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OFFICIAL NOTIFICATION OF DECISION

July 21, 2022

Sujay Thakur, Thakur Enterprises
1501 University Blvd. NE
Albuquerque, NM, 87102

Project # PR-2022-007156
RZ-2022-00030– Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, agent for Thakur Enterprises, requests a Zoning Map Amendment from PD to MX-M, for all or a portion of Tract 5-A bulk land plat for El Rancho Grande I, Parcels 5-A and 12-B-1, located south of Gibson Blvd. SW, east of 98th St. SW, and adjacent west to the Amole Channel, approximately 13.6 acres (N-09-Z)
Staff Planner: Sergio Lozoya

On July 21, 2022, the Environmental Planning Commission (EPC) voted to APPROVE Project #PR-2022-007156/RZ-2022-00030, a Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) for an approximately 13.6-acre site, legally described as Tract 5-A bulk land plat for El Rancho Grande I, Parcels 5-A and 12-B-1, located south of Gibson Blvd. SW, east of 98th St. SW, and adjacent west to the Amole Channel (the subject site).
2. The subject site is zoned PD (Planned Development) and is currently vacant. The applicant is requesting a zone change to MX-M (Mixed-Use – Medium Intensity) to facilitate future development.
3. The subject site is in an Area of Change, and is within the 98th and Gibson Activity Center as designated by the Comprehensive Plan. The subject site is not located along any designated Corridors.
4. 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.
5. The request furthers the following, applicable Goal and Policies from Chapter 4: Community Identity:

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

The request would enhance, protect, and preserve the distinct Southwest Mesa community because the MX-M zone district allows for moderate intensity, mixed-use development. The PD zone is a more intense zone with more potential for intense and harmful uses as compared to the MX-M zone.

- 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 neighborhoods by ensuring the appropriate scale and location of development, and mix of uses because the MX-M zone is intended to provide development and services at a moderate intensity. The subject site is in an Area of Change as designated by the Comprehensive Plan. The IDO has sufficient standards to protect the adjacent Areas of Consistency by requiring height restrictions, landscape buffers, and screening.

6. The request furthers the following, applicable Goal and Policies from 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 subject site is located within the 98th and Gibson Activity Center as designated by the Comprehensive Plan. The request for MX-M would facilitate development of the subject site and would contribute to the growth of a strong community of Centers because it would facilitate mixed use development in the 98th and Gibson Activity Center, where growth is desired.

- B. Sub-policy 5.1.1c: Encourage employment density, compact development, redevelopment and infill Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

The subject site is within the 98th and Gibson Activity Center, and within an Area of Change as designated by the Comprehensive Plan, both of which are intended to accommodate growth and development over time. The request for the MX-M zone would facilitate infill development of appropriate allowable uses in an established Activity Center, and would discourage the need for development at the urban edge.

- C. 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 for the MX-M zone would facilitate development that is compatible in density, scale, and intensity in relation to the surrounding area. The subject site is located in an Area of Change, and within the 98th and Gibson Activity Center, where growth and development are desired.

- D. 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 business.

The request would facilitate mixed-use development within the established 98th and Gibson Activity Center. The MX-M zone could foster the development of a range of services and amenities, it's location along an existing bike trail supports healthy lifestyle and accessibility for nearby residents.

7. The request furthers the following Goal and 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 for the MX-M zone would facilitate the development of a mix of uses that would allow residents to live, work, learn, shop, and play together. Uses under the MX-M zones are versatile and can provide residential and commercial uses that are compatible with the surrounding area and would help strengthen the 98th and Gibson Activity Center, as designated by the Comprehensive Plan.

- 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 would contribute to creating a healthy and sustainable community because it would facilitate development of a mix of neighborhood scale uses. The subject site's location along within the 98th and Gibson Activity Center, and an established neighborhood contributes to convenient access.

- C. Sub-policy 5.2.1(a): Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

The request would facilitate development of the subject site, which is adjacent to an established neighborhood. Any development of new goods, and services facilitated by the request would be within walking and biking distance of nearby neighborhoods.

- D. Sub-policy 5.2.1(k): Discourage zone changes to detached single-family residential uses on the West Side.

The zone change to MX-M would remove single-family dwellings as an allowable use, therefore discouraging a zone change to detached single-family residential uses on the Westside.

- E. Sub-policy 5.2.1 (g): Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors as follows:

i. In Activity Centers with development to serve adjacent neighborhoods with an emphasis on pedestrian and bicycle connections to nearby

ii. In larger area-wide shopping centers located near intersections of arterial streets and provided with access via transit.

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

The zone change to MX-M would encourage the development of an under-utilized lot, which has been vacant for several years.

8. The request furthers the following Goals 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 already served by existing infrastructure and public facilities, so the redevelopment made possible by the request would generally 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 request would support additional growth at the subject site, which is an infill site located in an area already served by existing infrastructure and public facilities.

9. The request generally furthers the following Goal and Policies regarding city development areas in chapter 5-Land Use.

