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SPONSORED BY: Klarissa J. Peña, by request

2 ADOPTING A ZONING MAP AMENDMENT FROM PD TO R-1A FOR
3 APPROXIMATELY 7 ACRES, FROM PD TO MX-T FOR APPORXIMATELY 44
4 ACRES, AND FROM R-1A TO MX-T FOR APPROXIMATELY 22 ACRES ON THE
5 SALAZAR FAMILY TRUST, LOCATED BETWEEN 98th STREET AND UNSER
6 BOULEVARD.

10 **WHEREAS, the subject site is undeveloped, and the applicant intends to**
11 **develop a single-family subdivision; and**

15 WHEREAS, the R-1A (Residential – Single-family) zone district allows
16 primarily low-density residential development, and MX-T (Mixed-use
17 Transition) zone district allows a range of residential development, including
18 single-family detached dwellings, and neighborhood-scale non-residential
19 uses; and

23 WHEREAS, the request would create floating zone lines that would need to
24 be corrected by obtaining a subdivision to plat lot lines that correspond with
25 the zone boundaries via the roadway easements depicted on the May 2024
26 Boundary and Land Title Survey before a zoning certificate will be issued, as

1 required by the Integrated Development Ordinance (IDO) §14-16-6-7(H)(2)(h);
2 and

3 WHEREAS, the subject site is located in the Southwest Mesa Community
4 Planning Area and is entirely in an Area of Consistency as designated by the
5 Comprehensive Plan; and

6 WHEREAS, the zone change will clearly reinforce and strengthen the
7 established character of the area by allowing low-density residential uses
8 consistent with the existing neighborhood to the west and allowing
9 neighborhood-scale non-residential uses along Unser Boulevard that would
10 serve the established development and strengthen the established character
11 of the area; and

12 WHEREAS, the zone change would not allow development that is
13 significantly different from the existing residential character of the area
14 because R-1A allows predominantly single-family development, consistent
15 with the surrounding area, and MX-T allows neighborhood-serving office and
16 commercial uses at a scale and intensity compatible with the residential area;
17 and

18 WHEREAS, the Environmental Planning Commission (EPC), in its advisory
19 role on land use and planning matters, heard the case on November 21, 2024
20 and voted to recommend approval to the City Council; and

21 WHEREAS, EPC recommended Findings #1-15 regarding the Zoning Map
22 Amendment in its Official Decision dated November 21, 2024.

23 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
24 ALBUQUERQUE:

25 SECTION 1. The zoning on the subject site is hereby changed from PD to R-
26 1A for approximately 7 acres, from PD to MX-T for approximately 44-acres, and
27 from R-1A to MX-T for approximately 22 acres as illustrated in Exhibit A and
28 the May 2024 Boundary and Land Title Survey in the EPC case record.

29 SECTION 2. FINDINGS.

30 (A) The request is for a Zoning Map Amendment – Council for the
31 center tract of the Salazar Family Trust between 98th Street and Unser
32 Boulevard for approximately 50 acres. The subject site is legally described as
33 Tract A-1-C Bulk Land Plat Tracts A-1-A, A-1-B, & A-1-C Lands of Salazar

1 Family Trust and Others, Containing 107.1 acres (N-09-Z). The western portion
2 of the site is zoned R-1A, the center portion of the site is zoned PD, and the
3 eastern portion of the site is zoned NR-BP.

4 (B) The applicant is requesting a zone change from PD (Planned
5 Development Zone District) to R-1A (Residential – Single-Family Zone District)
6 for approximately 7 acres to be consistent with the western portion of the
7 property, from PD to MX-T (Mixed-Use Transitional Zone District) for
8 approximately 44 acres, and from R-1A to MX-T for approximately 22 acres, as
9 illustrated in Exhibit A and the May 2024 Boundary and Land Title Survey
10 made part of the record at the hearing on November 21.

11 (C) The request creates floating zone lines to provide a zoning
12 pattern that is consistent with the surrounding area.

13 (D) The subject site is in the Southwest Mesa Community Planning
14 Area as designated by the Comprehensive Plan.

