



Environmental Planning Commission

***Agenda Number:2
Project Number: 2019-003120
Case Number: RZ-2022-00014
May 19, 2022***

Supplemental Staff Report (to be read in conjunction with the original Staff report)

<i>Agent</i>	Consensus Planning
<i>Applicant</i>	Mack ABQ I, LLC
<i>Requests</i>	Zoning Map Amendment
<i>Legal Description</i>	Tract A-1, Plat Of Tracts A-1 Thru A-6 Unser & Sage Marketplace, (being a replat of Tract A Unit 1-B Lands of Albuquerque South)
<i>Location</i>	Sage Rd. SW, between Unser Blvd. SW and Secret Valley Dr. SW
<i>Size</i>	Approximately 5.0 acres
<i>Existing Zoning</i>	MX-T
<i>Proposed Zoning</i>	NR-C

Staff Recommendation

DENIAL of RZ-2022-00014, based on the Findings beginning on Page 2

***Staff Planner
Sergio Lozoya, Current Planner***

Summary of Analysis

This request was deferred for 30 days at the April 21st EPC hearing to allow for negotiations and discussions.

During the 30-day deferral, there were several meetings among Staff and the Applicant. The applicant has since requested to remove Tract A-2 from the subject site and the request.

The request is for a Zoning Map Amendment (zone change) for an approximately 5.0-acre site that comprises a portion of land between Unser Blvd SW and Secret Valley Dr SW, along Sage Rd SW. The applicant requests to change the subject site's zoning to allow future commercial uses.

The request has not been adequately justified pursuant to the IDO Review and Decision Criteria for zone changes in IDO 14-16-6-7(G)(3) and conflicts with Criterion A, B, D, and H. The zone change would be harmful to the health and general welfare of the community.

The affected neighborhood organizations were all notified as required. Property owners within 100 feet of the subject site were also notified, as required.

Long Range has provided comment in support of staff's recommendation.

Staff recommends DENIAL.



I. INTRODUCTION

Deferral

The request was scheduled to be heard on April 21, 2022. The Environmental Planning Commission (EPC) voted to defer the hearing for 30 days to allow for negotiations between the applicant and City Staff. The request is now scheduled to be heard May 19, 2022.

Request & Status Update

The request is for a zone map amendment from MX-T to NR-C. The applicant has requested to remove Tract A-2 from the subject site (see attachment). The proposed zone change is for tract A-1 only and is intended to allow future commercial uses.

The applicant requests to change the subject site's zoning to allow future commercial uses.

During the 30-day deferral period several discussions occurred regarding the proposed zone change. Staff and the applicant first discussed the reasoning for Staff's recommendation of denial, a meeting was scheduled to include Mack ABQ I, LLC, Consensus Planning, and City Staff. At that meeting, several alternatives were discussed, including: PD zone, NR-C with site-plan, and Private Agreements (to prohibit certain uses).

Staff discussed these options internally and agreed that MX-L would be the best path forward. Staff met with the Agent and their client to re-iterate the reasoning behind the recommendation of Denial. The applicant has now chosen to remove Tract A-2 from the request (see attachment). The proposed zone change to NR-C is for Tract A-1 only.

Request, EPC Role, History & Background, Context, Comprehensive Plan Designations Transportation System, and Public Facilities/Community Services:

» Please see p. 8-10 of the original Staff report (see separate pdf).

II. ANALYSIS OF ADOPTED ORDINANCES, PLANS & POLICIES

Definitions, Zoning, Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

» Please see p. 10-22 of the original Staff report (see separate pdf).

III. Agency and Neighborhood Concerns

» Please see p. 22-23 of the original Staff report (see separate pdf)

IV. Conclusion

» Please see p. 23 of the original Staff report (see separate pdf).

FINDINGS - RZ-2022-00014, May 19, 2022- Zoning Map Amendment (Zone Change)

1. The request is for a zoning map amendment (zone change) for an approximately 5.0-acre site legally described as Tract A-1, Plat Of Tracts A-1 Thru A-6 Unser & Sage Marketplace (being a replat of Tract A Unit 1-B Lands of Albuquerque South), and comprising a portion of land between Unser Blvd SW and Secret Valley Dr SW, along Sage Rd SW (the “subject site”).
2. The applicant has requested to remove the portion of the subject site legally described as Tract A-2, Plat Of Tracts A-1 Thru A-6 Unser & Sage Marketplace (being a replat of Tract A Unit 1-B Lands of Albuquerque South).
3. The subject site is zoned MX-T (Mixed Use-Transition Zone District). The applicant is requesting a zone change to NR-C (Non-Residential Commercial) to facilitate future development with commercial uses such as a self-storage facility.
4. The subject site is in an Area of Consistency, and is along a Commuter Corridor as designated in the Comprehensive Plan. The subject site is not located within a designated Activity Center.
5. 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.
6. The request conflicts significantly with the following, applicable Goal and policy from Chapter 4: Community Identity:

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

The subject site is currently zoned MX-T. The MX-T zone provides a transition between residential neighborhoods and more intense development in the adjacent MX-L zone. The zone change from MX-T to NR-C would disrupt this transition, remove the buffer zone, and leave the adjacent neighborhood unprotected from intense development that would become permissive in the NR-C zone district.

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 MX-T zone allows for residential and other less intense uses to be developed in an area with mostly R-1 zoning. This transitional nature of MX-T ensures that the appropriate type and scale of land uses are developed, while protecting and enhancing the existing neighborhood. The request from MX-T to NR-C would drastically change existing zoning patterns on and around the subject site. The intense motor-vehicle related, entertainment, and industrial uses would potentially disrupt the established identity, character, and existing uses in the neighborhood.

