



Environmental Planning Commission

Agenda Number: 04
Project Number: 1004763
Case #s: 14EPC-40083, 15EPC-40003
April 9, 2015

Staff Report

Agent	RBA Architecture
Applicant	Oasis Family Church
Requests	Zone Map Amendment Site Development Plan for Building Permit
Legal Description	Tract A-4-1A, Block 15, Unit #4, Stardust Skies
Location	on Montgomery Blvd. NE, between Pennsylvania St. NE and Julie St. NE (7500 Montgomery Blvd. NE)
Size	Approximately 1.5 acres
Existing Zoning	SU-1 for Commercial Development for Office and Residential Developments & for Full-Service Liquor for On-Premise Consumption
Proposed Zoning	SU-1 for C-2 uses

Staff Recommendation

APPROVAL of 14EPC-40083, based on the Findings beginning on Page 13, and subject to the Condition of Approval on Page 15.

APPROVAL of 15EPC-40003, based on the Findings beginning on Page 15, and subject to the Conditions of Approval beginning on Page 17.

Staff Planner
Catalina Lehner-AICP, Senior Planner

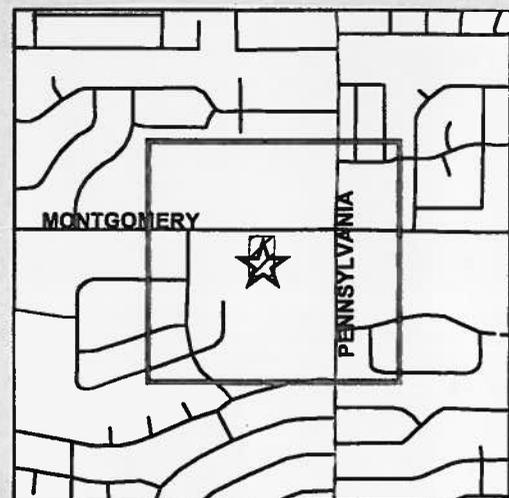
Summary of Analysis

This request for a zone map amendment (zone change) and an associated, as-built site development plan for building permit was deferred twice, for 30 days each, at the applicant's request.

A zone change to SU-1 for C-2 uses is requested to allow a church and related facilities, which are currently prohibited, on the subject site. A building, formerly used as an office and small events center, occupies the subject site. Established in 1974, the current zoning is cumbersome and unclear, and C-2 covers the uses desired. Staff finds that the request is adequately justified pursuant to R270-1980, and that it generally furthers the policies that apply.

Neighbors and property owners were notified as required. Staff has not received any inquiries or correspondence.

Staff recommends approval of the zone change and the associated, as-built site development plan.



City Departments and other interested agencies reviewed this application from 01/05/'15 to 01/10/'15.
Agency comments used in the preparation of this report begin on Page 20.

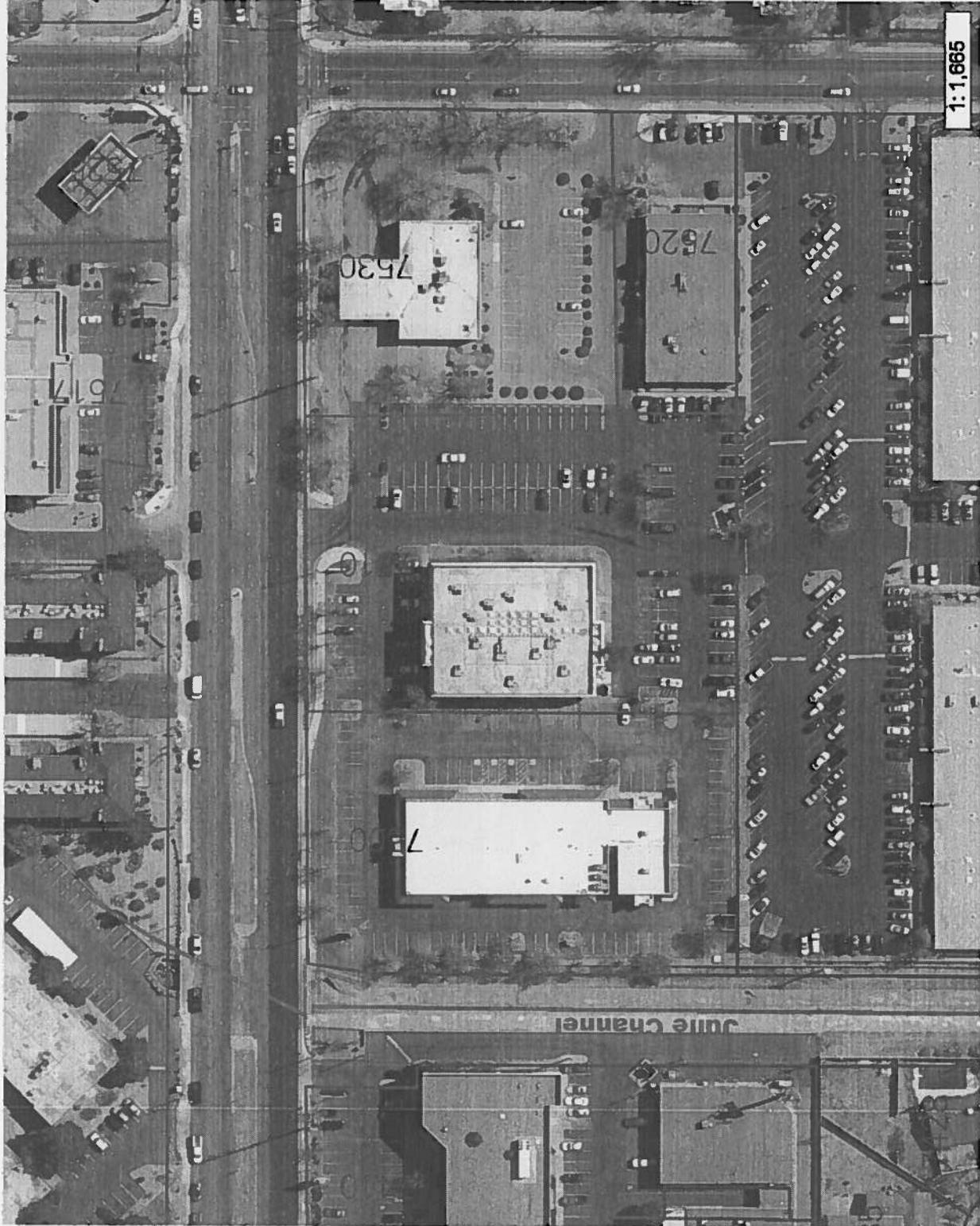


Project #1004673



Legend

- Bernalillo County Parcels
- Municipal Limits**
- CORRALES
- EDGEWOOD
- LOS RANCHOS
- RIO RANCHO
- TIERRAS
- UNINCORPORATED AREAS
- World Street Map



1:1,665

0.0 0.02 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
1/13/2015 © City of Albuquerque

This map is a user generated static output from www.cabq.gov/gis and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

Notes

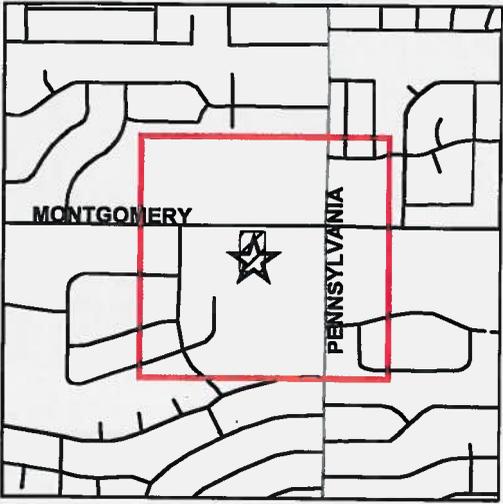
GHTS
2)
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R-3 LD-71-497
PENN SQUARE
1

SU-1 R-3 USES
SP-82-118 M
SP-85-63
SU-1
C-1 USES
D2
SP-82-54

9 RHODE ISLAND PL 10 9 TENNESSEE PL 16
BART AV
1 4 7
HED
C1 C-1
SP-76-418
A1 P C2

MONTGOMERY BLVD
SU-1 COMMERCIAL DEVELOPMENT FOR OFFICE & RES DEVELOPM
& FOR FULL SERVICE LIQUOR FOR ON-PREMISE CONSUMPTION
JULIE ST
D2
C-2 E2
D3 F
SP-84-448
NATALIE AV
14
A
LD-93
B
12
KATHLEEN AV
11
12
CARRIVEAU AV
15 14
1
12
28
A4-1A
A4-2A
A3
SP-79-494
A5
SP-78-393 15 A2
SU-1 COMMERCIAL
DEVELOPMENT FOR OFFICE &
RES DEVELOPMENTS
B2
SP-87-97
B1
DRAINAGE
EASEMENT
PENNSYLVANIA ST
1 6 7
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26
STARDUST
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HERMANSON PL
BELLROSE AV



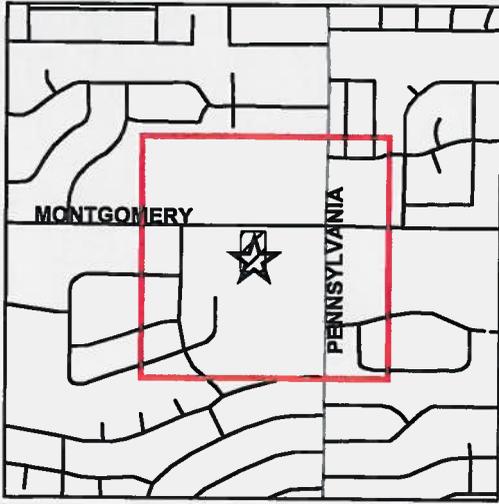
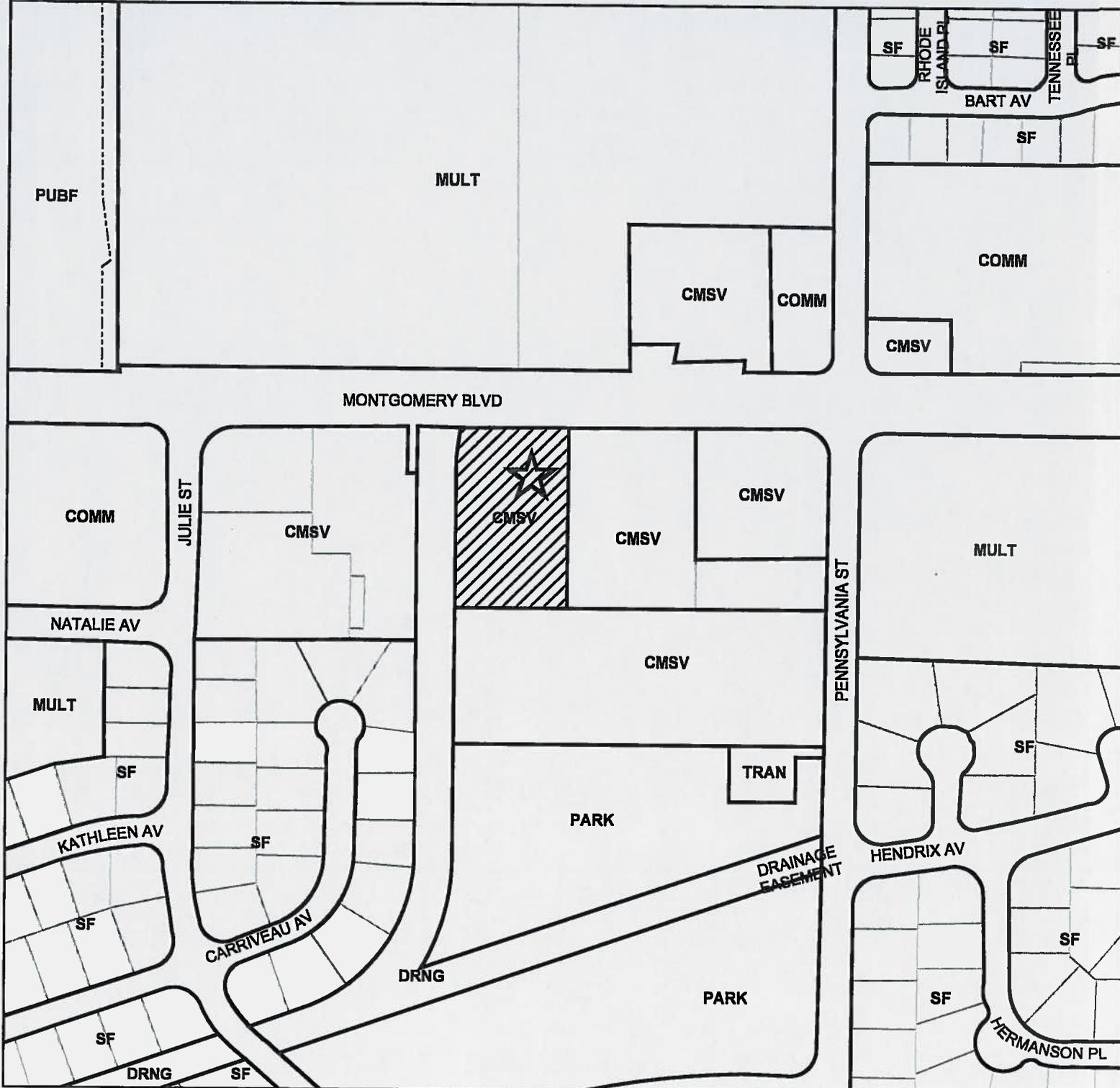
ZONING MAP

Note: Grey shading indicates County.



