



City of Albuquerque  
Planning Department  
Current Planning Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: August 21, 2009

**OFFICIAL NOTIFICATION OF DECISION**

FILE: **Project # 1007866**  
09EPC-40040 AMEND SECTOR  
DEVELOPMENT PLAN MAP

Q.M.D. LLC  
c/o Richard Dobbs  
9445 Coors Blvd. NW  
Albuquerque, NM 87114

LEGAL DESCRIPTION: RDA DESIGN GROUP, agents for QMD LLC, request the above action for all or a portion of lot 1A, RIVERWALK MARKETPLACE zoned SU-1/C-1 USES to SU-1/C-2 USES & located on NM 528 BETWEEN COORS NW & ELLISON NW containing approximately 9.5 acre(s).(A-14) Carol Toffaleti, Staff Planner

On August 20, 2009 the Environmental Planning Commission voted to **APPROVE** Project 1007866 / 09EPC-40040, an amendment to a sector development plan map for lot 1A, RIVERWALK MARKETPLACE zoned SU-1 for C-1 USES to SU-1 for C-2 USES, based on the following Findings and subject to the following Condition:

**FINDINGS:**

1. The request is a sector development plan map amendment from SU-1 for C-1 uses to SU-1 for C-2 uses, for Lot 1A, Riverwalk Marketplace, a site of approximately 9.5 acres located on NM 528 between Coors Blvd. and Ellison Dr. NW.
2. Per the requested zoning, permissive and conditional C-2 uses are allowed permissively and City approval of a full site development plan for building permit is required.
3. An illustrative site development plan accompanies the request. The applicant proposes to convert the existing 87,355 sf retail building on the site into a conference/event center in a first phase of development, and build a 10-story hotel with 157 rooms and a square footage of 103,068 sf in a second phase. The proposed uses are permissive in the requested zone.

4. The applicant submitted a trip generation study dated July 2, 2009, which has been verified by Transportation Development.
5. The subject site is in the Established Urban Area of the Comprehensive Plan and within the boundaries of the West Side Strategic Plan (WSSP) and the Seven Bar Ranch sector development plan. It is located within the Cottonwood Major Activity Center designated in the Comprehensive Plan, with an area of 366 acres, and within the larger Regional Center designated in the WSSP as the Seven Bar Regional Center, that contains approximately 950 acres. The subject site is within an Express Corridor (NM 528) designated in the Comprehensive Plan.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan, the Seven Bar Ranch Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The request is consistent with the following goals and policies of the Comprehensive Plan (CP), West Side Strategic Plan (WSSP) and Seven Bar Ranch Sector Development Plan (SBRSDP):
  - a. The proposed zoning allows a variety of commercial uses and more choice of work areas in the Cottonwood area of the West Side (CP Established Urban Area goal, CP Economic Development goal, Goal 1 of the SBRSDP).
  - b. The location and intensity of development allowed in the proposed zone respects the commercial character of the neighborhood and will not unduly detract from scenic resources visible from the nearest residential areas (CP policy II.B.5d)
  - c. The proposed commercial zone is located to complement residential areas, without directly affecting them through noise, lighting, pollution or traffic, and the nearest lower density housing to the northwest is buffered by transition zones of SU-1 for IP or R-2 uses (CP policies II.B.5.i, II.B.7.f).
  - d. The request could facilitate private, cost-effective redevelopment of a vacant retail building and underused parking area (CP policy II.B.5.p).
  - e. The proposed zoning is appropriate in a Major/Regional Activity Center because it allows higher density development and a wider range of commercial uses that reduce urban sprawl, auto travel needs, vehicle emissions and service costs, and balances jobs with housing (CP Activity Center Goal and policies II.B.7.a, II.C.1.b & II.D.6.g, WSSP Goals 10 & 12, Objectives 1, 6 & 8, policies 3.1 & 3.3).
  - f. The request would allow larger commercial structures on the site, such as the multi-story hotel proposed by the applicant, which are appropriate in the Cottonwood Major Activity Center to provide visual variety while preserving pleasing vistas and solar access (CP policy II.B.7.c.).

