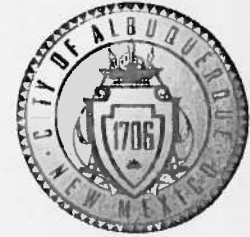


CITY OF ALBUQUERQUE



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

OFFICIAL NOTIFICATION OF DECISION

March 10, 2017

JB Holdings, LLC &
Zia Management
3613 NM State Highway 528, #H
Albuquerque, NM 87114

Project# 1011130
17EPC-40002 Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for Tract 3F-1-A (Tracts 2-A-1, 2-A-2, 2-A-3, 3E-1-A, 3F-1-A and 3G-1-A Black Ranch, being a replat of Tracts 2-A, 3E-1, 3F-1 and 3G-1 Black Ranch); Tract 3G-1-A (Tracts 2-A-1, 2-A-2, 2-A-3, 3E-1-A, 3F-1-A and 3G-1-A, being a replat of Tracts 2-A, 3E-1, 3F-1 and 3G-1 Black Ranch); and Tract 3H (being a replat of Tract 3 Black Ranch), Black Ranch, zoned O-1, to C-1, located north of Paseo Del Norte Blvd. NW and east of Coors Blvd. NW, between Valley View Dr. NW and the Corrales Main Canal, containing approximately 2.66 acres.
(C-13) Staff Planner: Catalina Lehner

PO Box 1293

Albuquerque

On March 9, 2017 the Environmental Planning Commission (EPC) voted to **APPROVE** Project# NM 87103 1011130/17EPC-40002, a Zone Map Amendment, based on the following findings:

FINDINGS:

- www.cabq.gov
1. The request is for a zone map amendment (zone change) for Tract 3F-1-A (Tracts 2-A-1, 2-A-2, 2-A-3, 3E-1-A, 3F-1-A and 3G-1-A Black Ranch, being a replat of Tracts 2-A, 3E-1, 3F-1 and 3G-1); Tract 3G-1-A (Tracts 2-A-1, 2-A-2, 2-A-3, 3E-1-A, 3F-1-A and 3G-1-A, being a replat of Tracts 2-A, 3E-1, 3F-1 and 3G-1); and Tract 3H (being a replat of Tract 3), Black Ranch, an approximately 2.66 acre site, consisting of three tracts, located north of Paseo Del Norte Blvd. NW and east of Coors Blvd. NW, between Valley View Dr. NW and the Corrales Main Canal (the "subject site"). The subject site is vacant.
 2. The request is to change the subject site's zoning from the O-1 Office and Institution Zone (§14-16-2-15) to the C-1 Neighborhood Commercial Zone (§14-16-2-16) in order to develop commercial uses in the future.
 3. The subject site is within the boundaries of the Developing Urban Area of the Comprehensive Plan. The Westside Strategic Plan (WSSP) and the Coors Corridor Plan (CCP) apply.

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4. The Albuquerque/Bernalillo County Comprehensive Plan, the WSSP, the CCP, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request generally furthers the following, applicable Comprehensive Plan Goals and policies:
 - A. Developing and Established Urban Area Goal: The request would contribute to offering variety and maximum choice in the area, particularly regarding a range of neighborhood scale commercial uses. Future development would be required to meet the general regulations in the Zoning Code and the requirements of the C-1 zone, which are intended to provide basic quality.
 - B. Economic Development Goal: The request would contribute to economic development in a general sense because it would facilitate the development of neighborhood commercial uses that would be generally appropriate for its setting.
 - C. Policy II.B.5e-new growth/urban facilities. The subject site is vacant and contiguous to land that is served by existing urban facilities and infrastructure, the use of which is not anticipated to affect the integrity of the existing neighborhood to the east. The Corrales Main Canal and a topographical difference provide some separation and buffering.
6. The request partially furthers the following, applicable Comprehensive Plan policies:
 - A. Policy II.B.5a-full range of urban land uses: The request would facilitate development of additional neighborhood commercial uses in the area. However, the area already has a variety of commercial uses (such as fast-food, beauty services, auto services, and large-box retail) just west of the subject site and across Coors Blvd NW.
 - B. Policy II.B.5d-neighborhood values/natural environmental conditions. The future development made possible by the request would be located in a small-scale commercial and office area between Coors Blvd. NW and the Corrales Main Canal. Further east are single-family homes. The location would be generally appropriate for the area and should not adversely affect social, cultural, or recreational resources. The intensity (C-1 uses) is generally appropriate, though the subject site consists of three lots, and three separate commercial developments (depending on what they are) could affect traffic and noise when considered as a whole.

