



PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

March 14, 2019

Solare Collegiate Charter School
1623 La Vega Dr. SW
Albuquerque, NM 87105

Project #2019-002042 (1001450, 1000152, 1002822, 1000152)
RZ-2019-00013 – Zone Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Tract 12-B-1, Bulk Land Plat for El Rancho Grande, zoned PD to MX-M, located on Gibson Blvd SW, between 98th St SW and Barbados Ave SW, containing approximately 11 acres. (M-9)
Staff Planner: Cheryl Somerfeldt

On March 14, 2019 the Environmental Planning Commission (EPC) voted to APPROVE Project 2019-002042/RZ-2019-00013, a Zone Map Amendment (Zone Change), based on the following Findings.

FINDINGS

This is a request for a Zone Map Amendment (Zone Change) for Tract 12-B-1, Bulk Land Plat for El Rancho Grande located on Gibson Boulevard SW, east of 98th Street SW, and west of Barbados Avenue SW, containing approximately 11 acres.

The request is to re-zone the property from the existing PD, Planned Development Zone District, to MX-M, Mixed-Use Moderate Intensity Zone District.

- The applicant's initial intention is to develop approximately 5 acres of the subject site into a charter school for 5th through 8th grade, and the remainder of the 11 acres will develop under the MX-M zone.
- In 2000, the Rio Bravo Sector Development Plan re-zoned the subject site from O-1 and C-2 to SU-1 Mixed Use to keep the "spirit" of the original urban center while slightly de-intensifying the anticipated land use and accommodating the "community scale" organization of lands and connectivity suggested in the Westside Strategic Plan.
- In 2001, a Site Development for Subdivision including the subject site zoned SU-1 for Mixed Use zoning was approved by the EPC. The Site Plan for Subdivision shows the single family development to the north of the subject site, which is currently built-out, and does not show any buildings or uses on the subject site.
- The 2001 Site Plan for Subdivision mentions that the uses for the subject site were to be mixed with a maximum of 64% C-2 (commercial) uses and 36% O-1 (office) uses.

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7. Upon effectiveness of the Integrated Development Ordinance (IDO) in March of 2018, the subject site followed Rule 6, which stated that SU-1 zones for uses not listed in the IDO or that are unknown, convert to PD.
8. Since the property is formerly a Special Use zone and is undeveloped, it is eligible for the Voluntary Conversion process; however the applicant is interested in an expedited process via this EPC Zone Map Amendment request in order to open the proposed charter school in Fall of 2019.
9. 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.
10. The subject site is within an Area of Change as designated by the Comprehensive Plan and the following policies apply:
 - a) The request furthers Goal 5.1 and Policy 5.1.1(c) because permitting the range of mixed uses permitted by the requested MX-M zone at the 98th/Gibson Activity Center and near the intersection of two Community Principle Arterials will contribute toward the growth of the surrounding community. The existing PD zone will also permit a range of uses, however the requested MX-M zone will permit the property owners to develop per IDO regulations in an efficient process rather than requiring an EPC-Site Plan. The requested MX-M zone will encourage employment density, compact development, redevelopment, and infill in an Activity Center.
 - b) The request furthers Policy 5.1.1(h) because the MX-M zone will encourage opportunities for new development by permitting an efficient process for a property in the designated 98th/Gibson Activity Center. The project is located on Fixed Route 198, which gives access to multiple east-west and north-south routes. (The Transit Department supports the change since their view is that the proposed land uses and land use intensity are more conducive to transit operations than the current zoning.)
 - c) The request furthers Policy 5.2.1 (h) because the requested MX-M zone will encourage development on an infill property with uses that are compatible in form and scale to the mix of uses partially constructed and zoned for the immediate area including the commercially zoned area on the west side of 98th Street SW / Snow Vista Boulevard SW. Much of the existing construction is single-family housing, and the MX-M zone will offer complementary uses.
 - d) The request furthers Policy 5.1.6 and Policy 5.1.6 (b) because the subject site is located in the 98th/Gibson Activity Center, and the request for MX-M, a mixed-use zone, permits a range of services and amenities near a trail system that will support a healthy lifestyle. The requested MX-M zone will permit neighborhood-oriented commercial, retail, institutional, and public services, and will permit an Administrative or DRB process for development.
 - e) The request furthers Policy 5.1.6 (d) and Policy 5.1.6 (e) because it is located in the 98th/Gibson Activity Center adjacent to the Amole Arroyo multi-use trail on the western edge of the subject site, which is part of an extensive trail system that connects APS schools to the north and south as well as Central Avenue to the north and Dennis Chavez Boulevard to the south. Infrastructure improvements will include the completion of the sidewalks and street trees thereby encouraging pedestrian activity on Gibson Boulevard SW.

