

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



OFFICIAL NOTIFICATION OF DECISION

September 10, 2020

Waken LP c/o Zia Management
6121 Indian School Rd. NE
Suite 218
Albuquerque, NM 87110

Project #2020-004195
RZ-2020-00021—Zoning Map Amendment (zone change)

LEGAL DESCRIPTION:

Modulus Architects, Inc., agents for Waken LP c/o Zia Management, Inc., requests a Zoning Map Amendment from MX-L to MX-H for all or a portion of Lots A-G and a portion of Lot M, replat of Tract A Franklin Plaza, together with Lots L-1 N and P, amended replat of Lots K, L, and part of Lot M Franklin Plaza, located at 108 Juan Tabo Blvd. NE, at the northeast corner of the Central Ave. NE/Juan Tabo Blvd. NE intersection, approximately 11 acres (L-22-Z)
Staff Planner: Catalina Lehner

On September 10, 2020, the Environmental Planning Commission (EPC) voted to Approve Project # 2020-004195/ RZ-2020-00021, a Zoning Map Amendment (zone change) based on the following Findings:

FINDINGS:

1. The request is for a zoning map amendment (zone change) for an approximately 11 acre site legally described as Lots A-G and a portion of Lot M, replat of Tract A Franklin Plaza, together with Lots L-1 N and P, amended replat of Lots K, L, and part of Lot M Franklin Plaza (the "subject site"). The subject site comprises the northeastern corner of the intersection of Juan Tabo Blvd. NE and Central Ave. NE (108 Juan Tabo Blvd. NE).
2. The subject site is commonly known as the Franklin Plaza shopping center, which is now mostly boarded-up. Buildings include a vacant large-box retail space on the eastern side, smaller strip retail on the northern side, a large parking lot, and an existing fast-food retailer on the western side. The approximately 0.9 acre lot on the SE corner of Juan Tabo Blvd. NE and Skyline Rd. NE contains a bank and is not included in the request.
3. The subject site is zoned MX-L (Mixed-Use Low Intensity Zone). The applicant is requesting a zone change to MX-H (Mixed Use-High Intensity Zone) to facilitate re-development of the subject site with a variety of uses.

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4. The subject site would have qualified for the voluntary zoning conversion process established via Resolution 18-29 (Enactment No. R-018-019). Upon adoption of the Integrated Development Ordinance (IDO), the vacant large-box building became a non-conforming use because the MX-L zone does not allow retail buildings larger than 10,000 sf in size. However, the zoning conversion process was finalized last year and is no longer available.
5. The subject site is in an area that the Comprehensive Plan designated an Area of Change, but is not in a currently designated Activity Center. The subject site is within the boundaries of the East Gateway Metropolitan Redevelopment Area (MRA) Plan.
6. The subject site was rezoned SU-2/EG-NAC, East Gateway Neighborhood Activity Center zone, upon adoption of the East Gateway Sector Development Plan (EGSDP) in October 2010. Permissive uses mostly corresponded to the C-1 Neighborhood Commercial zone, with exceptions, and included townhouses, apartments, and live-work. Upon adoption of the Integrated Development Ordinance (IDO) in May 2018, the subject site's zoning converted to MX-L pursuant to the City Council's zoning conversion rules. The MX-L zone was the closest approximation to SU-2/EG-CAC.
7. Central Ave. NE is a designated Premium Transit Corridor all the way to Tramway Blvd., and a Major Transit Corridor. The Premium Transit designation acts as an overlay on other corridor designations. However, until there are active Premium Transit stops, the underlying designation of Major Transit Corridor is used. Juan Tabo Blvd. NE is a designated Multi-Modal Corridor.
8. The Albuquerque/Bernalillo County Comprehensive Plan, the East Gateway Metropolitan Redevelopment Area Plan, and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
9. The request furthers the following, applicable Comprehensive Plan policies from the Chapter 4-Community Identity:

- A. Policy 4.1.1-Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

The community in the vicinity of the subject site is distinct because it is a designated Metropolitan Redevelopment Area (MRA) in the East Gateway area of the City and, as such, is prime for the redevelopment and reinvestment that the request would facilitate. Future development of a mixture of uses would be consistent with the community character of having a variety of land uses.

- B. 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 would facilitate future development on the subject site under the MX-H zone, which 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, character of building design, and that the cohesiveness of the

neighborhood to the east is not adversely affected. The mix of uses is unspecified at this time, but any use would be subject to the aforementioned requirements.

10. The request furthers the following Goals and policies from Chapter 5: Land Use, pertaining to Development Areas:

- 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 request would direct more intense growth and development of uses allowed in the MX-H (Mixed-Use High Intensity) zone to an Area of Change at the intersection of two designated corridors: Juan Tabo Blvd. NE is a Multi-Modal Corridor and Central Ave. NE is a Major Transit Corridor with a Premium Transit designation overlay, to be activated in the future.

- B. 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. The request generally furthers Goal 5.6-City Development Areas.

- C. 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 serve to direct growth and more intense development to an Area of Change, at the convergence of two designated transit corridors, Juan Tabo Blvd. and Central Ave., in the East Gateway Metropolitan Redevelopment Area.

- D. Sub-Policy 5.6.2(b): Encourage development that expands employment opportunities.

Redevelopment of the subject site, facilitated by the request, would generally create and expand employment opportunities in the area.

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

- A. Policy 5.1.8- Premium Transit Corridors: Foster corridors that prioritize high-capacity, high-frequency transit service, with mixed-use, transit-oriented development within walking distance of transit stations.

