

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

April 11, 2019

Carlisle Associates LP
33 South Service Road
Jericho, NY 11753

Project #2019-002043
RZ-2019-00015 – Zone Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for Tract A, Carlisle and Indian School Subdivision, being a part of blocks 16 & 17 and a part of Blocks 14 & 15, Netherwood Park, Second Filing, excluding portions out to the ROW, zoned MX-L, to MX-M, located on Carlisle Blvd. NE, between Indian School Rd. NE and Interstate 40, containing approximately 11 acres (H-16)

Staff Planner: Catalina Lehner

(DEFERRED FROM MARCH 14, 2019)

PO Box 1293

On April 11, 2019 the Environmental Planning Commission (EPC) voted to APPROVE Project# 2019-002043/RZ-2019-00015, a Zone Map Amendment (Zone Change), based on the following Findings:

FINDINGS:

NM 87103 The request is for a zone map amendment (zone change) for an approximately 11 acre site known as Tract A, Carlisle and Indian School Subdivision, being a part of blocks 16 & 17 and a part of Blocks 14 & 15, Netherwood Park, Second Filing, excluding portions out to the ROW (the "subject site"). The subject site is located on the eastern side of Carlisle Blvd. NE, between Interstate 40 and Indian School Rd. NE and is sometimes referred to as the Old Kmart site.

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2. The subject site is in an area that the Comprehensive Plan designated an Area of Change. Carlisle Blvd. is designated as a Major Transit Corridor.
3. The subject site is zoned MX-L (Mixed-Use Low Intensity Zone). Primary land uses are non-destination retail and commercial uses, townhouses, low-density multi-family residential dwellings, and civic and institutional uses to serve the surrounding area. The applicant is requesting a zone change to MX-M (Mixed Use-Medium Intensity Zone) in order to re-develop the subject site. The purpose of the MX-M zone is to provide a wide array of moderate-intensity retail, commercial, institutional, and moderate-density residential uses.
4. The MX-L zone and the MX-M zone treat general retail and grocery stores differently. In the MX-L zone, only General Retail, Small (up to 10,000 sf) is allowed. In the MX-M zone, General Retail,

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Small and General Retail, Medium (up to 50,000 sf) are allowed permissively. General Retail, Large is a conditional use in the MX-M zone. Other notable differences are: a bar, light vehicle fueling station, and light vehicle sales and rental, mortuary, pawn shop, and transit facility are conditional uses in MX-L, but become permissive uses in MX-M. Hospital, catering service, and nightclub are not allowed in MX-L but are permissive in MX-M. Liquor retail is an accessory use in MX-L and a permissive use in MX-M. A drive-through is a conditional use in MX-L and an accessory use in MX-M.

5. The subject site qualifies for the voluntary zoning conversion process. The existing, approximately 110,350 sf building became a non-conforming use upon adoption of the IDO because the MX-L zone does not allow a building of this size. However, the applicant wants to proceed with the redevelopment project sooner than the anticipated timeframe for Batch 2 of the Phase 2 voluntary zoning conversions.
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 furthers the following, applicable Comprehensive Plan policies:

- 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 would facilitate re-development of the subject site under the MX-M zone in an Area of Change and along a Major Transit Corridor where development is intended, as opposed to in the neighborhoods. Any future site plans would be subject to IDO requirements established specifically to protect the identity and cohesiveness of neighborhoods, which are intended to remain stable: Neighborhood Edges (14-16-5-9), buffer landscaping (14-16-5-6-(E)), mixed-use zone dimensional standards (Table 5-1-2), and building design standards (14-16-4-11). These requirements would help ensure appropriate scale and location of development and character of building design.

- B. 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 subject site is located along a designated Major Transit Corridor, Carlisle Blvd., which is intended to receive more intense growth. The MX-M zone would allow a variety of commercial, service, and residential uses to develop in an Area of Change, which would support and encourage transit usage. The surrounding residential areas (an Area of Consistency) would remain stable be protected by the Neighborhood Edge provisions of the IDO (14-16-5-9), which include screening, buffering, and building height regulations that would help maintain an appropriate density and scale of development in the non-growth area.

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

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The request would facilitate development of uses under the MX-M zone. Though similar to the MX-L zone, the MX-M zone is intended to provide moderate intensity retail uses and medium density residential uses. More intense uses (especially multi-family) are generally desirable along Major Transit Corridors because they would result in more people using transit and walking along the corridor.

8. The request furthers the following, applicable Comprehensive Plan Goal and policy 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 to rezone the subject site to MX-M would allow a greater range of uses than the current zone. The purpose of the MX-M zone is to provide a wide variety of moderate-intensity retail, commercial, institutional, and moderate-density residential uses, which would facilitate re-development of the subject site and help foster sense of community. New commercial, institutional, and moderate-density residential uses could develop on the subject site and help strengthen the community by providing more opportunities where residents can live, work, learn, shop, and play together.