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- f) The request furthers Goal 5.2 and Policy 5.2.1 because the requested MX-M zone will permit a mix of uses including live, work, learn, shop and play to create a healthy activity center conveniently accessible to the surrounding neighborhoods. The requested MX-M zone will eliminate the EPC-Site Plan requirement in the existing PD zone, making it a more efficient development process and encouraging smaller individual businesses to locate on the remaining parcel.
- g) The request furthers Policy 5.2.1 (a) because the requested MX-M zone permits a range of uses including the proposed charter school, providing an opportunity to learn. The subject site is in a conveniently accessible location to surrounding neighborhoods; therefore services are within walking and bicycling distances along the Amole Arroyo multi-use trail as well as the neighborhood bike-lanes and sidewalks.
- h) The request furthers Policy 5.2.1 (g) i and ii because the requested MX-M zone will permit a more efficient development process than the existing PD zone, and new development will be located in the existing 98th/Gibson Activity Center adjacent to the Amole Arroyo Multi-Use Trail providing pedestrian and bicycle activity. In addition, the subject site is located near the intersection of 98th Street / Snow Vista Boulevard SW and Gibson Boulevard SW, two Community Principle Arterials with access to transit, but currently lacks a wide range of services.
- i) The request furthers Policy 5.2.1 (h) because the requested MX-M zone will encourage development on an infill property with uses that are compatible in form and scale to the mix of uses partially constructed and zoned for the immediate area including the commercially zoned area on the west side of 98th Street SW / Snow Vista Boulevard SW. Much of the existing construction is single-family housing, and the MX-M zone will offer complementary uses.
- j) Staff notes that the Comprehensive Plan generally encourages job growth and commercial development on the West Side in place of residential. Although the requested MX-M zone would permit townhouse and multi-family versus a non-residential zone such as NR-C, the requested MX-M zone does not permit single-family residential development, which is specifically discouraged by this policy. The request furthers Policy 5.2.1 (k).
- k) The request furthers Goal 5.3 and Policy 5.3.2 because this property is well serviced by existing infrastructure and other public facilities including access roads, water, sewer, and community parks. In addition, the subject site is surrounded by existing residential zoning; therefore the requested MX-M zone will maximize an efficient development pattern of mixed uses on an infill property.
- l) The request partially furthers Goal 5.4, Policy 5.4.2, and Policy 5.4.2 (a) because the requested MX-M zone will encourage employment near residential on the West Side of the Rio Grande in the 98th/Gibson Activity Center. There is no guarantee that the remaining parcel will not be developed as a townhouse or multi-family development, but the proposed charter school will provide local jobs.
- m) The request furthers Goal 5.6 because the subject site is in an Area of Change and the requested MX-M zone will offer an efficient development process for the subject site, thereby directing growth where it is expected and desired as well as reinforcing the character and intensity of the surrounding area.

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- n) The request **furthers** Policy 5.6.2 (b) because the requested MX-M zone will encourage commercial and institutional development that will expand employment opportunities in the area. Solare Collegiate Charter School will provide jobs to educators, administrators, and support staff.
 - o) The request **furthers** Policy 5.6.2(g) because the requested MX-M zone will promote appropriate zoning and development in an area with existing water and sewer services, transportation facilities (98th Street, Gibson Boulevard, and Barbados), transit (ABQ Bus Route 198), community parks (Silver Tree and Westgate), and multi-use trails (Amole Arroyo).
 - p) The request **furthers** Policy 5.6.2 (h) because the requested MX-M zone will encourage development located along or near two major roadways, Gibson Boulevard and 98th Street. The ABQ Ride Route 198 (98th/Dennis Chavez) runs every 30 minutes, Monday-Sunday with bus stops on 98th Street at the intersection with Gibson Boulevard.
 - q) The request **furthers** Goal 7.2 and Policy 7.2.1 because the requested MX-M zone is expected to lead to development that will install sidewalks and street trees on Gibson Boulevard SW, and denser development with a mix of uses, creating more comfortable pedestrian travel on City Streets as well as the adjacent Amole Arroyo Multi-Use Trail.
 - r) The request **furthers** Policy 7.3.3 because the requested MX-M zone will permit a more efficient development process while still permitting a mix of commercial uses appropriate for an Activity Center, which will strengthen both the existing center and surrounding neighborhoods.
 - s) The request **furthers** Policy 7.3.4, Policy 7.3.4 (a), and Policy 7.3.4 (b) because the requested MX-M zone will permit a more efficient development process with mixed-uses in an infill location. IDO regulations will encourage development that enhances the built environment and is compatible with the character of the surrounding context and similar in height mass and volume to adjacent development.
11. Pursuant to section 14-16-6-7(F)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria".
- a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, as shown in Finding 10 above.
 - b) Not applicable, the subject property is located in an Area of Change.
 - c) The applicant refers to sub-criterion 3, that a different zone district is more advantageous to the community as articulated by the ABC Comp Plan, including implementation of patterns of land use, development density and intensity, and connectivity. The applicant justifies the request by stating it will provide consistency of land uses in an area that lacks commercial, retail, and institutional development and is dominated by residential use. The applicant has shown in criterion a) that the request furthers a preponderance of applicable Comprehensive Plan Goals and Policies. The uses permitted by the requested MX-M zone are shown to be advantageous to the community. Staff finds the requested MX-M zone more advantageous in process than the existing PD zone.