1 inch = 250 feet

Project Number:
1004763
Hearing Date:
02/12/2015
Zone Map Page: G-19
Additional Case Numbers:
14EPC 40083



LAND USE MAP

Note: Grey shading indicates County.

KEY to Land Use Abbreviations

- AGRI Agriculture
- COMM Commercial - Retail
- CMSV Commercial - Service
- DRNG Drainage
- MFG Manufacturing
- MULT Multi-Family or Group Home
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned Buildings
- WH Warehousing & Storage



1 inch = 250 feet

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Zone Map Page: G-19
Additional Case Numbers:
14EPC 40083

B-373

Z-71-59

Z-81-140

RHODE ISLAND PL
TENNESSEE PL
ZA-86-398
S-71-7AV

Z-73-80

Z-82-84

Z-73-23
Z-71-122

Z-1500
ZA-77-63

Z-80-119

Z-80-118-1

AA-86-181

Z-81-140-1

Z-98-15

DRB-86-132

Z-77-53

Z-89-85

AP-95-11

ZA-94-401

Z-82-36

Z-76-94

MONTGOMERY BLVD

ZA-80-324

Z-840-21

Z-84-8

Z-840-1

Z-85-22

Z-74-38-1

Z-74-23

BA-1943

BA-1331

Z-97-85

Z-84-127

Z-84-127-1

NATALIE AV

Z-841

705

V-84-67

ZA-70

-39

BA-2284

BA-1448

Z-87-37

PENNSYLVANIA ST

KATHLEEN AV

DRAINAGE EASEMENT

HENDRIX AV

CARRIVEAU AV

S-1076

ZA-82-282

HERMANSON PI

BELLROSE AV

HISTORY MAP

Note: Grey shading indicates County.

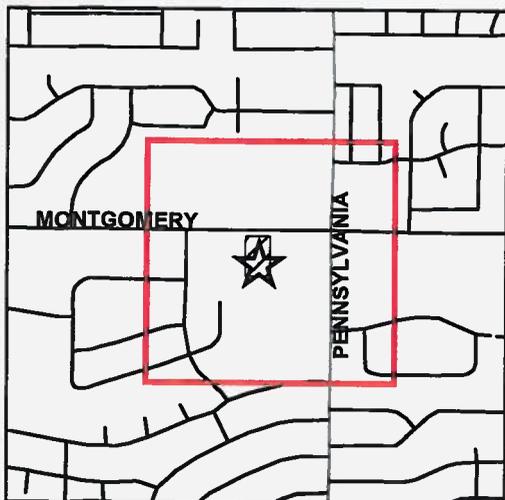


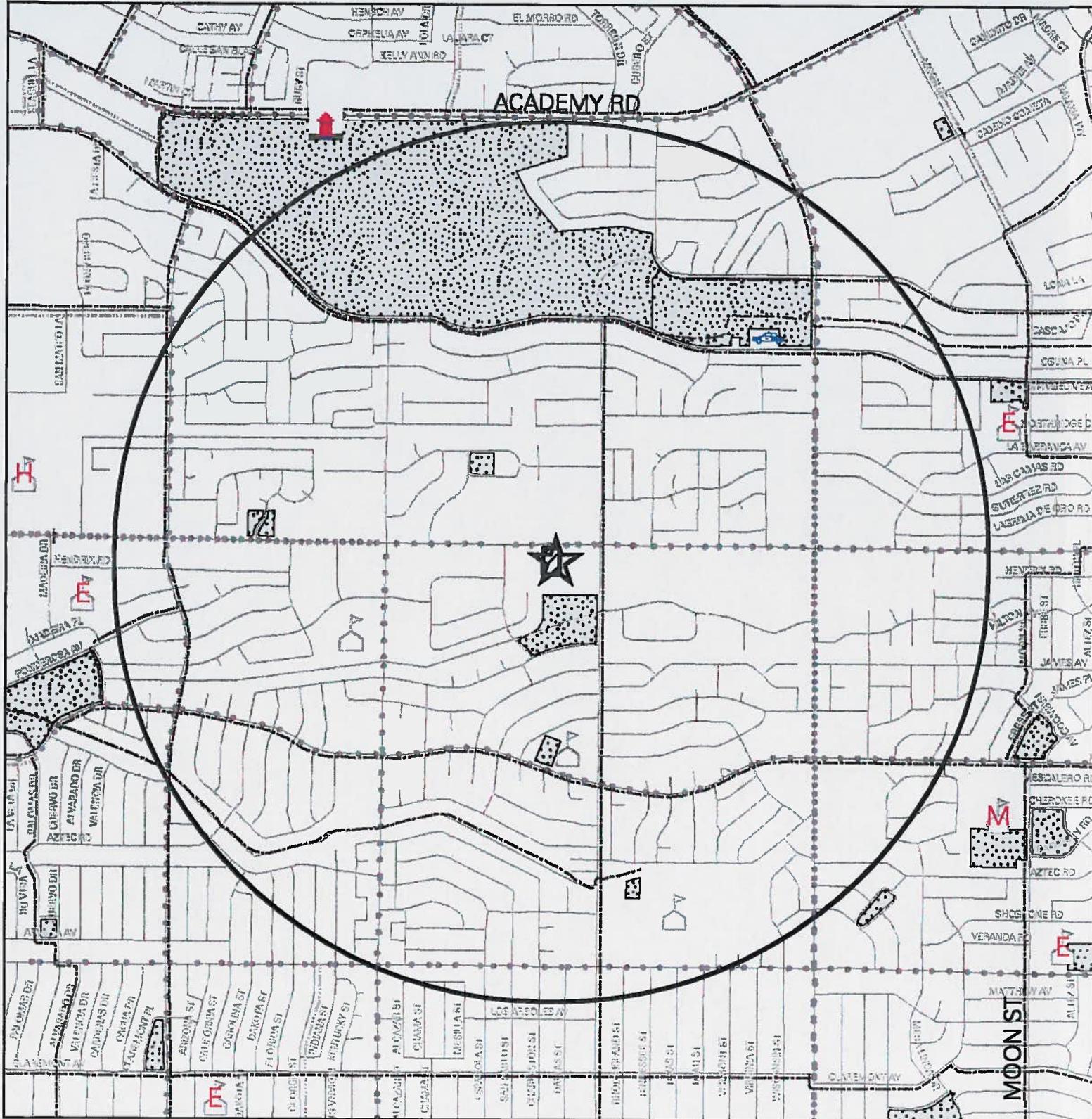
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Public Facilities Map with One-Mile Buffer



- | | | | |
|---|---|--|---|
|  COMMUNITY CENTER |  FIRE |  APS Schools |  Landfill Buffer (1000 feet) |
|  MULTI-SERVICE CENTER |  POLICE |  ABQ Ride Routes |  Landfills designated by EHD |
|  SENIOR CENTER |  SHERIFF |  ABQ Bike Facilities |  Developed County Park |
|  LIBRARY |  SOLID WASTE |  Proposed Bike Facilities |  Undeveloped County Park |
|  MUSEUM |  Albuquerque City Limits | |  Developed City Park |
| | | |  Undeveloped City Park |

Project Number: 1004763



I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	SU-1 for Commercial Development for Office and Residential Developments & for Full-Service Liquor for On-Premise Consumption	Established Urban Facility Plan for Arroyos	Church (formerly event center)
North	R-3, SU-1 for R-3 uses	Established Urban	Two apartment complexes (multi-family residential)
South	SU-1 for Commercial Development for Office and Residential Developments	Established Urban	Small commercial and office building complex
East	SU-1 for Commercial Development for Office and Residential Developments	Established Urban	Office building
West	C-2	Established Urban Facility Plan for Arroyos	Commercial and office building complex, flood control channel

II. INTRODUCTION

Request

This request is for a zone map amendment (zone change) for Tract A-4-1A, Block 15, Unit #4, Stardust Skies, an approximately 1.5 acre site fronting Montgomery Blvd. NE (the "subject site"). The request was deferred for 30 days at the February 12 and March 12, 2015 Environmental Planning Commission (EPC) hearings at the applicant's request.

The applicant proposes to change the subject site's zoning from SU-1 for Commercial Development for Office and Residential Developments & for Full-Service Liquor for On-Premise Consumption to SU-1 for C-2 uses in order to allow a church and related facilities on the subject site.

An as-built site development plan for building permit, for the existing building on the subject site, is associated with the zone change request. It needs to be amended to reflect the proposed zoning and uses, as well as be clarified so that it matches what exists on the subject site.

Environmental Planning Commission (EPC) Role

The EPC is hearing this case because the EPC is required to hear all zone map amendment (zone change) cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1)]. If so, an appeal would be heard by the Land

Use Hearing Officer (LUHO), though the City Council would make the final decision. The request is a quasi-judicial matter.

Context

The subject site fronts Montgomery Blvd. NE. Across the street to the north are two apartment complexes, two stories and three stories, and a convenience store. Adjacent to the south is a small office and commercial building complex. To the east is a two story office building. To the west is the Julie Channel arroyo, which goes under Montgomery Blvd., the Mossman Center commercial and office center, and a non-concealed cell tower.

The subject site is not located in a designated Activity Center. Montgomery Blvd. is an Enhanced Transit Corridor.

History & Background

The subject site is a lot with one building and was constructed in 1985. This lot is one of five and is in the northwest corner of a larger subdivided site, which is approximately 9.5 acres total. At the time of annexation and establishment of zoning in 1974 (S-74-58), this larger site was zoned SU-1/PRD (Planned Residential Development) and the entire site was intended for multi-family residential.

In 1975, the zoning was changed to SU-1/Commercial Development for Office and Residential Developments (Z-74-23, amended). This zoning is further defined in the Notice of Decision (June 1978) as being "Commercial uses limited to those permissive in the C-1 zone". Since office is a permissive use in the C-1 zone, the entire site was built out with five separate office buildings.

The larger site was then subdivided (Z-74-23-1) with no design standards. The State Farm Insurance Company constructed the original building in 1985, with an approved site development plan for building permit (Z-74-23). Two administrative amendments occurred subsequently: first was a 1,600-square foot addition to the rear of the building (06AA-00355) in March 2006. The original use of the rear of the building was for making estimates on damaged vehicles. This area was converted (and added onto) to make offices. The second administrative amendment was for a monument sign located at the northeast corner of this lot (06AA-01369) (November, 2006).

In July 2011, the EPC approved a zone change to allow a banquet hall use, with alcohol, on the subject site (Project #1004763/11EPC-40035 and 10042, see attachment).

Long Range Roadway System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. The LRRS designates Montgomery Blvd. as a Principal Arterial, with a right-of-way of 124'. Pennsylvania Ave. is a Collector with a right-of-way of 64'. Julie St. is a local street.

Public Facilities/Community Services

The subject site is served by Transit. ABQ Ride Route #5, Montgomery-Carlisle, is a regular route that offers day and evening service weekdays and Saturdays. Service is also available on Sundays.

Route #157, Montano-Uptown, also passes the site on Montgomery Blvd. The transit stop is 30' west of the site on Montgomery Blvd.

The John Carrillo Memorial Substation, located at 8201 Osuna Rd. NE, provides police coverage. The nearest fire station is located about a mile to the northwest.

III. COMPREHENSIVE ZONING CODE

Definitions (Zoning Code §14-16-1-5)

SPECIAL USE ZONE (ZONING CODE §14-16-2-22). This zone provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

Zoning

Existing: The subject site is zoned SU-1 for Commercial Development for Office and Residential Developments & for Full-Service Liquor for On-Premise Consumption. The SU-1 Special Use Zone "provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design." (see Zoning Code §14-16-2-22).

Proposed: The applicant proposes to change the subject site's zoning to SU-1 for C-2 uses. Zoning Staff indicated that the uses in the above-mentioned zoning (ex. commercial development, office, residential) are allowed under the C-2 zone (Zoning Code §14-16-2-17). The C-2 zone provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses. The "C-2 uses" allows both permissive and conditional uses in the C-2 zone.

Also, the existing zoning, established in 1974, is cumbersome. Adding "church and related facilities" to the descriptor, which was the applicant's first idea, would make it more difficult to manage and show on the AGIS system. The proposed zoning of SU-1 for C-2 uses would allow the church and related facilities on the subject site and would clean-up the existing zoning descriptor.

IV. ANALYSIS -ADOPTED ORDINANCES, PLANS, AND POLICIES

A) ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN (RANK I)

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Established Urban. The goal of the Established Urban Area is "to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and life styles, while creating a visually pleasing built environment."

The request generally furthers the Established Urban Goal. It would result in a new use, church and related facilities, being added to a part of the Established Urban area that is already

characterized by land use variety along a major arterial (Montgomery Blvd NE). The request would generally contribute toward more variety and maximum choice in life styles and options along the major arterial.

