

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

September 13, 2018

Sidney Mallard
2169 Ryan Pl. NW
ABQ, NM 87107

Project# 2018-001426 (1007602)
RZ-2018-00025 – Zone Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Lot 20, Balling Addition #1, zoned R-T to MX-L, located at 1301 Mountain Rd. NW, between 12th St. NW and 14th St. NW, containing approximately 0.25 acres. (J-13)

Staff Planner: Cheryl Somerfeldt

PO Box 1293

Albuquerque
On September 13, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 2018-001426, RZ-2018-00025, a Zone Map Amendment (Zone Change), based on the following Findings:

FINDINGS:

NM 87103

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1. This is a request for a Zone Map Amendment (Zone Change) for Lot 20, Balling Addition #1 located at 1301 Mountain Rd. NW, on the north side of Mountain Rd. NW between 12th Street NW and 14th Street NW, and containing approximately 0.25 acres.
2. The request is to change the zone from the existing R-T, Residential - Townhouse Zone District to the proposed MX-L, Mixed Use - Low Intensity Zone District in order to permit neighborhood commercial uses and a restaurant on the subject site.
3. Prior to the effective date of the IDO on May 17, 2018, the subject site was zoned S-MRN (Sawmill – Mountain Road Neighborhood Zone) pursuant to the Sawmill/Wells Park Sector Development Plan which permitted commercial uses provided “at least 50% of the total acreage of lots contiguous to Mountain Road on the city block of the property already occupied by legal nonresidential uses.”
4. Upon effectiveness of the IDO, the zoning for the vacant subject site was converted to the R-T - Residential Townhouse zone. The existing R-T zone does not permit commercial uses or a restaurant as intended by the request for the request for the MX-L zone.

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5. The subject site falls within the mapped are of the Sawmill/Wells Park Character Protection Overlay, CPÖ-11 (IDO Section 14-16-3-4(L)), developed from the historic Sawmill/Wells Park Sector Development Plan, which regulates required design standards on Mountain Road NW for the requested MX-L zone.
6. The subject site is within the boundaries of the Sawmill/Wells Park Metropolitan Redevelopment Area (MRA) Plan boundary and is consistent with the general goals of this MRA Plan as well as the goals for the Mountain Road subarea within the MRA Plan.
7. The Albuquerque/Bernalillo County Comprehensive Plan, the Sawmill/Wells Park Metropolitan Redevelopment Plan, and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
8. The subject site is within an Area of Change as designated by the Comprehensive Plan and the request is in general compliance with its following applicable goals and policies:
 - a) The request furthers Policy 4.1.1, Distinct Communities and Policy 4.1.2, Identity and Design, because the subject site is a small scale property that will enhance, protect, and preserve the small-scale fabric of the distinct Sawmill/Wells Park community. This will ensure the appropriate scale, character and building design, as well as a mix of small scale commercial and residential uses along the historic Mountain Road NW, presently a Major Collector.
 - b) The request furthers Policy 4.1.4, Neighborhoods, because it intends to enhance and protect the traditionally mixed-use Sawmill/Wells Park community in order to preserve the neighborhood's long term health and economic vitality.
 - c) The request furthers Policy 4.2.2 because the applicant engaged the community through neighborhood association meetings, and found that the community had no objection to the request. The previous user of the subject site, the director of the Escuela preschool, also supports the request. The Sawmill/Wells Park Metropolitan Redevelopment Area Plan incorporated extensive public involvement, and the determination was to recommend locally-owned neighborhood scale commercial for the subject site.
 - d) The request furthers Policy 5.1.11, Multi-Modal Corridors, because it will contribute toward balancing the competing needs of multiple modes of travel by being located on a bicycle route and offering bicycle racks along with pedestrian amenities such as sidewalks and a shorter 15-foot maximum front setback as required by the IDO Sawmill/Wells Park Character Protection Overlay CPO-11. The property will also offer on-site parking for vehicular travel. By offering mixed-uses on a street with multi-modes of travel, Major Transit Corridors such as Lomas Boulevard NW to the south are safer due to separation of types of travel.
 - e) The request furthers Policy 5.2.1 a, b, and c, Land Uses, because it will add to the mix of uses in a historically mixed-use community, and offer options for easily accessible living, working, and shopping by incorporating the requested MX-L zoned site into the R-T existing block fabric. The subject site is within walking and biking distance from the majority of the Sawmill/Wells Park community as well as the Downtown Neighborhoods, and the MX-L zone will promote the provision of goods, services, and amenities. The requested MX-L zone will encourage choice in transportation, work areas, and lifestyles because all modes of transportation will be available, and the MX-L zone will add a small amount of local