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 facilitate redevelopment of the subject site under the MX-M zone, which allows a variety of commercial, civic, institutional, and residential uses that could add to the mix of uses in this Area of Change. Future uses would generally help contribute to a healthy, sustainable, and distinct community because they would bring additional opportunities (services, jobs, residences) to the area and help contribute to its distinct character. The subject site's location along a Major Transit Corridor would help transit users, pedestrians, bicyclists, and residents from the surrounding neighborhoods to have convenient access to the uses.

9. The request furthers the following, applicable Comprehensive Plan Goal and policies with respect to efficient development patterns:

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 request would promote re-development of the subject site, which is an infill site because it's located in an area of the City that has been developed since approximately the 1950s. Existing infrastructure and public facilities are already in place to serve the subject site; infill development is an efficient use of land that supports the public good because it promotes an efficient development pattern.

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

The request would facilitate redevelopment of the subject site, which is located in an area already served by existing infrastructure and public facilities. The additional growth would be

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considered infill development due to the subject site's location in an established urban area that has been developed since approximately the 1950s.

- C. 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 subject site's location immediately adjacent to the Interstate 40/Carlisle Blvd. interchange gives it visibility and access directly from I-40. This could help future development capture regional growth along the Major Transit Corridor of Carlisle Blvd., which could generally contribute to shaping a sustainable development pattern.

10. The request furthers the following, applicable Comprehensive Plan Goal and policy with respect to City development areas:

- 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 designated an Area of Change and the surrounding, established neighborhoods are designated an Area of Consistency. The request would encourage and direct growth to an Area of Change, as desired by the Comprehensive Plan. Focusing growth in this location would also help direct pressure for development away from the surrounding neighborhoods, which are intended to remain stable in order to reinforce their character and maintain the low-intensity of the surrounding area.

- B. 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 subject site is located in an Area of Change, along a designated Major Transit Corridor, where the Comprehensive Plan intends and encourages change to happen. The request would direct growth and more intense development to the subject site and accommodate it along a Major Transit Corridor, while directing growth away from the surrounding neighborhoods located in an Area of Consistency.

11. The request generally furthers the following, applicable policies from Comprehensive Plan Chapter 8- Economic Development:

- A. 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.

In general, the request could help foster a range of interesting places and contexts in the area. A wider variety of uses could develop under the MX-M zone, which differs from the nearby MX-L zone, and therefore could encourage economic development opportunities with different intensities, densities, and building scales as compared to the existing commercial and single-family residential uses in the area.

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- 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 would encourage and facilitate redevelopment of the subject site, an economic development effort, which would generally contribute to improved quality of life for existing and new area residents. Redeveloping the subject site would clean it up and therefore improve quality of life. A wider variety of commercial, civic, and institutional uses would be possible under the MX-M zone, which would generally contribute to a robust, resilient, and diverse economy.

12. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(3)-Review and Decision Criteria for Zone 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 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: The subject site is located wholly in an Area of Change, so this criterion does not apply.
- C. Criterion C: A different zone district (MX-M) would generally be more advantageous to the community as a whole than the existing zoning (MX-L), which the applicant's policy analysis has shown to be inappropriate, because the request would help implement applicable Goals and policies that call for directing development to Areas of Change and along designated Transit Corridors. The MX-M zone allows Personal Services, Large and General Retail, Medium (General Retail, Large is a conditional use), which the MX-L zone does not. The additional uses allowed by the MX-M zone would help the intended development density and intensity become a reality in such areas.
- D. Criterion D: The requested zone (MX-M) includes a greater variety of non-residential uses than the existing MX-L zone. Permissive residential uses are the same. The zones differ with respect to permissive commercial uses. In MX-L, only General Retail, Small is allowed. In MX-M, General Retail, Small and General Retail, Medium are allowed. General Retail, Large is a conditional use in MX-M.

Other differences between the two zones (mixed-use low intensity and mixed-use medium intensity) are as follows: a bar, light vehicle fueling station, and light vehicle sales and rental, mortuary, pawn shop, and transit facility are conditional uses in the MX-L zone but become permissive uses in the MX-M zone. Hospital, catering service, and nightclub are not allowed in MX-L, but are permissive in MX-M. Liquor retail is an accessory use in MX-L and a permissive use in MX-M. A drive-through is a conditional use in MX-L and an accessory use in MX-M.

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The following uses in the MX-M zone are often considered harmful to adjacent property, the neighborhood, or the community: bar, light vehicle fueling station, light vehicle sales and rental, pawn shop, nightclub, liquor retail, and drive through. As the applicant stated, future development on the subject site would be required to comply with applicable IDO regulations that protect residential areas, such as 5-9: Neighborhood Edges, which requires building height stepdown, screening, and buffering. The single-family homes to the south would be afforded these protections.

