

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

October 11, 2018

Westway Homes, LLC
9600 Tennyson St. NE
Albuquerque, NM 87122

Project #2018-001499 (1004245)
RZ-2018-00028 – Zone Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for Lots 4-9 of Block 7, Lots 10-11 and 13 of Block 8, Lot 12 of Block 9, and Lots 2-10 of Block 14, Unit 5, Paradise Hills, zoned R-1B, to MX-L, located on McMahon Blvd. NW, between Kayenta Blvd. NW and Universe Dr. NW, containing approximately 8 acres. (A-10)
Staff Planner: Catalina Lehner

PO Box 1293

On October 11, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 2018-001499/RZ-2018-00028, a Zone Map Amendment (Zone Change), based on the following Findings:

FINDINGS:

- NM 87103
- www.cabq.gov
1. The request is for a zone map amendment (zone change) for an approximately 8 acre, vacant site consisting of 19 lots and located on the southern side of McMahon Blvd. NW, between Kayenta Blvd. NW and Universe Dr. NW, zoned R-1B.
 2. The applicant is requesting a zone change to MX-L (Mixed Use-Light zone) in order to develop multi-family uses and neighborhood commercial uses. The idea is to replat the lots and vacate the unnamed internal streets, so that future uses would be accessible from McMahon Blvd. NW and the zoning would match the zoning of the three larger tracts to the south.
 3. The subject site is in an area that the Comprehensive Plan has designated an Area of Consistency. No area or sector development plans apply.
 4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
 5. The request furthers the following, applicable Comprehensive Plan Goal from the Land Use Chapter:

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

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the character and intensity of the surrounding area.

The subject site and the surrounding area is designated an Area of Consistency, though the three large, vacant tracts that abut the subject site to the south are zoned MX-L (formerly SU-1 for C-1 Uses). The area surrounding the subject site is characterized by residential uses (single-family and multi-family). The request would place a mixed-use zone (MX-L) between the vacant tracts and McMahon Blvd. NW, so the subject site would be consistently zoned with the tracts and subject to the same character and intensity allowed by the already present MX-L zone. Generally, Areas of Consistency are intended to remain stable, but in this case the growth would abut a designated commuter corridor for most of the subject site and growth on the subject site's eastern side would be subject to IDO requirements for neighborhood edges and buffering.

6. The request furthers the following, applicable Comprehensive Plan policies from the Land Use Chapter:

- A. Policy 5.1.2-Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.**

The subject site is located on the southern side of McMahon Blvd., a designated Commuter Corridor, and in an Area of Consistency that is intended to remain stable. The purpose of the MX-L zone is to provide neighborhood-scale convenience shopping, townhouses, multi-family dwellings, and civic and institutional uses subject to the regulations of the IDO. Relative to the surrounding area characterized by single-family homes, the more-intense development that the request would make possible would be along McMahon Blvd.

- 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.**

Future development on the subject site under the MX-L zone, especially if combined with the adjacent tracts already zoned MX-L, could offer a wide range of services to meet the needs of nearby residents, though the subject site is not located in a designated Activity Center.

- C. Policy 5.1.12- Commuter Corridors: Allow auto-oriented development along Commuter Corridors that are higher-speed and higher-traffic volume routes for people going across town, often as limited-access roadways.**

McMahon Blvd. is a designated Commuter Corridor and a limited-access roadway. The subject request would allow auto-oriented development as allowed by the proposed zone, MX-L.

- D. 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 for a mixed-use zone would allow a mixture of non-residential and relatively dense residential uses that could help create a healthy, sustainable, and distinct community in this developing area near the CNM West campus. The request would make possible development of commercial uses along McMahon Blvd. and close to the surrounding

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neighborhoods on the north and south sides of this corridor. It's possible that some may ride bicycles (there is a designated bicycle lane along McMahon Blvd.) or walk, which would facilitate a healthier community.

E. Policy 5.4.2-Westside Jobs: Foster employment opportunities on the West Side.

The request is for a mixed-use zone that would allow neighborhood commercial, multi-family residential, townhouses, and civic and institutional uses. To the extent that non-residential uses develop on the subject site (rather than all residential uses), the request would help foster employment opportunities on the West Side.

F. 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 is located in an Area of Consistency characterized by single-family homes, the Calabacillas Arroyo, and the CNM West campus. The request would facilitate development of neighborhood commercial uses, multi-family uses, and civic/institutional uses. More intense uses would not be allowed in the MX-L zone. All future development would be subject to IDO standards that would help protect and enhance the character of the existing neighborhood.