- g. The request allows customer, personal and business services, including a hotel and conference event center, that support tourism (CP policy II.D.6.g).
8. The applicant provided an adequate justification for the zone change per R-270-1980 and the change is supported by additional Comprehensive Plan policies:

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The change is consistent with this section and will not place an additional burden on public facilities and infrastructure.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The proposed zoning will not destabilize land use and zoning in the area, because it is similar to the zoning of surrounding commercial and retail properties and the site is located in a designated activity center.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments there, to, including privately developed area plans which have been adopted by the city.

The location of the proposed zone is consistent with goals and policies pertaining to the placement of employment and service uses, because it is in an established commercial hub, adequately served by existing roadways and utilities, and does not intrude on residential neighborhoods (CP policies II.B.5.i & II.B.7.f). The request increases the variety of commercial and employment uses in the Cottonwood area, and supports tourism (CP Established Urban Area goal, CP Economic Development goal & policy II.D.6.d, WSSP p. 152, Goal I of the SBRSDP). The proposed higher density commercial zone and service uses are appropriately sited in the Cottonwood Activity Center, as they enhance the mix of uses in the center, provide facilities for social, cultural, recreational and business-related events, and help reduce auto travel across the river, thereby reducing fuel usage, pollution and traffic (CP Activity Centers goal and policies II.B.7.a & II.B.7.c, CP policies II.B.5.d, II.D.6.g, WSSP policy 3.1). The zone change will facilitate the redevelopment of an existing building and new development (CP policy II.B.5.p, WSSP Goal).

- D. The applicant must demonstrate that the existing zoning is inappropriate because:

1. There was an error when the existing zone map pattern was created; or
2. Changed neighborhood or community conditions justify the change; or
3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The request is justified based on (2) and (3). Conditions in the area have changed. There is no longer a need for a "big box" store in the immediate area: the original retailer opened a larger store nearby and the retailer that was sub-leasing the building vacated the building due to the economic downturn. The proposed zoning is also more advantageous than the existing zoning, because it allows facilities that do not currently exist in the Cottonwood area and a scale of development that is appropriate within the Major/Regional Activity Center. The change supports several applicable elements of City Plans as discussed in section C.

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

Permissive uses of the proposed zone are not considered harmful to adjacent property, the neighborhood or community, because several zones in the surrounding area already include C-2 uses and some also allow heavy commercial and manufacturing uses of the IP zone.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
1. Denied due to lack of capital funds; or
  2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The zone change will not require capital expenditures by the city because all infrastructure is in place.

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

The cost of land or economic considerations are not the determining factor for the change.

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

Location on a major street is not the justification for commercial zoning.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The request is not a spot zone, because all non-residential zones in the Seven Bar Ranch sector development plan area are SU-1 zones. In addition, the surrounding properties zoned SU-1 include C-2 uses in their descriptor. The zone change also helps realize the Comprehensive Plan and plans for the area, as discussed in section C.

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:
1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
  2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The request does not constitute a strip zone.

9. Property-owners within 100' and the West Side Coalition of Neighborhood Associations were notified of the proposal. No comments have been received and there is no known opposition to the request.
10. The EPC has authority to take final action on the zone change per 14-16-4-1 (C)(10), because the site is less than 10 acres and does not constitute a block as defined in 14-16-1-5.
11. The request would amend the official zone map through an amendment to the Seven Bar Ranch sector development plan map, per 14-16-3-4 (A)(4) of the Zoning Code.

**CONDITION:**

1. EPC approval of a site development plan for building permit within 6 months.

**APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY SEPTEMBER 4, 2009 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.**


Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC.

Sincerely,

  
for Richard Dineen  
Planning Director

RD/CT/ma

cc: RDA Design Group, 9445 Coors Blvd. NW, Albuquerque, NM 87114  
Brett Lopez, Westside Coalition of N.A.'s, 4815 Northern Trl. NW, Albuquerque, NM 87120  
Candelaria Patterson, Westside Coalition of N.A.s, 7608 Elderwood NW, Albuquerque, NM 87120