Specific site design issues cannot be discussed because a site development plan is not required. The view preservation regulations of the CCP apply and would adequately protect scenic resources. There is no known neighborhood opposition as of this writing.
 - C. Policy II.B.5i- employment and service uses/siting and effects. The request would facilitate future development of commercial service uses allowed in the C-1 zone. The uses would be located away from the existing residential area to the east and separated by the Corrales Main Canal and a significant topographical difference. It's not possible to consider building siting

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and if adverse effects (noise, lighting, pollution, traffic) would be minimized, though a site development plan would be required prior to issuance of building permits.

D. Policy II.B.5j-location of new commercial development. The future, new commercial development would be generally located in an area characterized by commercial services on both sides of Coors Blvd. NW. The subject site is located in a smaller, neighborhood-oriented commercial center that is within reasonable distance of the existing neighborhood to the east, so biking and walking to it would be possible for some residents. However, the subject site is not already commercially zoned, as desired in the policy.

7. The request furthers the following WSSP Goals and objectives:

A. Goal 4: The subject site is served by existing infrastructure, which would support the future development that the request would make possible.

B. Objective 1: The request would result in eventual development of neighborhood commercial uses which, though they are not large-scale employment, will provide some employment opportunities that would help minimize the need for cross-metro trips.

C. Objective 8: The request would generally promote job opportunities and business growth in an area of the Westside that is appropriate for such uses. Commercial uses exist adjacent to the subject site, and the Paradise Community Activity Center is to the west across Coors Blvd. NW.

8. The request partially furthers the following WSSP Policies:

A. Policy 1.1: The subject site is located in the Paradise Community. The Coors/Paseo del Norte Community Activity Center is located between Paradise and Irving Blvds. on the western side of Coors Blvd. The subject site is located on the eastern side of Coors Blvd., outside of the designated activity center, where non-residential development is intended to occur. However, the properties fronting Coors Blvd. on the west are zoned for neighborhood commercial uses and have developed as such creating an undesignated neighborhood center.

B. Policy 4.10: The request would make future commercial land uses possible. There is a designated bike path on the east side of Coors Blvd. and a bus stop and Rapid Ride stop on the western side of Coors Blvd., so the subject site would be accessible for bicyclists and transit users. However, the future uses would be internal to the commercial area and, since Coors Blvd. is an auto-oriented arterial, single occupant vehicle usage would also be promoted.

9. The request furthers the following, applicable policy of the CCP:

Issue 3- land use and intensity of development-Policy 5: Development Intensity: The request would result in C-1 neighborhood commercial zoning, which would be in line with the concepts shown in Figure 34 on p. 75. The area of Segment 3 North, where the subject site is located, was intended for commercial development. The development that would result from the request would be compatible with the function of Coors Blvd. as a major arterial. The CCP design guidelines

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including view preservation regulation, will be applied to future development.