7. The request furthers the following, applicable Comprehensive Plan policies:

A. 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.

Future development on the subject site under the MX-L zone, which the request would make possible, would be subject to IDO requirements including Neighborhood Edges (14-16-5-9), the mixed use zone dimensional standards (Table 5-1-2), buffer landscaping (14-16-5-6-(E)), and building design standards (14-16-4-11). These would help ensure appropriate scale and location of development and character of building design. The mix of uses is unknown, but would be limited to uses allowable in the MX-L zone.

B. Policy 6.1.3- Auto Demand: Reduce the need for automobile travel by increasing mixed-use development, infill development within Centers, and travel demand management (TDM) programs.

The request could increase mixed-use development, but not infill within Centers or TDM programs. If non-residential uses develop, they could help reduce the need for auto travel because nearby residents would have access to services closer to their homes.

C. Policy 9.1.1- Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

The request would allow development of a variety of housing types: multi-family, townhouse, and live-work, which would attract additional types of residents and households to the area and serve a variety of income levels. Though these housing options are typically more affordable than single-family homes, they would be market rate and could be more or less

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expensive.

- D. **Policy 9.3.2- Other Areas (Housing)**: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

The “other areas” are areas outside of designated Centers and not along transit corridors. The subject site is in an “other” area. The request would allow for development of multi-family residential and townhouses, which are relatively more dense than existing housing in the area. Such future housing would provide more housing options near developing services on the subject site and on the vacant MX-L parcels to the south.

8. 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 a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant has adequately demonstrated, in his policy-based response (see Criterion B, below), that the request would be consistent with the City’s health, safety, morals and general welfare.
- B. **Criterion B**: The zone change to MX-L would result in an approximately 8 acre parcel having the same zoning as the larger, vacant parcels adjacent to the south. The MX-L zone would be placed adjacent to McMahon Blvd. NW, a designated Commuter Corridor, and would enable development of neighborhood commercial services and multi-family residential options in the area.

The request furthers policies with respect to development areas, some activity center policies, land uses, West-side jobs, and housing variety, and would strengthen the established character of the surrounding area because it would provide services that support the CNM Activity Center and the neighborhood.

- 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 requested MX-L (Mixed-Use-Low Intensity Zone) includes more uses, such as non-residential uses, which the existing R-1B zone does not. The table above shows the permissive uses in the MX-L zone, which must be considered for harmfulness to the adjacent property, neighborhood, or community. Light vehicle repair could also potentially be harmful to nearby residences east of the subject site, but the IDO setback and buffering requirements would apply. A drive-through is a conditional, accessory use that could potentially be considered harmful, though the IDO has use-specific standards for drive-throughs that would help mitigate their impact.
- E. **Criterion E**: Requirement 3 applies. Future requests will go to the DRB for replatting and/or subdivision actions, which require that Infrastructure Improvement Agreements are in place.

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- F. **Criterion F:** The subject site is located on McMahon Blvd. NW, a Regional Principal Arterial, but the applicant's justification is not completely based on the property's location. Rather, the justification is based on the request furthering a preponderance of applicable Comprehensive Plan policies as the applicant has demonstrated.
- G. **Criterion G:** Economic considerations are a factor, but the applicant's justification is not completely or predominantly on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan policies.
- H. **Criterion H:** The request would not result in a spot zone because it does not pertain to one premise. The request would not result in a strip zone either, because it would not result in a strip of land along a street. Rather, the request would create a large area of MX-L zoned property that encompasses approximately 30 acres at the SE corner of McMahon Blvd. NW and Universe Blvd. NW.
9. The applicant's policy analysis adequately demonstrates that the request furthers 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 Westside Coalition was required to be notified, which the applicant did. Property owners within 100 feet of the subject site were also notified, as required. A facilitated meeting was neither requested nor held. Staff was not contacted.
11. Two residents, of the Anasazi Ridge Homeowner's Association to the north, are opposed to the request. They are concerned about an increase in traffic, noise, pollution, and crime in the area.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **OCTOBER 26, 2018**. 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 14-16-4-4 of the Zoning Code. 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).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any

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other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

Sincerely,


for David S. Campbell
Planning Director

DSC/CL

cc: Westway Homes LLC, 9600 Tennyson St. NE, ABQ, NM 87122
Howard Balmer, 3205 Chandra Lane SE, Rio Rancho, NM 87124
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