

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

October 21, 2021

Legacy Development & Management
505 Journal Center Blvd.
Albuquerque, NM 87109

PR-2021-005844 RZ-2021-00028
Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, agent for Legacy Development & Management LLC, requests a zoning map amendment from NR-SU to M-XL for all or a portion of Lots 6, 7 & 26-A, Block 25, Tract A Unit B, North Albuquerque Acres, located on Glendale Ave. NE, between San Pedro Dr. NE, and Louisiana Blvd. NE, approximately 4.0 acres (B-18-Z)
Staff Planner: Sergio Lozoya

On October 21, 2021, the Environmental Planning Commission (EPC) voted to APPROVE PR-2021-005844/RZ-2021-00028, a Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a Zoning Map Amendment (zone change) for an approximately 4.0-acre site legally described as Lots 6,7, & 26-A, Block 5, Tract A unit B, North Albuquerque Acres, located at Glendale Ave. NE, between San Pedro Rd. NE and Louisiana Blvd. NE (the subject site).
2. The subject site is vacant and zoned NR-SU (Non-Residential – Special Use Zone District). The applicant is requesting a zone change to MX-L (Mixed-Use – Light Intensity) to facilitate future development of multi-family housing.
3. The subject site is in an Area of Consistency as designated by the Comprehensive Plan and is in the North Albuquerque CPA. It is not in a designated Activity Center or along a designated Corridor.
4. 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.
5. The request generally furthers following, applicable Comprehensive Plan Goal and policy regarding growth, as follows:
 - 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 request would generally promote development patterns that maximize the utility of existing infrastructure because the subject site is already served by existing infrastructure including; water, sewer, and roadways.

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

The subject site is located in an area already served by existing infrastructure and public facilities.

6. The request generally furthers following, applicable Comprehensive Plan Goal and policy regarding the jobs-housing balance as follows:

Goal 5.4 – Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

Policy 5.4.1 – Housing Near Jobs: Allow higher-density housing and discourage single-family housing near areas of concentrated employment

The subject site is located in an industrial area and is near the North I-2 Employment Center. The request would facilitate the future development of multi-family housing near an employment center.

7. The request generally furthers following, applicable Comprehensive Plan Goal and policy regarding city development areas as follows

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.

Policy 5.6.2 – 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 within an area of consistency with an emerging mixed-use character, and is outside of any Center or Corridor. The properties to the east and southeast are zoned MX-L and are developed with residential uses. The request would facilitate future development under the MX-L zone, that would be generally consistent with the character of two properties adjacent to the subject site.

8. The request generally furthers the following, applicable Comprehensive Plan Goal and policy regarding housing as follows:

Goal 9.1 – Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

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 facilitate the future development of multi-family housing, which can generally meet current and future housing needs at a variety of price levels. Multi-family development (as opposed to single-family) would provide balanced housing options for a variety of income levels and types of residents and households.

9. The request generally furthers the following, applicable Comprehensive Plan Goal and policy regarding housing as follows:

Goal 9.3 – Density: Support increased housing density in appropriate places with adequate services and amenities.

Policy 9.3.2 – Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

The request would support future development of the subject site, which has access to existing infrastructure including roadways, and water and sewer. The request for a mixed-use zone district (MX-L) would allow and support development of residential uses, among them multi-family residential. Development of multi-family residential would increase housing density in other areas (outside of Centers & Corridors) and would be consistent with the existing housing in the area.

10. 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 has adequately demonstrated that the request would further a preponderance of applicable Goals and policies.
- B. Criterion B: The new zone would reinforce or strengthen the established character of the surrounding Area of Consistency because the request furthers several applicable Comprehensive Plan Goals and policies. Therefore, a different zone category is more advantageous to the community than the current zoning.
- C. Criterion C: The subject site is not located in an Area of Change. Therefore, Criterion C does not apply.
- D. Criterion D: The applicant has compared the existing NR-SU zoning to the proposed MX-L zoning and discussed the potential for harmful uses including: light vehicle repair, liquor and nicotine retail, drive-through facilities, and cannabis-related uses. The applicant adequately discussed the new uses, how the IDO could mitigate potential harm, the surrounding zones, and the similar land uses to the east and to the south east.

- E. Criterion E: The City's existing infrastructure and public improvements will generally have adequate capacity to serve future development made possible by the zone change (Criterion 1).
 - F. Criterion F: The applicant's justification is not completely based on the property's location on a major street. The subject site is located on Glendale Ave. NE, which is a local street.
 - G. Criterion G: Though economic considerations are always a factor; The applicant's justification is not based predominantly upon them. The cemetery wants to sell the property as expeditiously as possible, based on the consideration that there is less national market demand for burials and fewer burials overall.
 - H. Criterion H: The request would not apply a spot zone because there is other MX-L zoning in the larger area.
11. The affected neighborhood organizations are the District 4 Coalition of Neighborhood Associations and Nor Este Neighborhood Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
 12. A facilitated meeting was held on July 19, 2021 with representatives of the Nor Este Neighborhood Association and the District 4 Coalition of Neighborhood Associations. Attendees expressed concerns regarding limited public transportation to serve future development, the effect of the Solid Waste Convenience Center on the long-term health of future residents, and the availability of parking in the area.
 13. The District 4 Coalition provided a letter of opposition. The letter discusses the long-standing industrial character of the area and states that residential uses are incompatible with it. The District 4 Coalition acknowledges that the Solid Waste Convenience Center is a public investment that should be protected and notes that transit, walking paths, and bike trails near the subject site are very limited.
 14. Albuquerque Public Schools state that future development would impact EG Ross Elementary School, Desert Ridge Middle School, and La Cueva High School. EG Ross Elementary School is operating above capacity and future residential development would be a strain on the school.
 15. The Solid Waste Management Department (SWMD) provided significant comments. They state that the applicant should be aware that the abutting Eagle Rock Convenience Center operates 362 days a year, 7-days a week from 8:00am – 5:00pm. Heavy machinery operates and emits loud noise on a consistent basis. SWMD also cites State regulations for the location of solid waste convenience centers (transfer stations), which indicate that there should be, at a minimum, a distance of 250 feet between such a convenience center and a permanent residence, institution, school, place of worship, or hospital.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **November 5, 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/CL

cc:

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EPC file