10. The applicant has adequately justified the zone map amendment (zone change) request pursuant to Resolution 270-1980 as follows:
 - A. Section A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Goals and policies from the Comprehensive Plan and other applicable plans, in this case the WSSP and the CCP, which the applicant has done as demonstrated in the response to R270-1980, Section C, below.
 - B. Section B: The applicant has adequately demonstrated that the zone change is justified based on responses to R270-1980 Sections C and D below, and that generally the future commercial uses would not adversely affect stability of land use or zoning in the area.
 - C. Section C: The applicant's policy-based discussion (see Findings 5 through 9 above) adequately demonstrates that there is no significant conflict with applicable Goals and policies in the Comprehensive Plan, the WSSP, and the CCP.
 - D. Section 1D: The existing zoning is inappropriate because a different use category would be more advantageous to the community (3), as articulated by applicable Goals and policies in the Comprehensive Plan, the WSSP, and the CCP, summarized in Findings 5 through 9 above. Findings 5 through 9 above demonstrate that the request would clearly facilitate realization of applicable Goals and policies in these plans.
 - E. Section E: As stated in findings 5 through 9 above, the permissive uses in the C-1 zone would generally not be harmful to adjacent property, the neighborhood or the community because they would be consistent with existing neighborhood commercial development in the area.
 - F. Section F: The zone change would not require any major or unprogrammed capital expenditures by the City.
 - G. Section G: Economic considerations pertaining to the applicant are a factor, but they are not the determining factor for the request. The applicant has demonstrated that the request is justified based on the responses to Resolution R270-1980 Section C and Section D.
 - H. Section H: The subject site is located on Valley View Drive NW, which is a local street and not a collector or a major street. Therefore, location on a collector or major street is not being used as justification for the request.
 - I. Section I: The request would result in a spot zone, but it would be a justifiable spot zone because the applicant has demonstrated in the responses to Resolution R270-1980 Section C and Section D that the request clearly facilitates applicable Goals and policies of the Comprehensive Plan, the WSSP, and the CCP.
 - J. Section J: The subject site constitutes a "strip of land along a street". However, the applicant has adequately demonstrated in the responses to Resolution R270-1980 Section C and Section

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D that the request clearly facilitates realization of applicable Goals and policies in the Comprehensive Plan, the WSSP, and the CCP.

11. The applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. Findings 5 through 9 above demonstrate that there is no significant conflict with applicable Goals and policies in the Comprehensive Plan, the WSSP, and the CCP. The C-1 zone would be more advantageous to the community because it would allow applicable Goals and policies to be realized. The remaining sections (A, B, and E-J) are sufficiently addressed.
12. The affected neighborhood organizations are the Riverfronte Estates Neighborhood Association (NA) and the Westside Coalition of NAs, which were notified as required. Property owners were also notified as required. A facilitated meeting was neither recommended nor held. Staff has not received any phone calls or correspondence as of the writing of this Staff report.
13. At the hearing, neighbors from the Black Farms Estates Homeowners' Association expressed concerns about increased traffic, ingress and egress issues, noise, and uses allowed in the C-1 zone. They were particularly concerned about the possibility of a bar developing on the subject site; however, a bar is not an allowed use in the C-1 zone.
14. A Traffic Impact Study (TIS) is not required for the zone change request. However, when building permits are submitted, Transportation Staff will review the uses proposed to determine if a TIS is warranted.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MARCH 24, 2017**. 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 14-16-4-4 of the Zoning Code. 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).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

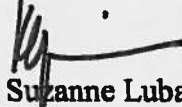
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Sincerely,


Suzanne Lubar
Planning Director

SL/CLL

**cc: JB Holdings, LLC & Zia Management, 3613 NM State Highway 528 #H, Albuquerque, NM 87114
Modulus Architects, Attn: Angela Williamson, 100 Sun Ave. NE, Suite 305, Albuquerque, NM 87109
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Riverfronte Estates NA, JoAnn McNeil, 1610 Lyria Rd NW, Albuquerque, NM 87114
Westside Coalition of NAs, Harry Hendriksen, 10592 Rio Del Sole Ct. NW, Albuquerque, NM 87114
Westside Coalition of NAs, Rene Horvath, 5515 Palomino Dr. NW, Albuquerque, New Mexico 87120
Emma Kotobi, 9215 Black Farm Lane NW, Albuquerque, NM 87114
Rich Toledo, 9412 Black Farm Lane NW, Albuquerque, NM 87114
Michael Mamawal, 9512 Riverdale Lane NW, Albuquerque, NM 87114**