15 (E) The subject site is located entirely in an Area of Consistency. The
16 zone change will clearly reinforce and strengthen the established character of
17 the area because it will allow low-density residential uses that reinforce the
18 established character of the area and neighborhood-serving non-residential
19 uses that could strengthen the established character of the area. The zone
20 change would not allow development that is significantly different than the
21 existing residential character of the area because R-1A allows predominantly
22 single-family development, consistent with the surrounding area, and MX-T
23 allows neighborhood-serving office and commercial uses at a scale and
24 intensity compatible with the residential area.

25 (F) The City of Albuquerque Integrated Development Ordinance (IDO)
26 and Albuquerque/Bernalillo County Comprehensive Plan are incorporated
27 herein by reference and made part of the record for all purposes.

28 (G) The request furthers the following ABC Comprehensive Plan
29 Goal and Policies regarding Community Identity from Chapter 4.

30 (1) GOAL 4.1 CHARACTER: Enhance, protect, and preserve
31 distinct communities.

1 **POLICY 4.1.2 IDENTITY AND DESIGN: Protect the identity and**
2 **cohesiveness of neighborhoods by ensuring the appropriate scale and**
3 **location of development, mix of uses, and character of building design.**

4 The requested zone changes from PD to R-1A and MX-T will further the
5 goal and policy by allowing for development at an appropriate scale and at a
6 location that is adjacent to existing single-family developments at a similar
7 density. The subject property is adjacent to the Unser Boulevard Commuter
8 Corridor, which is access controlled. The surrounding neighborhoods are
9 comprised of single-family housing on small lot sizes, which will be the same
10 character as the future development within the R-1A zone. As the surrounding
11 areas continue to develop, the MX-T zone will ensure there is an appropriate
12 transition between residential uses and more intense commercial uses, which
13 is designated by the NR-BP zone to the southeast. The transition zone will
14 ensure appropriate building design to protect the health and safety of those
15 living in the surrounding residential zones.

16 **(2) POLICY 4.1.4 NEIGHBORHOODS: Enhance, protect, and**
17 **preserve neighborhoods and traditional communities as key to our long-term**
18 **health and vitality.**

19 **(H) The request furthers the following ABC Comprehensive Plan**
20 **Policy 4.3.12 Southwest Mesa CPA from Chapter 4.**

21 **(1) POLICY 4.3.12.4: Support and increase dense and mixed-**
22 **use housing options in Southwest Mesa.**

23 The requested zone changes from PD to R-1A and MX-T will further the
24 policy by allowing new density single-family housing and the opportunity for
25 multi-family housing in this location. Additional single-family housing will
26 provide more housing in Southwest Mesa, and allowing multi-family housing
27 and mixed-use development in the MX-T zone district will increase
28 opportunities for dense and mixed-use housing.

29 **(2) POLICY 4.3.12.4.a: Support housing projects and programs**
30 **that add affordable homeownership opportunities.**

31 The requested zone change furthers this policy because MX-T allows
32 housing that can vary in density and lot size. More housing on smaller lots

1 generally provides lower-cost housing options that are affordable for people
2 living on the West Side.

3 (3) POLICY 4.3.12.5: Support development that promotes the
4 unique identity of Southwest Mesa.

5 The requested zone change furthers this policy by providing additional
6 land zoned for density single-family and multi-family housing that is similar in
7 character to the surrounding neighborhoods while also allowing for limited
8 commercial and office uses where appropriate.

9 (I) The request furthers the following Comprehensive
10 Plan Goals and Policies regarding land use, efficient development patterns,
11 and infill development from Chapter 5: Land Use.

12 (1) GOAL 5.1 CENTERS & CORRIDORS: Grow as a community
13 of strong Centers connected by a multi-modal network of Corridors.

14 POLICY 5.1.1 Desired Growth: Capture regional growth in Centers and
15 Corridors to help shape the built environment into a sustainable development
16 pattern.

17 The proposed MX-T zoning along the Commuter Corridor allows a variety
18 of non-residential uses; therefore, the requested zone change furthers this
19 goal and policy by supporting growth along the Unser Boulevard Commuter
20 Corridor and facilitating a sustainable land use development pattern in this
21 area.

22 (2) GOAL 5.2 COMPLETE COMMUNITIES: Foster communities
23 where residents can live, work, learn, shop, and play together.

