

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

November 12, 2020

Peter Defries Corporation dba Dion's
8525 Jefferson St. NE
Albuquerque, NM 87113

Project #2020-004480
RZ-2020-00031- Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, agent for Peter Defries Corporation dba Dion's, requests a zoning map amendment from MX-M to NR-C, for all or a portion of Tracts A and B, Montgomery Plaza, located at 4595 San Mateo NE, between San Mateo Blvd. NE and Lumber Ave. NE, approximately 9.9 acres (F-17-Z)
Staff Planner: Rebecca Bolen

On November 12, 2020, the Environmental Planning Commission (EPC) voted to Approve Project # 2020-004480/ RZ-2020-00031, a Zoning Map Amendment (Zone Change), based on the following Findings:

FINDINGS:

1. This is a request for a Zoning Map Amendment for an approximately 9.9-acre site known as Tracts Project #2020-004480, RZ-2020-00031, a request for a Zoning Map Amendment from MX-M to NR-C for Tracts A & B Montgomery Plaza Subdivision located at 4595 San Mateo Boulevard NE (the "subject site").
2. The applicant requests a Zoning Map Amendment from MX-M to NR-C to allow for development as a commissary for Dion's.
3. The subject site is within both an Area of Consistency and an Area of Change, as designated by the Comprehensive Plan.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance are incorporated herein by reference and made part of the record for all purposes.
5. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Community Identity:
 - A. Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of a community.

The request is consistent with surrounding uses, which are largely offices and commercial to the south, and warehousing and office to the north and west. The area is distinctly non-residential. The request furthers Policy 4.1.1 – Distinct Communities.

- 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 request is consistent with surrounding uses and would largely maintain current dimensional standards and decrease allowed building height. Although it would not directly impact any neighborhoods, as specified by this policy, the requested change would encourage development of these uses, thus protecting existing neighborhoods. The request furthers Policy 4.1.2 – Identity and Design.

6. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Land Use:

- A. Goal 5.2: 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.

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.

The request would contribute to the redevelopment of a site located within both a Center and a Corridor. The site is also accessible by various means of transportation and redevelopment which encourages employment is more desirable at this site than in a greenfield or at the urban edge. The request furthers Sub-policy 5.1.1.c.

- B. Policy 5.1.6 Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

The request would foster opportunities for enterprise and various types of employment. While residential uses would no longer be permissible at this site, a broader range of employment activity, accessible via active and public transit, would be possible under the NR-C zone designation that would help meet the needs of businesses. The request furthers Policy 5.1.6 – Activity Centers.

- C. Policy 5.1.10 Major Transit Corridors: Foster corridors that prioritize high frequency transit service with pedestrian-oriented development.

The request would foster reuse opportunities for the existing structures. Redevelopment of the site, while not guaranteed by the request, is desirable due to its proximity to a Major Transit Corridor and its accessibility via transit for potential employees. The request furthers Policy 5.1.10 – Major Transit Corridors.

- D. Goal 13.5: Community Health: Protect and maintain safe and healthy environments where people thrive. Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

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

h) Encourage infill development that adds complementary uses and is compatible in form and scale to the immediate surrounding development.

The request would foster employment opportunities for the surrounding community, within the context of a mix of other commercial and light industrial uses. The expanded possibilities for infill development using existing infrastructure and buildings, and proximity of similar and identical zoning and complimentary uses are all circumstances which indicate that the requested change would maintain the character of the area and increase the likelihood that the site will be activated, eliminating currently unused space. The request furthers Sub-policy 5.2.1.h.

- E. 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.

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

Existing infrastructure and public facilities are present at this site, increasing redevelopment possibilities would support additional growth. The request furthers Policy 5.3.1 – Infill Development.

- F. 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The request would expand commercial and light industrial redevelopment where infrastructure and public facilities already exist. The request furthers Policy 5.3.2 Leapfrog Development.

- G. Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Chance 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.

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

b) Encourage development that expands employment opportunities.

The slightly more intense uses which would be allowed in NR-C and redevelopment opportunities that would be possible expand employment opportunities in a Center. The request furthers Sub-policy 5.6.2.b.

