

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

October 21, 2021

Rhino Investments NM Hotel LLC/
GGD Oakdale LLC
101 E. Vineyard Ave. Suite 201
Livermore, CA 94550

Project #2021-005993-RZ-2021-00037
Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Tierra West LLC, agent for Rhino Investments NM Hotel LLC/GGD Oakdale LLC, requests a zoning map amendment from MX-H to MX-M for all or a portion of Lot 22A, Block 22, Plat of Lot 22A, Block 22, Timoteo Chavez Addition, located at 2412 Carlisle Blvd. NE, between Menaul Blvd. NE and Interstate-40, approximately 0.5 acre (H-17-Z)
Staff Planner: Sergio Lozoya

On October 21, 2021, the Environmental Planning Commission (EPC) voted to APPROVE PR-2021-005993/RZ-2021-00037, 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 0.5-acre site, legally described as Lot 22-A, Block 2, Plat of Lot 22-A, Block 22, Timoteo Chavez Addition, located at 2412 Carlisle Blvd NE, between Menaul Blvd NE and Interstate-40 (“the subject site”).
2. The subject site is zoned MX-H (Mixed-Use – High Intensity) which was converted from the former zoning of C-3 (Heavy Commercial).
3. The applicant is requesting a zone change to MX-M (Mixed-Use – Medium Intensity) in order to facilitate the replat and future development of the subject site. The surrounding properties are all zoned MX-M.
4. The subject site is in an Area of Change as designated by the Comprehensive Plan and is in the Mid-Heights Community Planning Area (CPA).
5. The subject site is within 660 feet of Carlisle Blvd NE, classified as a Major Transit Corridor as designated by the Comprehensive Plan.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the City of Albuquerque Integrated Development Ordinance (IDO), and the Facility Plan for Arroyos (FPA) – Rank II are incorporated herein by reference and made part of the record for all purposes.

7. The request furthers the following Goals and policies from Chapter 5: Land Use, pertaining to Centers and Corridors.

A. Goal 5.1 – Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The subject site is located along Carlisle Blvd, a Major Transit Corridor as designated by the Comprehensive Plan. The request would strengthen this corridor by facilitating growth in an appropriate location with a multi-modal network including transit, and an extensive bike trail network. The request furthers Goal 5.1 – Centers and Corridors

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

The request would facilitate the development of the subject site, which is located along Carlisle Blvd NE a Multi-Modal Corridor as designated by the Comprehensive Plan. This area is highly served by transit, and has connectivity to existing, dedicated bike trails. Development in this area prioritizes pedestrian oriented development because of the proximity and connectivity to transit and dedicated bike trails.

C. Subpolicy 5.1.10(c): – Encourage mixed-use development in Centers and near intersections

The request would facilitate the development of the subject site under the MX-M zone. Though the subject site is already zoned under a mixed-use designation (MX-H), the rezone would facilitate the re-plat and subsequent mixed-use development near two major intersections: Carlisle Blvd NE and Menaul Blvd NE, and Carlisle Blvd NE and Interstate-40.

8. The request furthers the following Goals and policies from Chapter 5: Land Use, pertaining to Complete Communities.

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

The subject site is located near existing multi-family residential, existing commercial and recreational services, and is near an extensive, dedicated bike trail network. The development of the subject site would help foster the community where residents can live, work, learn, shop and play together.

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 requested R-ML zoning would maintain many of the uses allowable under R-1A, while adding more residential development options. The request would contribute to the continuation of a healthy, sustainable and distinct community that would be conveniently accessible from surrounding neighborhoods.

C. Subpolicy 5.2.1(a): Encourage development and redevelopment that brings goods, services, amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

The subject site is located along a Major Transit Corridor and is adjacent to dedicated bike trails. Future development of the subject site would bring goods, services, amenities and would promote good access for those walking, taking transit, or biking.

- D. Subpolicy 5.2.1(b): Encourage development that offers choice in transportation, work areas, and lifestyles.

The request would allow for the redevelopment of the subject site and would offer a choice in transportation, work areas, and lifestyles as there are several routes servicing the area nearby.

- E. Subpolicy 5.2.1(d): Encourage development that broadens housing options to meet a range of incomes and lifestyles.

This subpolicy would be furthered by providing opportunities for different types of housing options to accommodate diverse demographic groups. The increased stock of housing options would provide a similar inventory found near the subject site.

9. The request furthers the following Goals and Policies from Chapter 5: Land Use, pertaining to Efficient Development Patterns and Infill:

- A. Goal 5.3 – Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient land use of land to support the public good.

The request would 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. The request promotes the efficient use of land to support the public good by facilitating development in an area that is served by transit, and has access to existing, dedicated bicycle pathways.

- 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 additional growth along an established Major Transit Corridor.

10. The request furthers the following Goals and policies from Chapter 5: Land Use, pertaining 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 located in an Area of Change, where growth is expected and desired. The request would encourage, enable, and direct growth to it.

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

The request would facilitate future mixed-use development of the subject site, which is located along a designated Major Transit Corridor and in an Area of Change, where growth is generally directed and encouraged.