Applicable policies include:

Land Use Policies-

Policy II.B.5a: The Developing Urban and Established Urban areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The request would contribute to a full range of urban land uses, which is characterized by multi-family residential, commercial and service uses, and single-family homes, because it would add church and related facilities as another use in the area. Policy II.B.5a-full range of urban land uses, is furthered.

Policy II.B.5k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operations.

Policy II.B.5k-land adjacent to arterial streets, is generally furthered. The existing building is sited to front Montgomery Blvd. To the south, east and west are office and commercial uses that buffer the residential neighborhood further south, and would be able to provide parking for the off-peak (Sunday) church uses. Noise, light, pollution, and traffic are unlikely to adversely affect the nearby residential environments.

D. Community Resource Management-

The Transportation and Transit Goal "is to develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs."

In general, the request partially furthers the Transportation and Transit Goal. Placement of a church and related uses along a major arterial with good transit service may promote transit usage and make the uses accessible to transit dependent people. However, there is no convenient pedestrian connection near the bus stop to the site and pedestrians have to walk east and through the parking lot (no marked crosswalk) to access the uses.

Policy II.D.4o: Peak hour demands on the circulation system should be decreased.

The addition of church and related uses, and the building's functioning as such, could generally help decrease peak hour demands on the circulation system. The surrounding office and small commercial uses operate during business hours (weekdays and maybe Saturdays). The church uses would occur mostly on Sundays, at off-peak times. The request generally furthers Policy II.D.4o-peak hour/circulation system.

B) FACILITY PLAN FOR ARROYOS (RANK II)

The Facility Plan for Arroyos (1986) establishes guidelines and procedures for implementing Comprehensive Plan goals in order to create a multi-purpose network of recreational trails and open space along arroyos (FPA, p.11). The Facility Plan for Arroyos (FPA) is a Rank II facility plan that designates some arroyos for further study and development as recreational corridors. The term arroyo is defined as a "small, steep-sided watercourse or gulch with a nearly flat floor" (p.75). The Facility Plan for Arroyos (FPA) contains general policies for all arroyos and seven specific policies for the different classifications of arroyos.

The subject site's western boundary abuts the Julie Channel, a tributary of the Hahn Arroyo System, which originates in the canyons of the Sandia foothills (p. 36). The Hahn Arroyo is channelized and is classified as an Urban Recreational Arroyo. Urban recreational arroyos are located in urbanized areas and have the potential to connect activity areas through multi-use trails and linear parks. The design guidelines in the FPA apply to Major Open Space Arroyos and Major Open Space Links. Though there are policies for Urban Recreational Arroyos, they do not apply to the request.

V. ZONE MAP AMENDMENT

RESOLUTION 270-1980 (POLICIES FOR ZONE MAP AMENDMENTS)

Requirements

Resolution 270-1980 outlines policies and requirements for deciding zone map change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 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 land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Justification & Analysis

The zone change justification letter analyzed here, dated March 25, 2015 (see attachment), is a response to Staff's request for a revised justification. The subject site is currently zoned "SU-1 for Commercial Development for Office and Residential Developments & for Full-Service Liquor for On-Premise Consumption". The requested zoning is SU-1 for C-2 Uses. The C-2 zone allows commercial development, residential development and full-service liquor, as well as a church and related facilities.

The applicant believes that the proposed zone map amendment (zone change) conforms to R270-1980 as elaborated in the justification letter. Staff analysis is in **bold text**. The citation in quotes is from R270-1980.

1A. "A proposed zone change must be found to be consistent with the health, safety, morals and general welfare of the City."

Applicant (summarized): The proposed zone map amendment is consistent with the health, safety, morals and general welfare of the City because it will not conflict with adopted, relevant plans and policies and will further appropriate land use goals and policies of the City, as demonstrated in Sections C and D.

Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan, which the applicant has done in the response to Section 1.C. The response to Section 1.A is sufficient.

1B. "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."

Applicant (summarized): Stability of land use will not be compromised. The proposed change to the existing zone category is consistent with the City's adopted plans and policies. Instead of adding "church" to an already obtuse zone category, the applicant is asking for C-2 zoning. The limitations found in the C-2 zone would carry over to the requested zone change. The current zone category does not necessarily contain these limitations, and so the proposed zone map amendment maintains stability of land use and zoning.

Staff: The area is characterized by a wide variety of office, commercial and multi-family residential uses along a major roadway. Changing the subject site's zoning to SU-1 for C-2 Uses would not adversely affect stability of land use and zoning, and may actually improve it through the use of a zoning descriptor that references an underlying zone (C-2) that is defined in the Zoning Code and contains certain regulations. The applicant has demonstrated that the proposed zone change is justified. The response to Section 1.B is sufficient.

1C: "A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City."

Applicant (summarized): The request allows for a variety of commercial and residential uses regulated by a site development plan. A church adds to the full range of urban land uses (II.B.5a) and, although there is limited redevelopment, the site would remain site-plan controlled which would ensure that any future development would respect the surrounding area and neighborhood and enhance this older area, as well as be privately funded. The applicant concludes by stating that the request furthers some Comprehensive Plan policies and does not conflict with others.

Citations: Relevant citations include the Comprehensive Plan-Developing and Established Urban Goal; Land Use policies II.B.5a, 5o and 5p, as cited by the applicant. Staff includes Policy II.D.5k, and finds that the applicant's citations of II.B.5d and 5e do not apply (both pertain to new development).

Staff finds the policy citations sufficient overall, but adds the Transit Goal and Transit Policy 4o. Montgomery Blvd. is an Enhanced Transit Corridor and the new use would be accessible via public transportation. Bus service is frequent and there are high-density residential uses along Montgomery Blvd.

The applicant acknowledges that the request does not technically constitute new growth. Staff agrees, and therefore does not cite land use policies II.B.5d and 5d. Both refer directly to new growth. Staff finds that general consistency with goals and policies of applicable Plans can be demonstrated.

The test under Section 1C is whether or not there is "significant conflict" with an adopted element of the Comprehensive Plan or other City master plan such as a sector development plan. Staff finds no significant conflict with either.

1D. "The applicant must demonstrate that the existing zoning is in appropriate 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 (1) and (2) above do not apply."

Applicant (summarized): The request facilitates Comprehensive Plan policies regarding a full range of uses, serving an older area, privately funded development, and a location with access to public transportation and reutilization of an existing property. For these reasons, including the reasons cited in Section 1C, the request will be more advantageous to the community as articulated in the Comprehensive Plan.

Staff: The response refers to a different use category being more advantageous to the community (3). Staff finds that the applicant has adequately demonstrated, by the policy-based discussion in Section 1C, that the proposed zoning would be more advantageous to the community than the current zoning. The response to Section 1.D is sufficient.

1E. "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."

Applicant (summarized): The request would simplify the zoning descriptor. It's not possible to address all the permissive uses in C-2 because this zone encompasses so many. The request would establish the regulatory standards of the C-2 zone for the site, instead of the generic categories of commercial, office or residential, and would prohibit certain uses (ex. adult uses, hospitals and transit facilities). The C-2 zone is the standard, commercial zone in Albuquerque. Residential areas are all several hundred feet away from the site.

Staff: The proposed zone change is limited to adding church and related facilities to the subject site and would not be harmful to adjacent property, the neighborhood or the community in the

subject site's setting. Surrounding uses include office, commercial and multi-family residential along this major urban arterial (Montgomery Blvd.)

Also, Zoning Staff consider that the subject site's zoning (the "commercial" category part) corresponds to the C-2 zone. Therefore, the request would tie allowed uses to a zone defined in the Zoning Code, in addition to the site plan control already on the subject site due to the SU-1 descriptor. The response to Section 1.E is sufficient.

1F. "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."

Applicant (summarized): The proposed zone change requires no capital expenditures by the City to be developed.

Staff: The request would not require major or unprogrammed capital expenditures by the City. The response to Section 1.F is sufficient.

1G. "The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone."

Applicant: Applicant believes that the request furthers specific City policies regarding economic development, but asks for no specific consideration regarding any economic issue.

Staff: Economic considerations are a factor, but the applicant is not using them as the determining factor for the request. The response to Section 1.G is sufficient.

1H. "Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning."

Applicant: The location of the property on Montgomery Blvd. is not presented as justification for the request.

Staff: Staff agrees that the subject site's location on a major street (Montgomery Blvd., an urban major arterial) is not being used, in itself, as justification for the zone change. The response to Section 1.H is sufficient.

1I. "A zone change request which would give a zone different from surrounding zoning to one small area, especially when only 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.”

Applicant (summarized): The proposed zone amendment would not constitute a spot zone as envisioned in this section. The property abutting this site is also zoned SU-1. Amending zoning of the site facilitates realization of the Comprehensive Plan through the goals and policies enumerated and justified in Section C.

Staff: The SU-1 zone creates a spot zone by definition; however, it is required to be a justifiable spot zone according to reason 1) or reason 2). The applicant has demonstrated in the response to Section 1.C that the proposed zone change would facilitate realization of the Comprehensive Plan (1). The response to Section 1.I is sufficient.

1J: “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 applicable 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.”

Applicant (summarized): This request does not apply to a strip of land and therefore is not strip zoning.

Staff: Staff agrees that the request would not result in a strip zone. The subject site does not constitute a “strip of land along a street”. The response to Section 1.J is sufficient.

Staff Conclusion

Staff finds that the applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. The policy-based response to Section 1C demonstrates how the request furthers applicable Goals and policies in the Comprehensive Plan. There is no significant conflict with the adopted elements of applicable Plans (Section 1C), and furthermore, the request clearly facilitates realization of the Comprehensive Plan (Sections 1C and 1J). For these reasons, Staff recommends approval of the zone map amendment (zone change) request.

VI. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT- “AS BUILT” & PROCESS

A site development plan is required for a zone change to an SU-1 Zone pursuant to §14-16-2-22-(A)(1). The site development plan is for an “as built” site, with revisions needed for clarification and to make what’s on the ground match the site development plan.

Zoning Code §14-16-3-11 states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." The applicant has provided an "as built" site development plan for building permit (see attachment), which Staff has reviewed.

No changes are proposed to the site or the elevations. With an SU-1 zoned site, however, items not specified on the site development plan are not allowed. The site development plan needs to accurately reflect what exists today; some clarification is needed.

Site Plan Layout / Configuration

The subject site fronts Montgomery Blvd. NE. The existing building is approximately in the middle of the site and is surrounded by parking areas. About $\frac{3}{4}$ of the existing building was used as an events center and the remaining $\frac{1}{4}$ was an office in the back.

Refuse Enclosure: The refuse enclosure is at the site's SW corner.

Vehicular Access, Circulation & Parking

Access & Circulation: The subject site is accessed from either the office and commercial uses to the south, or from the office building to the east. There is no access from Montgomery Blvd. NE or from the west (due to the arroyo).

Parking: Because the requested zoning is SU-1, off-street parking is as decided by the EPC pursuant to Zoning Code §14-16-2-22, Special Use Zone. Zoning Code §14-16-3-1, Off Street Parking Regulations, was used to calculate parking for the church use and the existing office use (509 seats/4=127 and 1792 sf/200=9, respectively). 122 spaces total, less transit reduction of 10% (14 spaces), yields 122 required spaces. 102 spaces are provided on-site (not 86 as indicated on the revised site plan). A note indicates that parking is shared with adjacent offices and small businesses, since they operate at different hours.

Calculations need to be shown for handicap space, motorcycle spaces and bicycle spaces. Staff calculates that 8 HC spaces, 4 MC spaces and 6 bicycle spaces are required according to §14-16-3-1. Both are provided. Four more HC spaces and the 4 MC spaces need to be provided. The bike rack needs to be labeled to indicate how many spaces it has. *TIS:* A Traffic Impact Study (TIS) was not required.

Pedestrian and Bicycle Access and Circulation, Transit Access

Pedestrian access is not possible to the subject site from Montgomery Blvd. NE. This is probably due to a fairly steep grade change from the roadway to the subject site.

The subject site is served by Albuquerque Ride Route #5-Montgomery, and there's a bus stop just to the west, across the arroyo. Montgomery Blvd. NE is a Major Transit Corridor, so pedestrian access to the subject site could be more direct. However, pedestrians can walk east about 1/8 mile and use the vehicular entrance, located on the adjacent lot, for access. Unfortunately, there's pedestrian crossings or pathways.

Walls/Fences

There are no walls or fences on the subject site.

Lighting and Security

Light poles are located on the subject site's northern, western and eastern sides. A light pole detail is needed.

Landscaping

The subject site is landscaped with existing, mature trees and turf. This commercial and office area was built-out in the 80s, though there is an opportunity to convert the turf to xeric landscaping and obtain rebates through the Water Utility Authority.

The landscaping plan needs to be revised so that it's an accurate representation of what exists on the subject site. It appears that the potentilla and chamisa/saltbrush shrubs listed on the landscape palette are not on the subject site. The ash trees shown in the planting area to the SE of the office building do not exist, and it appears that the western buffer is planted with Tam juniper and nothing is shown on the landscaping plan.

Grading & Drainage Plan

The subject site is already developed. There is a grade change sloping upward from Montgomery Blvd. NE to the subject site. A covered, drainage conveyance exists on the western edge of the subject site, so water can drain to the arroyo. A grading and drainage plan was not provided. A note is needed to explain existing drainage patterns.