7. The request conflicts significantly with 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.

Though Unser Blvd is a designated Commuter Corridor, Commuter Corridors are excluded from the Corridor definitions in the IDO. The subject site is not located within a Center and the intense uses allowed by the NR-C zone are intended to be concentrated in activity centers rather than adjacent to single-family residential uses.

- B. 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 for the NR-C zone would allow development of a wide variety of commercial and industrial uses that are currently prohibited. However, the subject site is in a residential area, is not an appropriate location for regional growth, and would allow uses that would create unsustainable and conflicting development patterns.

- C. 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 request to NR-C would accommodate development in a generally inappropriate area that is outside of a Center or relevant type of Corridor.

- D. 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 would direct more intense commercial uses to the subject site, which is located in an area that is characterized by R-1 zoning. The intense growth would be directed to an Area of Consistency, where it is not desired. The current MX-T zone allows for an appropriate transition, and facilitates development that is compatible in density, scale, and intensity in relation to the surrounding area.

8. The request conflicts significantly with the following Goal and policy 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 existing MX-T zone facilitates a mix of uses that allows residents to live, work, learn, shop, and play together. Uses under the MX-T zones are versatile and can provide residential and commercial uses compatible with the surrounding area. The NR-C zone would facilitate development of commercial services, but intense vehicle-related, entertainment, and industrial uses would become permissive and would be detrimental to the existing, adjacent neighborhood.

- 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 not contribute to creating a healthy and sustainable community because it would facilitate development of intense commercial uses that would be incompatible with the surrounding neighborhood. The subject site is not within a Center, and is located within an Area of Consistency where policies limit new development to an intensity and scale consistent with the established neighborhood.

9. The request conflicts significantly with 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 Consistency and is currently zoned MX-T, which serves as a transition from MX-L to the north to R-1B to the south, and ensures that development would reinforce the character and intensity of the surrounding area. The request for the NR-C zone would facilitate higher intensity development with much more intense permissive uses, such as, light manufacturing, entertainment, and various motor vehicle related uses.

- B. Policy 5.6.2 – Areas of Change: Direct growth and more intense development to Centers, and Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The request would direct more intense development outside of a designated Center and to an area of Consistency, which is the opposite of the intent expressed in the Comprehensive Plan.

- C. Policy 5.6.3 – Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The subject site is located within an existing single-family neighborhood and outside of a Center designated by the Comprehensive Plan. Development in Areas of Consistency is intended to be compatible with the existing scale and character of surrounding neighborhoods. The NR-C zone would allow uses that are incompatible with the existing established residences and surrounding neighborhoods.

10. The applicant has not 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 does not adequately demonstrate that the request furthers a preponderance of applicable Goals and Policies. The request generally furthers some policies regarding Infill Development and Jobs-Housing Balance. However, these policies could be equally furthered by a zone map amendment to a less intense zone than the requested NR-C zone, and could be achieved with the current zone. The request conflicts with policies

regarding Character, Identity and Design, and Areas of Consistency. Therefore, there are significant conflicts and the request does not further a preponderance of applicable Goals and policies.

- B. Criterion B: Criterion B is a two-part test, which the request does not meet. The applicant has not adequately demonstrated that the proposed zone would clearly reinforce or strengthen the established Area of Consistency. The NR-C zone would permit future development that is significantly different from the area's established residential character. The NR-C zone district allows intense industrial, entertainment, commercial, and motor vehicle-related uses, which would be harmful to the existing, adjacent neighborhood.

The request does not meet Criterion 3 (more advantageous to the community) because the applicant has not adequately demonstrated that the request furthers a preponderance of applicable Goals and policies and does not conflict with them. Therefore, a different zone category would not be more advantageous to the community than the current zoning and Criterion B is not met.

- C. Criterion C: The subject site is located wholly in an Area of Consistency. Therefore, Criterion C does not apply.
- D. Criterion D: The applicant provided a partial comparison of the existing MX-T zoning and the proposed NR-C zoning. Some uses that would become permissive under the NR-C zone, which are not currently allowed, are kennel, nursery, heavy vehicle and equipment sales, rental, fueling, and repair, construction contractor facility and yard, self-storage, other outdoor entertainment, building and home improvement materials store, general retail (medium, and large), liquor retail, cannabis cultivation, cannabis-infused products manufacturing, Light manufacturing, Recycling drop-off bin facility, warehousing, and wholesaling and distribution center.

The applicant adequately discussed, some new permissive uses and included discussion on those that have could be harmful: hospitals, cannabis sales, kennel, light manufacturing, light vehicle fueling station, pawn shop.

However, the applicant did not discuss the following uses that would be potentially harmful to the surrounding neighborhood: cannabis cultivation and cannabis-derived products manufacturing, construction contractor facility and yard, club or event facility, heavy vehicle and equipment sales, rental, fueling, and repair, car wash, hotel or motel, bar nightclub, warehousing, and wholesaling and distribution center. Therefore, Criterion D is not met.

- E. Criterion E: The request appears to meet the requirement that the City's existing infrastructure and public improvements adequately serve the subject site and have adequate capacity to serve the development made possible by the change of zone (requirement 1).
- F. Criterion F: The subject site's location along Unser Blvd. SW provides some rationale for the proposed NR-C zoning. However, this is not the primary reason for the request. Rather, this rational is tied to the policy analysis, which does not show 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 request for the NR-C zone would result in an unjustified spot zone because it would not facilitate a preponderance of applicable Goals and Policies and is not necessary to achieve the type of development the applicant is requesting, while a request for a less intense zone, i.e., MX-L, would not. The purpose of review and analysis is to review all potential uses within the requested zone, though there are protections in place from some of the intense uses in the NR-C zone, many allowable uses would not match the character nor the intensity of the surrounding neighborhood.

