

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 12, 2019

Prime Properties LLC
6801 Jefferson NE, Suite 300
ABQ, NM 87109

Project #2019-002669
RZ-2019-00045 – Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of GIBSON X MILES AREA TR A LANDS OF HUGH B WOODWARD CONT 0.65969 AC PLAT F and ELY POR OF TR D OF GIBSON & MILES AREA-LAND OF HUGH B WOODWARD CONT 0.239 AC and A TRACT OF LAND SITUATE WITHIN THE TOWN OF ALBUQUERQUE GRANT PROJECTED SECTION 28 AND SECTION 28, TOWNSHIP 10 NORTH, RANGE 3 EAST. NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING ALL OF TRACT A, GIBSON AND MILES AREA, AS THE SAME IS SHOWN AND DESIGNATED ON SAID PLAT, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON MARCH 22, 1965, IN VOLUME D3, FOLIO 110, and A TRACT OF LAND SITUATE WITHIN THE TOWN OF ALBUQUERQUE GRANT, PROJECTED SECTION 28, TOWNSHIP 10 NORTH, RANGE 3 EAST, NEW MEXICO PRINCIPAL MERIDIAN, CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, BEING THE REMAINING PORTION OF TRACT D, GIBSON AND MILES AREA, AS THE SAME IS SHOWN AND DESIGNATED ON SAID PLAT, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO, ON MARCH 22, 1965, IN VOLUME D3, FOLIO 110, zoned R-1B to MX-L, located at 1314 Gibson Blvd. SE, between Mulberry St. SE and Gibson Blvd. SE, containing approximately 0.04 acre. (E-18)

Staff Planner: Linda Rumpf

On September 12, 2019 the Environmental Planning Commission (EPC) voted to APPROVE Project 2019-002669, RZ-2019-00045, a Zone Map Amendment (Zone Change), based on the following findings:

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FINDINGS, ZONING MAP AMENDMENT (ZONE CHANGE)

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1. The request is for a zone map amendment for an approximately 0.1 acres and is part of a larger (0.9 acre) property located near the southeast corner of Gibson Boulevard SE and Mulberry Street SE.
2. The subject site is zoned R-1B (Single-Family Medium Lot). The Applicant is requesting a change from the existing R-1B to MX-L (Mixed-Use Low Intensity) zoning to allow for non-residential uses such as coffee shop on the subject site.
3. The subject site is in an area that the Comprehensive Plan has designated an Area of Consistency. The subject site is approximately 0.1 acres and is part of a larger (0.9 acre) property located near the southeast corner of Gibson Boulevard SE and Mulberry Street SE.
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.
5. The request furthers the following applicable Goal and policies in Comprehensive Plan Chapter 4: Community Identity:
 - 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.

The request furthers Policy 4.1.2 because it will allow for the appropriate type and scale and location of development, mix of uses, and character of building design in utilizing this underutilized space.
6. The request furthers the following, applicable Goal and policies in Comprehensive Plan Chapter 5: Land Use:
 - a. GOAL 5.1 Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.
 - b. POLICY 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

The request furthers Goal 5.1 and related policies by capturing new, small-scale commercial growth in an Area of Consistency near a commuter corridor with access to high-quality transit. Allowing for infill development and redevelopment with a mix of low-intensity uses will promote new opportunities to live, work, and shop in a walkable neighborhood.
 - c. 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 request furthers Policy 5.1.2 because the subject site is located in a

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commuter corridor area, as well as being within an Area of Consistency, so a zone change to a more intense mixed-use zone is appropriate for this location, thus furthering this policy.

- d. **GOAL 5.2 Complete Communities:** Foster communities where residents can live, work, learn, shop, and play together.
- e. **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 furthers Goal 5.2 and related policies by allowing low-intensity uses near the edge of a neighborhood where residents can easily walk to the new proposed commercial use. The request will also provide an opportunity for more productive development on a currently vacant and under-utilized lot next to existing businesses in the MX-L zone.

- f. **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.
- g. **POLICY 5.3.1 Infill Development:** Support additional growth in areas with existing infrastructure and public facilities.