24 The requested zone change furthers this goal because the MX-T zone
25 allows neighborhood-oriented office and businesses along with a variety of
26 housing types in a growing area where residents can live, work, learn, shop,
27 and play together. To the north of the subject site there is an existing school
28 and businesses that are easily accessible by Unser Boulevard. To the south
29 and west of the subject site there is existing housing, and east of Unser
30 Boulevard, the remaining part of the Salazar Lands is zoned Non-Residential
31 Business Park (NR-BP), which allows business development in the future. The
32 proposed zoning will create a transition between existing residential
33 neighborhoods to the west and future development in the NR-BP zone east of

1 Unser Boulevard, while fostering a community that can live, work, learn, shop,
2 and play together.

3 (3) POLICY 5.2.1 LAND USES: Create healthy, sustainable, and
4 distinct communities with a mix of uses that are conveniently accessible from
5 surrounding neighborhoods.

6 (4) POLICY 5.2.1.a: Encourage development and
7 redevelopment that brings goods, services, and amenities within walking and
8 biking distance of neighborhoods and promotes good access for all residents.

9 The requested zone change furthers this policy because MX-T allows a mix
10 of office, commercial, and housing development along the Unser Boulevard
11 Commuter Corridor. With development occurring in this area, there will also
12 be infrastructure development and improvements that will provide more
13 connectivity from neighborhoods to businesses and improve the ability to
14 walk and bike in the area by completing sidewalks and roads.

15 The requested zone change partially conflicts with this policy because R-
16 1A and MX-T allow detached single-family residential uses. The requested
17 zone change partially furthers this policy because MX-T allows non-residential
18 uses in addition to residential uses, while R-1A predominantly allows single-
19 family residential uses. While the MX-T zone district does allow detached
20 single-family residential uses, it also allows some non-residential
21 development. The Applicant intends to develop detached single-family
22 dwellings, but future redevelopment could include non-residential uses.

23 (5) POLICY 5.4.1: HOUSING NEAR JOBS: Allow higher-density
24 housing and discourage single-family housing near areas with concentrated
25 employment.

26 The requested zone change furthers this policy because MX-T allows
27 office, commercial, and higher-density housing in an area that has existing
28 single-family housing to the east and south.

29 (6) POLICY 5.4.2 WEST SIDE JOBS: Foster employment
30 opportunities on the West Side.

31 The requested zone change partially furthers this policy, because while the
32 zone change will allow residential uses, and the Applicant intends to build
33 single-family dwellings, the zone change to MX-T would allow future

1 redevelopment of non-residential uses that could include employment
2 opportunities on the West Side.

3 (7) GOAL 5.6 CITY DEVELOPMENT AREAS: Encourage and
4 direct growth to Areas of Change where it is expected and desired and ensure
5 that development in and near Areas of Consistency reinforces the character
6 and intensity of the surrounding area.

7 The requested zone change furthers this goal by directing growth on a site
8 that is undeveloped while the surrounding area continues to expand. The
9 subject site is within an Area of Consistency, and the character of the
10 surrounding area will be reinforced with the R-1A and MX-T, which allow
11 development at the scale and character that reinforces the low-density
12 residential character and intensity the surrounding areas. Additional housing
13 in this area will help support existing and future commercial services and
14 jobs.

15 (8) POLICY 5.6.3 AREAS OF CONSISTENCY: Protect and
16 enhance the character of existing single-family neighborhoods, areas outside
17 of Centers and Corridors, parks, and Major Public Open Space.

18 The requested zone change furthers this policy because the R-1A zone will
19 protect and enhance the character of existing single-family neighborhoods.
20 The R-1A zone will be consistent with the surrounding zoning, and future
21 development of the property will be single-family housing, similar to the
22 surrounding neighborhoods. The MX-T zone district will support the
23 surrounding residential zoning by creating a transition from residential to
24 more intense commercial uses in the adjacent NR-P zone. MX-T allows single-
25 family residential development consistent with the surrounding development
26 and the opportunity to develop more pedestrian-oriented commercial areas to
27 serve as a transition between the R-1A and NR-BP zone districts.