Therefore, Criterion H is not met.

11. The applicant's policy analysis does not adequately demonstrate that the request furthers applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with it (Criterion A). There are significant conflicts with Goals and policies regarding Land Use, Areas of Consistency, and Areas of Change. Based on this demonstration, the proposed zone category would not be more advantageous to the community than the current zoning.
12. Furthermore, as noted above, Criterion A, B, D, and H are not met.
13. The MX-L zone is the first zone where the future desired use by the applicant, self-storage, is allowed but requires a conditional use permit through the ZHE process. This step provides protections to the existing neighborhood and allows them to have a say in the development that happens in the neighborhood. Restaurant and drive through are allowed as accessory and permissive uses, respectively, in the MX-L zone, which would be a better fit for a requested zone map amendment.
14. The affected neighborhood organizations are the South West Alliance of Neighborhoods, Westside Coalition of Neighborhood Associations, South Valley Coalition of Neighborhood Associations, Stinson Tower NA, and the Westgate Heights NA. They were all required to be notified, which the applicant did. Property owners within 100 feet of the subject site were also notified, as required.
15. Long-Range Planning staff has provided comments and are in opposition of the request.
16. As of this writing, Staff has not received any correspondence or phone calls and is unaware of any opposition.

RECOMMENDATION - RZ-2022-00014, May 19, 2022

DENIAL of Project #: 2019-003120, Case #: 2022-00014, a zone change from MX-T to NR-C, for Tract A-1, Plat Of Tracts A-1 Thru A-6 Unser & Sage Marketplace, (being a replat of Tract A Unit 1-B Lands of Albuquerque South), an approximately 5.0 acre site comprising a portion of land between between Unser Blvd SW and Secret Valley Dr SW, along Sage Rd SW, based on the preceding Findings.

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

April 21, 2022

Todd Megrath – Mack ABQ I LLC
10540 W Cheyenne Ave.
Las Vegas NV, 89109

Project #2019-003120
RZ-2022-00014 – Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, agent for Mack ABQ I LLC, requests a Zoning Map Amendment from MX-T to NR-C for all or a portion of Tract A-1 and Tract A-2, Plat of Tracts A-1 Thru A-6, Unser & Sage Marketplace (being a replat of Tract A Unit 1-B Lands of Albuquerque South), located on Sage Rd. SW, between Unser Blvd. SW and Secret Valley Dr. SW, approximately 6.0 acres (M-10-Z)
Staff Planner: Sergio Lozoya

On April 21, 2022, the Environmental Planning Commission (EPC) voted to DEFER Project #2019-003120, RZ-2022-00014 – Zoning Map Amendment (Zone Change), for one month, to the May 19, 2022 EPC hearing.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **May 6, 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: Todd Megrath, President - Mack ABQ I, LLC, tmegrath@msquaredevelopment.com
Consensus Planning, Vos@consensusplanning.com
South West Alliance of Neighborhoods (SWAN Coalition), Jerry Gallegos
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South West Alliance of Neighborhoods (SWAN Coalition), Luis Hernandez Jr., luis@wccdgc.org
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Westgate Heights NA, Matthew Archuleta, mattearchuleta1@hotmail.com
Westgate Heights NA, Christopher Sedillo navrmc6@aol.com
Legal, dking@cabq.gov
EPC File

From: [Michael Vos](#)
To: [Lozoya, Sergio](#)
Subject: Unser and Sage ZMA - Removal of Tract A-2
Date: Wednesday, May 11, 2022 11:43:56 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Sergio,

Thank you for the ongoing discussions for this zone change request. Please consider this email a formal request to remove Tract A-2 from the requested Zoning Map Amendment application at the Unser & Sage Marketplace.

Our new/updated request for this application is to amend the zoning for Tract A-1, Unser & Sage Marketplace from MX-T to NR-C.

I will follow up with an edited justification letter for this change.

Thanks,

Michael Vos, AICP
CONSENSUS PLANNING, INC.

302 Eighth Street NW
Albuquerque, NM 87102

phone (505) 764-9801

vos@consensusplanning.com



Updated May 11, 2022

Environmental Planning Commission
City of Albuquerque Planning Department
600 2nd Street NW
Albuquerque, NM 87102

RE: Request for a Zoning Map Amendment

Dear Mr. Chairman:

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
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On behalf of Mack ABQ I, LLC., Consensus Planning is submitting this request for approval of a Zoning Map Amendment – EPC. The purpose of this letter is to provide justification of the Applicant's request for a Zoning Map Amendment by responding to the decision criteria specified in Integrated Development Ordinance (IDO) Section 14-16-6-7(G) and outlining how this request supports and furthers the Comprehensive Plan's goals and policies. The subject property is located near the southeast corner Unser Boulevard SW and Sage Road SW (see Figure 1). The request consists of one lot, approximately 4.8 acres in size, and legally described as Tract A-1, Unser & Sage Marketplace.

This property is currently zoned MX-T, Mixed-Use Transition, and this request is to rezone the property to NR-C, Non-Residential – Commercial to allow a self-storage facility to locate on the site. The request meets the applicability criteria in IDO section 14-16-6-7(G), so the request is subject to approval by the Environmental Planning Commission as a Zoning Map Amendment – EPC and does not require City Council approval.

Figure 1. Subject site (in red) and surrounding context.