The request furthers Goal 5.3 and related policies because the change will support redevelopment on the site that Support additional growth in areas with existing infrastructure and public facilities.

- h. **POLICY 5.3.2 Leapfrog Development:** Discourage growth in areas without existing infrastructure and public facilities.

The request furthers Policy 5.3.2 because the change will support redevelopment on the site that support additional growth in areas with existing infrastructure and public facilities.

- i. **GOAL 5.7 Implementation Processes:** Employ procedures and processes to effectively and equitably implement the Comp Plan.
- j. **POLICY 5.7.2 Regulatory Alignment:** Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

The request furthers Goal 5.7 and related policies by removing a floating zone line that is currently an impediment on future development. The applicant has shown the site will provide for desired infill development, to effectively and equitably implement the Comp Plan.

- 6. The request further the following, applicable Goal and policies in Comprehensive Plan Chapter 7: Urban Design:

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- a. **GOAL 7.3 Sense of Place:** Reinforce sense of place through context-sensitive design of development and streetscapes.
- b. **POLICY 7.3.4 Infill:** Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The request furthers Goal 7.3 and related policies by allowing new infill development that enhances the built environment and blends in style and building materials with surrounding structures and the streetscape along the Gibson Boulevard commuter corridor.

7. The request furthers the following, applicable Goal and policies in Comprehensive Plan Chapter 8: Economic Development:

- a. **GOAL 8.1 Placemaking:** Create places where business and talent will stay and thrive.
- b. **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 furthers Goal 8.1 and related policies by creating additional opportunities for economic development in the area that furthers social, cultural, and environmental goals.

The request furthers Goal 8.1 and related policies by creating additional opportunities for localized development that will support the hiring of adjacent local residents and college students.

- c. **POLICY 8.1.5 Available Land:** Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

The request furthers Goal 8.1 and related policies by providing local, infill redevelopment in a neighborhood that could benefit from opportunities for economic development that creates more local jobs and supports the hiring of local residents.

8. 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. 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, that the request would be consistent with the City's health, safety, morals and general welfare.

- B. Criterion B: A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation

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of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

- C. Criterion C: the subject site is in an Area of Consistency, not an Area of Change.
 - D. Criterion D: The applicant has demonstrated that the requested MX-L includes permissive uses that allow a variety of neighborhood commercial uses (see applicant's table of uses in the justification letter) that will not be harmful.
 - E. Criterion E: The applicant refers to sub-criterion 1, that the subject site has adequate infrastructure capacity to serve development that the request would make possible.
 - F. Criterion F: The subject site's location is on Mulberry and is classified as a local road. The justification is based on the request furthering a preponderance of applicable Comprehensive Plan policies as demonstrated in the response to Criterion A.
 - 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 result in removing a spot zone. Criterion H is not applicable.
9. The applicant sent the required notifications to both the Kirtland Community and Clayton Heights Lomas del Cielo Neighborhood Associations (NA) for the subject site. In addition to sending out notifications, both Consensus Planning and the applicant, Prime Properties, met with the Kirtland Community NA Board on July 16, 2019 to provide information related to both the Zone Map Amendment and the Conditional Use requests. A summary of the meeting minutes is included with this application. Property owner letters were mailed on July 25, 2019 to all the property owners included within a 100' for both the Zone Map Amendment and the Conditional Use applications. As of this writing, Staff has not received any comments. There is no known opposition.
10. The applicant will need to coordinate development on the site with PNM.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 27, 2019**. 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 of the 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 EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation

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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).

Sincerely,


for Brennon Williams
Planning Director

BW/LR

cc: Prime Properties LLC., 6801 Jefferson NE, Suite 300, ABQ, NM 87109
Consensus Planning, INC., 302 Eight St. NW, ABQ, NM 87102
Kirtland Community Association, Elizabeth Aiken, 1524 Alamo Ave. SE, ABQ, NM 87106
Kirtland Community Association, Kimberly Brown, P.O. Box 9731, ABQ, NM 87119
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