

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

May 19, 2022

Elizabeth Hoover
11121 Acoma Rd. SE
Albuquerque, NM 87123

Project # 2022-006830
RZ-2022-00016 – Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

ABQ Land Use Consulting, LLC / Carl Garcia, agent for Elizabeth Hoover, requests a Zoning Map Amendment from MX-H to RM-C for all or a portion of Lot 21, Block 10, East Central Business Addition., & the Western 25ft of lot 20, located at 11121 Acoma Rd SE, between Acoma Rd. SE and Elizabeth St. SE, approximately 0.27 acre (L-21)
Staff Planner: Megan Jones & Leroy Duarte

On May 19, 2022, the Environmental Planning Commission (EPC) voted to APPROVE PR-2022-006830/RZ-2022-00016 a Zoning Map Amendment (Zone Change), based on the following findings:

1. The request is for a Zoning Map Amendment for an approximately 0.27-acre site legally described as all or a portion of Lot 21, Block 10, East Central Business Addition and the West 25 feet of lot 20, located at 11121 Acoma Rd. SE, between Dorothy St. SE and Elizabeth St. SE (“the subject site”).
2. The subject site is zoned MX-H (Mixed Use- High Intensity). The applicant is requesting a zone change to R-MC (Residential – Manufactured Home Community) to remove the non-conforming status of the use existing on the subject site, and adhere to IDO R-MC zone.
3. The subject site is in an Area of Consistency, and is not located in a designated Center, but is located within 660 ft. of the Central Ave. Major Transit Corridor and Premium Transit Corridor.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
5. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 4: Community Identity
 - A. Goal 4.1- Character: Enhance, protect, and preserve distinct communities.

The request would protect and preserve the surrounding community, by eliminating high-intensity development and matching adjacent zoning R-MC. Creating identical zoning would

enhance the community by allowing up to three homes per lot, match existing density, and would also preserve existing uses allowed by the proposed zone.

- B. Policy 4.1.2 – Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring appropriate scale and location of development, mix of uses, and character of building.

The request would protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location by downzoning from MX-H to R-MC. Based on the site's surrounding context, zones abutting primarily consist of low-density and manufactured homes. MX-H permissive uses would no longer apply to the subject site and would ensure the scale and identity of the area remain consistent.

6. The request furthers the following, additional polices from Comprehensive Plan Chapter 5: Land Use, with respect to Centers and Corridors

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

The subject site is located in an area central to the Four Hills Village, International Market, and Sate Fair Activity Centers that are all connected by the Central Avenue Major Transit Corridor.

- B. Sub-policy (b) 5.1.10- Major Transit Corridors: Minimize negative impacts on nearby neighborhoods by providing transitions between development along Transit Corridors and abutting single-family residential areas.

The request would minimize negative impacts on nearby neighborhoods by providing a transition between the abutting single-family residential areas to the south, west, and north of the subject site. Potential negative impacts include Adult Retail, Bar and Nightclub, which are permissive uses allowed by MX-H. The request to R-MC would eliminate these uses.

7. The request furthers the following Goal and policy from Chapter 5 – Land Use, with respect to Efficient Development Patterns and Infill Development:

- A. Sub-policy(h) 5.2.1- Land Uses: Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request would encourage infill development that adds complementary uses that are compatible in form and scale to the immediately surrounding development by eliminating MX-H uses. The request would facilitate R-MC development with permissive uses that would complement the surrounding development of low intensity residential and manufactured homes. Currently two manufactured homes are on the subject site. If the request is approved, the applicant plans on placing one more manufactured home on the subject site.

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

The request would promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good by removing the subject sites currently non-conforming status. The request would allow the addition of one more manufactured home on the subject site, making the use of land more efficient and complementary to the existing development patterns. The land use of the subject site would be consistent with the R-MC zoning to the north and west of the site and use existing infrastructure. The request would also minimize any potential infrastructure upgrades that MX-H development could incur on the site based on the permissive uses allowed by the current zone.