PRINCIPALS

James K. Strozier, FAICP
Christopher J. Green, PLA,
ASLA, LEED AP
Jacqueline Fishman, AICP



PROJECT SUMMARY

The Applicant requests a Zoning Map Amendment for the subject site located near the southeast corner Unser Boulevard SW and Sage Road SW. This property is currently zoned MX-T, Mixed-Use Transition, and the requested zone change is for NR-C, Non-Residential - Commercial. The goal of this zoning map amendment is to facilitate the development of the eastern tract as a self-storage facility.

SITE HISTORY

Based on a review of the subject site, Consensus Planning located the following case history for the 4.80-acre subject property:

- PR-2019-003120
 1. On January 9, 2020, the Environmental Planning Commission (EPC) voted to APPROVE Project 2019-003120/RZ-2019-00070, Zone Map Amendment from MX-L to MX-T.
 2. The zone change to MX-T was requested in order to develop the lots with small scale commercial uses and lower density residential development. This development was not pursued further, and the property owner is under contract to sell these lots to the Applicant for the proposed commercial use.
- Project #1008203
 1. On April 8, 2010, the Environmental Planning Commission (EPC) voted to APPROVE Project #1008203 / 10EPC-40011, a site development plan for subdivision for all or a portion of Tract A Plat of Tracts A & B, Unit 1-B Lands of Albuquerque zoned C-1.
 2. This site development plan required an approved infrastructure list that included improvements to both Sage Road and Unser Boulevard. The required improvements that included sidewalks, curb/gutter, and deceleration lanes were completed.

Prior to adoption of the IDO, the zoning found on the subject property was C-1: Neighborhood Commercial, which is similar in scope and function to this request for NR-C. The zone change approved in 2020 down-zoned the site from MX-L to MX-T to allow for a small scale mixed-use commercial and residential development, which never came to fruition.

SITE VISION

The subject property is in the Southwest Mesa, a relatively diverse area of Albuquerque that contains a mix of single-family and multi-family residential, offices, and smaller commercial offerings. However, the Southwest Mesa currently has an imbalance of jobs to households, and a limited capacity for vehicular crossings at the river. Both issues are identified as challenges to achieving the vision of the ABC Comprehensive Plan, and are targeted by Policies 5.2.1 and 5.4.2, among others, which specifically discourage expansion of residential uses, while simultaneously encouraging an expansion of commercial uses west of the river. More intense commercial uses are located along the Central Avenue corridor to the north of the subject property, and additional commercially zoned property is located west of the site, near the intersection of 98th Street SW and Sage Road SW. Retail and commercial services which currently exist within the Unser and Sage Marketplace, include

Kidz Academy, a preschool, as well as a drive-through restaurant/coffeeshop, the Human Bean, and a Family Dollar. This request, if approved, will allow for an appropriate scale of development of commercial and retail services on the two remaining parcels within the Unser and Sage Marketplace, which is a natural progression for the site, a worthy infill project and a needed service.

The Applicant is under contract with a developer to construct a self-storage facility on the subject site. This is a low-traffic and low-impact commercial service use that has support from neighbors. This use, as considered by the Applicant requires the requested change to NR-C zoning due to how the IDO regulates self-storage facilities through the use-specific standards, requiring self-storage within any Mixed-use zone district to have access to all individual units from an interior hallway. This may be practical on smaller lots and in more urban locations with taller buildings, but it is not feasible to completely develop the subject property in this manner. This site is an “L” shape with frontage on Sage Road and a large part of the lot located and hidden behind the Family Dollar and Kidz Academy buildings. Further, the IDO’s Neighborhood Edge restrictions, limit building heights on the majority of this property to thirty feet or 2-stories. With these height limits, construction costs, and the market demands in this area, the proposed self-storage facility will include a primary indoor climate-controlled building with interior access on the eastern side of the site with the Sage Road frontage with additional direct access, non-climate-controlled units located to the rear of the site behind the existing and proposed buildings.

Figure 2. Rear portion of the subject site facing east where self-storage is proposed.



PLANNING CONTEXT

The subject property is located within an “Area of Consistency,” as designated by the Comprehensive Plan, and is along Sage Road SW, a major collector, and Unser Boulevard SW, a principal arterial, and a designated Commuter Corridor. The subject property is not within an Activity, Employment, Urban, or Village Center, nor are they within a Premium Transit Area, Major Transit Corridor Area, or Main Street Area. The Arenal/86th/Benavides Major Transit Corridor is approximately one thousand feet south of the subject property, while the Coors Boulevard and Central Avenue Major Transit Corridors are east and north of the subject property, respectively.

The subject property is within the Southwest Mesa Community Planning Area, as defined within the Comprehensive Plan, and which began an assessment cycle in March 2021.

LAND USE AND ZONING

The subject site is designated as an Area of Consistency in the 2017 Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan). Areas of low-density residential, including some that are vacant, are found to the north, south, and east of the subject property, and are zoned R-1A and A-1 (County). To the west a vacant tract is zoned PD, which is next to a religious institution zoned R-1A. North and west of the subject property is commercial retail and commercial services zoned MX-L and C-1 (County).

Of the five tracts within the Unser & Sage Marketplace, three have are with commercial service or retail uses, including a drive-through restaurant (Human Bean), preschool (Kidz Academy), and retail store (Family Dollar). The requested change is consistent with other commercial properties in the vicinity and support needed services for the surrounding neighborhood.