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- d) All uses permitted in the requested MX-M zone are also permitted in the existing PD zone. PD uses are determined on a case-by-case basis; however, the negotiated uses are required to be shown on a Site Plan, reviewed and approved by the EPC, prior to development. The requested MX-M zone permits a variety of commercial uses plus the potential for residential uses from townhouse to higher density multi-family, as well as an efficient process of development. The area is largely characterized by residential uses and it would be advantageous to the existing residents for commercial services to be located in close proximity.

Staff supports the requested MX-M zone because the Comprehensive Plan and IDO generally encourage mixed-use communities and responding to market demand rather than exerting restrictions as long as the permitted uses are not harmful to the adjacent communities. In addition, IDO regulations will provide design controls for both high-density residential and commercial development.

- e) The applicant refers to sub-criterion 1, that the subject site has adequate infrastructure capacity to serve the proposed development. This area has sufficient infrastructure to support the uses of the requested MX-M zone on the approximately 11 acre subject site.
- f) Gibson Boulevard SW and 98th Street SW are both Community Principal Arterials, which contribute to the viability of the MX-M zone to provide goods and services to the surrounding residential neighborhoods. However, the request is not completely based on the property's location on a major street, because the first intended project, a charter school, would not necessarily require access to a major street, rather other factors such as the existing trail system make the site attractive for this use. The request furthers a preponderance of applicable Comprehensive Plan Goals and Policies for Land Use and Urban Design.
- g) While economic considerations are a factor to changing the zone from PD to MX-M due to the different development processes, the applicant's justification is not based completely on economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan policies regarding Land Use and Urban Design. In addition, the applicant states the subject parcel's location near convenient pedestrian, bicycle, and transit options is a positive attribute for the requested MX-M zone and the initial charter school project.
- h) This zone change request does not apply a zone district different from surrounding districts to the subject parcel, because the requested MX-M zone is also located across the Amole Arroyo to the west.
12. The applicant notified property owners within 100 feet of the subject site as well as the South West Area Neighborhood Association (SWAN), the West Side Coalition, and the South Valley Coalition as required. The applicant met with SWAN several times. Staff has not received comments in support or opposition.
13. This Zone Map Amendment from PD to MX-M is a publicly-noticed and advertised review process that removes the subject site from the Site Development Plan for Subdivision approved by the DRB in 2001 (project # 1001450). Approval of the Zone Map Amendment now requires the subject site to develop under the MX-M zone district pursuant to all applicable Integrated Development Ordinance (IDO) regulations and standards.

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APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MARCH 29, 2019**. 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 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 David S. Campbell
Planning Director

DSC/CS

cc: Solare Collegiate Charter School, 1623 La Vega Dr. SW, ABQ, NM 87105
Consensus Planning, 302 8th St., NW, ABQ, NM 87102
South West Alliance of NA's, Jerry Gallegos, 5921 Central Ave., NW, ABQ, NM 87105
South West Alliance of NA's, Johnny Pena, 6525 Sunset Gardens SW, ABQ, NM 87121
Westside Coalition of NA's, Rene Horvath, 5515 Palomino Dr. NW, ABQ, NM 87120
Westside Coalition of NA's, Harry Hendriksen, 10592 Rio del Sol NW, ABQ, NM 87114
South Valley Coalition of NA's, Marcia Fernandez, 2401 Violet SW, ABQ, NM 87105
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