Other City ordinances, such as the Noise Ordinance, and State regulations pertaining to alcohol licensing, for example, would also apply to future uses and serve to mitigate the potentially harmful impacts of such uses on the subject site.

- E. Criterion E: Requirements 1 and 4 apply. As an infill site that has been in use until recently, the subject site is served by existing infrastructure and is likely to have adequate capacity to serve development made possible by the request. If not, the applicant would be required to enter into a Development Agreement with the City to ensure that adequate infrastructure capacity will become available.
- F. Criterion F: The applicant's justification is not completely based on the subject site's location on Carlisle Blvd. NE, a Minor Arterial. Rather, the justification is based on the request furthering a preponderance of applicable Comprehensive Plan Goals and 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 based on the cost of land or economic considerations. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies.
- H. Criterion H: The request would result in a spot zone because it would apply a different zone (MX-M) to one premises and none of the properties nearby are zoned MX-M (MX-L, R-1B, and PD). However, as demonstrated by the policy analysis required by Criterion A, the request would clearly facilitate implementation of the Comp Plan and would meet subcriterion 3. The nature of the structure already on the premises, an approximately 100,000 large retail facility, makes the subject site unsuitable for the uses allowed in the adjacent zone districts (MX-L, R-1B, and PD). None of these zones allows General Retail, Large.
Furthermore, the area of the zone change is different from surrounding land because it could function as a transition between adjacent zone districts—the area of MX-L to the south and the area of MX-H zoning to the north (subcriterion 1).

13. The applicant's policy analysis adequately demonstrates that the request furthers a preponderance of 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. The other criteria of Section 6-7(F)(3) are also adequately addressed.

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14. The affected neighborhood organizations are the Summit Park Neighborhood Association (NA), the Altura Addition NA, and the District 7 Coalition, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
15. A pre-application neighborhood meeting, held on January 30, 2019, was attended by representatives from the Altura Addition NA, McKinley NA, Summit Park NA, Altura Park NA, and the District 7 Coalition. Topics included what is allowed under the current and proposed zoning, the existing sign, uses that neighbors consider harmful (ex. alcohol sales, night club, bar, taproom), traffic, square footage of new use(s), landscaping, and project timeline.
16. As of this writing, Staff has received two letters of opposition and one letter of support. The Altura Addition NA and a resident who lives near the subject site are opposed. They support re-development under the MX-L zone, and are concerned that the MX-M zone would allow more intense uses and more harmful uses (such as a nightclub, a taproom, a bar, and retail liquor without a grocery store) adjacent to an established residential area. Increased traffic and the potential for increased crime are also concerns. The individual who supports the request would like the subject site cleaned up and re-developed and is not concerned about traffic. He believes that anchor tenants will not consider the subject site if it is zoned MX-L.
17. The New Mexico Department of Transportation (NMDOT) has the following comment: The 2 driveways that accesses Carlisle Blvd within the NMDOT interchange right of way limits are currently NOT permitted. The property owner must contact Margaret Haynes at Margaret.haynes@state.nm.us or 505-288-2086 to coordinate the submittal of an access permit application for approval and discuss the possibility of offsite improvements to existing infrastructure.
18. The City Traffic Engineer states the following on the TIS (Traffic Impact Study) form: "A new TIS form will be required if this site is redeveloped in the future".

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **APRIL 26, 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 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).

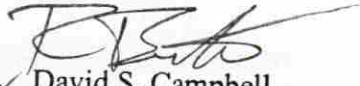
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Sincerely,

For 
David S. Campbell
Planning Director

DSC/CL

- cc: Carlisle Associates LP, 33 South Service Rd, Jericho, NY 11753
Modulus Architects, Inc., 100 Sun Ave. NE, Suite 3305, ABQ, NM 87109
Summit Park NA, Jan Schuetz, 3501 Calle Del Ranchero Dr. NE, ABQ, NM 87016
Summit Park NA, Elisha Allen, 817 Amherst Dr. NE, ABQ, NM 87106
Altura Addition NA, Colin Adams, 1405 Solano Dr. NE, ABQ, NM 87110
Altura Addition NA, Denise Hammer, 1735 Aliso Dr. NE, ABQ, NM 87110
Dist. 7 Coalition of NAs, Lynne Martin, 1531 Espejo NE, ABQ, NM 87112
Dist. 7 Coalition of NAs, David Haughawout, 2824 Chama St. NE, ABQ, NM 87110
John Wright, Altura Addition Board Member, wright.js@gmail.com
Richard Royman, 1822 Solano Dr. NE, ABQ, NM 87110
Kevin Murphy, 2401 Ada Pl., NE, ABQ, NM 87106
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