Utility Plans

Utility information, such as water lines and sanitary sewer lines and any easements, is not provided. A note is needed and/or the easements need to be shown.

Architecture & Design

The site development plan does not contain any information on the existing elevations. No changes are proposed to the exterior of the existing building. The primary entrance, on the northern elevation, faces Montgomery Blvd. NE. There are separate entrances to the office portion.

The building is finished in tan stucco, with medium brown stucco accents. It has a varied roof line, pillars in places, and uses brown-red metal overhangs and stacked stone to provide variety.

Signage

An existing monument sign is near the subject site's NW corner. The monument sign detail needs to specify colors and materials.

VII. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

City Departments and other agencies reviewed this application from 1/5/'15 to 1/10/'15. Both Zoning and Long Range Planning Staff note that the application was unclear regarding what zoning was being requested. Zoning Staff later suggested that the requested zoning be consolidated into SU-1 for C-2 uses, since it includes all the uses desired for the subject site. Transportation Development Staff request that the site development plan be clarified, using labels, regarding parking, sidewalks, and ADA accessibility. Agency comments begin on p. 20.

Neighborhood/Public

The affected neighborhood organizations are the Stardust Skies Park Neighborhood Association (SSPNA) and the District 7 Coalition, which were notified as required. Property owners within 100 feet of the subject site were also notified. The request was not recommended for facilitation by the Office of Neighborhood Coordination (ONC). As of this writing, Staff has not received any inquiries or comments.

VIII. CONCLUSION

This request is for a zone map amendment (zone change) and an associated, "as built" site development plan for building permit for an approximately 1.5 acre site fronting Montgomery Blvd. NE. The request was deferred for 30 days at the February 12 and March 12, 2015 EPC hearings at the applicant's request.

The applicant proposes to change the subject site's zoning from SU-1 for Commercial Development for Office and Residential Developments & for Full-Service Liquor for On-Premise Consumption to SU-2 for SU-1 for C-2 uses so that a church and related facilities can occupy the subject site.

Staff concludes that the zone map amendment (zone change) applicant has been adequately justified pursuant to R270-1980. Overall, the request generally furthers the few Comprehensive policies that apply. Conditions of approval are needed to clarify the associated site development plan for building permit and ensure that it matches what exists on the subject site.

The affected neighborhood organizations are the Stardust Skies Park NA and the District 7 Coalition, which were notified. Property owners within 100 feet of the subject site were also notified. As of this writing, Staff has not received any inquiries or comments.

Staff recommends conditional approval of the zone map amendment and the associated site development plan for building permit.

FINDINGS - 14EPC-40083, April 9, 2015- Zone Map Amendment (zone change)

1. The subject request is for a zone map amendment (zone change) for Tract A-4-1A, Block 15, Unit #4, Stardust Skies, an approximately 1.5 acre site located on Montgomery Blvd. NE, between Pennsylvania St. NE and Julie St. NE.
2. The zone map amendment request is for a change from SU-1 for Commercial Development for Office and Residential Developments & for Full-Service Liquor for On-Premise Consumption to SU-2 for SU-1 for C-2 uses so that a church and related facilities can occupy the subject site.
3. The subject site is within the boundaries of the Established Urban Area of the Comprehensive Plan. The Facility Plan for Arroyos, a Rank II facility plan, applies. No sector development plans apply.
4. The subject request is accompanied by an as-built site development plan for building permit (15EPC-40003). A site development plan is required pursuant to the SU-1 Zone, §14-16-2-22(A)(1).
5. Because the subject site is not greater than 10 acres, the Environmental Planning Commission (EPC) is the approval authority. The subject request is not required to be transmitted to the City Council. This is a quasi-judicial matter.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the Facility Plan for Arroyos and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The subject request furthers the following, applicable Comprehensive Plan Goal and policies:
 - A. Established Urban Goal. The request would add a new use to a part of the Established Urban area that is already characterized by land use variety along a major arterial (Montgomery Blvd NE). The request would generally contribute toward more variety and maximum choice in life styles and options along the major arterial.
 - B. Policy II.B.5a-full range of urban land uses. The request would contribute to a full range of urban land uses in the area, which is characterized mainly by single-family homes and some vacant land. The request would contribute to a full range of urban land uses, which is characterized by multi-family residential, commercial and service uses, and single-family homes, because it would add church and related facilities as another use in the area.
 - C. Policy II.B.5k- land adjacent to arterial streets. The existing building is sited to front Montgomery Blvd. To the south, east and west are office and commercial uses that buffer the residential neighborhood further south, and would be able to provide parking for the off-peak

(Sunday) church uses. Noise, light, pollution, and traffic are unlikely to adversely affect the nearby residential environment.

- D. Policy II.D.4o- peak hour demands/circulation system. The use of the subject site for a church and related uses could generally help decrease peak hour demands on the circulation system. The surrounding office and small commercial uses operate during business hours (weekdays and maybe Saturdays). The church uses would occur mostly on Sundays, at off-peak times.
8. The Facility Plan for Arroyos (Rank II) applies. The subject site's western boundary abuts the Julie Channel, a tributary of the Hahn Arroyo System, which is classified as an Urban Recreational Arroyo. However, no policies apply to the request.
9. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980:
- A. Section 1A: The proposed zoning has been demonstrated to be consistent with applicable Goals and policies in the Comprehensive Plan. Therefore, the proposed zone map amendment is consistent with the health, safety, morals and general welfare of the City.
- B. Section 1B: The uses allowed by the proposed zoning would be unlikely to adversely affect stability of land use and zoning in this area characterized by office, commercial and multi-family residential uses and, as the applicant demonstrated, are justified pursuant to R270-1980.
- C. Section 1C: There is no "significant conflict" with an adopted element of the Comprehensive Plan. Furthermore, the request would "clearly facilitate" realization of applicable Goals and policies.
- D. Section 1D: A different use category is more advantageous to the community as articulated in the Comprehensive Plan. The policy-based discussion demonstrates that the proposed zoning category would be more advantageous to the community than the current zoning.
- E. Section 1E: The proposed uses would not harm the community, neighborhood or adjacent property. The area is characterized by office, commercial and multi-family residential uses along Montgomery Blvd. Also, the request is limited in scope to adding church and related facilities to a site on which commercial uses have been allowed since 1975.
- F. Section 1F: The proposed zone change requires no capital expenditures by the City.
- G. Section 1G: Economic considerations pertaining to the applicant are a factor in the zone change request, but the applicant is not raising them as the determining factor.
- H. Section 1H: Location on a collector or major street is not being used as justification for the request.

-
- I. Section 1I: The requested SU-1 zoning is a justifiable spot zone in this case because it has been demonstrated that the request will clearly facilitate realization of the Comprehensive Plan.
 - J. Section 1J: The request is for a single lot and not a strip of land, and therefore would not result in a "strip zone".
10. The applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. The policy-based response to Section 1C demonstrates how the request furthers applicable Goals and policies in the Comprehensive Plan. There is no significant conflict with adopted elements of applicable Plans (Section 1C), and the request clearly facilitates realization of the Comprehensive Plan (Sections 1C and 1J). The remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.
 11. The affected neighborhood organizations are the Stardust Skies Park NA and the District 7 Coalition, which were notified. Property owners within 100 feet of the subject site were also notified. As of this writing, Staff has not received any inquiries or comments.

RECOMMENDATION - 14EPC-40083, April 9, 2015

APPROVAL of 14EPC-40083, a request for a zone map amendment from SU-1 for Commercial Development for Office and Residential Developments & for Full-Service Liquor for On-Premise Consumption to SU-2 for SU-1 for C-2 uses for Tract A-4-1A, Block 15, Unit #4, Stardust Skies, an approximately 1.5 acre site located on Montgomery Blvd. NE, between Pennsylvania St. NE and Julie St. NE, based on the preceding Findings.

CONDITION OF APPROVAL - 14EPC-40083, April 9, 2015– Zone Map Amendment

1. The accompanying site development plan for building permit (14EPC-40031) shall receive final sign-off from the Development Review Board (DRB) within six (6) months of this EPC action.

FINDINGS -15EPC-40003, April 9, 2015-“As-Built” Site Development Plan for Building Permit

1. The subject request is for a site development plan for building permit for Tract A-4-1A, Block 15, Unit #4, Stardust Skies, an approximately 1.5 acre site located on Montgomery Blvd. NE, between Pennsylvania St. NE and Julie St. NE.
2. The subject request is accompanied by zone map amendment request (14EPC-40083), which has been adequately justified pursuant to R270-1980.
3. When requesting an SU-1 zone, a site development plan is required pursuant to the SU-1 Zone, §14-16-2-22(A)(1). The applicant has provided an "as-built" site development plan to show

existing conditions on the subject site. No modifications to the site or the building's exterior are proposed.

4. The subject site is within the boundaries of the Established Urban Area of the Comprehensive Plan. The Facility Plan for Arroyos, a Rank II facility plan, applies. No sector development plans apply.
5. Because the subject site is not greater than 10 acres, the Environmental Planning Commission (EPC) is the approval authority. The subject request is not required to be transmitted to the City Council. This is a quasi-judicial matter.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the Facility Plan for Arroyos and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The subject request furthers the following, applicable Comprehensive Plan Goal and policies:
 - A. Established Urban Goal. The request would add a new use to a part of the Established Urban area that is already characterized by land use variety along a major arterial (Montgomery Blvd NE). The request would generally contribute toward more variety and maximum choice in life styles and options along the major arterial.
 - B. Policy II.B.5a-full range of urban land uses. The request would contribute to a full range of urban land uses in the area, which is characterized mainly by single-family homes and some vacant land. The request would contribute to a full range of urban land uses, which is characterized by multi-family residential, commercial and service uses, and single-family homes, because it would add church and related facilities as another use in the area.
 - C. Policy II.B.5k- land adjacent to arterial streets. The existing building is sited to front Montgomery Blvd. To the south, east and west are office and commercial uses that buffer the residential neighborhood further south, and would be able to provide parking for the off-peak (Sunday) church uses. Noise, light, pollution, and traffic are unlikely to adversely affect the nearby residential environment.
 - D. Policy II.D.4o- peak hour demands/circulation system. The use of the subject site for a church and related uses could generally help decrease peak hour demands on the circulation system. The surrounding office and small commercial uses operate during business hours (weekdays and maybe Saturdays). The church uses would occur mostly on Sundays, at off-peak times.
8. The Facility Plan for Arroyos (Rank II) applies. The subject site's western boundary abuts the Julie Channel, a tributary of the Hahn Arroyo System, which is classified as an Urban Recreational Arroyo. However, no policies apply to the request.

9. Conditions of approval are needed to clarify the site development plan and to ensure that what's shown corresponds to existing conditions on the subject site.
10. The affected neighborhood organizations are the Stardust Skies Park NA and the District 7 Coalition, which were notified. Property owners within 100 feet of the subject site were also notified. As of this writing, Staff has not received any inquiries or comments.

RECOMMENDATION -15EPC-40003, April 9, 2015

APPROVAL of 15EPC-40003, an "As-Built" Site Development Plan for Building Permit for Tract A-4-1A, Block 15, Unit #4, Stardust Skies, zoned SU-1 for Commercial Development for Office and Residential Developments & for Full-Service Liquor for On-Premise Consumption, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL -15EPC 40003, April 9, 2015- "As-Built" Site Development Plan for Building Permit

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to final approval, the applicant shall meet with the Staff planner to ensure that conditions of approval are met. Evidence of this meeting shall be provided at the time of application.
3. Parking:
 - A. Calculations shall be shown for handicap, motorcycle and bicycle spaces.
 - B. Four more handicap (HC) spaces, and 4 motorcycle (MC) spaces, shall be provided.
 - C. The bike rack shall be labeled and number of spaces specified.
4. Landscaping:

The landscaping palette shall accurately reflect the types of trees, plants and turf existing on the subject site.
5. Lighting: A light pole detail shall be provided.
6. Signage: The monument sign detail shall specify colors, materials and illumination type.

7. Elevations:

- A. A brief narrative shall be added to describe the existing building's finishes, materials and colors.
- B. A note shall be added to indicate the height, materials, finish and colors of the refuse enclosure.

8. Grading & Drainage Plan:

A note shall be added to explain existing drainage patterns.

9. Utility Plan:

A note shall be added to explain the easement situation (if none) or the easements need to be shown and labeled.

10. Conditions from the City Engineer (Transportation Development):

- A. Clearly show north arrow on plan view (Sheet C-1).
- B. Label existing sidewalk width adjacent to site along Montgomery Blvd. NE.
- C. Label width of handicapped parking spaces and aisles along the east edge of the existing building. The handicapped parking spaces must be a minimum of 8.5 feet in width, and the van accessible aisle must be a minimum of 8 feet in width whereas the rest of the aisles shall be a minimum of 5 feet in width.
- D. Label all existing parking spaces that are to remain as "existing". If any parking spaces are proposed to be repainted, label them as "proposed" spaces.
- E. Additionally, if the existing parking lot asphalt is to remain, label "Existing asphalt". Otherwise, if it is to be repaved, provide an asphalt pavement section.
- F. For the ADA accessible parking sign, label where it applies on the plan view. Provide an ADA van accessible sign for the two required van accessible spaces. (2 are required for the 102 parking spaces.) The ADA van accessible sign must have the required language per 66-7-352.4C NMSA 1978 "Violators Are Subject to a Fine and/or Towing."
- G. The required 8-foot wide ADA access aisle shall have the words "NO PARKING" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tire would be placed. (66-1-4.1.B NMSA 1978)
- H. Label all existing curb for the existing parking lot and all existing curb radii.
- I. A 6-foot wide ADA pathway is required from both the public sidewalk to the building entrances and from the HC Parking stall access aisles to building entrances. Show a 6-foot pathway from Montgomery Blvd., and show all existing doorways to the existing building since this influences pedestrian circulation from the public sidewalk and parking lot to the door entrances.