Figure 3. Zoning



Figure 4. Land Use

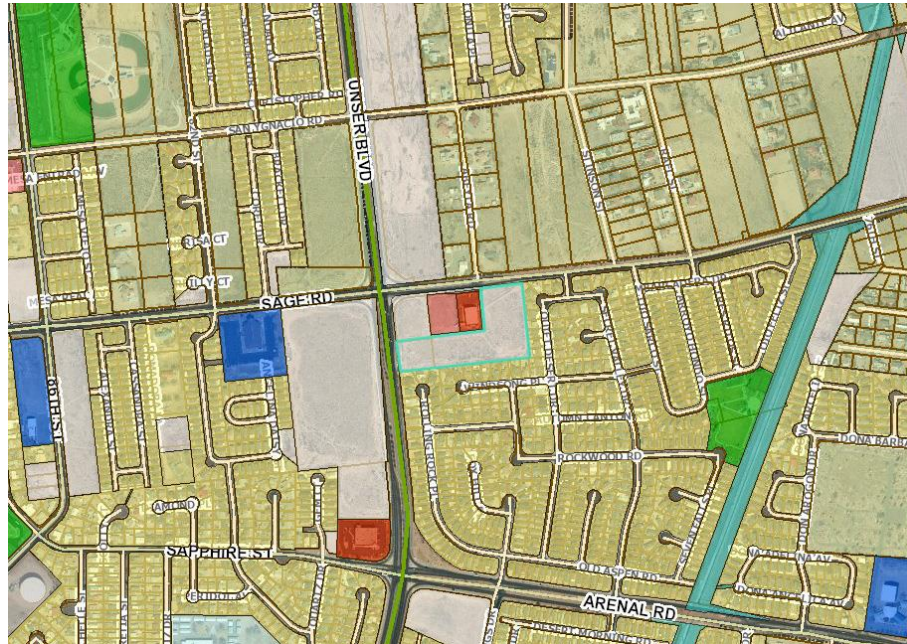


TABLE 1. Surrounding Zoning & Land Use

NORTH	MX-L & A-1 (BernCo)	Commercial retail, commercial services, vacant, single-family residential
EAST	R-1A	Single-family residential
SOUTH	R-1A	Single-family residential
WEST	PD, R-1A & C-1 (BernCo)	Vacant, religious institution, single-family residential

NEIGHBORHOOD COORDINATION

Consensus Planning sent the required notifications to the following Neighborhood Coalitions and Associations:

- South West Alliance of Neighborhoods (SWAN Coalition)
- Westside Coalition of Neighborhood Associations
- South Valley Coalition of Neighborhood Associations
- Stinson Tower Neighborhood Association
- Westgate Heights Neighborhood Association

Pre-application notification was sent on February 8, 2022, and no meeting was requested. Following submittal of the application, the Applicant met with Board members from the Stinson Tower Neighborhood Association on April 13th to discuss the proposed project. Following that meeting, the Association submitted a letter of support to the EPC via email at the 48-hour deadline for the April 21, 2022 EPC hearing.

In addition to the surrounding neighborhoods, notice letters were mailed on March 10, 2022 to all the property owners included within a 100-foot buffer for the Zoning Map Amendment. The Applicant has not heard from any of these neighbors registering any comments or concerns about the request.



INTEGRATED DEVELOPMENT ORDINANCE JUSTIFICATION CRITERIA

The following explanation summarizes how the request for a Zoning Map Amendment meets the IDO criteria pursuant to IDO Section 14-16-6-7(G) Zoning Map Amendment – EPC.

6-7(G)(3) An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria:

6-7(G)(3)(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, and other applicable plans adopted by the City.

Applicant response: 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 Comprehensive Plan, as amended, and other applicable plans adopted by the City. Please refer to the in-depth analysis of the applicable Goals and Policies below.

ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN

The subject site is within the Southwest Mesa Community Planning Area, which is referred to as an emerging community, and is designated as an Area of Consistency in the 2017 Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan).

Approval of the requested zone change is more advantageous to the community as articulated by, and clearly facilitates realization of, the ABC Comp Plan. The following is an analysis of the applicable ABC Comp Plan goals and policies.

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

Applicant Response: The request furthers this goal and its policies and sub-policies because it will allow for new growth and development of an underutilized site connected by a multi-modal network of corridors. The subject property is located off Unser Boulevard, which is a designated Commuter Corridor, and are directly north of The Arenal/86th/Benavides Major Transit Corridor. The Tower Employment Center is east of the site, and the Central Avenue Major Transit Corridor and West Route 66 Activity Center are north of the subject property. Primary access to the subject property is through Unser Boulevard, which contains several pedestrian connections, as well as bike lanes and a dedicated bike path. A bike lane has been proposed for Sage Road.

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

Applicant Response: The development of the subject property furthers this sub-policy by encouraging an increase in employment density, redevelopment of existing underutilized property, and infill of vacant property near an Employment Center and off a Commuter Corridor. The zone change will support the development of commercial retail and commercial services.

At present, Tract A-1 is severely underutilized, and the redevelopment of these lots with NR-C permissive uses will complement the surrounding property, which contain MX-L permissive and conditional uses. The development of this property may spur additional development on the adjacent vacant parcels, adding opportunities for new businesses.

Policy 5.1.12 Commuter Corridors: Allow auto-oriented development along Commuter Corridors that are higher-speed and higher-traffic volume routes for people going across town, often as limited-access roadways.

Applicant Response: The request helps further this policy by allowing auto-oriented development to occur near the intersection of two high-traffic volume routes. Before 2020, the average daily traffic count on Unser Boulevard was above 20,000 vehicles and uses under NR-C would be well suited along such a heavily traveled corridor. The existing infrastructure and designated access points were previously approved and constructed, which will support the proposed uses.

Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

Applicant Response: This zone change request facilitates this goal because it will allow the development of the subject property to include additional retail and commercial services, which are in-demand. At present, there is an imbalance in the jobs-housing balance in the Southwest Mesa, with a lack of commercial uses to serve the growing population.

Policy 5.2.1: Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Applicant Response: This zone change request supports this policy because it will bring additional uses to the subject property that are conveniently accessible for the Southwest Mesa community via automobile, walking, bicycle, and public transportation options.

Sub-policy h) Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

Applicant Response: This request furthers this sub-policy by facilitating infill development of the property with the proposed restaurant, which will be compatible with the surrounding development that includes a drive-through restaurant, and commercial service uses.

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

Applicant Response: This request furthers this sub-policy, as this commercial zone change would eliminate the option for single-family residential on a site on the West Side.

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



Applicant Response: This request furthers this sub-policy, as this commercial zone change would facilitate a productive use of lots which have remained vacant since annexation.

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

Applicant Response: The requested zone change will further this goal by promoting development on infill sites in an area which is already relatively developed. The development will support the efficient use of land by allowing the development of two projects which are similar in scope and function to those on surrounding parcels. Streets, utilities, water, and sewer are currently installed and will be utilized with the future development of this parcel made possible by a zone change to NR-C. The zone change will support the public good by providing employment opportunities and commercial services via the proposed developments.

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

Applicant Response: The requested zone change furthers this policy by providing the appropriate zoning to develop this infill site. As an infill location in a developed area, existing infrastructure is available to support new development. Public facilities include City of Albuquerque drainage facilities (and associated storm drains) located to the south of the subject property, as well as improved streets, water, and sewer services.

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.

Applicant Response: This zone change request supports the balancing of jobs and housing by prioritizing job growth and needed services west of the Rio Grande.

Policy 5.4.2: Foster employment opportunities on the West Side.

Applicant Response: This zone change request furthers Policy 5.4.2 by allowing for development which will create jobs west of the river. The zone map amendment will facilitate commercial development of a parcel which has remained vacant since annexation, in the City's Southwest Mesa, which in turn assists in improving the jobs-housing balance west of the Rio Grande.

6-7(G)(3)(b): If the subject property is located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character.

The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

- 1. There was typographical or clerical error when the existing zone district was applied to the property.**



2. **There has been a significant change in neighborhood or community conditions affecting the site.**
3. **A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).**

Applicant response: Criteria 3 is met for this application. The existing zoning is not appropriate for this site because a different zone district is more advantageous to the community as articulated by the ABC Comp Plan.

The subject site is located wholly in an Area of Consistency. However, the requested change to NR-C, and the commercial development which may be facilitated as a result, will clearly reinforce the established character of the surrounding area, which includes a drive-through restaurant, a pre-school, and a retail outlet. Further, there are additional commercial uses and NR-C zoning located on similarly situated sites to the north at the intersection of Unser Boulevard and Bridge Boulevard, to the west at 98th Street and Sage Road, and to the southwest at 98th Street and Gibson Boulevard. It is evident throughout Albuquerque that the requested zoning is appropriate along major corridors and near significant intersections such as the case of the subject site, which is along a designated Commuter Corridor and an arterial roadway.

The existing zoning for the subject site does not allow for the desired retail and commercial services use of the property, and development with this use is clearly more advantageous to the community as articulated by the ABC Comp Plan, as described in detail earlier in this letter.

Changing the zoning from MX-T to NR-C furthers the applicable ABC Comp Plan policies described in this letter. The site is located along a Commuter Corridor, and is near a Major Transit Corridor, as well as a designated Employment Center, which are all critical considerations relative to these policies.

The proposed zoning will allow development that serves the surrounding and overall Southwest Mesa neighborhood by increasing the potential uses of the property. This zoning suits the property designation as an Area of Consistency, and it is well served by existing infrastructure.

6-7(G)(3)(c): If the subject property is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets any of the following criteria:

1. **There was typographical or clerical error when the existing zone district was applied to the property.**
2. **There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.**
3. **A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and**

intensity, and connectivity), and other applicable adopted City plan(s).

Applicant response: The subject site is located wholly in an Area of Consistency, so this criterion does not apply.

6-7(G)(3)(d): The requested zoning does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Applicant response: The requested zoning of NR-C does not allow permissive uses that would be harmful to the adjacent property, neighborhood, or community. The table below provides a comparison of uses from the MX-T and NR-C zones.

TABLE 2. IDO ZONING COMPARISON: NR-C VS. MX-T		
Use	NR-C	MX-T
Dwelling, single-family detached, cluster development, cottage development, two-family detached, townhouse, multi-family	-	P
Dwelling, live work	CA	P
Assisted living facility or nursing home	-	P
Community residential facility, small, large	-	P
Dormitory	-	C
Group home small, medium	-	P/C
Community center or library	C	P
Sports Field, University or college *	P	CV
Hospital *	P	-
Kennel	P	-
Nursery	P	-
Veterinary hospital or other pet services	P	C
Auditorium or theater *	P	A
Bar & Tap room or tasting room	P	C
Catering Service	P	-
Nightclub	P	-
Restaurant	P	C
Car wash	P	-
Light vehicle fueling station, sales, and rental, & repair	P	-
Blood services facility	C	-
Club or event facility	P	C
Construction contractor facility and yard *	P	-
Commercial services	P	-
Mortuary	P	-
Self-storage	P	-
Amphitheater *	C	-
Other outdoor entertainment	P	A
Bakery goods or confectionery shop	P	C
Building and home improvement materials store	P	-
General retail, small; Cannabis retail	P	P
Liquor retail	C	C
Pawn shop	P	-
Nicotine retail	C	CA
Artisan manufacturing	P	C
Cannabis cultivation and Cannabis-derived products manufacturing	P	C
Light manufacturing	P	-

**Not practical due to size/property constraints.*

Several uses become “P” Permissive with the requested zone change, which could be considered harmful by neighbors, including hospital, bar, nightclub, light vehicle fueling station, light vehicle sales and rental, and pawn shop.

