

PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339



## OFFICIAL NOTIFICATION OF DECISION

June 17, 2021

Deepesh Kholowadwala  
c/o Sun capital Hotels  
8901 Adams St.  
Suite A  
Albuquerque, NM 87109

**Project #2021-005439**  
RZ-2021-00016– Zoning Map Amendment (Zone Change)

### **LEGAL DESCRIPTION:**

Modulus Architects Inc., agent for Deepesh Kholwadwala c/o Sun Capital Hotels, requests a Zoning Map Amendment from MX-M to NR-C, for all or a portion of Lot 2-A-1-B-2-B-3, Lot 2-A-1-B-2-B-2, Lot 3-A-1-A, ABQ West Unit 2, located on High Assets Way NW, between Paseo Del Norte Blvd. NW and Eagle Ranch Rd. NW, approximately 4.9 acres (C-13-Z)

Staff Planner: Silvia Bolivar

On June 17, 2021, the Environmental Planning Commission (EPC) voted to Approve Project # 2021-005439/RZ-2021-00016, 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 4.9-acre site legally described as Lot 2-A-1-B-2-B-3, Lot 2-A-1-B-2-B-2, and Lot 3-A-1-A, ABQ West Unit 2, located on High Assets Way NW, between Paseo del Norte NW and Eagle Ranch Road NW (the “subject site”).
2. The subject site is zoned NR-C (Non-Residential – Commercial Zone District) which was converted from the former zoning of SU-1 (PDA to include C-3 uses).
3. The applicant is requesting a zone change to MX-M (Mixed-Use – Medium Intensity Zone District) in order to facilitate future development of three vacant lots into a 40-unit assisted living facility and a 100-unit independent living facility although other uses would become permissive in the MX-M zone.
4. The subject site is in an Area of Change as designated by the Comprehensive Plan and is in the Northwest Mesa Community Planning Area (CPA).
5. The subject site is located within the Paseo Del Norte, Premium Transit Corridor as designated by the Comprehensive Plan. The subject site is within the boundaries of the Coors Boulevard Character Protection Overlay Zone, CPO-2.

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 furthers the following Goals and Policies from Chapter 4: Community Identity:
  - A. Policy 4.1.4 – Neighborhoods - Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

Although the subject site is not located in an area considered a traditional community, the request would enhance, protect, and preserve neighborhoods as key to long-term health and vitality by allowing a mix of uses that can serve as a transition between the low-density residential zoning found south of the subject site (R-1A) and the NR-C zoning to the north. Liquor retail is a permissive use in NR-C but becomes a conditional use in MX-M and the zone map amendment made possible by the request would provide further protection from that use being developed adjacent to existing single-family dwellings and religious institutions. Further development under the MX-M zone would be subject to applicable IDO standards that would serve to protect and preserve neighborhoods

8. The request furthers the following Goals and Policies from Chapter 5: Land Use:
  - A. Subpolicy 5.1.10b: Minimize negative impacts on nearby neighborhoods by providing transitions between development along Transit Corridors and abutting single-family residential areas.

If the proposed zone map amendment is approved, the subject property would minimize negative impacts on nearby neighborhoods because it would function as a transition between adjacent zone districts by allowing a mix of uses that can serve as a transition between the low-density residential zoning found south of the subject site (R-1A) NR-C zoning and Transit Corridors to the north.

- 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 area is not necessarily considered a distinct community as the area is a mix of uses (residential, commercial, institutional/medical). However, the requested MX-M zone will permit for the development of future uses under the MX-M zone that could generally contribute to the health of the community through increased land use diversity and would be accessible from surrounding community.

- C. Goal 5.3 – Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient land use of land to support the public good.

The surrounding areas are mostly developed, even though the subject site is not. The area is served by existing infrastructure and public facilities, so the development made possible by the request would generally promote efficient development patterns and use of land.

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

The subject site is located in an area with existing infrastructure and public facilities. The surrounding properties are already developed with a mix of uses and development of the subject site would support additional growth, while maintaining existing infrastructure.

- E. Policy 5.3.2 – Leapfrog Development – Discourage growth in areas without existing infrastructure and public facilities.

The request would facilitate mixed use development where infrastructure and public facilities already exist and thereby discourage growth in areas without existing infrastructure and public facilities.

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

This policy is furthered because the request would foster employment opportunities on the West Side as the MX-M zone would allow for the proposed development of the subject site and expand and offer more services than what is currently available in the area. The services required by the proposed development would add to the jobs in the area which could be filled by West Side residents.

9. The request furthers the following Goals and Policies from Chapter 5: Land Use, pertaining to Areas of Change:

- A. 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 request furthers this Goal because the subject site is in an Area of Change and the requested MX-M zone would offer an efficient development process for the subject site, thereby directing growth where it is expected and desired as well as reinforcing the intensity of the area.

