Multi-Modal Corridor (Wyoming Blvd. NE). In a very general sense, this could contribute to improving the viability of multi-modal transportation options and not increasing VMT by keeping hospital and healthcare services on the east side of the City.

12. The request generally furthers the following policy from Comprehensive Plan 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 would make future expansion of the hospital possible. This would generally encourage economic development consisting of additional services and a variety of stable jobs, which could contribute to improving quality of life for residents and fostering a robust and resilient economy.

13. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(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 has adequately demonstrated, in a policy-based response, that the request furthers applicable Goals and policies regarding land development patterns, development areas (Area of Change), and infill development. Therefore, the request would be 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: As demonstrated by the applicant’s policy-based analysis, a different zone district (MX-H) would be more advantageous to the community than the current zone district (MX-T). The request furthers applicable Comprehensive Plan Goals and policies and would remove the non-conforming status of the existing hospital, which would allow the use to expand in the future to respond to healthcare needs of the community.

- D. Criterion D: The uses allowed in the two zones are similar, with some notable differences: car wash, night club, personal business service (large), general retail (medium), adult retail, light vehicle fueling station, light vehicle sales and repair, light vehicle storage, grocery store, and pawn shop are not allowed in the MX-T zone but would become permissive with the proposed zone change to MX-H. These uses are considered higher intensity and less desirable next to

lower-density residential uses. However, such uses are subject to the IDO's use specific standards that provide mitigation measures, such as extra buffering and building height step-down, to address the potential harm to adjacent property, the neighborhood and the community.

- E. Criterion E: The subject site is already served by existing infrastructure and may have adequate capacity to accommodate any future expansion made possible by the proposed zone change (Requirement 1). If additional infrastructure capacity is needed, the applicant will be required to provide it and meet its obligations under the IDO (Requirement 3).
 - F. Criterion F: The subject site is located on Constitution Ave. NE, a Major Collector, and is near Wyoming Blvd. NE, a Regional Principal Arterial. However, the applicant's justification is not completely based on the property's location along a major street, but is based on the request furthering a preponderance of applicable Comprehensive Plan Goals and policies.
 - G. Criterion G: Economic considerations are a factor, but the applicant's justification is not 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 policies.
 - H. Criterion H: The request would create a spot zone since it pertains to a single premise and the zoning district requested would differ from surrounding zoning districts. However, the request would clearly facilitate realization of the Comprehensive Plan, as shown in the response to Criterion A, and the nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district. The existing hospital has more than 20 overnight beds and offers ambulance service, and the adjacent zone districts (MX-M and MX-T) do not allow the existing use.
14. The applicant's policy analysis adequately demonstrates that the request furthers applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with it. Based on this demonstration, the proposed zone category would be more advantageous to the community than the current zoning.
15. The affected neighborhood organizations are the Snow Heights Neighborhood Association (NA) and the District 7 Coalition, which were notified as required. Property owners within 100 feet of the subject site were also notified as required. As of this writing, Staff has not received any correspondence or phone calls and is not aware 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 **July 24, 2020**. 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 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 EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

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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 City Zoning Code must be complied with, even after approval of the referenced application(s).

Sincerely,

for Brennon Williams
Planning Director

BW/CL

cc: EPC file

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