- J. Label existing slopes of the ramps from the handicapped spaces along the east side of the building. These slopes need to be a maximum of 1:12.
 - K. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).
-
-

Catalina Lehner

**Catalina Lehner, AICP
Senior Planner**

Notice of Decision cc list

cc: Rick Bennett, RBA Architecture, 1104 Park Ave. SW, Albuquerque, NM 87102
Matthew Bowles, Stardust Skies Park NA, 7125 Lisa Ct. NE, Albuquerque, NM 87110
Kim Lovely-Peake, Stardust Skies Park NA, 7100 Bellrose NE, Albuquerque, NM 87110
Bill Hoch, District 7 Coalition, 813 Calle del Corte NE, Albuquerque, NM 87110
Lynne Martin, District 7 Coalition, 1531 Espejo NE, Albuquerque, NM 87112

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Application page specifies "Churches and activities" the request letter specifies "to include church activities" and the justification letter states "church and related activities". I believe the request is for "church and related activities", however it is not entirely clear.

Office of Neighborhood Coordination

Stardust Skies Park NA (R), District 7 Coalition of NAs

Long Range Planning

The request is to add "church and related activities" to the site's current zoning of "SU-1 for commercial development for office and residential developments & for full service liquor for on-premise consumption" (as shown in AGIS records).

The application is unclear what the requested zoning description is. In the application form and R-270-1980 request, it appears that the request is to remove the portion related to the event center and full service liquor for on-premise consumption. The application needs to be clarified.

Regarding land use, church activities seem to be of a generally consistent intensity and impact as compared to the current zoning.

CITY ENGINEER

Transportation Development

1. Clearly show north arrow on plan view (Sheet C-1).
2. Label existing sidewalk width adjacent to site along Montgomery Blvd. NE.
3. Label width of handicapped parking spaces and aisles along the east edge of the existing building. The handicapped parking spaces must be a minimum of 8.5 feet in width, and the van accessible aisle must be a minimum of 8 feet in width whereas the rest of the aisles shall be a minimum of 5 feet in width.
4. Label all existing parking spaces that are to remain as "existing". If any parking spaces are proposed to be repainted, label them as "proposed" spaces.
5. Additionally, if the existing parking lot asphalt is to remain, label "Existing asphalt". Otherwise, if it is to be repaved, provide an asphalt pavement section.
6. For the ADA accessible parking sign, label where it applies on the plan view. Provide an ADA van accessible sign for the two required van accessible spaces. (2 are required for the 102 parking spaces.) The ADA van accessible sign must have the required language per 66-7-352.4C NMSA 1978 "Violators Are Subject to a Fine and/or Towing."

7. The required 8-foot wide ADA access aisle shall have the words "NO PARKING" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tire would be placed. (66-1-4.1.B NMSA 1978)
8. Label all existing curb for the existing parking lot and all existing curb radii.
9. A 6-foot wide ADA pathway is required from both the public sidewalk to the building entrances and from the HC Parking stall access aisles to building entrances. Show a 6-foot pathway from Montgomery Blvd., and show all existing doorways to the existing building since this influences pedestrian circulation from the public sidewalk and parking lot to the door entrances.
10. Label existing slopes of the ramps from the handicapped spaces along the east side of the building. These slopes need to be a maximum of 1:12.
11. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).

Hydrology Development

New Mexico Department of Transportation (NMDOT):

NMDOT has no comments.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Per the Interim Long Range Roadway System Map, Montgomery Blvd. is a Principal Arterial with an existing R/W width of 106 feet. No comment on bicycle facilities.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:

1. Clearly show north arrow on plan view (Sheet C-1).
2. Label existing sidewalk width adjacent to site along Montgomery Blvd. NE.
3. Label width of handicapped parking spaces and aisles along the east edge of the existing building. The handicapped parking spaces must be a minimum of 8.5 feet in width, and the van accessible aisle must be a minimum of 8 feet in width whereas the rest of the aisles shall be a minimum of 5 feet in width.
4. Label all existing parking spaces that are to remain as "existing". If any parking spaces are proposed to be repainted, label them as "proposed" spaces.

5. Additionally, if the existing parking lot asphalt is to remain, label "Existing asphalt". Otherwise, if it is to be repaved, provide an asphalt pavement section.
6. For the ADA accessible parking sign, label where it applies on the plan view. Provide an ADA van accessible sign for the two required van accessible spaces. (2 are required for the 102 parking spaces.) The ADA van accessible sign must have the required language per 66-7-352.4C NMSA 1978 "Violators Are Subject to a Fine and/or Towing."
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9. A 6-foot wide ADA pathway is required from both the public sidewalk to the building entrances and from the HC Parking stall access aisles to building entrances. Show a 6-foot pathway from Montgomery Blvd., and show all existing doorways to the existing building since this influences pedestrian circulation from the public sidewalk and parking lot to the door entrances.
10. Label existing slopes of the ramps from the handicapped spaces along the east side of the building. These slopes need to be a maximum of 1:12.
11. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).

WATER UTILITY AUTHORITY

Utility Services- No comment

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

No comments.

Open Space Division

OSD has reviewed and has no comments.

City Forester

POLICE DEPARTMENT/Planning

This project is in the Northeast Area Command. No Crime Prevention or CPTED comments concerning the proposed Amendment to *Site Development Plan for Building Permit* request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- No Comment.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Project # 1004763 14EPC-40083 AMENDMENT TO SITE DEVELOPMENT PLAN FOR BUILDING PERMIT ZONE MAP AMENDMENT (ZONE CHANGE) TRACT A-4-A , BLOCK 15 STARDUST SKIES, ADD CHURCHES AND RELATED OFFICE & RESIDENTIAL DEVELOPMENT & BANQUET HALL, LOCATED ON MONRGOMERY AVE. NE AND PENNSYLVANIA STREET NE, (G-19)	Adjacent and nearby routes	Route #5, Montgomery route, passes the site on Montgomery.
	Adjacent bus stops	There is an existing bus stop with shelter approx. 150' east from the north east corner of the property.
	Site plan requirements	None
	Large site TDM suggestions	None.
	Other information	None

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

Project #1004763 14EPC-40083 AMENDMENT TO SITE DEVELOPMENT PLAN FOR BUILDING PERMIT ZONE MAP AMENDMENT (ZONE CHANGE)	Stardust Skies, Tract A-4-A Block 15, is located on Montgomery Ave. NE and Pennsylvania St. NE. The owner of the above property requests an Amendment to the Site Development Plan for Building Permit Zone Map Amendment (Zone Change), to allow Church and Related Activities be added to the existing zoning of SU-1 Commercial Development, Office and Residential Development, and Banquet Hall. This will have no adverse impacts to the APS district.
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MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comments based on information provided to date.



Figure 1: Looking N, from the subject site, across Montgomery Blvd.



Figure 2: Looking S, from the subject site.



Figure 3: Looking NE, from the subject site.



Figure 4: Looking W, from the northern portion of the subject site.



Figure 5: Looking NW from the subject site, at the arroyo and Montgomery Blvd.



Figure 6: Looking S at the existing building on the subject site.

HISTORY

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

March 13, 2015

Oasis Family Church
3167 San Mateo Blvd. NE
Albuquerque, NM 87110

Project# 1004763
14EPC-40083 Zone Map Amendment (Zone Change)
15EPC-40003 Site Development Plan for Building
Permit

LEGAL DESCRIPTION:

The above actions for Tract A-4-1A, Block 15, Unit #4, Stardust Skies, to change the existing zoning from "SU-1 for Commercial Development for Office and Residential Developments & for Full-Service Liquor for On-Premise Consumption" to "SU-1 for C-2 uses", located on Montgomery Boulevard NE, between Pennsylvania Street NE and Julie Street NE, approximately 1.5 acres. (G-19)
Staff Planner: Catalina Lehner

PO Box 1293

Albuquerque

New Mexico 87103 On March 12, 2015, the Environmental Planning Commission (EPC) voted to DEFER Project# 1004763/ 14EPC-40083, a request for a Zone Map Amendment (Zone Change), and 15EPC-40003, a request for a Site Development Plan for Building Permit, for 30 days to the April 9, 2015 EPC hearing, as requested by the applicant, based on the following findings:

www.cabq.gov

FINDINGS:

1. This request is for a zone map amendment (zone change) and an associated, as-built site development plan for building permit.
2. The applicant requests a 30-day deferral to the April 9, 2015 EPC hearing in order to have additional time to revise the zone change justification.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MARCH 27, 2015**. 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.

OFFICIAL NOTICE OF DECISION

Project #1004763

March 12, 2015

Page 2 of 2

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's decision.

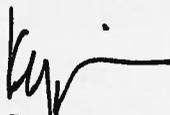
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


for Suzanne Lubar
Planning Director

SL/CLL

cc: Oasis Family Church, 3167 San Mateo Blvd. NE, Albuquerque, NM 87110
Rick Bennett, RBA Architecture, 1104 Park Ave SW, Albuquerque, NM 87102

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

February 12, 2015

Oasis Family Church
3167 San Mateo Blvd. NE
Albuquerque, NM 87110

Project# 1004763
14EPC-40083 Zone Map Amendment (Zone Change)
15EPC-40003 Site Development Plan for Building
Permit

LEGAL DESCRIPTION:

The above actions for Tract A-4-1A, Block 15, Unit #4, Stardust Skies, to change the existing zoning from "SU-1 for Commercial Development for Office and Residential Developments & for Full-Service Liquor for On-Premise Consumption" to "SU-1 for C-2 uses", located on Montgomery Boulevard NE, between Pennsylvania Street NE and Julie Street NE, approximately 1.5 acres. (G-19)

Staff Planner: Catalina Lehner

PO Box 1293

Albuquerque

New Mexico 87103

On February 12, 2015, the Environmental Planning Commission (EPC) voted to DEFER Project# 1004763 14EPC-40083, a request for a Zone Map Amendment (Zone Change), and 15EPC-40003, a request for a Site Development Plan for Building Permit, for 30 days to the March 12, 2015 EPC hearing, as requested by the applicant.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **FEBRUARY 27, 2015**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's decision.

OFFICIAL NOTICE OF DECISION

Project #1004763

February 12, 2015

Page 2 of 2

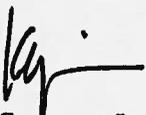
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


for Suzanne Lubar
Planning Director

SL/CLL

cc: Oasis Family Church, 3167 San Mateo Blvd. NE, Albuquerque, NM 87110
Rick Bennett, RBA Architecture, 1104 Park Ave SW, Albuquerque, NM 87102



City of Albuquerque
Planning Department
Urban Design & Development Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: July 15, 2011

OFFICIAL NOTIFICATION OF DECISION

FILE: Project # 1004763
11EPC-40035 Amendment to Zone Map
11EPC-40042 Site Development Plan for
Building Permit

L&J and R&M, LLC
7500 Montgomery Blvd. NE
Albuquerque, NM, 87109

LEGAL DESCRIPTION:

Don Dudley, agent for L&J and R&M, LLC requests the above actions for all or a portion of lot A4-1A, block 15, Stardust Skies, Unit 4 Addition, zoned SU-1/comercial dev, off & res devs to SU-1/comercial dev, off & res devs & for banquet hall to include alcohol sales for on-premise consumption, located on Montgomery Blvd, between Louisiana NE and Pennsylvania NE, containing approximately 1.453 acres. (G-19) Chris Hyer, Staff Planner

On July 14, 2011, the Environmental Planning Commission voted to APPROVE Project 1004763/11EPC-40035, an Amendment to the Zone Map and 11EPC-40042, a Site Development Plan for Building Permit based on the following Findings and subject to the following Conditions:

Project #1004763, 11EPC-40035 – Zone Map Amendment

FINDINGS:

1. The request is to rezone Lot A4-1A, Block 15, Stardust Skies, Unit 4 Addition, a 1.453-acre site, located on the south side of Montgomery Boulevard, between Louisiana Boulevard NE and Pennsylvania Boulevard NE, from SU-1/Commercial Development for Office and Residential Developments to SU-1/Commercial Development for Office and Residential Developments & for Full Service Liquor for On-Premise Consumption.
2. The subject site is in the Established Urban Area of the Comprehensive Plan.
3. The requested zone change is accompanied by a site development plan for building permit request – Project #1004763, 11EPC-40042. This request is contingent on the approval of that request as the

site plan controls the zoning on all SU-1 zoned sites. Also, this zone change request will allow full service liquor at this site only – no other sites in the subdivision will be affected.