- B. Sub-Policy 5.6.2b – Encourage development that expands employment opportunities.

The request furthers this sub-policy because the MX-M zoning would facilitate group living and institutional development and help expand employment opportunities in the area. Some of the employment opportunities provided by the MX-M zoning would include civic/institutional uses, offices and services along with group living uses.

- C. Sub-Policy 5.6.2g – Encourage development where adequate infrastructure and community services exist.

The subject site is located in an area with adequate infrastructure and community services and the zone change would facilitate development of more community services.

10. The request furthers the following Goals and Policies from Chapter 8: Economic Development:

- A. Policy 8.1.2 – Resilient Economy – Encourage economic development efforts that improve the quality of life for new and existing residents and foster a robust, resilient and diverse economy.

The mix of uses allowed in the MX-M zone would facilitate the nearby community that is mostly residential to be more diverse in its' use and service offerings.

11. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(F)(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 neighborhoods, 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, and morals and general welfare.
- B. Criterion B: The subject site is located wholly in an Area of Change, so this Criterion does not apply.
- C. Criterion C: The subject site is located wholly in an Area of Change and the applicant is referring to sub-criterion 3, that a different zone district is more advantageous to the community as articulated by the Comprehensive Plan, including implementation of patterns of land use, development density and intensity, and connectivity. The applicant has adequately justified the request by stating it will provide for an opportunity to develop a different type of housing and services in an area that consists predominantly of single-family dwellings. The request would further Comprehensive Plan Goals and policies relating to land use, efficient development patterns, infill development, and economic development.
- D. Criterion D: The applicant compared the existing NR-C zoning and the proposed MX-M zoning. Uses that would become permissive under the MX-M zone, which are not currently allowed, are townhouse, live-work to higher density multi-family, assisted living community residential facility, dormitory, group homes, and outdoor residential community amenity outdoor and indoor. Some conditional uses would be a community center or library along with a park-and-ride lot (see table).

The applicant discussed each use that would become permissive if the request is approved. Adding group living (uses not allowed in the NR-C zone) to the area would generally not be considered harmful. The area is mostly characterized by single-family dwellings south of the subject site and it would be advantageous to the existing residents for the future services to be located in close proximity. The Comprehensive Plan and the IDO generally encourage a variety of land uses.

- E. Criterion E: The City's existing infrastructure and public improvements will have adequate capacity to serve the development made possible by the zone change (Criterion 1) . The response to Criterion E is sufficient.

OFFICIAL NOTICE OF DECISION

Project #2021-005439

June 17, 2021

Page 5 of 6

- F. Criterion F: The applicant's justification is not completely based on the property's location on a major street. The property is located on High Assets Way NW and All Saints Road NW that are classified as local urban streets.
- G. Criterion G: Economic considerations are always a factor, but the Applicant's justification for the MX-M zone is not based 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 Goals and policies and therefore would generally be more advantageous to the community than the existing zoning.
- H. Criterion H: The request will create a spot zone because it will apply a zone different from the surrounding zone district. The request for the zone map amendment meets Criterion 1 because the subject property can function as a transition between adjacent zone districts by allowing a mix of uses that can serve as a transition between the low-density residential zoning found south of the subject site (R-1A) and the NR-C zoning to the north.
12. 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 generally be more advantageous to the community than the current zoning.
13. The affected neighborhood organizations are the Westside Coalition of Neighborhood Associations, Taylor Ranch Neighborhood Association, and the Eagle Ridge Homeowners Association. Property owners within 100 feet of the subject site were also notified as required.
14. A neighborhood meeting was not requested by any of the notified neighborhood associations.
15. As of this writing, Staff has not received any comments in support or opposition to the request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **July 2, 2021**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> 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 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.

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/SB

cc:

Deepesh Kholwadwala c/o Sun capital Hotels, 8901 Adams St, Suite A, Albuquerque NM, 87109  
Modulus Architects, Inc. [rokoye@modulusarchitects.com](mailto:rokoye@modulusarchitects.com)  
Westside Coalition of Neighborhood Associations, Elizabeth Haley [ekhaley@comcast.net](mailto:ekhaley@comcast.net)  
Westside Coalition of Neighborhood Associations, Rene Horvath [aboard111@gmail.com](mailto:aboard111@gmail.com)  
Taylor Ranch NA, Diana Shea [secretary@tma.org](mailto:secretary@tma.org)  
Taylor Ranch NA, Rene Horvath [aboard111@gmail.com](mailto:aboard111@gmail.com)  
Eagle Ridge Homeowners Association, Samantha Anderson [sam@bluedoorhomes.net](mailto:sam@bluedoorhomes.net)  
Eagle Ridge Homeowners Association, Melanie McLaughlin [melanie@bluedoorhomes.net](mailto:melanie@bluedoorhomes.net)  
Legal, [kmorrow@cabq.gov](mailto:kmorrow@cabq.gov)  
EPC file