



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

April 12, 2018

Todd J. Kruger
Rio Grande Realty &
Investments, LLC
3701 Corrales Rd.
Corrales, NM 87048

Project# 1011513
18EPC-40005 Zone Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for Lots 12, 13 & 14, Tract A, Unit A, North Albuquerque Acres, zoned SU-1 PUD (not to exceed 6 du/ac), to O-1, located on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE, containing approximately 2.8 acres. (D-19) Staff Planner: Catalina Lehner

PO Box 1293

Albuquerque NM 87103
On April 12, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 1011513/18EPC-40005, a Zone Map Amendment (Zone Change), based on the following Findings and Conditions:

FINDINGS:

NM 87103

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1. The request is for a zone map amendment (zone change) for an approximately (\approx) 2.8 acre, vacant site consisting of three lots and located on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE, and south of Paseo del Norte Blvd. NE (the "subject site"). The subject site is zoned SU-1 PUD (Planned Unit Development) (not to exceed 6 du/ac).
2. The applicant is requesting a zone change to the O-1 Office and Institution zone in order to develop a medical office complex. Because the request is to a straight zone (not an SU-1 zone), a site development plan is not required and is not a part of the request.
3. The subject site is in an area that the Comprehensive Plan has designated an Area of Consistency. No area or sector development plans apply.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request furthers the following, applicable Comprehensive Plan Goals:
 - A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities. Though the subject site is not within the boundaries of a sector development plan and is not subject to design standards, it can be considered a distinct community. Known as the

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Countrywide area, it is characterized by a variety of uses (single-family homes, townhomes, and various commercial service uses) like other areas, but the long-established nursing home, the newer multi-story senior living facility, and the large park make it distinct. The request would facilitate the addition of offices that support the distinct uses in the area.

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

The request would generally allow area residents to obtain medical services close to where they live and some jobs would be created. The requested O-1 zone would contribute to the completeness of the community by allowing uses that would promote learning, shopping, and playing together.

- C. 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 request would allow development of a site that is already served by existing infrastructure and public facilities. Doing so is a more efficient use of land in the public interest, in contrast to greenfield development or fringe development.

- D. 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 in an Area of Consistency. The request would facilitate development of an office complex in an area characterized by a variety of uses (commercial services, office, single-family homes, and townhomes). Future development would generally reinforce the character and intensity of development in the surrounding area, and would be generally compatible with existing uses.

6. The request furthers the following, applicable Comprehensive Plan policies:

- A. 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 facilitate the distinct character of the area by providing office uses that support the nearby uses of nursing homes and senior living facilities. The offices would be conveniently located and accessible from these facilities and the surrounding neighborhoods.

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

The request would support additional growth in an area served by existing infrastructure and public facilities.

- 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 in an Area of Consistency and is outside of designated Centers and

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Corridors. The request would generally protect the character of the single-family residential uses and the park nearby. Office uses are generally considered to be compatible with residential uses. Also, the Zoning Code requires additional buffering (walls, landscaping) when adjacent to residential uses and limits height in the O-1 zone to 26 feet (the same as the R-1 zone).

7. The applicant has adequately justified the zone map amendment (zone change) request pursuant to Resolution 270-1980 as follows:
 - A. Section A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Goals and policies (and other plans if applicable) of the Comprehensive Plan and does not significantly conflict with them, which the applicant has done adequately in the response to Section C.
 - B. Section B: The proposed zone change would not adversely affect stability of land use or zoning in the area because the applicant has demonstrated, in the responses to Sections C and D, that the proposed change furthers applicable Goals and policies of the Comprehensive Plan and does not significantly conflict with them. Also, the permissive uses in the O-1 zone would ensure stability and limit negative impacts on nearby residential uses.
 - C. Section C: The applicant has demonstrated that the request does not significantly conflict with applicable Goals and policies of the Comprehensive Plan regarding distinct communities, Areas of Consistency, and efficient development patterns. The policy citations are sufficient and the applicant has shown that the proposed zone change would not be in significant conflict with adopted elements of the Comprehensive Plan.
 - D. Section D: The request for a different zone category would be more advantageous to the community, as articulated in the Comprehensive Plan, because it would facilitate development of a use that is generally compatible with nearby uses and would not adversely affect stability of land use and zoning. The applicant has adequately demonstrated in the response to Section C that the request would further applicable Goals and policies in the Comprehensive Plan and not significantly conflict with them.
 - E. Section E: The request would not be harmful to adjacent property, the neighborhood or the community because the O-1 zone is generally considered to be compatible with residential areas. The applicant discussed all of the permissive uses in the O-1 zone and demonstrated that none of them would be harmful to adjacent property, the neighborhood or the community.
 - F. Section F: The request would not require major or unprogrammed capital expenditures by the City and the subject site is already served by existing infrastructure.
 - G. Section G: Economic considerations are a factor, but they are not the determining factor for the request. The location and proximity to related facilities are the determining factors.
 - H. Section H: Palomas Ave. is not a collector or major street and the applicant is not using location on a collector or major street as justification for the request.

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- I. **Section I:** The request would not result in a spot zone because it would not give a zone different (O-1) from surrounding zoning to one small area, and more than one premises is involved.
 - J. **Section J:** The subject site can be considered a “strip of land along a street”. However, the requested zone is the O-1 Office and Institution zone, which is not a commercial zone and therefore would not result in a strip commercial development.
8. The applicant has adequately justified the zone change pursuant to R270-1980. The response to Section C provides a policy-based explanation that the request would not result in a significant conflict with applicable Goals and policies of the Comprehensive Plan, and supports the reasoning that a different zoning category would be more advantageous to the community (Section D). The remaining sections (A, B, E, F, G, H, I, and J) are sufficiently addressed.
 9. The North Wyoming Neighborhood association (NA), the Countrywood Area NA, and the District 4 Coalition were required to be notified, which the applicant did. Property owners within 100 feet of the subject site were also notified, as required. As of this writing, Staff has received two comments from adjacent property owners. One is opposed based upon concern about traffic, noise, pollution, and hours of the offices. The other is concerned about buffering.
 10. A facilitated meeting was held on February 22, 2018. Participants expressed concerns about traffic generated by the future development, cumulative traffic impacts in the area, the need for landscaping and buffering, the effect on property values, the general appropriateness of a zone change, and the noise and disturbance from construction activities.
 11. Some concerns can be addressed by knowing that the Zoning Code contains requirements regarding landscaping and buffering when a non-residential zone is developed and it abuts a residential zone (see §14-16-3-10(E)(8)). These will apply to the future development. A minimum 10 foot landscape strip with trees capable of reaching a height of at least 25 feet, and spaced at 75% the diameter of the tree at maturity (overlapping on the site plan), and a minimum 6 foot opaque wall, are required.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC’s decision or by **APRIL 27, 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

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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,


for David Campbell
Planning Director

DC/CL

cc: Todd J. Kruger, Rio Grande Realty & Investments, LLC, 3701 Corrales Rd., Corrales, NM 87048
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