

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

September 15, 2022

Todd Megrath, President
Mack ABQ 1, LLC
10540 Cheyenne Ave.
Las Vegas, NV 89109

Project # PR-2019-003120
RZ-2022-00039 – Zoning Map Amendment (Zone Change)
SI-2022-01513- Site Plan-EPC

LEGAL DESCRIPTION:

Consensus Planning, agent for Todd Megrath/Mack ABQ I, LLC, requests a zoning map amendment from MX-T to PD and an associated Site Plan-EPC, for all or a portion of Tract A-1, Plat of Tracts A-1 through A-6 Unser & Sage Marketplace (being a Replat of Tract A Unit 1-B, Lands of Albuquerque South), located on Sage Rd. SW, between Unser Blvd. SW and Secret Valley Dr. SW, approximately 5.0 acres (M-10)
Staff Planner: Sergio Lozoya

On September 15, 2022, the Environmental Planning Commission (EPC) voted to DENY Project # PR-2019-003120, RZ-2022-00039 – Zoning Map Amendment (Zone Change), based on the following Findings:

1. The request is for a zoning map amendment (zone change) and an associated, required Site Plan - EPC for an approximately 5.0-acre site legally described as Tract A-1, Plat of Tracts A-1 Thru A-6 Unser & Sage Marketplace, (being a replat of Tract A Unit 1-B Lands of Albuquerque South), and comprising a portion of land between Unser Blvd SW and Secret Valley Dr SW, along Sage Rd SW (the “subject site”).
2. The subject site is zoned MX-T (Mixed Use-Transition Zone District). The applicant is requesting a zone change to PD (Planned Development), which requires an associated Site Plan – EPC, to facilitate future development of a self-storage, and light vehicle rental facility.
3. Pursuant to 2-6(A)(3) Eligibility for Rezoning to PD, the proposed PD zone and the associated proposed Site Plan – EPC are interdependent.
4. The subject site is in an Area of Consistency, and is along a Commuter Corridor as designated in the Comprehensive Plan. The subject site is not located within any designated Activity Center.

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5. The request does not meet the requirements for eligibility for rezoning to PD pursuant to the Integrated development Ordinance Section 14-16-2-6(A)(3) as follows:
 - A. Requirement A: The subject site contains approximately 5-acres and meets the minimum size requirement.
 - B. Requirement B: The applicant has submitted a Site Plan – EPC to be reviewed in conjunction with the Zoning Map Amendment Request.
 - C. Requirement C: The request for self-storage and light vehicle sales and rental could be substantially completed in the same form through the use of several other zone districts. Light Vehicle Rental is conditionally permissive in the MX-L zone district, and is permissive in the MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM zone districts. Self-storage is conditionally permissive in the MX-L and MX-M zone districts, and is permissive in the MXH, NR-C, NR-BP, NR-LM, and NR-GM zone districts. Light Vehicle Rental and Self-storage are both permissive in the MX-H, NR-C, NR-BP, NR-LM, and NR-GM zone districts. As proposed, this development would be permissive in NR-C, NR-BP, NR-LM, and NR-GM zone districts. The request does not meet requirement C as it could be substantially in the same form through the use of the above-mentioned zone districts.
6. 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.
7. The request conflicts significantly with the following, applicable Goal and Policies from Chapter 4: Community Identity:
 - A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

The subject site is currently zoned MX-T. The MX-T zone provides a transition between residential neighborhoods and more intense development in the adjacent MX-L zone. The zone change from MX-T to PD would disrupt this transition, remove the buffer, and leave the neighborhood unprotected from intense development that would become permissive in the PD zone district.
 - 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 MX-T zone allows for residential and other less intense uses to be developed in an area with mostly R-1 zoning. This transitional zoning ensures that the appropriate type and scale of land uses are developed, while protecting and enhancing the existing neighborhood. The PD zone is less predictable, and potentially allows all uses. The request could disrupt the established identity, character, and existing uses in the neighborhood and adversely affect its cohesiveness.

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8. The request conflicts significantly with the following, applicable Goal and Policies from Chapter 5: Land Use:

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

The subject site is located near the intersection of Unser Blvd SW and Sage Rd SW. Unser Blvd is designated as a Commuter Corridor, but Commuter Corridors are excluded from the Corridor definitions in the IDO. Unlike other Corridors in the Comprehensive Plan, development along the corridor has the potential to hinder its utility. The subject site is not located within any Centers.

- 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 for the PD zone could allow a development of a wide variety of commercial and industrial uses which are currently not allowed. However, the subject site is within a residential area, is not an ideal location to capture regional growth, and the request could allow uses that would create unsustainable development patterns. A self-storage and light vehicle rental facility do not fit the definition for regional growth.

- C. Sub-policy 5.1.1c: Encourage employment density, compact development, redevelopment and infill Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge. The request would provide an opportunity for infill development on the subject site. However, the zone change to PD would accommodate development in a generally inappropriate in an area outside of a Center or relevant type of Corridor.