28 (J) The request furthers Comprehensive Plan Goal 7.2 Pedestrian-
29 accessible Design from Chapter 7 Urban Design: Increase walkability in all
30 environments, promote pedestrian-oriented development in urban contexts,
31 and increase pedestrian safety in auto-oriented contexts.

32 The requested zone changes further this goal because R-1A and MX-T
33 allow the development of residential communities and limited commercial and

1 office uses that promote pedestrian-oriented development within the growing
2 urban area. MX-T zone will also serve as a transition between Unser Boulevard
3 and residential development to ensure pedestrian safety in an auto-oriented
4 area.

5 (K) The request facilitates Comprehensive Plan Policy 8.1.5 Available
6 Land from Chapter 8: Economic Development: Maintain sufficient land that is
7 appropriately zoned to accommodate projected employment growth in
8 targeted areas.

9 The requested zone change partially furthers this policy because while the
10 Applicant intends to develop single-family uses, MX-T allows some non-
11 residential uses, so some land will remain zoned for employment growth on
12 the West Side, where there is a significant imbalance of jobs and housing. The
13 Salazar Lands have remained undeveloped while the surrounding West Side
14 has developed. Changing the zoning from PD to R-1A and MX-T will allow for
15 the development of needed housing in an expanding area of the City while
16 allowing some non-residential uses in the future. This property was previously
17 part of the Rio Bravo Sector Plan approved in 1999, which designated this area
18 as a mixed-use zone (SU-1) specifically for mixed-density residential uses,
19 allowing both C-2 and R-2 uses. The Rio Bravo Sector Plan was rescinded in
20 2017, and the site converted to PD when the IDO went into effect in May 2018.
21 The subject site has always been intended for a mix of residential and non-
22 residential development, which will be reinforced by this zone change request
23 to R-1A and MX-T.

24 (L) The request facilitates the following Comprehensive Plan Goals
25 and Policies regarding quality housing and diversity of housing from Chapter
26 9: Housing.

27 (1) GOAL 9.1 SUPPLY: Ensure a sufficient supply and range of
28 high-quality housing types that meet current and future needs at a variety of
29 price levels to ensure more balanced housing options.

30 This zone change request furthers this policy because it will allow for the
31 development of single-family housing and multi-family housing on the West
32 Side and contribute to the needed housing supply in the City. MX-T allows

1 higher-density housing that will also serve as a transition between commercial
2 development and existing single-family residential development in the area.

3 (2) POLICY 9.1.1 HOUSING OPTIONS: Support the
4 development, improvement, and conservation of housing for a variety of
5 income levels and types of residents and households.

6 The requested zone change partially furthers this policy because while the
7 Applicant intends to develop single-family dwellings, MX-T allows a variety of
8 housing types for people at different income levels. The development of
9 housing on the subject site would help fulfill the housing shortage in the City
10 and would allow redevelopment in the future of housing types for different
11 income levels.

12 (3) POLICY 9.1.2 AFFORDABILITY: Provide for mixed-income
13 neighborhoods by encouraging high-quality, affordable and mixed income
14 housing options throughout the area.

15 The requested zone change partially furthers this policy because while the
16 Applicant intends to develop single-family dwellings, MX-T allows a variety of
17 housing types for future redevelopment, and R-1A and MX-T require smaller
18 minimum lot sizes, which can reduce housing costs for people at different
19 income levels.

20 (4) POLICY 9.2.1 COMPATIBILITY: Encourage housing
21 development that enhances neighborhood character, maintains compatibility
22 with surrounding land uses, and responds to its development context – i.e.,
23 urban, suburban, or rural – with appropriate densities, site design, and
24 relationship to the street.

25 The requested zone change furthers this policy because the change to R-
26 1A and MX-T will allow the development of a variety of housing types that
27 enhances the character of the adjacent neighborhood while maintaining
28 compatibility with surrounding land uses and development.

29 (5) Goal 9.3 DENSITY: Support increased housing density in
30 appropriate places with adequate services and amenities.

31 The requested zone change furthers this goal because the R-1A and

1 MX-T zones will allow housing development in a growing area of the City. The
2 Southwest Mesa has continued to grow in recent years, with more schools
3 being built and more amenities available throughout the area.