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

The request would support additional growth in areas with existing infrastructure by complementing the uses surrounding the site primarily to the north and west. Existing infrastructure would be able to accommodate uses allowed by the requested zone, whereas high intensity mixed use developments would need to upgrade existing infrastructure in order to accommodate potential developments allowed by the current zone.

8. The request furthers the following, additional polices from Comprehensive Plan Chapter 5: Land Use, with respect to City Development Areas

- A. Goal 5.6- City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired to ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located in an Area of Consistency. The proposed zone change reinforces the character and intensity of the surrounding area. The subject site is surrounded by low intensity residential and R-MC zoning, keeping the character and intensity of the area the same.

- B. 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 request would protect and enhance the character of existing single-family neighborhoods by matching the current residential manufactured home zoning to the north and west of the site. The subject site is located within 660 ft of a Major Transit Corridor, but is not along the corridor or in an activity center.

- C. Sub-policy(b) 5.6.4- Appropriate Transitions: Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

The request would minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic by removing the high intensity uses currently allowed such as bars and nightclubs, that could have negative effects on the abutting residential development with respect to lighting, noise and traffic.

9. The request furthers the following, additional policy from Comprehensive Plan Chapter 5: Land Use, with respect to Implementation Process:

Goal 5.7- Implementation Process: Employ procedures and processes to effectively and equitably implement the Comp Plan.

The request would be conforming to the IDO standards for the R-MC zone which would employ procedures and processes that are already in place, rather than having a non-conforming status.

10. The request furthers the following Comprehensive Plan Goal and Policy from Chapter 9: Housing:

A. Goal 9.2- Sustainable Design: Promote housing design that is suitable and compatible with the natural and built environments.

The request would promote housing types and aesthetics that would be compatible with the existing built environment which consist of manufactured homes.

B. Policy 9.2.1- Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable, and mixed income housing options throughout the area.

The request would provide for mixed-income neighborhoods by encouraging affordable housing options throughout the area by allowing manufactured homes which are an alternative affordable housing option because they do not sit on a permanent foundation and comply with the Uniform Housing Code.

11. The applicant has 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: Consistency with the City's health, safety, morals 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's policy-based response demonstrates that the request furthers a preponderance of applicable Goals and policies regarding character, identity and design, complete communities, land uses, infill development, city development areas, areas of consistency, and compatibility. Therefore, the request is consistent with the City's health, safety, morals and general welfare.

B. Criterion B: The subject site is located in an Area of Consistency. The applicant's response demonstrates that the request would further a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning.

C. Criterion C: This criterion does not apply because the subject site is not located in an Area of Change, either wholly or in part.

D. Criterion D: The applicant compared the existing MX-H zoning and the proposed R-MC zoning and discussed that impactful higher density uses would be eliminated. An R-MC zone eliminates many impactful uses that are currently permissive on the subject site to residential uses with few accessory and conditional uses. Since the surrounding land is zoned for

residential, uses that would become permissive already exist in the current zoning and are not considered to be detrimental in this setting.

- E. Criterion E: The subject site is an infill site that is adequately served by existing infrastructure and therefore meets requirement 1.
 - F. Criterion F: The request is not based on the property's location on a major street. The request reinforces and strengthens the character of the area in accordance with the Comprehensive Plan.
 - G. Criterion G: The applicant has adequately demonstrated that requested zone change is not based on the cost of land or economic considerations and that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.
 - H. Criterion H: The applicant has demonstrated the requested zone will match with the existing zoning of the surrounding area and therefore would not create a "spot zone."
12. The affected, registered neighborhood organization, the East Gateway Neighborhood Coalition, was notified as required. Property owners within 100 feet of the subject site were also notified as required.
13. A pre-application neighborhood meeting was not held and a facilitated meeting was not requested. Staff is unaware of any concerns or opposition at this time.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **June 3, 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/LD/MJ

cc: Elizabeth Hoover, 11121 Acoma Rd SE, Albuquerque, NM 87123
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EPC File