C. Subpolicy 5.6.2 (b): Encourage development that expands employment opportunities:

The request would facilitate redevelopment of the subject site under the MX-M zone, which permits various commercial land uses that would offer employment opportunities.

D. Subpolicy 5.6.2 (c): Foster a range of housing options at various densities according to each Center or Corridor type.

The request would facilitate the replat and subsequent redevelopment of the subject site, and adjacent property. Multi-family housing is generally encouraged along Major Transit Corridors, as transit ridership can be generally supported by nearby multi-family housing development.

11. The request furthers the following Goals and policies from Chapter 8: Economic Development, pertaining to Placemaking, and Resilient Economy.

A. Goal 8.1 – Placemaking: Create places where business and talent will stay and thrive.

The proposed zone map amendment would facilitate the replat and development of the subject site. Development of the subject site would create places where business and talent will stay and thrive as this area is conveniently located along a Major Transit Corridor, an extensive bike network, and near commercial amenities such as Green Jeans Farmery (a thriving multi-use development), and recreational services such as fitness and climbing gyms.

B. Policy 8.1.1 – Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses and building scale to encourage economic development opportunities.

The request would foster a range of interesting places and contexts because it would facilitate development near existing dedicated bike trails, and in an area with existing commercial and recreational services. Development under the MX-M zone generally offers a mix of uses with different development intensities, densities, uses and building scale.

C. 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 facilitate development along a designated Major Transit Corridor, and existing, dedicated bike trails. Future development of the subject site is an effort that improves quality of life for residents because it would generally encourage the use of transit and other alternative modes of transportation.

12. The request furthers the following Goals and policies from Chapter 9: Housing, pertaining to Housing Options and Density.

A. 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 for the MX-M zone would allow and support the development of multi-family housing and other residential uses for a variety of income levels and types of residents and households. The location of the subject site along a Major Transit corridor, and proximity to existing commercial services, generally lends to longevity and conservation of the use.

- B. Subpolicy 9.1.1(i): Provide for the development of multi-family housing close to public services, transit, and shopping.

Development of the subject site under the MX-M zone could offer multi-family housing close to transit, because the subject site is located along Carlisle Blvd NE, a Major Transit Corridor. The subject site is also located near shopping, commercial, and recreational services

- C. Goal 9.3 – Density: Encourage the development of higher density affordable and mixed income housing in Downtown, near job centers, and along transit corridors.

The request for a mixed-use zone district (MX-M) would allow and support development of residential uses, among them the denser multi-family residential. The subject site is an appropriate place for such development because it already has adequate services and amenities nearby.

- D. Policy 9.3.1 – Centers and Corridors: Encourage higher density, multi-unit housing and mixed-use development in Downtown, Urban Activity, and Village Centers, and along Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas.

The request would facilitate development of the subject site under the MX-M zone, which allows for mixed use development and multi-unit housing. The subject site's location along a Major Transit Corridor will generally capture growth in an appropriate location and relieve development pressure at the edge of the urban footprint.

13. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(F)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

- A. Criterion A: The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding community identity, land use, infill, efficient development patterns and housing and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, and morals and general welfare.

- B. Criterion B: The subject site is located wholly in an Area of Change, so this Criterion does not apply.

- C. Criterion C: The subject site is located wholly in an Area of Change. The applicant's policy-based analysis (see response to Criterion A) demonstrates that the request would further a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning.

- D. Criterion D: The applicant compared the existing MX-H zoning to the proposed MX-M zoning. Uses that would become permissive under the MX-M zone, which are not currently allowed, are Group home (small), Park-and-Ride-Lot, and Paid Parking Lot.
- The new zoning would not allow any new, harmful uses. The surrounding properties are also zoned MX-M, and share the same allowable uses (see page 18). Therefore, the new permissive uses would not be harmful to the adjacent properties, the neighborhood, or the community.
- E. Criterion E: The subject site is an infill site that is adequately served by existing infrastructure (requirement 1) and that it is part of an established area. Any improvements required by the IDO or DPM will be fulfilled by the developer (requirement 3) and will ensure adequate capacity.
- F. Criterion F: Carlisle Blvd NE is a Minor Arterial and the subject site is located along it. Though this location and designation as a Major Transit Corridor factors in to the applicant's policy analysis (see response to Criterion A) it is not based completely upon it. Rather, the request would facilitate the replat, and redevelopment of the subject site.
- G. Criterion G: Economic considerations are always a factor, but the applicant's justification is not completely or predominately based upon them. Rather, the applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.
- H. Criterion H: The request would not result in a spot zone because it would apply a zone that is the same as the zoning for properties to the north, east, and west of the subject site.
14. 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 them. Based on this demonstration, the proposed zone category would generally be more advantageous to the community than the current zoning.
15. The affected neighborhood organizations are the District 7 Coalition of Neighborhood Associations, and the MidTown A&E Merchant Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
16. As of this writing, Staff has not received any comments in support or opposition to the request.

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: Rhino Investments LLC/GGD Oakdale LLC, Andres.Villacres@maverik.com
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