Regarding hospitals, the neighborhood is protected by the use-specific standards that require a Conditional Use Approval when located within 300 feet of residential zone districts. The subject site is adjacent to several residentially zoned properties. In addition, the size of the site is not conducive to use as a hospital.

Cannabis sales, while allowed by both the existing and proposed zone districts is prohibited by the use-specific standards, as the site is within 300 feet of the Kidz Academy, a newly constructed preschool. Liquor sales would likewise be restricted on the subject property, as state statutes require that licensees not be located within 300 feet of a school. Further, liquor retail and nicotine retail are Conditional Uses within the NR-C zone district.

Kenneling facilities must be located indoors, and the building must be separated by at least 25 feet any residential zone. In addition, any activities associated with kenneling which are conducted outside of a fully enclosed building are prohibited within 50 feet in any direction of any residential zone district.

Light manufacturing uses require a minimum 25-foot landscape edge buffer when located adjacent to any non-industrial development. Any activities related to light manufacturing must be within a fully enclosed building unless a Conditional Use Approval is obtained.

Light vehicle fueling stations, sales, and rental are all limited in their impact or potential development by the size and shape of the properties and the location near low-density residential development. The use-specific standard for light vehicle fueling stations require a Conditional Use Approval by the ZHE due to the site’s adjacency to residential zone districts. Any outdoor sales and rental areas are prohibited within 50 feet of the surrounding residential zones, which severely limits the area of the site where cars could be parked for such a use.

Lastly, pawn shops are restricted to a distance separation of one mile, which ensures a dispersion and limitation of their potential impacts.

Overall, the Applicant believes that the site’s size, the surrounding zoning, and IDO requirements, including the use-specific standards all work together to safeguard the community from any harmful uses and impacts from the proposed Zoning Map Amendment.

6-7(G)(3)(e): The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, meet any of the following criteria:

- 1. Have adequate capacity to serve the development made possible by the change of zone.**
- 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.**
- 3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement (IIA).**

4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City approved Development Agreement between the City and the applicant.

Applicant Response: The subject property will be adequately served by the existing City infrastructure immediately adjacent to the property and in the surrounding area. This infrastructure includes roadways, water, sewer, and storm drain facilities in the Southwest Mesa neighborhood that can serve the project. These infrastructure improvements were constructed by the property owner and will finally be utilized to provide needed services.

6-7(G)(3)(f): The applicant's justification for the Zoning Map Amendment is not completely based on the property's location on a major street.

Applicant response: The justification for this Zoning Map Amendment is not based on the property's location on a major street but the request being more advantageous to the community as articulated by the Comprehensive Plan.

6-7(G)(3)(g): The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Applicant response: The justification for this Zoning Map Amendment does not rely on the cost of land or economic considerations. However, taking advantage of investment in the infrastructure needed to serve this property, which is a vacant lot, helps support the economic vitality of the neighborhood and will be a positive step for the neighborhood and community overall.

6-7(G)(3)(h): The Zoning Map Amendment does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the requested zoning will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

- 1. The subject property is different from surrounding land because it can function as a transition between adjacent zone districts.**
- 2. The subject property is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.**
- 3. The nature of structures already on the subject property makes it unsuitable for the uses allowed in any adjacent zone district.**

Applicant response: This request creates a justifiable spot zone because the proposed NR-C zone clearly facilitates the ABC Comprehensive Plan by providing additional commercial uses, services, and jobs on the Southwest Mesa. This location is more suitable to the proposed NR-C, as it is accessed by a major collector, as well as a principal arterial that is designated as a Commuter Corridor by the Comprehensive Plan and carried approximately 20,000 vehicles per day prior to the pandemic (Criteria 2).

The ABC Comprehensive Plan specifically discourages zone changes which allow single-family detached uses on the West Side. Such uses are permissive within the MX-T zone, but are not an allowable use within NR-C. The requested



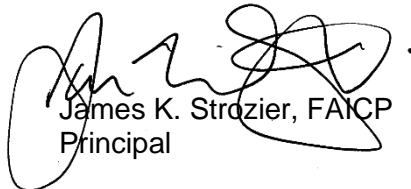
zone has the same maximum building height of 38 feet as the MX-L zone, including those found on the adjacent parcels within the Unser & Sage Marketplace.

The Applicant requests this zone change because the NR-C zone allows self-storage as a permissive use. While self-storage is also permissive in MX-H, a mixed-use zone similar to the MX-T and neighboring MX-L, a change to MX-H would allow adult retail as a permissive use, which is not an allowed use within the NR-C zone. Surrounding residential property is safeguarded against the potentially harmful permissive uses allowed within NR-C zones through use-specific standards and buffers required by the IDO.

CONCLUSION

On behalf of Mack ABQ I, LLC., based on the comprehensive justification in this letter and application, neighborhood support, and proposed use, we respectfully request the Environmental Planning Commission's approval of this Zoning Map Amendment.