- D. 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 could direct more intense commercial uses to the subject site, which is located in an area that is generally zoned R-1. The intense growth would be directed to an Area of Consistency. The current MX-T zone allows for an appropriate transition, and facilitates development that is compatible in density, scale, and intensity in relation to the surrounding area. An approximately 100,000 square foot self-storage facility/light vehicle rental is not permissive in any of the neighboring zones, and only become permissive in the MX-H zone.

9. The request conflicts significantly with 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.

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The existing MX-T zone allows for a mix of uses that allows residents to live, work, learn, shop, and play together. Uses under the MX-T zones are versatile and can provide residential and commercial uses that are compatible with the surrounding area. The PD zone could facilitate development of commercial services, but at the expense of circumventing existing use specific standards and conditional use processes, and could be detrimental to the existing neighborhood. The uses that are proposed become permissive in the MX-H zone, however, the use specific standards prohibit outdoor accessible self-storage in the MX-L, MX-M, MXH, and MX-FB zone districts. A development of this nature is characteristic of development that would happen in the NR-C zone.

- 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 not contribute to creating a healthy and sustainable community because it would facilitate development of intense commercial uses that would be incompatible with the surrounding neighborhood. The requested zone change is not within any Center, and is located within an Area of Consistency where policies limit new development to an intensity and scale consistent with the neighborhood. An approximately 100,000 square foot outdoor self-storage/light vehicle rental is well suited for a subject property zoned NR-C, which is highly incompatible with the area.

- C. Sub policy 5.2.1(h): Encourage infill development that adds complementary uses.

The request would facilitate development on the subject site, adjacent to an established neighborhood. Any new goods, and services would be within walking and biking distance of this neighborhood and of nearby neighborhoods. Unser Blvd's status as a designated regional arterial promotes good access by vehicles. Though, there is potential for incompatible uses that are not complimentary to the surrounding development.

- D. Sub policy 5.2.1(k): Discourage zone changes to detached single-family residential uses on the West Side.

The zone change request to PD could allow single-family dwellings permissively, therefore the request encourages a zone change that could allow detached single-family residential uses on the Westside.

- E. Sub policy 5.2.1(n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The zone change to PD would encourage the development of an under-utilized lot, which has been vacant for several years, however, the request as presented is characterized by uses allowed in the NR-C zone district. The request does not further Sub-policy 5.2.1 (n).

10. The request conflicts significantly with the following Goal and Policies regarding city development areas in chapter 5-Land Use.

Goal 5.3-Efficient Development Patterns: Promote development patterns that maximize the

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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 future development could generally promote efficient development patterns and use of land. However, the proposed site plan and the proposed uses for the requested PD zone are characterized in intensity that matches the NR-C zone.

11. The request conflicts significantly with the following Goal and Policies regarding city development areas in chapter 5-Land Use:

- 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 Consistency and is currently zoned MX-T, which acts as a transition from MX-L to the north to R-1B to the south, and ensures that development would reinforce the character and intensity of the surrounding area. The request for an PD zone would facilitate higher intensity development. As presented, the proposed uses become permissive in the NR-C zone, and do not reinforce the character of the surrounding area.

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

The request would direct more intense development outside of any designated Center, and to an area of Consistency, which is the opposite of the intent expressed in the Comprehensive Plan.

- C. Policy 5.6.3 – 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 existing single-family neighborhood and outside of Centers designated by the Comprehensive Plan. Development in Areas of Consistency is intended to be compatible with the existing scale and character of surrounding neighborhoods. The PD zone and proposed uses are incompatible with the existing residences and surrounding neighborhoods.

12. The request does not meet the Site Plan – EPC Review and Decision Criteria in IDO Section 14- 16-6-6(J)(3) as follows:

- A. 14-16-6-6(J)(3)(a) As demonstrated in the policy analysis above, the request is not consistent with applicable Comprehensive Plan goals and policies.

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- B. 14-16-6-6(J)(3)(b) The subject site does not have a Site Plan established. This request (should it be approved) will establish the governing Site Plan.
 - C. 14-16-6-6(J)(3)(c) With the application of conditions of approval, the site plan will comply with all applicable provisions of the IDO, though the EPC would have to overlook applicable use-specific standard pursuant to IDO Subsection 14-16-4-3(D)(29) for self-storage for this requirement to be met. The request will need to be reviewed by the Development Review Board (DRB) to ensure compliance with applicable provisions of the Development Process Manual (DPM). As per the IDO, the EPC will determine whether any deviations from typical development standards are acceptable in this proposed Site Plan.
 - D. 14-16-6-6(J)(3)(d) If approved, the request will be reviewed by the Development Review Board (DRB), which is charged with addressing infrastructure and ensuring that infrastructure such as streets, trails, sidewalks, and drainage systems has sufficient capacity to serve a proposed development.
 - E. 14-16-6-6(J)(3)(e) Future development will be required to comply with the decisions made by two bodies- the EPC and the DRB. The EPCs' conditions of approval will improve compliance with the IDO, which contains regulations to mitigate site plan impacts to surrounding areas. The DRB's conditions will ensure infrastructure is adequately addressed so that a proposed development will not burden the surrounding area.
 - F. 14-16-6-6(J)(3)(f) The subject property is not within an approved Master Development Plan, IDO section 6-6(J)(3)(f) does not apply.
 - G. 14-16-6-6(J)(3)(g) The subject property is not within the Railroad and Spur Area, IDO section 6-6(J)(3)(g) does not apply.
13. The applicant has not 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 Amendment, as follows:
- A. Criterion A: The applicant's policy-based response does not adequately demonstrate that the request furthers a preponderance of applicable Goals and Policies. The request generally furthers some policies regarding Jobs-Housing Balance. However, these policies could be equally furthered by a zone map amendment to a less intense zone than the requested PD zone, and could be achieved with the current zone. The request conflicts with policies regarding Character, Identity and Design, and Areas of Consistency. Therefore, there are significant conflicts and the request does not further a preponderance of applicable Goals and policies.
 - B. Criterion B: Criterion B is a two-part test, which the request does not meet. The applicant has not adequately demonstrated that the proposed zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency. The PD

