

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 16, 2023

R Spear Properties LLC  
9705 Volcano Rd. NW  
Albuquerque, NM 87121

**Project # PR-2023-009365**  
RZ-2023-00038– Zoning Map Amendment  
(Zone Change)

### LEGAL DESCRIPTION:

Tierra West LLC, agent for R Spear Properties LLC, requests a zoning map amendment from R-1B to NR-C, for all or a portion of Tract 13, Unit 5, Town of Atrisco Grant, located at 9705 Volcano Rd. NW, between 98th St. NW and East Ridge St. SW, approximately 5.2 acres (K-09-Z)  
Staff Planner: Catherine Heyne

On November 16, 2023 the Environmental Planning Commission (EPC) voted to APPPROVE Project # PR-2023-009365, RZ-2023-00038– Zoning Map Amendment (Zone Change) based on the following Findings:

1. The request is for a Zoning Map Amendment for an approximately 5.2-acre site, legally described as all or a portion of Tract 13 Unit 5 Town of Atrisco Grant located on the north side of Volcano Rd. NW, at 9705 Volcano Rd NW, east of 98th St and west of East Ridge St SW (“the subject site”).
2. The subject site is currently zoned R-1B (Residential - Single Family Zone District), and is currently being used for a single residence.
3. The applicant is requesting a zone change to NR-C (Non-residential – Commercial Zone District) to allow future commercial development, which is currently proposed as an office and warehouse building.
4. The subject site is in an Area of Consistency by the Comprehensive Plan. It is not located along a Major Transit Corridor and is not located in a Center as designated by the Comprehensive Plan.
5. The Albuquerque Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
6. The request furthers the following Goal and Policies from Comprehensive Plan 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 request would transform a relatively large, low-density residential development (approximately 5.2 acres) into a space allowing medium-scale retail, office, commercial, and institutional uses to serve both neighborhood and area-wide needs, as well as some light industrial uses. Development of the subject site would likely result in additional employment opportunities in a developing area west of the Rio Grande River, where there is a deficit of jobs compared to the amount of housing units. Some people would be able potentially to work nearer to where they live and additional services could also result.

- 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 could contribute to creating a healthy, sustainable, and distinct community because it would expand non-residential uses in the area and in the future, potentially allow such community amenities as school, day care, gym facilities, art gallery, or bank. However, there is no guarantee that future development would be neighborhood friendly (e.g. motel, night club, heavy vehicle sales, rental, fueling, and repair) or conveniently accessible.

- C. Sub-policy 5.2.1(b)- Encourage development that offers choices in transportation, work areas, and lifestyles.

The request encourages development that offers choices in transportation, work areas, and lifestyles. In terms of transportation choices, the subject site is easily accessible by vehicle and can also be reached by bicycle, bus, and less conveniently by walking as it lies within a mile of the freeway (Interstate-40), a quarter of a mile of a bike lane as well as the intersection of two Community Principal Arterial roadways—98th St NW and Central Ave NW, the latter of which offers bus service. The development could offer employment opportunities, which is more diverse than the opportunities available with single-family residential zoning. Future uses may also include a wider variety of work options as allowed by a Non-Residential – Commercial (NR-C) Zone District.

7. The request furthers the following Goal and Policies from Comprehensive Plan Chapter 5: Land Use, with respect to efficient development patterns.

- A. 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 subject site is served by existing residential infrastructure. Development made possible by the request would generally promote efficient development patterns and use of land. Future development on the subject site featuring uses allowed in the NR-C Zone District would support the public good in the form of economic development, job creation, and an expansion to the tax base.

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

The subject site is an infill site located in an area already served by existing infrastructure and public facilities. The request would support development on the project site.

8. The request furthers the following Goal and Policy from Comprehensive Plan Chapter 5: Land Use, with respect to the westside jobs-housing balance:
  - A. Goal 5.4- Jobs-Housing Balance: A zone change to NR-C would allow for the addition of jobs and employment opportunities west of the Rio Grande while reducing the availability of land for residential building. The subject site's location is on the West Side, so any development made possible by the request would foster employment opportunities on the West Side.
  - B. Policy 5.4.2: West Side Jobs: Foster employment opportunities on the West Side. The development of the subject site as an office-warehouse site as well as any future development pursuant to NR-C Zone District regulation would allow for the addition of jobs and employment opportunities, thereby adding needed jobs to the City's West Side.
9. The request furthers the following Goal and Policy 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 and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is within an Area of Consistency as designated by the Comprehensive Plan and is not located in a Center or Corridor. This property is bordered by residential neighborhood to the north and east and by commercial and business park to the west and south. Areas of Consistency are designed to reinforce the character and intensity of existing development, in this case, the subject site sits at the border of two different types of uses, one is designated for residential and low-impact community and the other is designated for higher intensity uses. The proposed zone change would reinforce the character and intensity of the adjacent areas to the south, west, and northwest.

- 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 subject site was intended to develop as a single-family, residential neighborhood, originally designated for 20 dwelling units per acre. As the property currently supports only a single residential dwelling, the request would change the area's character by facilitating commercial development on the subject site. However, the proposed NR-C zone change would foster development of uses that are consistent with the adjacent NR-C property to the south.

10. The request furthers the following Goal and Policies from Comprehensive Plan Chapter 8: Economic Development:
  - A. Goal 8.1- Placemaking: Create places where business and talent will stay and thrive.