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

e) Encourage job creation in business and industrial parks, near freight routes, and where adequate transitions and buffers can be provided to protect abutting residential uses

The request supports a wider range of uses, and the site is adjacent to a Community Principal Arterial. The site is also completely separate from residential uses. The request furthers Sub-policy 5.6.2.e.

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

g) Encourage development where adequate infrastructure and community services exist.

The subject site is already served by infrastructure and services. The request furthers Sub-policy 5.6.2.g.

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

h) Encourage development in areas with a highly connected street grid and frequent transit service.

The site is well served by transit and the street grid. The request furthers Sub-policy 5.6.2.h.

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

b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

While possible scale, intensity, and setbacks would slightly change under the requested zoning, the development standards would be consistent with the surrounding area. The request furthers Policy 5.6.3 Areas of Consistency.

7. The request generally furthers the following applicable Comprehensive Plan goals and policies related to Economic Development:

- A. Goal 8.2 Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.

Policy 8.2.1 Local Business: Emphasize local business development.

The request encourages a wider variety of business and employment opportunities than currently allowed and therefore would emphasize development of this local business. The request furthers Goal 8.2.1 – Local Business.

8. The applicant has adequately justified the request pursuant to IDO Section 14-16-6-7(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 a preponderance of applicable Comprehensive Plan goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant has adequately demonstrated this in a policy-based response. Therefore, the request would be consistent with the City's health, safety, and general welfare.

- B. Criterion B: The site is located partially within an Area of Consistency. A different zone district (NR-C) would generally be more advantageous to the community than the existing zone district (MX-M), which the applicant's policy analysis has shown to be less desirable than the NR-C zone district. The request would further Comprehensive Plan goals and policies relating to Identity and Design, Land Use, and Economic Development.
- C. Criterion C: The subject site is located only partially within an Area of Change, so this criterion does not apply.
- D. Criterion D: The requested zone (NR-C) allows slightly more intense uses than the existing zone (MX-M). The NR-C zone district does not allow any residential uses except live-work, while the MX-M zone district allows townhouse, live-work, multifamily, many Group Living uses, and Other use accessory to residential primary use.

Outside of residential uses, allowable uses between the two zones are very similar. The zone change request to NR-C would allow about ten additional uses permissively, including Heavy vehicle and equipment sales, rental, fueling, and repair, Self-storage, Other outdoor entertainment, Building and home improvement materials store, General retail, large, Light manufacturing, Recycling drop-off bin facility, Warehousing and Wholesaling, and distribution center. These uses are consistent with current adjacent and nearby land uses, which include car washes, a machining company, many medical or dental offices, box stores, and restaurants. The uses allowed in NR-C would not be harmful to the adjacent properties because they would still be limited in intensity and would match the surrounding uses. The surrounding neighborhoods and community would be protected from these uses being developed in less desirable locations.

- E. Criterion E: The request meets this requirement because the City's existing infrastructure and public improvements have adequately served the subject site and its existing use for many years.
 - F. Criterion F: The applicant's justification is not completely based on the subject site's adjacency to San Mateo Blvd., a Community Principal Arterial. The request is supported by a preponderance of applicable Comprehensive Plan goals and policies.
 - G. Criterion G: The applicant's justification is not based completely or predominately on the cost of land or economic considerations. The main purpose of the request is to change the zoning to facilitate redevelopment, which aligns with ABC Comp Plan Goals and Policies.
 - H. Criterion H: The request would 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"). The properties directly north of the site are zones NR-C and all properties west of the site to the highway are Non-residential. Additionally, there are no residential uses between the subject site and any major roadway.
9. The applicant's policy analysis adequately demonstrates that the request 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.

10. The affected neighborhood organization is the District 4 Coalition of Neighborhood Associations. Property owners within 100 feet of the subject site were also notified, as required.
11. As of this writing, Staff did not receive communication of support or opposition.

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/CL

cc: EPC file

avarela@cabq.gov

Peter Defries Corporation dba Dions, mherman@dions.com

Consensus Planning Inc., cp@consensusplanning.com

District 4 Coalition of Neighborhood Associations, Mildred Griffiee, nenatreasurer@noreste.org

District 4 Coalition of Neighborhood Associations, Daniel Regan, dlreganabq@gmail.com