CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-25-80 ENACTMENT NO. _____

SPONSORED BY: Klarissa J. Peña, by request

ORDINANCE

Adopting A Zoning Map Amendment From PD To R-1A For Approximately 7 Acres, From PD To MX-T For Approximately 44 Acres, And From R-1A To MX-T For Approximately 22 Acres On The Salazar Family Trust, Located Between 98th Street And Unser Boulevard (Peña, by request)

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

WHEREAS, the subject site is legally described as Tract A-1-C Bulk Land Plat Tracts A-1-A, A-1-B, & A-1-C Lands of Salazar Family Trust and Others Containing 107.1 acres; and

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

WHEREAS, the subject site is currently zoned PD (Planned Development) and R-1A (Residential - Single-Family), with lot lines that do not match the zone boundaries (i.e. floating zone lines); and

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

WHEREAS, the request would create a zoning pattern that is consistent with the surrounding

area and appropriate along the Unser Boulevard Commuter Corridor; and

WHEREAS, the request would create floating zone lines that would need to be corrected by obtaining a subdivision to plat lot lines that correspond with the zone boundaries via the roadway easements depicted on the May 2024 Boundary and Land Title Survey before a zoning certificate will be issued, as required by the Integrated Development Ordinance (IDO) §14-16-6-7(H)(2)(h); and

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

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

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

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

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

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

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

SECTION 2. FINDINGS.

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

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

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

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

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

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

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

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

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

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 requested zone changes from PD to R-1A and MX-T will further the goal and policy by

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

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

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

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

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

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

The requested zone change furthers this policy because MX-T allows housing that can vary in density and lot size. More housing on smaller lots generally provides lower-cost housing options that are affordable for people living on the West Side.

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

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

(I) The request furthers the following Comprehensive Plan Goals and Policies regarding land use, efficient development patterns, and infill development from Chapter

5: Land Use.

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

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

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

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

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

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

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

The requested zone change partially conflicts with this policy because R-1A and MX-T allow detached single-family residential uses. The requested zone change partially furthers this policy

because MX-T allows non-residential uses in addition to residential uses, while R-1A predominantly allows single-family residential uses. While the MX-T zone district does allow detached single-family residential uses, it also allows some non-residential development. The Applicant intends to develop detached single-family dwellings, but future redevelopment could include non-residential uses.

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

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

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

The requested zone change partially furthers this policy, because while the zone change will allow residential uses, and the Applicant intends to build single-family dwellings, the zone change to MX-T would allow future redevelopment of non-residential uses that could include employment opportunities on the West Side.

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

(8) 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 requested zone change furthers this policy because the R-1A zone will protect and enhance the character of existing single-family neighborhoods. The R-1A zone will be consistent with the surrounding zoning, and future development of the property will be single-family housing, similar to the surrounding neighborhoods. The MX-T zone district will support the surrounding residential zoning by creating a transition from residential to more intense commercial uses in the

adjacent NR-P zone. MX-T allows single-family residential development consistent with the surrounding development and the opportunity to develop more pedestrian-oriented commercial areas to serve as a transition between the R-1A and NR-BP zone districts.

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

The requested zone changes further this goal because R-1A and MX-T allow the development of residential communities and limited commercial and office uses that promote pedestrian-oriented development within the growing urban area. MX-T zone will also serve as a transition between Unser Boulevard and residential development to ensure pedestrian safety in an auto-oriented area.

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

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

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

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

This zone change request furthers this policy because it will allow for the development of

single-family housing and multi-family housing on the West Side and contribute to the needed housing supply in the City. MX-T allows higher-density housing that will also serve as a transition between commercial development and existing single-family residential development in the area.

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

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

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

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

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

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

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

The requested zone change furthers this goal because the R-1A and MX-T zones will allow housing development in a growing area of the City. The Southwest Mesa has continued to grow in recent years, with more schools being built and more amenities available throughout the area.

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

(1) IDO §14-16-6-7(H)(3)(a) The criteria for approval of a Zoning Map

Amendment - EPC in §14-16-6-7(G)(3).

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

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

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

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

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

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

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

The proposed amendment is located in an Area of Consistency. The applicant has demonstrated the new zone would clearly reinforce and strengthen the established character of the surrounding Area of Consistency by eliminating a floating zone line and introducing new

zoning that would complement the surrounding area. The proposed zoning map amendment would not permit development out of character with the surrounding area. The existing zoning is inappropriate because it meets Criterion 3. The zone change would not allow development that is significantly different than the existing residential character of the area, because R-1A allows predominantly single-family development, consistent with the surrounding area, and MX-T allows neighborhood-serving office and commercial uses at a scale and intensity compatible with the residential area.

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

This criterion does not apply.

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

The requested zoning R-1A and MX-T does not include permissive uses that would be harmful to adjacent properties, the neighborhoods, or the community; it is a lower-intensity zone than PD. The uses allowed in the R-1A and MX-T zones are less intense and will not be harmful to the surrounding community compared to the permissive uses in the PD zone.

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

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

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

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

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

The request meets 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.

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

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

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

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

(h) The Zoning Map Amendment does not apply a zone district different from surrounding zone districts to one small area or one premise (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the requested zoning will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

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

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

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

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

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

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

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

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

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

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

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

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

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

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