

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

November 12, 2020

Legacy Development & Management
5501 Journal Center Blvd. Suite 500
Albuquerque, NM, 87109

Project #2019-002761
RZ-2020-00029– Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, agent for Legacy Development & Management LLC, requests a zoning map amendment from NR-BP to MX-L for all or a portion of Lots 8-A, 11, and 12, Block 26, Tract A, Unit B, North Albuquerque Acres, located at 6511 Eagle Rock Ave. NE and 6700 & 6716 Modesto Ave. NE, between Eagle Rock Ave. NE, and Modesto Ave. NE, approximately 1.3 acres (C-18)
Staff Planner: Francine Pacheco

On November 12, 2020, the Environmental Planning Commission (EPC) voted to Approve Project # 2019-002761/ RZ-2020-00029, a Zoning Map Amendment (Zone Change), based on the following Findings:

FINDINGS:

1. The request is for a zone map amendment (zone change) for a 4.8-acre site known as Lots 8-A, 11, and 12, Block 26, Tract A, Unit B, North Albuquerque Acres (the “subject site”). The subject site is located between Eagle Rock Ave. NE and Modesto Ave. NE (6511 Eagle Rock Ave. NE, 6700 Modesto Ave. NE, and 6716 Modesto Ave. NE).
2. The subject site is zoned NR-BP (Non-Residential – Business Park) which it received upon adoption of the Integrated Development Ordinance (IDO) as a conversion from the former zoning of SU-2/IP.
3. The subject site is controlled by an approved site plan allowing for warehouse development that has been recently amended to expand the square footage and number of units allowed. The property owner is seeking the Zone Map Amendment to allow for residential use, the future development of a multi-family use.
4. The subject site is in an area that the Comprehensive Plan has designated an Area of Consistency.
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.

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6. This Zone Map Amendment request furthers ABC Comp Plan Goal 4.1 and 4.1.2 because it would protect and preserve this distinct neighborhood and community in a mixed-use area that supports the city's long-term health and vitality by providing the appropriate scale of intensity to transition from NR-BP down to R-1A. Additionally, by downzoning, the traffic will be significantly decreased opposed to the traffic created by the existing approved site plan.
7. This request furthers ABC Comp Plan Goal 5.1 and Policy 5.1.1 by encouraging an appropriate scale of land use intensity, density, and multiple residential uses near designated multi-modal corridors that provide multiple transportation options to residents including walking, driving, and transit access.
8. This request furthers ABC Comp Plan Policy 5.1.2 by maintaining an appropriate scale between the NR-BP zone and R-1A zone that borders the site on the South, West, and East and appropriately matches the zoning due North. If request is denied, a heavier intensity of non-residential use will be abutting both single-family subdivisions to the North and East.
9. The Zone Map Amendment would further Policy 5.1.11 by increasing amount of residential development near a multi-modal corridor that gives access to employment, recreation, and retail ensuring future development will take into consideration potential pedestrian and bike traffic coming from the extended residential uses nearby.
10. This request would continue to further Policy 5.2.1 by increasing density, expanding housing options that are available to mixed income residents, all while encouraging development within walking distance of employment centers, recreation, retail, and promoting multi-modal systems.
11. ABC Comp Plan Goal 5.6.3 is furthered by encouraging higher density housing and mixed-use development that will ensure potential growth will not impose on the existing single-family subdivisions by creating a buffer and allowing for a proper scale of transition which will protect and enhance the character of the existing residential neighborhood North and East.
12. ABC Comp Plan Goal 5.6.4 will be furthered by the appropriate transitions that will be applied given the downzoning of the area and the placement of the zone districts. An appropriate transition will occur, being the zones transition from NR-BP to MX-L to R1-A. This will negate any potential harmful impacts to the nearby R1-A and other single-family homes by slowly scaling down the intensity and density with this request.
13. The request would facilitate infill because it is allowing for a higher density use other than single-family housing that is permissive in R1-A on an otherwise vacant lot that is approved for warehousing, yet will limit the intensity of the infill to blend in between commercial warehousing and the existing low-density residential that is abutting the site, which is in alignment with ABC Comp Plan Policy 7.3.4
14. This request supports Goal 9.1 and Policy 9.1.1 by making multi-family development permissive in this area encouraging developers to expand housing options for individuals and families who may choose not to live in a single-family home. This request also furthers the goal and policy by

encouraging a market rate and affordable purchase/rental options for more than one income bracket.

15. ABC Comp Plan Policy 9.3.2 is further supported by the request due to the type of housing permissive within the MX-L zone district, allowing for higher density within walking distance of desirable amenities existing in the area.
16. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(3)-Review and Decision Criteria for Zone Map Amendments, as follows:
 - a. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that the request furthers a preponderance of applicable Comp Plan Goals and Policies. The request would offer a variety of options for housing along with establishing a proper transition in density between moderate commercial use/sensitive use and single family residential. It is important that a variety of housing options be accessible by the community members of Albuquerque who live within different income levels, which is a major component of health, safety, and general welfare.
 - b. Criterion B: The applicant has demonstrated that the MX-L zone district will be more advantageous by supporting infill that will offer a variety of housing options to community members. Additionally, it will not allow for an increase in density or intensity of use considering the request is for a substantial downzone.
 - c. Criterion C: This criterion does not apply as the subject site is not located in an Area of Change.
 - d. Criterion D: Sufficient comparison has been thoroughly demonstrated on the table of uses provided by the applicant found in the applicant's justification letter. Overall, the number and intensity of uses will decrease dramatically. The property owner is giving up a lot of entitlements to ensure that no harm or adverse effects can be a consequence of zoning. This downzone will be not be harmful to those residing on the site, nor to the community or to adjacent properties.
 - e. Criterion E: The future development of the subject site will not incur any additional expenditures for the City of Albuquerque and will fall solely on the developer and/or owner as development occurs.
 - f. Criterion F: This request is not based on location. Rather, the request is based on allowing a variety of housing and lower density land uses, not on the subject site's location on a major street.
 - g. Criterion G: Considering this request is a downzone, the applicant's justification is not based completely or predominantly on the cost of land or economic considerations because it will allow an appropriate transition between land uses and is a significant downzone from the allowed commercial uses of the NR-BP zone to the lower intensity uses permissive in the MX-L zone.
 - h. Criterion H: This request will not create a "spot zone and will create a transition between the two zone districts, NR-BP and R-1A, along with already existing MX-L

zoning nearby.

17. The applicant notified representatives of the affected neighborhood organizations, and property owners within 100 feet of the subject site, as required.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **November 30, 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/FP

cc: Legacy Development & Management LLC, fkassam@legacydm.net
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