4 (J) The applicant has adequately justified the request pursuant to
5 IDO §14-16-6-7(H)(3) Review and Decision Criteria for Zoning Map
6 Amendments – Council, as follows:

7 (1) IDO §14-16-6-7(H)(3)(a) The criteria for approval of a Zoning
8 Map Amendment – EPC in §14-16-6-7(G)(3).

9 (a) The proposed zone change is consistent with the health,
10 safety, morals, and general welfare of the City as shown by furthering (and not
11 being in conflict with) a preponderance of applicable Goals and Policies in the
12 ABC Comp Plan, as amended, and other applicable plans adopted by the City.

13 The request is consistent with the City’s health, safety, morals, and general
14 welfare as shown by furthering a preponderance of applicable Comprehensive
15 Plan Goals and Policies and does not significantly conflict with them.

16 Applicable citations: Those furthering – Goal 4.1 Character, Policy 4.1.2
17 Identity and Design, Policy 4.1.4 Neighborhoods, Goal 4.3 City Community
18 Planning Areas, Policy 4.3.12.4, Policy 4.3.12.4.a, Policy 4.3.12.5, Goal 5.1
19 Centers & Corridors, Policy 5.1.1 Desired Growth, Goal 5.2 Complete
20 Communities, Policy 5.2.1, Policy 5.2.1.a, Policy 5.2.1.j, Policy 5.4.1 Housing
21 Near Jobs, Policy 5.4.2 West Side Jobs, Goal 5.6 City Development Areas,
22 Policy 5.6.3 Areas of Consistency, Goal 7.2 Pedestrian-Accessible Design,
23 Policy 8.1.5 Available Land, Goal 9.1 [Housing] Supply, Policy 9.1.1 Housing
24 Options, Policy 9.1.2 Affordability, Policy 9.2.1 Compatibility, Goal 9.3 Density,
25 Policy 9.3.2 Other Areas, Policy 9.3.2.b.

26 (b) If the proposed amendment is located wholly or partially
27 in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the
28 applicant has demonstrated that the new zone would clearly reinforce or
29 strengthen the established character of the surrounding Area of Consistency
30 and will not permit development that is significantly different from that
31 character. The applicant must also demonstrate that the existing zoning is
32 inappropriate clearly facilitates it meets any of the following criteria:

1 IDO 1: There was a typographical or clerical error when the existing zone
2 district was applied to the property.

3 IDO 2: There has been a significant change in neighborhood or community
4 conditions affecting the site.

5 IDO 3: A different zone district is more advantageous to the community as
6 articulated by the ABC Comp Plan, as amended (including implementation of
7 patterns of land use, development density and intensity, and connectivity),
8 and other applicable adopted City plan(s).

9 The proposed amendment is located in an Area of Consistency. The
10 applicant has demonstrated the new zone would clearly reinforce and
11 strengthen the established character of the surrounding Area of Consistency
12 by eliminating a floating zone line and introducing new zoning that would
13 complement the surrounding area. The proposed zoning map amendment
14 would not permit development out of character with the surrounding area. The
15 existing zoning is inappropriate because it meets Criterion 3. The zone change
16 would not allow development that is significantly different than the existing
17 residential character of the area, because R-1A allows predominantly single-
18 family development, consistent with the surrounding area, and MX-T allows
19 neighborhood-serving office and commercial uses at a scale and intensity
20 compatible with the residential area.

21 (c) If the subject property is located wholly in an Area of
22 Change (as shown in the ABC Comp Plan, as amended) and the applicant has
23 demonstrated that the existing zoning is inappropriate because it meets any of
24 the following criteria.

25 This criterion does not apply.

26 (d) The zone change does not include permissive uses that
27 would be harmful to adjacent property, the neighborhood, or the community,
28 unless the Use-specific Standards in IDO §14-16-4-3 associated with that use
29 will adequately mitigate those harmful impacts.

30 The requested zoning R-1A and MX-T does not include permissive uses
31 that would be harmful to adjacent properties, the neighborhoods, or the
32 community; it is a lower-intensity zone than PD. The uses allowed in the R-1A

1 and MX-T zones are less intense and will not be harmful to the surrounding
2 community compared to the permissive uses in the PD zone.