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employment to the area. The distinct character of the Sawmill/Wells Park community will be maintained through the small scale and mixed-uses. In addition, the Sawmill/Wells Park Character Protection Overlay (IDO CPO-11) provides design and use-specific standards that are consistent with long-established Sawmill/Wells Park community patterns.

- f) The request furthers Policy 5.3.1, Infill, because the subject site is a long vacant underutilized site, and a mixed-use zone will promote a pattern that maximizes existing infrastructure and public facilities along Mountain Road NW for the efficient use of land and the public good.
- g) The request furthers Policy 5.6.2, Area of Change, because the subject site is located in an Area of Change and a Metropolitan Redevelopment Area, and the request will promote growth, change, and more intense development.
- h) The request furthers Policy 6.2.3, Pedestrian & Bicycle Connectivity, and Policy 6.2.4, Pedestrian Network, because the Mountain Road NW corridor offers pedestrian features such as sidewalks and higher densities, and bicycle features such as low traffic speeds all within the vicinity of the downtown neighborhoods.
- i) The request furthers Policy 7.3.3, Placemaking, because the request will strengthen the Sawmill/Wells Park neighborhood with more amenities and uses available mid-block on a Major Collector road near the museum area and Old Town.
- j) The request furthers Policy 7.3.4 and 7.3.4 b, Infill, because the request is within the Sawmill/Wells Park Character Protection Overlay CPO-11, which includes design standards and regulations intended to enhance the built environment to blend in style with the surrounding structures and streetscape in the area. The request is to permit small-scale commercial uses on the subject site adjacent to single-family neighborhoods on an appropriately small property and consistent with the existing development context and character of the Sawmill/Wells Park neighborhood. The CPO standards will promote design consistent with the context and neighborhood character.
- k) The request furthers Policy 8.1.1, Diverse Places, because the requested MX-L zone will permit commercial uses on a small scale lot in a block of the R-T zone, which will therefore provide a range of development intensities, densities, uses, and scales.
- l) The request furthers Policy 8.1.2 and Policy 8.1.2 c, Resilient Economy, because it encourages economic development on a long vacant site in a prime location that will contribute toward a resilient and diverse economy for new and current residents as well as visitors. The requested MX-L which will permit commercial uses on the subject site will prioritize local job creation, employer recruitment, and support the hiring of local residents in the surrounding neighborhoods.
- m) The request furthers Policy 8.2.1, Local Business, and Policy 8.2.2, Diverse Talent, because the requested MX-L zone will permit commercial uses, which will emphasize local business development for the property owner who is a developing entrepreneur.

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- n) The request furthers Policy 11.5.1, Arts Promotion, because the MX-L zone will permit the property owner to expand her retail art business, which will in turn coordinate and promotes the arts and contribute to the Sawmill/Wells Park distinct community as shown by supportive neighborhood comments. In addition, the subject site is near the museum area and Old Town, which will in turn permit the provision of additional commercial services to people visiting those artistic areas and cultural amenities.
9. Pursuant to section 14-16-6-7(F)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria".
- a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City including the Sawmill/Wells Park Area Metropolitan Redevelopment Area Plan (MRA Plan) as shown in the sections above.
- b) This criteria is non-applicable because the proposed amendment is located wholly in an Area of Change as shown in the ABC Comp Plan as amended and further described in Section C below.
- c) The proposed amendment is located wholly in an Area of Change, and the applicant has demonstrated that the existing R-T zoning is inappropriate because the MX-L zone district would be more advantageous to the community as articulated by the ABC Comp Plan (in land use, density, and connectivity) as well as by the applicable Sawmill Wells Park Metropolitan Redevelopment Area Plan. The applicant has sufficiently demonstrated through policy analysis in section A that the requested zone would be more advantageous to the community because it would provide neighborhood commercial services on an infill site in a historically mixed-use area.
- d) The requested MX-L (Mixed-Use-Low Intensity Zone District) includes an expanded list of uses over the existing R-T, Residential-Townhouse zone District (as shown above). The applicant intends to develop commercial retail shops and potentially a coffee shop/restaurant in the proposed MX-L zone, which are not permitted in the existing R-T zone. Since this zone change request is for the straight MX-L zone, all permissive uses must be considered for harmfulness to the adjacent property, neighborhood, or community.
- The Sawmill/Wells Park Character Protection Overlay CPO-11 in the IDO Use Specific Regulations prohibits automobile-related uses such as Car Wash, Light Vehicle Repair, and Drive-throughs, which could be considered potentially harmful, in the MX-L zone.
- e) The request meets criteria 1 since the City's existing infrastructure and public improvements, street, trail, and sidewalk systems have adequate capacity to serve the development made possible by the requested change of zone from R-T to MX-L. The subject site is located on Mountain Road NW which is a historic route that holds two way vehicular traffic, pedestrian sidewalks, and an existing bicycle route as part of the 50-Mile Activity Loop. Mountain Road NW is a long-established City street with utility infrastructures necessary for commercial development.