4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is adjacent to an Enhanced Transit Corridor, Montgomery Boulevard.
6. The request is justified per R-270-1980:
 - A. The proposed zone change is consistent with the health, safety, morals and general welfare of the City as the zone change request allows the expansion of uses for an established business. This increase in allowed uses offers variety of choice to the patrons of the banquet hall.
 - B. This change will not destabilize the land use and zoning in the area; the requested zone change is compatible with the zoning including the non-residential portion of Montgomery Boulevard.
 - C. The zone change is not in significant conflict with adopted elements of the Comprehensive Plan:

ESTABLISHED URBAN AREA POLICIES

This zone change will allow the sales and service of full service liquor for on-premise consumption only, which expands available alcoholic beverages to patrons. This change will not have an adverse effect on the surrounding area and will respect existing neighborhood values as the site already serves beer and wine. This change also will create enhanced opportunities for people to gather, socialize and recreate. Since the business will remain at this location, the surrounding area will not be greatly impacted by its expanded operations, thus maintaining existing neighborhood values. As the banquet hall is surrounded by non-residential, compatible uses, adverse effects of noise, lighting, pollution, and traffic on residential environments is minimized. (Comprehensive Plan Policies II.B.5.a, d, e and i)

TRANSPORTATION AND TRANSIT POLICIES

The subject site is located adjacent to multiple transportation modes including an Enhanced Transit Corridor along Montgomery Boulevard. The availability of close by transit service helps to balance the circulation system as employees and patrons have easy access to the transit system, which encourages bicycling and walking. (Policy II.D.4.a)

ECONOMIC DEVELOPMENT

The requested zone change allows a greater variety of employment opportunities because of the need for personnel skilled to create alcoholic combinations desired by patrons. The increase in demand for the banquet hall furthers this policy by encouraging local caterers and other business enterprises to expand. (Policy II.D.6.a and b)

- D. (3) The requested zone change to allow full service liquor would be more advantageous to the community as articulated by the Comprehensive Plan policies sited above (see Section C).

- E. The additional use of full service liquor requested by the zone change is restricted to the subject site only, not other sites within the subdivision. Beer and wine service has been allowed at this site since 2005 and has not been found to be harmful to the adjacent property, the neighborhood or the community.
 - F. The request would not require unprogrammed capital expenditures by the City.
 - G. The cost of land or other economic considerations pertaining to the applicant are not the determining factor for the zone change.
 - H. The site's location is not a reason for the requested zone change.
 - I. The zone change request does create a spot zone. However, the spot zone created is justified as the requested zoning to allow full service liquor only pertains to the subject site and none of the other properties within the subdivision.
 - J. The proposed change would not create strip zoning.
7. Property-owners within 100' and the Stardust Skies Park Neighborhood Association (SSPNA) and the District 7 Coalition were notified. Staff has received a letter from the president of the SSPNA and the neighborhood association has no objection to this request.

Project #1004763, 11EPC-40042 -- Site Development Plan for Building Permit Amendment

FINDINGS:

1. The request is for an amendment to the site development plan for building permit for Lot A4-1A, Block 15, Stardust Skies, Unit 4 Addition, a 1.453-acre site. The subject site is approximately 1.453-acres and is located on the south side of Montgomery Boulevard, between Louisiana Boulevard NE and Pennsylvania Boulevard NE.
2. The requested amendment to the site development plan for building permit is accompanied by a zone map amendment request – Project #1004763, 11EPC-40035. Approval of that request is contingent on the approval of this request as the subject site is an SU-1 zoned site and the zoning refers to an approved site plan.
3. The subject site is developed; therefore, the applicant has provided a set of “as-built” drawings that will serve as the site plan for building permit.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is in the Established Urban Area of the Comprehensive Plan.
6. The subject site abuts an Enhanced Transit Corridor, Montgomery Boulevard, on the north and patrons visiting this site have the option to use transit service.

7. The applicant has sufficiently provided all required information on the site plan as expressed in the Zoning Code for a Site Development Plan for Building Permit.
8. Property-owners within 100' and the Stardust Skies Park Neighborhood Association (SSPNA) and the District 7 Coalition were notified. Staff has received a letter from the president of the SSPNA and the neighborhood association has no objection to this request.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Planning Director.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY JULY 29, 2011 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. 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 DECISION.

Persons aggrieved with any determination of the Environmental Planning Commission (EPC) 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 of the EPC's decision is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday, the next working day is considered as the deadline for filing the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(11), a change to the zone map does not become official until the Certification of Zoning is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven

OFFICIAL NOTICE OF DECISION
PROJECT #1004763
JULY 14, 2011
Page 5 of 5

years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee.

Sincerely,

C. Manone

for Deborah Stover
Planning Director

DS/CH/mc

cc: Don Dudley, 400 Gold Avenue SW, Albuquerque, NM 87102
Mathew Bowles, 7125 Lisa Court NE, Albuquerque, NM, 87110
Kim Lovely-Peake, 7100 Bellrose NE, Albuquerque, NM 87110
Bill Hoch, 813 Calle Del Corte NE, Albuquerque, NM, 87110
Lynne Martin, 1531 Espejo NE, Albuquerque, NM, 87112

OFFICIAL NOTICE

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
2001 San Mateo NE, Albuquerque, NM 87103**

Date June 20, 1978

NOTIFICATION OF DECISION

Manuel Lujan Realty, Inc.
2001 San Mateo NE
Albuquerque, NM 87110

File: 7-74-23 Development Plan
Location: Portion of Block 15, Unit 4,
Stardust Skies Subdivision

On June 15, 1978, the Environmental Planning Commission approved the proposed development plan for the above-mentioned request subject to the following conditions:

1. Commercial uses must be limited to those permissive in the C-1 zone.
2. Submission of a revised development plan satisfactory to the Planning Department meeting staff's concerns regarding traffic circulation, storm water management, landscaping, and signing. Special emphasis shall be given to the landscaping of the parking areas.
3. A drainage plan satisfactory to the City Engineer and ANAFCA is required.
4. The buildings and parking areas for use as medical facilities shall be specifically designated on the plan.

If you wish to appeal this decision, you may do so by 6-30-78 in the manner described below. A non-refundable filing fee of \$40 is required at the time of application.

A. **Appeal to Planning Commission.** Any person aggrieved with any determination of the City staff acting under the Subdivision Ordinance may appeal to the Planning Commission by submitting written application on the Planning Department form to the Planning Department within 15 days after the date of the staff'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 filing date 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. Such appeal shall be heard and decided by the Planning Commission within 60 days of its filing.

B. **Appeal to City Council.** Any person aggrieved with any determination of the Planning Commission acting under this ordinance 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 (such 15 day period to be determined as in A. above). The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 60 days of its filing.

You will receive notice if another person files an appeal. If there is no appeal you can receive building permits 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).

Sincerely,

Jill Danforth
Jill Danforth
EPC Recording Secretary

cc: Francis Smith, 7613 Hendrix NE; 87110

DISTRIBUTION OF AREA

CLASS I. STATE FARM-AMERICAN RESERVE

SIZE: 1000 sq. ft. on 100 acres

CLASS II. FEDERAL-INT. STATE RESERVE

SIZE: 1000 sq. ft. on 100 acres

CLASS III. STATE FARM-AMERICAN RESERVE

SIZE: 1000 sq. ft. on 100 acres

CLASS IV. STATE FARM-AMERICAN RESERVE

SIZE: 1000 sq. ft. on 100 acres

CLASS V. STATE FARM-AMERICAN RESERVE

SIZE: 1000 sq. ft. on 100 acres

CLASS VI. STATE FARM-AMERICAN RESERVE

SIZE: 1000 sq. ft. on 100 acres

CLASS VII. STATE FARM-AMERICAN RESERVE

SIZE: 1000 sq. ft. on 100 acres

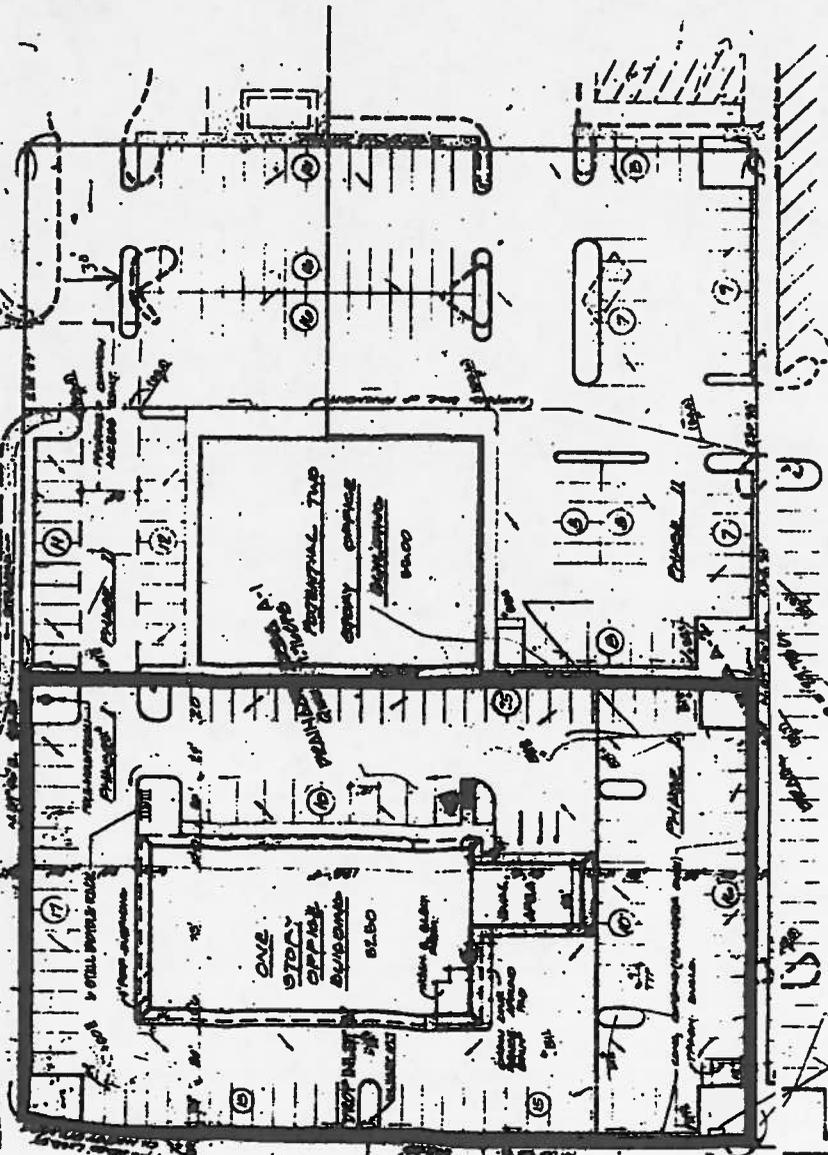
Z-74-23

2 of 23

Z-74-23

SCALE: 1" = 100'

MONTGOMERY BOULEVARD



LEGEND	
—	PROPOSED
- - -	EXISTING
...	RESERVED
...	RESERVED

SITE PLAN

7005

OFFICIAL NOTICE

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
Box 1293, Albuquerque, NM 87103

Date June 25, 1975

NOTIFICATION OF DECISION

Robert L. Torres
1801 Lomas Blvd. NW
Albuquerque, N.M. 87104

File: Z-74-23 Amended
Location: The northerly 9 acres of Block 15,
Stardust Skies

On June 19, 1975 the Environmental Planning Commission approved the above-mentioned request as revised and submitted to the Commission on that date and which is further revised by the agreement signed by Mr. Albert and Mr. Smith; thereby changing the zoning to SU-1 (Special Use for a Commercial, Office and Residential Development) subject to the following conditions:

- 1) Comments by other Departments as necessary;
- 2) Submission of a drainage plan satisfactory to the City Engineer and AMAFCA;
- 3) Filing of a summary subdivision plat to delineate the area being rezoned, prior to issuance of a Certificate of Zoning.

If you wish to appeal this decision, you may do so by 7-7-75 in the manner described below.
A filing fee of \$25 is required.

A. Appeal to Planning Commission. Any person aggrieved with any determination of the City staff acting under the Subdivision Ordinance may appeal to the Planning Commission by submitting written application to the Planning Department within 15 days after the date of the staff'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 Aesthet System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard and decided by the Planning Commission within 60 days of its filing.

B. Appeal to City Council. Any person aggrieved with any determination of the Planning Commission acting under this ordinance may file an appeal to the City Council by submitting written application to the Planning Department within 15 days of the Planning Commission's decision (such 15 day period to be determined as in A. above). The City Council may decline to hear the appeal if it finds that all City plans, policies, and ordinances have been properly followed. If it decides that all City plans, policies, and ordinances have been properly followed, it shall hear the appeal. Such appeal if heard, shall be heard within 60 days of its filing.

You will receive notice if another person files an appeal. If there is no appeal you can receive building permits 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).