3 (e) The City's existing infrastructure and public
4 improvements, including but not limited to its street, trail, and sidewalk
5 systems, meet any of the following criteria:

6 IDO 1: Have adequate capacity to serve the development made possible by
7 the change of zone.

8 IDO 2: Will have adequate capacity based on improvements for which the
9 City has already approved and budgeted capital funds during the next
10 calendar year.

11 IDO 3: Will have adequate capacity when the applicant fulfills its
12 obligations under the IDO, the DPM, and/or an Infrastructure Improvements
13 Agreement (IIA).

14 IDO 4: Will have adequate capacity when the City and the applicant have
15 fulfilled their respective obligations under a City-approved Development
16 Agreement between the City and the applicant.

17 The request meets the requirement that the City's existing infrastructure
18 and public improvements adequately serve the subject site and have adequate
19 capacity to serve the development made possible by the change of zone.

20 (f) The applicant's justification for the Zoning Map
21 Amendment is not completely based on the property's location on a major
22 street.

23 The zoning map amendment is not completely based on the property's
24 location on a major street; rather, the property should be developed to its
25 fullest potential by providing a use similar to the surrounding uses, and it will
26 be developed under the R-1A and MX-T zones.

27 (g) The applicant's justification is not based completely or
28 predominantly on the cost of land or economic considerations.

29 Economic considerations are a factor, but the applicant's justification is
30 not completely or predominantly based upon them, nor is the justification
31 based completely or predominantly upon the cost of land.

32 (h) The Zoning Map Amendment does not apply a zone
33 district different from surrounding zone districts to one small area or one

1 premise (i.e. create a “spot zone”) or to a strip of land along a street (i.e.
2 create a “strip zone”) unless the requested zoning will clearly facilitate
3 implementation of the ABC Comp Plan, as amended, and at least one of the
4 following applies:

5 IDO 1: The subject site is different from the surrounding land clearly
6 facilitates it can function as a transition between adjacent zone districts.

7 IDO 2: The subject site is not suitable for the uses allowed in any adjacent
8 zone district due to topography, traffic, or special adverse land uses nearby.

9 IDO 3: The nature of structures already on the subject site makes it
10 unsuitable for the uses allowed in any adjacent zone district.

11 The R-1A zone would not apply a zone different from the surrounding zone
12 districts; therefore, the request would not create a spot zone. R-1A zoning
13 exists directly to the west and south of the site. The requested zoning to MX-T
14 will create a spot zone, but the request will clearly facilitate implementation of
15 the Comprehensive Plan by allowing permissive residential uses similar to
16 those of the surrounding areas and non-residential uses adjacent to Unser
17 Boulevard Commuter Corridor.

18 (2) IDO §14-16-6-7(H)(3)(b): If the application is for the creation
19 or amendment of an NR-BP zone district, all of the following criteria.

20 The application is not for the creation or amendment of an NR-BP zone
21 district; therefore, Criterion B does not apply.

22 (3) IDO §14-16-6-7(H)(3)(c) If the application is for the creation
23 or amendment of a PC zone district, all of the following criteria.

24 The application is not for the creation or amendment of a PC zone district;
25 therefore, Criterion C does not apply.

26 (K) To correct the floating zone lines created by this request, the
27 applicant shall obtain a Subdivision to establish lot lines on a plat that
28 correspond with the zone boundaries via the roadway easements depicted on
29 the May 2024 Boundary and Land Title Survey before a zoning certificate will
30 be issued, as specified by IDO §14-16-6-7(H)(2)(h).

31 (L) The Applicant received one phone call from a neighbor who had
32 questions but did not oppose the request.

1 **SECTION 3. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,
2 clause, word or phrase of this Ordinance is for any reason held to be invalid or
3 unenforceable by any court of competent jurisdiction, such decision shall not
4 affect the validity of the remaining provisions of this Ordinance and each
5 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
6 any provision being declared unconstitutional or otherwise invalid.

7 **SECTION 4. COMPILATION.** Section 1 of this Ordinance shall be
8 incorporated in and made part of the Revised Ordinances of Albuquerque,
9 New Mexico, 1994.

10 **SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect five (5)
11 days after publication by title and general summary.

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