

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 18, 2021

San Antonio Commons LLC
5600 Wyoming Blvd. NE
Albuquerque NM, 87104

Project #2021-006087
RZ-2021-00043 Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Consensus Planning Inc, agent for San Antonio Commons LLC, requests a zoning map amendment from MX-L to MX-M for all or a portion of Lot 7-A-1 Plat for Lot 5-A-1 and Lot 7-A-1 JJ Subdivision, and Lot 4-A Plat for Lots 4-A, 5-A, 6-A, and 7-A JJ Subdivision, located on San Antonio Dr. NE, between Interstate-25 and San Pedro Dr. NE, approximately 3.4 acres (E-18)

Staff Planner: Leroy Duarte

On November 18, 2021, the Environmental Planning Commission (EPC) voted to APPROVE PR-2021-006087/RZ-2021-00043, a Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment for two vacant sites approximately 3.4 total acres located, between San Pedro Dr. NE and Interstate-25, on the southern side of San Antonio Dr. NE. (the "subject sites")
2. The subject sites are zoned MX-L (Mixed Use – Low Intensity). The applicant is requesting a zone change to MX-M (Mixed Use Medium Intensity) to facilitate future development by allowing for a wider range of permissive uses.
3. The subject sites are in an Area of Consistency and is not in a designated Center or along a designated 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. The Facility Plan for Arroyos also applies due to the adjacency of the South Pino Arroyo.
5. The request generally furthers the following Goal and sub-policies from Comprehensive Plan Chapter 5: Land Use.

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

The request would facilitate development comparable to the surrounding area would and foster a community within the established community. Residents in the surrounding area will have the opportunity to live, work, learn, shop and play together based on the future development that will serve the area.

- B. 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 will encourage infill development that is comparable to the surrounding area MX-M.

- C. Sub-policy(n) 5.2.1 – Land Uses: Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The zone change request will be an efficient and productive use of the vacant land by creating a wider range of uses that will promote development. The request furthers the following Goal from Comprehensive Plan Chapter 5: Land Use.

- D. 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 zone change request will create a wider range of permissive uses that will promote development patterns that are similar, while also using existing infrastructure of the surrounding area.

6. The request furthers the following goal, policy, and sub-policy from Comprehensive Plan 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 to ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject sites are located in an Area of Consistency. The request would reinforce the character and intensity of the surrounding area by matching the existing zoning adjacent to the sites (MX-M) which would allow the same character and intensity of development.

- 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 the existing area by offering a wider range of permissive uses to promote infill development. The infill development will be consistent with existing zoning, thus enhancing the area with a wider range of commercial services.

7. 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, complete communities, land uses, efficient development patterns, infill development, city development areas 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 clearly reinforce a preponderance of applicable Comprehensive Plan Goals and policies and therefore would generally 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-L zoning and the proposed MX-M zoning and discussed potential uses that could be harmful. Harmful uses that would become permissive under the proposed MX-M zone include nightclub and pawnshop. The surrounding land is zoned MX-M. Uses that would become permissive already exist in the current zone and are not considered to be harmful in this setting because the uses would become identical.
 - E. Criterion E: The subject properties are located in 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 applicable Comprehensive Plan Goals and policies.
 - G. Criterion G: The applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them, so the cost of land or other economic considerations are not the driving factors for the proposed request.
 - H. Criterion H: The applicant has demonstrated that the request would result in zoning that would match the existing zoning of the surrounding area and therefore would not create a "spot zone".
8. The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding, infill and efficient development patterns, utilization of existing infrastructure, and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals, and general welfare.

9. The affected, registered neighborhood organizations District 4 Coalition of Neighborhood Associations and Albuquerque Meadows Residents Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
10. A pre-submittal meeting was held on September 28, 2021. Concerns included- traffic safety issues, cannabis and liquor sales, types of uses that are permitted in MX-M zoning, and decreased property values.
11. As of this writing, Staff has not been contacted and is unaware of any opposition.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **December 3, 2021**. 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 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/LD

cc: District 4 Coalition of NA, Daniel Regan, dlreganabq@gmail.com
District 4 Coalition of NA, Mildred Griffiee, mgriffiee@noreste.org
Consensus Planning, fishman@consensusplanning.com
Legal, kmorrow@cabq.gov
EPC file