Sincerely,



James K. Strozier, FAICP
Principal

Case # RZ-2022-00014

Date: 5/11/2022

Long Range Planning Comments

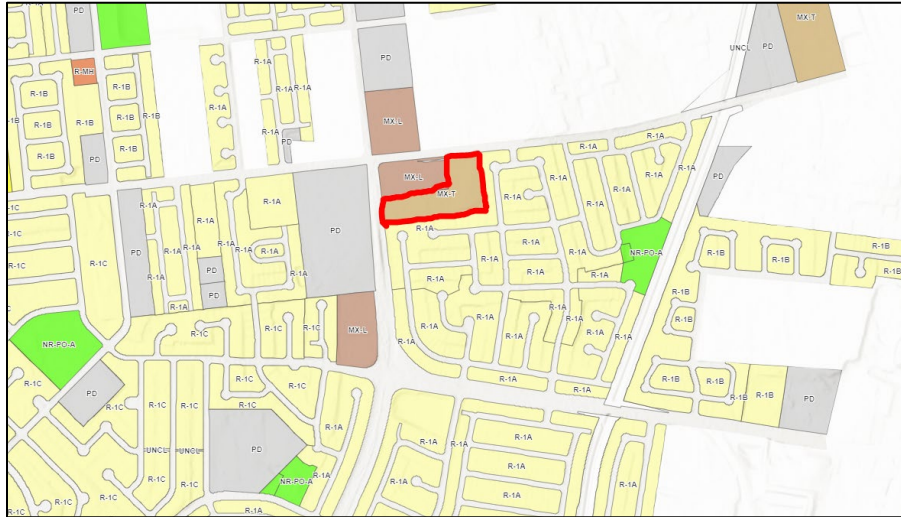
Long Range Planning Staff supports current planning's recommendation to deny the rezoning of Tract A-1 and Tract A-2, Plat Of Tracts A-1 Thru A-6 Unser & Sage Marketplace, (being a replat of Tract A Unit 1-B Lands of Albuquerque South) from MX-T to NR-C, based on the following findings:

- **Spot Zoning should be avoided:**

- *Section 6-7(G)(3)(h)*
 - *The Zoning Map Amendment does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the requested zoning will clearly facilitate implementation of the ABC Comp plan, as amended, and at least one of the following applies:*
 - 1. *The subject property is different from surrounding land because it can function as a transition between adjacent zone districts.*
 - 2. *The subject property is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.*
 - 3. *The nature of structures already on the subject property makes it unsuitable for the uses allowed in any adjacent zone district.*
- In response to the above situations:
 - 1. The existing zoning of MX-T is defined as a transition zone, so it is already meeting one of the criteria of spot zoning, whereas, NR-C is not a transition zone and is meant to be within a cluster of commercial zone districts.
 - 2. N/A, MX-T has suitable uses allowed within it and adjacent zone districts.
 - 3. N/A, there are no structures on the property, it is vacant.

- **MX-T zone fits more in line with surrounding zoning pattern than NR-C:**

- *Section 2-4(A)(1) Purpose of Mixed-Use – Transition Zone District (MX-T)*
 - *The purpose of the MX-T zone district is to provide a transition between residential neighborhoods and more intense commercial areas. Primary land uses include a range of low-density residential, small-scale multi-family, office, institutional, and pedestrian-oriented commercial uses. Allowable uses are shown in Table 4-2-1.*
- *Section 2-5(A)(1) Purpose of Non-Residential – Commercial Zone District (NR-C)*
 - *The purpose of the NR-C zone district is to accommodate medium-scale retail, office, commercial, and institutional uses, particularly where additional residential development is not appropriate or not desired because of a deficit of jobs or services in relation to housing units in the area. Primary land uses include a wide spectrum of retail and commercial uses intended to serve both neighborhood and area-wide needs, as well as some light industrial uses. Allowable uses are shown in Table 4-2-1.*
- Response: As seen on the next page, the zone districts surrounding this parcel are a majority of single-family residential and other mixed-use zone districts. As shown in the MX-T definition above, the purpose of this zone district is meant to be a transition from residential uses to commercial uses. As it stands, the MX-T is currently acting as a transition zone from residential to MX-L, which is a low-intensity zone district. Rezoning this parcel to NR-C would be doing the opposite of a transition zone and would allow for much more intense uses right next to residential parcels.



- **ABC-Z References:**

- The subject site is located within an **Area of Consistency** as designated by the Comprehensive Plan. Neighborhoods designated as Areas of Consistency will be protected by policies to limit densities, new uses, and negative impacts from nearby development.
- **Strategies under Ch. 5 Land Uses:**
 - Providing a mix of land uses in Centers that encourage pedestrian friendly districts.
 - This is a quality of the MX-T zone, as shown within the definition.
- **Strategies under Ch. 6 Transportation:**
 - Coordinating land use development and transportation investments be mutually supportive by matching street design to existing or desired character of land uses.
 - The MX-T zone district caters to a more transit oriented development which allows for a wider range of uses to be allowed on the site. This becomes even more relevant with the site being located along Unser Blvd, a urban Principal Arterial Street.

- **SW Mesa CPA**

- This site lies within the SW mesa CPA, which is designated by land within the city that is west of the Rio Grande River and south of I-40. Within the SW Mesa CPA, a majority of the land is zoned for single-family residential, with the next largest being zoned for non-residential, commercial uses. The existing zone on this site, of MX-T, only makes up for less than 1% of the zoning designations within the SW mesa CPA. Long range staff finds it important to retain mixed-use zoning within the SW mesa CPA to allow for a more flexible uses into the future. Changing the zone to NR-C would eliminate the ability for future developers to construct multi-family housing with amenities in close proximity, of which both are lacking within SW Mesa.