A. Goal 5.4 – Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

The requested MX-M zone would not allow single-family, residential development and would prioritize uses that encourage job growth west of the Rio Grande.

B. Policy 5.4.2 – West Side Jobs: Foster employment opportunities on the West Side.

The requested MX-M zone would encourage commercial development on a vacant site, which would foster employment opportunities on the West Side.

C. Sub-policy 5.4.2 (a): Ensure adequate capacity of land zoned for commercial, office, and industrial uses west of the Rio Grande

The request for the MX-M zone would ensure adequate capacity of land zoned for commercial, and office uses west of the Rio Grande and would facilitate the development of mixed uses in an area mostly characterized by single-family, low-density development.

10. The request generally furthers the following Goal and Policies regarding city development areas 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 Change and is adjacent to Areas of Consistency. The request for an MX-M zone would facilitate the development of the subject site where growth is expected and desired and would provide an opportunity for more predictable land-uses that are allowed within the MX-M zone (as opposed to the allowed uses in the PD zone). Regulations in the IDO would ensure that development of the subject site would reinforce the character and intensity of the surrounding area.

- 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 request would direct more intense development to the 98th and Gibson Activity Center, and to an Area of Change, where change is expected and desired.

- C. Sub-policy 5.6.2(b): Encourage development that expands employment opportunities:

The requested zone change would encourage development that expands employment opportunities because the MX-M zone allows a variety of commercial and institutional uses in an area characterized by low-density single-family development.

11. The request generally furthers the following Goal and Policies in Chapter 8-Economic Development

- A. Goal 8.1 – Placemaking: Create places where business and talent will stay and thrive.

The requested zone change would create places where business and talent will stay and thrive because the MX-M zone provides an opportunity to develop a mix of uses in an area mostly characterized by low-density, single-family development.

- B. Policy 8.1.1 – Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

The request would promote diverse places by facilitating the development of commercial and institutional uses within an existing and established neighborhood. The westside is largely characterized by single-family, low-density development, the MX-M zone would allow uses that vary in intensity, density, and scale.

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 furthers a preponderance of applicable Goals and policies regarding Character, Identity & Design, Efficient Development Patterns, Jobs-Housing Balance, Centers and Corridors, 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. Criterion B: The subject site is located wholly in an Area of Change, as designated by the Comprehensive Plan. Therefore, criterion B does not apply.
- C. Criterion 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 further 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 compared the existing PD zoning and the proposed MX-M zoning. All uses are potentially permissive in the PD zone district, meaning the MX-M zone district would be more restrictive.

The applicant discussed potentially harmful uses allowed in the MX-M zone district. Some uses that could be interpreted as harmful are: Light vehicle repair, Bars, nightclubs, restaurants, tap room or tasting room, car wash, self-storage, liquor retail, nicotine retail, cannabis retail, and cannabis cultivation and manufacturing.

Generally speaking, there are regulations in place in the IDO (Use Specific Standards and Neighborhood Edges) would mitigate some of the impacts of said uses. There are Use Specific Standards that would require distance separation for uses such as Nicotine Retail, Liquor Retail, and Cannabis uses. The standards for Neighborhood Edges would limit the height of development that is directly adjacent to residential zone districts. Therefore, the request is not likely to result in potential harmful impacts to adjacent properties, the neighborhood or community

- E. Criterion E: The request appears to have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement. (requirement 3). The subject site is controlled by a Site Plan, which will be further reviewed by the City prior to development.
- F. Criterion F: The subject site's location along designated Commuter Principle Arterials, Gibson Blvd SW and near 98th St. SW, provides some rationale for the proposed change to MX-M. However, this is not the primary reason for the request. Rather, this rationale is tied to the policy analysis, which shows that the request furthers a preponderance of applicable Goals and policies.
- G. Criterion G: Economic considerations are a factor, 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. Criterion 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"). The proposed zone district for the subject site is MX-M. The nearest property zoned MX-M is just north of the subject site, across Gibson Blvd SW.

13. The applicant's policy analysis adequately demonstrates that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with them. Based on this demonstration, the proposed zone category would be generally more advantageous to the community than the current zoning.
14. The affected neighborhood organizations are the South West Alliance of Neighborhoods, Westside Coalition of Neighborhood Associations, and the South Valley Coalition of Neighborhood Associations, which were all notified as required Property owners within 100 feet of the subject site were also notified, as required.
15. As of this writing, Staff has not received any correspondence or phone calls and is unaware of any opposition.
16. PNM gave the following comment: There are PNM facilities abutting and/or in easements around the entire perimeter of the site and through the western portion of the site. Any existing easements may have to be revisited and/or new easements may need to be created for any electric facilities as determined by PNM.
17. APS commented on the request and stated that the subject site is less than one-half mile from Rudolfo Anaya Elementary School. At present, capacity is approaching enrollment at both Rudolfo Anaya Elementary School and Atrisco Heritage Academy High School; residential development at this location will be a strain on both of these schools.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **August 5, 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(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,

for Alan M. Varela,
Planning Director

AV/CL/SL

cc: Consensus Planning, cp@consensusplanning.com
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