Sincerely,

Jill Danforth

Jill Danforth
EPC Recording Secretary

cc: Mrs. N. F. Siska, 7420 Carriveau NE; 87110
Mrs. Frederick Vook, 7416 Carriveau NE; 87110
Malcolm Colberg, c/o Butler & Colberg
6400 Uptown Blvd. NE, Suite 399-West; 87110
K. Enterprises & Al-Realty, 7122 Meanaul Blvd. NE; 87110
Mrs. O. Amacker, 3816 Pennsylvania NE; 87110
James R. Smith, 7613 Hendrix Ave. NE; 87110

Letter of
Advice

ZONING

Please refer to the Zoning Code for specifics of
the SU-1 zone and the C-2 zone

APPENDIX B

ENACTMENT 270-1980

ADOPTING POLICIES FOR ZONE MAP CHANGE APPLICATIONS AND APPEALS OF ENVIRONMENTAL PLANNING COMMISSION DECISIONS; SUPERSEDING CITY COUNCIL RESOLUTIONS 217-1975 AND 182-1978 RELATING TO ZONE CHANGE APPLICATIONS AND APPEALS.

WHEREAS, the usefulness of the Comprehensive City Zoning Code in implementing the City's Comprehensive Plan and promoting health, safety, morals, and general welfare is enhanced by a reasonable flexibility in order to deal reasonably with changes in physical, economic, and sociological aspects of the city; and

WHEREAS, certain general policies for consideration of zone map changes and other zoning regulation changes should be recognized as determinative.

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

Section 1. The following policies for deciding zone map change applications pursuant to the Comprehensive Plan are hereby adopted:

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.
- 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.
- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.
- 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.
- 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.

- 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.
- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.
- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or 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.
- 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.

APPLICATION INFORMATION

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

SUBDIVISION

- Major subdivision action
- Minor subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment/Approval (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

Supplemental Form (SF)

S Z

ZONING & PLANNING

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- Adoption of Rank 2 or 3 Plan or similar
- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- Street Name Change (Local & Collector)
- APEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 800 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): RBA ARCHITECTURE PHONE: 242-1589
 ADDRESS: 1104 PARK AVE SW FAX: _____
 CITY: ALBU. STATE NM ZIP 87102 E-MAIL: doug@rbaal.com

APPLICANT: OASIS FAMILY CHURCH PHONE: 505-265-7007
 ADDRESS: 3167 SAN MATEO BLVD. NE FAX: _____
 CITY: ALBU. STATE NM ZIP 87110 E-MAIL: _____

Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: ADD TO SU-1 COMMERCIAL DEVELOPMENT, OFFICE, AND RESIDENTIAL DEVELOPMENT & BUDGET HALL TO INCLUDE "CHURCHES & ACTIVITIES"

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. A FOUR-A(A-19A), BLOCKS STARKUSKIES Block: _____ Unit: 4
 Subdiv/Addn/TBKA: _____
 Existing Zoning: SU-1 Proposed zoning: _____ MRGCD Map No _____
 Zone Atlas page(s): 6-19-3 UPC Code: _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.): 1004763

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: _____ No. of proposed lots: _____ Total site area (acres): 1.45

LOCATION OF PROPERTY BY STREETS: On or Near: MONTGOMERY AVE.
 Between: PENNSYLVANIA and _____

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE Douglas L. Gallacher DATE 9/24/14
 (Print Name) DOUGLAS L. GALLACHER Applicant Agent

FOR OFFICIAL USE ONLY

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers

14EPL - 40083

Action

AZM

ADU

CMF

S.F.

Revised: 4/2012

Fees

\$ 295.00

\$ 75.00

\$ 30.00

\$ _____

\$ _____

\$ _____

Total

\$ 420.00

Hearing date

February 12, 2015

Project

1004763

157.260

FORM P(4): SITE DEVELOPMENT PLAN REVIEW – ADMINISTRATIVE APPROVAL (AA)

AMENDMENT TO SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (AA02)

AMENDMENT TO SITE DEVELOPMENT PLAN FOR SUBDIVISION (AA03)

- Letter describing and justifying the request
- One (1) copy of all applicable sheets of the approved Site Development Plan being amended, folded to fit into an 8.5" x 14" pocket. Approved site development plans should contain signatures of the Development Review Board (DRB).
- Copy of EPC or DRB Official Notice of Decision associated with the approved site development plan
- One (1) copy of the proposed Site Development Plan, with changes circled and noted, folded to fit into an 8.5" x 14" pocket. Refer to the Site Development Plan for Building Permit or Site Development Plan for Subdivision Checklist for information needed on the proposed Site Development Plan.
- Map from the most recent Zone Atlas, with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter of authorization from the property owner, if the application is submitted by an agent
- Fee (see fee schedule)
- Any original and/or related file numbers must be listed on the cover application

NOTE: The next two items are also required if the square footage change is 2% or more of any building's gross floor area:

- Notification letter addressed to owners of adjacent properties and certified mail receipts
- Office of Neighborhood Coordination (ONC) inquiry response, notification letter to affected Neighborhood Associations and certified mail receipts

WIRELESS TELECOM FACILITY (WTF)- FREE-STANDING, COLLOCATION or OTHER TYPE (AA04)
(EXCEPT FOR COLLOCATION OF A NON-CONCEALED WTF ON A STRAIGHT-ZONED SITE, WHICH GOES TO THE ZONING FRONT COUNTER AT THE BUILDING SERVICES CENTER/ EAST SIDE)

- Letter describing the request and discussion of its how it relates to the WTF Ordinance (O-06-40)
- Letter of authorization from the property owner if application is submitted by an agent
- Fee (see fee schedule)
- Any relevant file numbers (case history of previous development applications) must be listed on cover application
- Copy of EPC Official Notice of Decision, if the subject site went through the EPC process
- Proposed Site Development Plan set: title sheet, notes/photo sheet, site plan sheets, elevation sheets, landscape plan (if free-standing), and survey sheet(s) (3 copies- 11" x 17"). No electrical sheets needed.
- For collocation on a public utility pole: the PNM approved site dev. plan set for the proposed WTF (1 copy)
- Photo simulations- before and after the proposed WTF (3 views minimum)
- Site Development Plan sheets must be stamped by a registered engineer or architect.
- Copy of approved Site Development Plan being amended by adding the proposed WTF, if applicable (1 copy)
- City Zone Atlas map page, with location of the subject site clearly indicated
- 1 map showing Zoning of the subject site and adjacent properties
- 1 map showing Land Use (ex. residential, commercial, etc.) of the subject site and adjacent properties
- For free-standing WTFs: Evidence demonstrating that collocation possibilities were considered, consisting of a written response to §14-16-3-17(A)(6)(a through e) and any supporting materials such as engineering maps
- For collocation on a public utility pole: written response to items a through e in §14-16-3-17(A)(14)
- Notarized statement re: WTF capacity, number and types of proposed antennas and if another user can be accommodated on the proposed WTF (see §14-16-3-17(A)(13)(d)(2))
- Affidavit (notarized statement) re: explanation of factual basis for the proposed WTF's engineering requirements (see §14-16-3-17(A)(13)(d)(3)) *Note: Notarized statement and affidavit must be on separate pages.*
- Letter of intent re: shared use of proposed WTF if reasonable conditions are met §14-16-3-17(A)(13)(e))
- For free-standing WTFs: Distance to the nearest existing free-standing WTF and the WTF owner's name §14-16-3-17(A)(13)(d)(5) and (A)(17))
- Office of Neighborhood Coordination (ONC) Inquiry forms, response based on ¼ mile radius from subject site §14-16-3-17(A)(13)(f))
- Copy of letter and site plan sheet(s) to both contacts for each neighborhood association, with certified return receipts
- List of property owners within 100 feet of the subject site and copy of letter and site plan sheet(s) sent to property owners, with certified return receipts §14-16-3-17(A)(13)(f))
- Supplemental Application Form for Wireless Projects- filled out completely, with the required attachments provided and labeled.

NOTE: For WTFs proposed to be located on City of Albuquerque property, a lease agreement with the City will be needed. Please contact Catalina Lehner at (605) 924-3936 for more information.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in rejection of this application and/or deferral of actions.

Douglas L. Gallagher
Applicant's Name (please print)

DOUGLAS L. GALLAGHER 9/24/11
Applicant's Signature Date



Checklists complete
 Fees collected
 Case #s assigned
 Related #s listed

Application case numbers:

Planner's Signature / Date

 Project #: _____



LETTER OF AUTHORIZATION

November 25, 2014

**City of Albuquerque
Planning Department
Plaza del Sol
600 2nd NW
Albuquerque, NM 87102**

**Re: Oasis Family Church
7500 Montgomery Blvd. NE**

To Whom It May Concern:

RBA Architects is authorized to act as the agent for Oasis Church for obtaining an Administrative Amendment Approval as referenced above. If you have any questions, please feel free to call or email.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Mathews".

**Terry Mathews
Pastor
3167 San Mateo Blvd. NE
Box 311
Albuquerque, New Mexico 87110
Ph: (505) 250-7007**



January 22, 2015

**City of Albuquerque
Planning Department
Plaza del Sol
600 2nd NW
Albuquerque, NM 87102**

**Attn: Kym Dicone
Planning Section Manager**

**Re: Oasis Family Church
7500 Montgomery Blvd.**

To Whom It May Concern:

Subject site is zoned SU-1 for Commercial Development, Office & Residential Developments & for Banquet Hall to include alcohol sales for on-premise consumption. It has been used as an event center. We are requesting a change to SU-1 for C-2 use zone so as to include Church functions. All existing functions are allowed in the C-2 zoning and the only change is that C-2 allows churches. The existing facility meets requirements for parking, restrooms, is fully sprinkled and meets all codes for a Church use. No exterior changes will be made to the facility.

Sincerely,



**RBA Architecture
1104 Park Ave. SW
Albuquerque, NM 87102
(505) 242-1859**

March 25, 2015

Peter Nichols, Chair
Environmental Planning Commission
City of Albuquerque
Albuquerque, New Mexico

**Re: Zone Map Amendment - Project #1004763/14EPC-40083, 15EPC-40003,
Tract A-4-A, Block 15, Stardust Skies Subdivision**

Dear Chair Nichols and Commissioners:

This is a request for SU-1 for C-2 uses for the above referenced property. The property is currently zoned SU-1 for Commercial Development, Office & Residential Development and for a Banquet Hall to include on premises consumption of alcohol.

The parcel is located is located at 7500 Montgomery NE on the south side of Montgomery, east of Pennsylvania. There is an existing building on the site that was most recently used as an event center (banquet hall). The building is approximately 14,000 square feet, including a 1600 square foot addition that was approved as an Administrative Amendment in 2006. Later that same year, another administrative amendment was granted for a monument sign. Finally, in November, 2011 a third Administrative Amendment was approved to allow on premise sales of alcohol.

Approval of this zone map amendment will consolidate the approved Administrative Amendments while allowing most of the currently allowed uses, as SU-1 for C-2 uses.

Zone Change Justification

A site development plan is required by the *Comprehensive City Zoning Code (Zoning Code)* for an SU-1 zone in accordance with Section 14-16-2-22(A)6). The property is fully developed and an 'as built' site development plan and landscaping plan has been provided with this application.

The purpose of the SU-1 zone category, Section 14-16-2-22 of the *Zoning Code*, is to provide a suitable site for any use that may be special because of infrequent occurrence, effect on surrounding property, safety, hazard or other reasons and, for which the appropriateness of the use to a specific location depends on the character of the site design.

Despite the fact that the current zone category allows many disparate uses, it does not allow a church. The present occupant and owner of the property, Oasis Family Church, moved to this site from their previous location on Menaul NE. Although the church has no desire to utilize most of the allowed uses, either existing or proposed, any zone designation remains with the site, regardless of use or ownership. As such the applicant does not wish to eliminate the uses allowed under the existing union.

Further, the current zone designation is unwieldy and has been frequently amended. Changing the zoning to SU-1 for C-2 uses, will simplify the permitted uses on the property. The parcel will also remain governed by a site development plan. The site development plan requirement will assure that any allowed use either may be accommodated by the existing site, or will require formal approval by either the Environmental Planning Commission (EPC), or by an administrative amendment that includes neighborhood notification.

Justification for this approval is primarily based upon Section D (3) of Resolution 270-1980 in that the *Albuquerque/Bernalillo County Comprehensive Plan (Comprehensive Plan)* is better served by the zone change.

Resolution 270-1980

- A. A proposed zone change must be found to be consistent with the health, safety, morals and general welfare of the City.** The *Comprehensive Plan* adopts standards that are incorporated into the zoning regulations found in the *Zoning Code*. This zone map amendment will allow standard C-2/Community Commercial uses governed by a site development plan. As will be demonstrated in Sections C. & D. of this request, the allowed uses and proposed amendment will not conflict with adopted relevant plans and policies and will further appropriate land use goals and and policies of the City. As a result, applicant believes that this proposed zone map amendment is consistent with the health, safety, morals and general welfare of the city of Albuquerque.
- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for change.**

Applicant will demonstrate that stability of land use will not be compromised and that the proposed minor change to the existing zone category is consistent with the City's adopted plans and policies.

As explained above, the current zone category is unwieldy and has been amended three times. The great majority of uses allowed under the proposed zoning are currently allowed within the existing zoning.