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zone and requested uses would permit future development that is significantly different from the area's established neighborhood character. The proposed self-storage and light vehicle rental uses would not be permissive as presented in any MX zone, and become permissive in the generally more intense Non-Residential zone districts, and are neither characteristic nor compatible with the surrounding neighborhood. The applicant noted location near a major transit corridor and employment center; however, the subject site is not within the boundaries of either. Therefore, related policies do not apply and do not have bearing on this analysis.

The request does not meet Criterion 3 (more advantageous to the community) because the applicant has not adequately demonstrated that the request clearly reinforces applicable Goals and policies and does not conflict with them. Therefore, a different zone category would not be more advantageous to the community than the current zoning.

- C. Criterion C: The subject site is located wholly in an Area of Consistency. Therefore, criterion C does not apply.
- D. Criterion D: The applicant discusses the proposed development of a self-storage and light vehicle rental, however, the proposed self-storage and relevant use specific standards found in IDO subsection 4-3(D)(29) are not met, specifically the outdoor accessible storage units prohibited in the MX zone districts. An approximately 100,000 square foot storage facility, which overlooks use specific standards is harmful to the surrounding area. Uses in the PD zone are approved by the EPC on a case by case basis.
- E. Criterion E: The request appears to meet the requirement that the City's existing infrastructure and public improvements adequately serve the subject site and have adequate capacity to serve the development made possible by the change of zone (requirement 1).
- F. Criterion F: The applicant uses the subject site's location along designated Regional Principal Arterial, Unser Blvd. SW as rationale for the proposed PD zoning and is weaving this into the justification. However, this rationale is tied to the policy analysis, which does not show that the request furthers a preponderance of applicable Goals and policies.
- G. Criterion G: The cost of land and economic considerations are usually a factor, but in this case the applicant's justification relies on them completely. The applicant directly cites construction costs and market demands as the reasoning behind adding the proposed outdoor accessible self-storage use, which is not permitted in certain MX zones due to the use-specific standards. Development of this type is characteristic of development that is permissive in the NR-C zone.
- H. Criterion H: The request would not create a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone").

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14. The applicant's policy analysis does not adequately demonstrate that the request clearly facilitates applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with it (Criterion A). There are significant conflicts with Goals and policies regarding Land Use, Areas of Consistency, and Areas of Change. Based on this demonstration, the proposed zone category would not be more advantageous to the community than the current zoning.
15. Further, as noted above, Criterion B, D, F and G are not met.
16. The future desired uses, self-storage and light vehicle rental are permissive with a conditional use permit through the ZHE in the MX-L zone district. This step provides protections to the existing neighborhood and allows them to have a say in the development that happens in the neighborhood.
17. The proposed self-storage and relevant use specific standards found in IDO subsection 4-3(D)(29) are not met, specifically the outdoor accessible storage units prohibited in the MX zone districts.
18. This site plan was submitted pursuant to IDO Subsection 14-16-2-6(A)(3), eligibility for rezoning to PD. However, the zone change justification submitted by the applicant is insufficient, and staff is recommending denial of the requested PD zone. The request does not meet the definition of a PD zone and is not justified pursuant to the zone change criteria in IDO Subsection 14-16-6- 7(G)(3). The site plan cannot be approved without the associated approval of the PD zone, therefore staff is also recommending denial for the Site Plan – EPC.
19. The affected neighborhood organizations are the South West Alliance of Neighborhoods, Westside Coalition of Neighborhood Associations, South Valley Coalition of Neighborhood Associations, Stinson Tower NA, and the Westgate Heights NA. They were all required to be notified, which the applicant did. Property owners within 100 feet of the subject site were also notified, as required.
20. As of this writing, Staff has not received any correspondence or phone calls and is unaware of any opposition.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **September 30, 2022**. 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(V) 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

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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,

Catalina Lehner

for Alan M. Varela,
Planning Director

AV/CL

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