The subject site is located in an Area of Consistency, outside of a designated Center and not along a designated Corridor. However, the area is beginning to attract further development—both residential and business—where additional conveniences and jobs would support the nearby neighborhood as well as potentially attract regional growth, thus helping to create a place where businesses and talent would stay and thrive.

- B. Policy 8.1.2- Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

The request would expand the community's access to commercial services and jobs, that encourages economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

- C. Sub-Policy 8.1.2(c)- Prioritize local job creation, employer recruitment, and support for development projects that hire local residents.

The request would prioritize local job creation, employer recruitment, and support for development. There is no guarantee that local residents will be hired, however, additional commercial uses would increase the availability of jobs for local residents. Additional employment is especially needed to improve the housing-job balance west of the Rio Grande River, which has a notable shortage of jobs relative to housing.

- D. \*Policy 8.1.3 -Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending.

The request to the NR-C zone would allow manufacturing uses on the subject site, which would result in economic base employment opportunities that would have a multiplier effect through the local economy and help reduce reliance on government spending.

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, and general welfare is upheld by demonstrating that the request largely furthers applicable Comprehensive Plan Goals and policies and does not significantly conflict with them.
- B. Criterion B: The subject site is located wholly in an Area of Consistency. Areas of Consistency are used to apply policies limiting new development to an intensity and scale consistent with the existing character of surrounding neighborhoods. Directing growth to Areas of Change is intended to help preserve and protect established neighborhoods in Areas of Consistency. The request would clearly reinforce the established character of the area and would not result in development that would differ significantly from that character.

The request also generally meets Sub-criterion 3 because a zone district different from the current zoning would generally be more advantageous to the community as articulated by the applicant's policy-based response addressed in Criterion A.

- C. Criterion C: The subject site is located wholly in an Area of Consistency, so this criterion does not apply.
- D. Criterion D: The applicant compared allowable uses in the existing R-1B (Residential, Single Family) Zone District and the proposed NR-C (Non-residential, Commercial) Zone District.

The most important difference between the two zones is that non-residential commercial activities (e.g. Food, Beverage, and Indoor Entertainment; Lodging; Motor Vehicle; Offices and Serviced; Retail Sales, Manufacturing; and Wholesaling and Storage)—permissive and conditional—would become permissive in previously residentially zoned area. The applicant discusses how cannabis cultivation and product manufacturing as well as large-scale retail sales may be allowed and especially considered harmful, especially if next to a residential community.

However, these activities would be located adjacent to an area that already allows similar uses, and many of these services would require greater acreage. Furthermore, the IDO has Use-Specific standards to mitigate the impacts of uses that could be considered harmful and that would serve to protect and preserve the identity of the neighborhood.

- E. Criterion E: The subject site currently accesses City infrastructure and public improvements as a residential site, and should have adequate capacity to serve the development when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement (Criterion 3).
  - F. Criterion F: The subject site is neither located on a major street nor adjacent to a major roadway. The justification is not based on location. Rather, the applicant claims that the request is justified because it furthers applicable Comprehensive Plan Goals and Policies.
  - G. Criterion G: The request is not completely based on the cost of land or other economic considerations. The applicant has demonstrated that the request furthers applicable Comprehensive Plan Goals and Policies and would not result in development that differs from the area's established character.
  - H. Criterion H: A zone change from R-1B to NR-C would not result in a spot or strip zone because it would not apply a different zone to one small area or one premise. The property located south of and adjacent to the subject site is zoned NR-C.
12. The applicant's policy-based analysis generally demonstrates that the request would clearly reinforce the established character of the area, and would not result in development that would differ significantly from that character in this Area of Consistency. A variety of applicable Comprehensive Plan Goals and policies are furthered.
13. Affected neighborhood entities—the Avalon Neighborhood Association, Westside Coalition Neighborhood Associations, and the South West Alliance of Neighborhoods (SWAN Coalition)—and property owners within 100 feet of the subject site were notified as required.
14. As of this writing, Staff has been contacted by one member of the public with questions about the zone change; however, there is no known support or opposition. Staff recommends approval.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **December 4, 2023**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> 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,

*Catalina Lehner*

for Alan M. Varela,  
Planning Director

AV/CL/CH

cc: Tierra West, LLC, [slozoya@tierrawestllc.com](mailto:slozoya@tierrawestllc.com)  
R Spear Properties LLC, 9705 Volcano Rd., NW500 Albuquerque, NM 87121  
Avalon NA Samantha Pina [avasecretary121@gmail.com](mailto:avasecretary121@gmail.com)  
Avalon NA Lucy Anchondo [avalon3a@yahoo.com](mailto:avalon3a@yahoo.com)  
Westside Coalition of Neighborhood Associations Rene Horvath [aboard111@gmail.com](mailto:aboard111@gmail.com)  
Westside Coalition of Neighborhood Associations Elizabeth Haley [elizabethkayhaley@gmail.com](mailto:elizabethkayhaley@gmail.com)  
South West Alliance of Neighborhoods (SWAN Coalition) Luis Hernandez Jr. [luis@wccdg.org](mailto:luis@wccdg.org)  
South West Alliance of Neighborhoods (SWAN Coalition) Jerry Gallegos [jgallegoswccdg@gmail.com](mailto:jgallegoswccdg@gmail.com)  
Krania LLC - [nick@daskalosdi.com](mailto:nick@daskalosdi.com)  
Legal, [dking@cabq.gov](mailto:dking@cabq.gov)  
EPC File