The Comprehensive Plan designates Central Ave. NE as a Premium Transit Corridor all the way to Tramway Blvd. However, until Premium Transit stations (see IDO definition) are installed, the Premium Transit overlay designation cannot be used for policy analysis. However, in general, redevelopment of the subject site with mixed uses would foster further development of the Central Avenue Corridor and support the Premium Transit designation.

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

The request would facilitate development of uses permissive in the MX-H zone. More intense uses (especially multi-family residential) are generally desirable along Major Transit Corridors because they would help activate the corridor with more people using transit and walking. The MX-L zone and the MX-M zone allow the same residential uses permissively: townhouse, live-work, and multi-family. Though a zone change is not needed to achieve this, redevelopment of the subject site with more mixed-uses and at a higher intensity than previously allowed would generally foster development of the corridor and support transit service.

12. The request furthers the following Goal and policies in Chapter 5-Land use, with respect to complete communities.

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

The request would facilitate redevelopment of the subject site, which would provide additional opportunities for area residents to live, work, shop, and perhaps learn and play, together, and would generally foster such a community.

- 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 request would generally contribute to creating a healthy and sustainable community because it would facilitate development of a mix of uses that would be conveniently accessible from surrounding neighborhoods via designated Transit corridors, which would encourage transit use, walking, and biking. Redevelopment near the City's eastern gateway would contribute to the distinct character of this community.

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

The request would facilitate redevelopment and development on the subject site, which is adjacent to an established neighborhood. Any new goods, services, and amenities would be within walking and biking distance of this neighborhood and of nearby neighborhoods. The subject site's location at an intersection of two designated arterials that are also transit corridors promotes good access by vehicles and transit.

13. The request furthers the following Goal and policy pair in Chapter 5-Land use, regarding infill development:

- 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 subject site is already served by existing infrastructure and public facilities, so the redevelopment made possible by the request would generally promote efficient development patterns and use of land.

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

The subject site is located in an infill area already served by existing infrastructure and public facilities; the request would support additional growth in this established area.

14. The request furthers the following, applicable Goal and policies from Chapter 8- Economic Development:

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

The request would facilitate redevelopment that would foster placemaking in this east gateway location, which would generally contribute to creating places where businesses and talent would stay and thrive.

- 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.

Redevelopment of the subject site would generally foster a range of interesting places and contexts in the East Gateway area and would potentially encourage additional economic development opportunities. The MX-H zone allows a wide variety of uses, making it more likely that different intensities, densities, and building scales would result.

- 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 enable redevelopment of the subject site with a wider range of mixed uses than currently allowed, which would generally foster a robust, resilient, and diverse economy with a variety of uses and opportunities. The request would also encourage economic development efforts that would improve quality of life for area residents by offering good, services, and possibly living options.

15. 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: 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's policy-based response demonstrates that the request furthers a preponderance of applicable Goals and policies regarding distinct communities, transit corridors, redevelopment and infill, Areas of Change, and economic diversity. Therefore, the request is consistent with the City's health, safety, morals and general welfare.

- B. Criterion B: This criterion does not apply because the subject site is not located in an Area of Consistency, either wholly or in part.
 - 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 adequately compared the existing MX-L zoning and the proposed MX-H zoning. Prohibited uses that would become permissive under the MX-H zone are hospital, catering service, nightclub, personal and business services-large, and adult retail. The applicant also provided a detailed discussion of some common uses that could potentially be considered harmful: nightclub, liquor retail, light vehicle fueling station, and taproom, and explained that the IDO's Use-Specific standards and State laws would adequately regulate these uses and mitigate any potential harm to surrounding properties, the neighborhood, or the community.
 - E. Criterion E: The subject site is adequately served by existing infrastructure (requirement 1) and acknowledges that the applicant would make any improvements deemed necessary through the Infrastructure Agreement process (requirement 3).
 - F. Criterion F: The subject site's location at the intersection of designated Multi-Modal and Major Transit/Premium Transit corridors provides rationale for the proposed MX-H zoning. However, this is not the primary reason for the request. Rather, this rationale is tied to the policy analysis, which shows that the request furthers a preponderance of applicable Goals and policies regarding complete communities, development patterns, redevelopment, Corridors, and economic development.
 - G. Criterion G: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them or upon the cost of land. The applicant already owns the subject site. Rather, the applicant has 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 not apply a zone different from surrounding zone districts. MX-H zoning exists in the immediate area to the west, southwest, and southeast.
16. 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.
17. The request is consistent with the purpose of the East Gateway Metropolitan Redevelopment Area Plan (EGMRA) plan because it would facilitate redevelopment of underutilized parcels that would result in a greater variety of businesses and services available in the area.
18. The affected neighborhood organizations are the Singing Arrow Neighborhood Association (NA), the Sandia Vista NA, and the East Gateway Coalition, which were notified as required. Property

owners within 100 feet of the subject site were also notified as required. As of this writing, Staff has not received any correspondence or phone calls.

19. A pre-application neighborhood meeting was held on June 9, 2020 with members of the Singing Arrow NA. The neighbors generally support redevelopment of the subject site.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **September 25, 2020**. 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 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 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/CL

cc: East Gateway Coalition, James Andrews, jamesw.andrews01@gmail.com
East Gateway Coalition, Michael Brasher, brasher@aps.edu
Singing Arrow NA, Judy Young, youngjudy@ymail.com
Singing Arrow NA, abqsana@gmail.com
Sandia Vista NA, Brenda Gebler, Happygranny8@q.com
Sandia Vista NA, Lucia Muñoz, lulumu1213@gmail.com