

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

May 21, 2020

Rio Grande Credit Union
301 Rio Bravo SE
Albuquerque NM 87105

Project #2020-003558
RZ-2020-00008 – Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

High Mesa Consulting Group, agent for Rio Grande Credit Union, request the above action from R-1A to MX-T and MX-M for all or a portion of Lot 12-A and a portion of Lot 1-A, Block 5 of Romero Addition Subdivision, Located on Rosemont Ave NW, between 4th Street NW, and 5th Street NW approximately 0.56 acres (J-14)
Staff Planner: Leslie Naji, Senior Planner

On May 21, 2020, the Environmental Planning Commission (EPC) voted to APPROVE Project # 2020-003558/ RZ-2020-00008, Zoning Map Amendment (Zone Change)- EPC, based on the following Findings

1. This is a for a zoning map amendment for an approximately 0.98-acre site consisting of Lot 12-A, Block 5, and all or part Lot 1-A, Block 5 of the Romero Addition (being a replat of Lots 1 thru 12 Block 5) located on Rosemont Ave. NW, between Fourth Street NW and Fifth Street NW.
2. The Environmental Planning Commission (EPC) is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the City.
3. The subject site is zoned R-1A (Single-family Residential) and MX-M (Mixed-Use Medium Intensity). The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lot sizes and dimensions. The purpose of the MX-M zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors.
4. The applicant is requesting a zone change to from R-1A to MX-M (Mixed-Use Medium Intensity) for the western portion of Lot 1-A in order to have consistent zoning across the entire lot. The applicant is also requesting a zone change for Lot 12-A from R-1A to MX-T. The purpose of the MX-T zone district (Mixed-Use Transition) is to provide a transition between residential neighborhoods and more intense commercial areas.
5. The subject site is located within an Area of Change, along a Main Street Corridor, and within a Major Transit Corridor as designated in the Comprehensive Plan. The subject site is not

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located within a Protection Overlay Zone.

6. There is MX-M zoning to the east of the site. Lots to the north of the subject site are zoned MX-T and to the west are lots zoned R-1A. To the south is zoned R-1A residential with land use of commercial services.
7. 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.
8. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Community Identity:

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 rezoning of Lot 12-A of the subject site from R-1A to MX-T would aid in a better transition of uses to the single-family area west of the site, not only from the MX-M on Fourth St., but also will allow for more appropriate uses and building character along the predominantly commercial east side of Fifth St.

9. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Land Uses.

GOAL 5.1- Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

POLICY 5.1.1: Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

The request furthers this policy by allowing for greater housing density and commercial services within the Fourth St. Main Street Corridor and along a major transit corridor. of the property so it can continue to provide needed employment and commercial services along a Major Transit Corridor. The requested zone change will allow for more than single-family residences along the transit route. It will open the possibility for employment opportunities as well as greater housing density in an area of change.

POLICY 5.1.9 Main Streets: Promote Main Streets that are lively, highly walkable streets lined with neighborhood-oriented businesses.

This proposed amendment would provide a transition zone separating the existing 4th Street Main Street Corridor development to the east and the existing single-family residential area to the west.

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

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reinforces the character and intensity of the surrounding area.

The proposed zone change is for a location between MX-M and R-1. As the 5th St. pattern of development has changed, the requested MX-T will provide a necessary transition from the 4th St. Main Street Corridor, allowing the residential area to the west to be maintained.

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 various commercial uses permissive under MX-T would encourage job creation by allowing development of businesses with related employment opportunities. The inherent transitional aspects of the zone as compared to the existing MX-M to the east would provide buffering as an intermediate transitional zone, thereby protecting the residential uses. The related restrictions contained within the Use-Specific Standards will further the protective aspects.

POLICY 5.6.4 Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

The site is in an Area of Change abutting an Area of Consistency. The zone change to MX-T will provide a transition to the residential area to the west and allow for more suitable development on the site.

10. 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, 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 policy-based response, that the request would be consistent with the City's health, safety, and general welfare. The response to Criterion A is sufficient.
 - B. Criterion B: The proposed amendment 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. The existing zoning is inappropriate because a different zone district is more advantageous to the community as articulated by the ABC Comp Plan.

The designation of lots 12A and part of 1A as R-1A is the result of the boundaries of the 1998 Sawmill/Wells Park Sector plan boundaries. The eastern boundary of the sector plan was through the middle of the block between 4th and 5th streets, regardless of actual property lines. This accounts for the double zoning of lot 1A with 4th St. frontage being

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MX-M and the western portion of the lot falling within the SWP Sector Plan. With the dissolution of the sector plans and the adoption of the Integrated Development Ordinance (IDO), Lot 1A could have opted in to the Phase 2 zone conversion process. The eastern parcel qualified based on a floating zone line (to convert the R-1A portion to MX-M). As that was not done, this current request for zone conversion from R1-A to MX-M for the western portion of lot 1A would be more advantageous to the community as articulated by the ABC Comp Plan.

At the time of the adoption of the IDO, zone uses were carried over from the previous sector plan zoning. The SWP Sector Development Plan was adopted in January of 1996. At that time, everything south of Bellamah and north of Mountain and between 5th St and 15th St. was zoned residential. Even at that time, much of 5th St. had commercial land uses, including lot 12A. Since that time, much of the residential properties along 5th St have either been demolished or converted to office or commercial uses. Along the stretch of 5th St, between Bellamah and Mountain, there are only five single-family residences on the east side of the street.

In support of Criterion 2 there has been significant change in the character of the neighborhood to warrant the zone change to MX-T.

- D. Criterion D: The MX-T and MX-M zones have many more uses than R-1. Of those permissive uses, the majority include higher density housing and offices, clinics and banks. Those uses which might be harmful to the community are bar, liquor sales and artisan manufacturing. All of these are conditional uses and would require review by the ZHE and would allow for neighborhood input.
- E. Criterion E: The proposed zone change will not require major and unprogrammed capital expenditures by the City. The subject site has access to roadways, sewer, water, and storm water facilities with adequate capacity to serve the development made possible by the request. Any extensions of these services, if required, for any specific development proposal will be the sole responsibility of the developer.
- F. Criterion F: The justification for the request is not solely based on the property's location on a major street although it is a factor. The basis is connected more to current property ownership and providing better customer support through the incorporation of the site to the west.
- G. Criterion G: The request is not based primarily upon the cost of land or economic considerations. The request would allow the site to serve as a transition zone between the MX-M to the east and the R-1A to the west, while also maintaining the context and scale and the surrounding land uses.
- H. Criterion H: The request does not apply a zone district different from surrounding zone districts to one small area or premises or to a strip of land along a street. As such, it does not constitute a "spot zone" or a "strip zone". Rather, it provides an appropriate transition zone consistent with the surrounding neighborhood that furthers the previously cited goals and policies of the Comp Plan.

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11. The applicant's policy analysis adequately demonstrates that the request generally furthers a preponderance of 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.
12. The affected neighborhood organization the District 7 Coalition of Neighborhood Associations was notified of the application and asked if they requested a meeting. This was declined based on a change in the zone change requested to MX-T. Property owners within 100 feet of the subject site were also notified as required.
13. As of this writing, Staff has received no letters in support or opposition of this request; however, correspondence with the Neighborhood Coalition provided by the applicant showed them in favor of the change to MX-T for the lot at Rosemont and Fifth St.

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

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/LN

cc: EPC file

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