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- f) Although the subject site is located on Mountain Road NW, it is not completely based on the property's location on a major street, since the request furthers a preponderance of Comprehensive Plan policies regarding infill and the need for neighborhood commercial uses in the Sawmill/Wells Park Metropolitan Redevelopment Area.**
- g) Although all development projects have economic considerations, the applicant's justification is not based completely or predominantly on the cost of land, and the change will be a benefit to the surrounding community.**
- h) The requested zone change will apply a zone district different from surrounding zone districts to one small parcel creating a spot zone; however, the change will clearly facilitate implementation of the ABC Comp Plan. The applicant has also justified the request using Criteria 1 and Criteria 2.**

Criteria 1: the applicant justifies the proposed spot zone by stating that the subject site can function as a transition between adjacent zone districts because it is on Mountain Road NW which is the southern edge of the Sawmill neighborhood between the residential zone to the north and the increasingly commercial and mixed-use zones on Mountain Road NW, more closely meeting the intent of the Comprehensive Plan toward mixed-use neighborhoods, and the Sawmill/Wells Park MRA Plan. The requested zone will better correspond to the existing pattern evident throughout most of the Mountain Road corridor.

Criteria 2: the applicant stated that the subject site is not suitable for the uses allowed in any adjacent zone district due to the existing traffic on Mountain Road NW (especially as it approaches the museum area), which is not conducive to residential development as expected by the existing and surrounding zones. The vacant subject site is less suitable for the R-T zone that does not benefit from higher levels of traffic patterns and is inherently more suitable as MX-L that will benefit from existing traffic patterns and be more beneficial to the neighborhood as a buffer/transition for the residential area to the north.

- 10. The applicant contacted the Sawmill Area Neighborhood Association, the Downtown Neighborhoods Association, and the Sawmill Community Land Trust as well as property owners within 155-feet of the subject site, as required. The agent and applicant attended neighborhood meetings with the Sawmill Area Neighborhood Association (SANA) and the Downtown Neighborhood Association (DNA). The Sawmill Community Land Trust (SCLT) has provided a letter waiving the need to meet.**
- 11. The previous user of the subject site, the director of the Escuela preschool, submitted a letter in support of the request.**
- 12. Staff has not received any additional comments in support or opposition to the request.**

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APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 28, 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 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,


David S. Campbell
Planning Director

DSC/CS

cc: Sidney Mallard, 2169 Ryan Pl. NW, ABQ, NM
Ricardo Guillermo, Architect, 1108 11th St. NW, ABQ, NM 87104
David McCain, DNA, 1424 ½ Lomas Blvd. NW, ABQ, NM 87104
Holly Siebert, DNA, 408 11th St. NW, ABQ, NM 87102
Julie Henss, Sawmill Area NA, 1724 Band Saw Pl., NW, ABQ, NM 87104
Rachael Matier, Sawmill Area NA, 1024 22nd St NW., ABQ, NM 87104
Nancy Deskin, Sawmill Community Land Trust, 990 18th St NW, 2nd Floor, ABQ, NM 87104
Mike Garcia, 1304 Claire Ct. NW, ABQ, NM 87104
Kevin Morrow kmorrow@cabq.gov
Kathy Berglund kberglund@cabq.gov