However, the specific use being sought by the applicant, a church, is not allowed. As such, applicant could have asked for a more limited zone change to simply add a church to the existing allowed uses. All this approach would do would be to further complicate an already somewhat obtuse zone category. The current zoning allows "commercial development" and the C-2 zone allows myriad commercial uses, including, with specific limitations, the "[r]etailing of any consumer product and provision of any customer personal or business service...." The limitations found in the C-2 zone would carryover to the administration of this requested zone change. The current zone category does not necessarily contain these limitations.

Based upon these reasons, applicant believes that the proposed zone map amendment maintains stability of land use and zoning.

- C. A proposed zone change shall not be in significant conflict with the adopted elements of the *Comprehensive Plan* or other City master plans and amendments.** The site is located in the Established Urban Area of the *Comprehensive Plan*. The Goal of this area is "to create a quality urban development which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles while creating a visually pleasing built environment."

This request allows for a variety of commercial and residential uses, all regulated by a site development plan.

As such, the overarching goal of the Developing and Established Urban Areas of the *Comprehensive Plan* does not significantly conflict with the proposed zone map amendment and attendant site development plan.

Policy II.B.5.a of the Developing and Established Urban Area of the *Comprehensive Plan* states: "The Developing Urban and Established areas shall allow a full range of urban land uses, resulting in a gross density of up to five dwelling units per acre."

This request will continue to allow all of the uses currently permitted in the existing category, including housing, office and commercial uses. The proposed immediate use for this property is a church, something that is not allowed under the current zoning. As such, this request adds to the full range of urban uses desired and does not conflict with this Policy.

Policy II.B.5.d: "The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and

carrying capacities, scenic resources, and resources of other social, cultural and recreational concern.”

Approval of this zone map amendment will allow a church and related activities, in addition to the uses already allowed. The site is located off of a major arterial with access to both private and public transportation. Adequate parking exists on the site for the proposed use and any approved future use is predicated on providing adequate parking, as well. The site is presented ‘as built’, though the landscaping has been enhanced and must be approved by the EPC as part the zone map amendment process. Because there will be no new construction, this request does not conflict with Policy d.

Policy II.B.5.e says that *“[n]ew growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services where the integrity of existing neighborhoods can be ensured.”*

Although this is a request to include new uses on the property, there is an existing building on site and this does not technically constitute new growth. As such, this request does not conflict with Policy e.

Policy II.B.5.o states: *“Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.”*

There will be limited redevelopment of this site as a result of this request, but this is an older Northeast Heights neighborhood and the site development plan requirement will assure any future redevelopment will enhance the both the older residential neighborhood in the vicinity, as well as the mostly commercial and high density residential development along Montgomery Boulevard. Because the site will remain governed by a site development plan, this request will not conflict with Policy o.

It is the goal of Policy II.B.5.p that *“[c]ost effective redevelopment techniques shall be developed and utilized.”* Technique 2 of this Policy says to *“[e]mphasize private investment as a primary means to achieve redevelopment objectives.”*

This request is being made by a local church. Any future site enhancements will be privately funded by the church and its members, and will not require any financial participation by the City of Albuquerque. As such, the zone map amendment will not conflict with Policy p.

- 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 and other City master plans, even though 1 and 2 above do not apply.**

This property is located in the Developing and Established Urban Area of the *Comprehensive Plan*.

1.) Applicant makes no argument that there is an error when the existing zone map pattern was created. However, the application of the SU-1 zone has been consistently amended to such a degree that it has lost its original intent and to the extent that could be considered an error, this zone map amendment will correct that problem.

2.) There are no significant changed neighborhood conditions to justify this request and applicant makes no such argument.

3.) This request facilitates the policies of the *Comprehensive Plan* regarding private development, a full range of allowed uses serving an older area, a location with access to public and private transportation as well as the reutilization of an existing property. In addition, all proposed uses are governed by not only the regulations for the use, but also by a site development plan. For these reasons and the policies cited in Section C., this use will be more advantageous to the community as articulated by the *Comprehensive Plan*.

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

This request is to re-zone the property from SU-1 for commercial, office and residential uses with amendments to a simplified zone designation of SU-1 for C-2 uses. It is not possible to address all C-2 uses permissive in this zone category, because C-2 encompasses myriad retail and service uses. What this zone map amendment does accomplish is to prohibit certain potentially undesirable uses that are permissive under the current zone. Specifically: Adult amusement businesses, including adult stores, hospitals for human beings and transit facilities are no longer allowed. In addition, the C-2 zone sets regulatory standards for many uses that do not now apply to the generic category of commercial, office or residential uses. This would include future development of the property for residential uses, sale of alcoholic drink off premises, and outdoor storage and activity as a principal use. Further, all uses must conform

to the approved or amended site development plan.

This site directly abuts Montgomery Boulevard, which is a six lane, divided major thoroughfare. There is a drainage easement west of the site and Pennsylvania, a collector street to the east. The residential areas which would be served by this church and any subsequent community commercial uses are all several hundred feet away from the site. Further, the C-2 zone is the standard community commercial zone in Albuquerque. Therefore, the uses allowed by the approval would not be harmful to the adjacent property, the neighborhood or the community.

- F. A proposed zone change which, to be utilized though land development requires major and unplanned capital expenditure 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.**

This proposed zone change requires no capital expenditures by the City to be developed.

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

Applicant believes that this request furthers specific City policies regarding economic development, but asks for no specific consideration regarding any economic issue with this zone change request. The purpose of this request is to expand the zone category to allow a full range of uses compatible with a community commercial zone, including a church. Further, a church is a non-profit use and would receive no economic gain from this zone change, it would merely allow it to have more visibility and a larger venue for its congregation.

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

The location of this property on Montgomery Boulevard is not presented as justification for this request. Further, the property is already zoned for apartments, offices and commercial uses. Applicant believes that the justification for this zone changes is supported by relevant policies of the *Comprehensive Plan*, and the location on a major street is only a factor as it applies to those policies.

- I. A zone change request which would give a zone different from surrounding zones 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 adopted sector development plan or area 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 uses allowed in any adjacent zone due to topography, traffic for special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone."

Applicant does not believe that this constitutes a spot zone as envisioned in this section. The current zoning is SU-1 for commercial, residential and office uses and the proposed zoning is SU-1 for C-2 uses, which allows commercial, offices and residential uses. The property abutting this site is also zoned SU-1 for commercial, residential and office uses. In the past, commercial uses have been added through administrative amendment and have not been considered spot zones.

In this case, the applicant has chosen to amend the zoning of the entire site which facilitates the realization of the *Comprehensive Plan* through the goals and policies enumerated and justified 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 only be approved where; (1) the change will clearly facilitate realization of the *Comprehensive Plan* and any adopted sector development plan or area 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 uses allowed in any adjacent zone due to traffic or special adverse land uses nearby. This request does not apply to a strip of land and therefore is not strip zoning.

Conclusions

Applicant believes that this request is well supported by several policies and techniques of the *Comprehensive Plan*. A positive consideration of this request is appreciated.

NOTIFICATION &
NEIGHBORHOOD INFORMATION



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

November 26, 2014

Rick Bennett
RBA Architecture
1104 Park Ave.
Phone: 242-1859 Fax: 242-6630

Dear Rick:

Thank you for your inquiry of November 26, 2014 requesting the names of ALL Neighborhood and/or Homeowners Associations who would be affected under the provisions of O-92 by your proposed project at (EPC SUBMITTAL) A-FOUR (A-14A), BLOCK 15 STARDUST SKIES LOCATED ON 7500 MONTGOMERY BLVD. BETWEEN PENNSYLVANIA AND MONTGOMERY zone map G-19.

Our records indicate that the ALL Neighborhood and/or Homeowners Associations affected by this proposal and the contact names are as follows:

SEE ATTACHMENT "A" FOR THE NAMES OF THE NA/HOA'S THAT NEED TO BE CONTACTED IN REGARDS TO THIS PLANNING SUBMITTAL – please attach this letter and "Attachment A" to your Application Packet ALONG with copies of the letters and certified mail receipts to the NA/HOA's.

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3906 or via an e-mail message at dcarmona@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Dalaina Carmona

Senior Administrative Assistant
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.

ATTACHMENT "A"

November 26, 2014

Rick Bennett
RBA Architecture
1104 Park Ave.
Phone: 242-1859 Fax: 242-6630

STARDUST SKIES PARK N.A. (SSK) "R"

***Matthew Bowles**

7125 Lisa Ct. NE/87110 271-9850 (h)

Kim Lovely-Peake

7100 Bellrose NE/87110 268-7969 (h)

NEIGHBORHOOD COALITIONS

DISTRICT 7 COALITION OF N.A.'S

***Bill Hoch**, 813 Calle Del Corte NE/87110 265-0606 (h)

e-mail: wwhoch@aol.com -or- bhoch@da2nd.state.nm.us

Lynne Martin, 1531 Espejo NE/87112 294-0435 (h) *e-mail:* lmartin900@aol.com



- typical -

December 1, 2014

**District 7 Coalition of N.A.'S
Lynne Martin
1531 Espejo NE
Albuquerque, NM 87112**

Dear Ms. Martin,

We are requesting an amendment to the SU-1 Zoning description covering 7500 Montgomery Blvd. Currently the Zoning description is as follows: SU-1 Commercial Development, Office, and Residential Development & Banquet Hall. We are requesting the description to now include "Churches and Related Activities". There will be no changes to the building's exterior, or to the density or occupant loads, and this use will not generate any additional traffic. The Owner of the property is Oasis Church and are currently occupying the building.

We hope you find this change acceptable. Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Bennett", with a long, sweeping horizontal line extending to the right.

**Rick Bennett
Architect**

7001 2510 0009 4669 1052

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

ALBUQUERQUE NM 87112

Postage	\$ 00.49	0104
Certified Fee	\$3.30	03
Return Receipt Fee (Endorsement Required)	\$2.70	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	2014
Total Postage & Fees	\$ \$6.49	12/01/2014

Sent To **LYNNE MARTIN**
 Street, Apt. No.; or PO Box No. **1531 ESPEJO NE**
 City, State, ZIP+4 **ALBQ. NM 87112**

PS Form 3800, January 2001 See Reverse for Instructions

7001 2510 0009 4669 1076

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

ALBUQUERQUE NM 87110

Postage	\$ 00.49	0104
Certified Fee	\$3.30	03
Return Receipt Fee (Endorsement Required)	\$2.70	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	2014
Total Postage & Fees	\$ \$6.49	12/01/2014

Sent To **MRS. LOVELY-PEAKE**
 Street, Apt. No.; or PO Box No. **7100 BELLROSE AVE**
 City, State, ZIP+4 **ALBQ. NM 87110**

PS Form 3800, January 2001 See Reverse for Instructions

7007 3020 0001 1077 1057

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

ALBUQUERQUE NM 87110

Postage	\$ 00.49	0104
Certified Fee	\$3.30	03
Return Receipt Fee (Endorsement Required)	\$2.70	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	2014
Total Postage & Fees	\$ \$6.49	12/01/2014

Sent To **MR. BILL HOCH**
 Street, Apt. No.; or PO Box No. **813 CALLE DEL CORTE NE**
 City, State, ZIP+4 **ALBQ. NM 87110**

PS Form 3800, August 2006 See Reverse for Instructions

7001 2510 0009 4669 1083

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

ALBUQUERQUE NM 87110

Postage	\$ 00.49	0104
Certified Fee	\$3.30	03
Return Receipt Fee (Endorsement Required)	\$2.70	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	2014
Total Postage & Fees	\$ \$6.49	12/01/2014

Sent To **MR. MATHEW BOWLES**
 Street, Apt. No.; or PO Box No. **7125 LISA CT NE**
 City, State, ZIP+4 **ALBQ. NM 87110**

PS Form 3800, January 2001 See Reverse for Instructions

SITE DEVELOPMENT PLAN REDUCTIONS

IRRIGATION SYSTEM

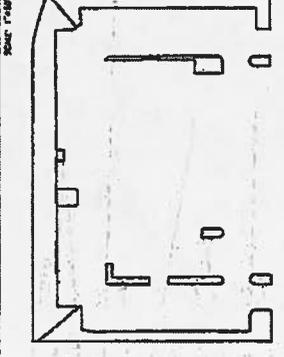
THE IRRIGATION SYSTEM FOR THIS PROJECT IS THE PROPERTY OF THE CLIENT. THE IRRIGATION SYSTEM IS TO BE INSTALLED AND MAINTAINED BY THE CLIENT. THE IRRIGATION SYSTEM IS TO BE INSTALLED AND MAINTAINED BY THE CLIENT. THE IRRIGATION SYSTEM IS TO BE INSTALLED AND MAINTAINED BY THE CLIENT.

- 7,082 SF
- 87 SF
- 3,148 SF
- 3,854 SF
- 330 SF
- 684 SF
- 2,753 SF
- 322 SF
- 182 SF
- 168 SF
- 188 SF
- 18,881 SF

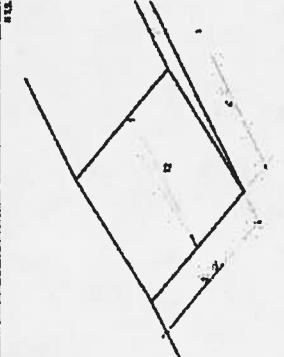
LANDSCAPE MAINTENANCE STATEMENT

THE OWNERS OF THIS PROPERTY ARE CURRENTLY UNDER CONTRACT WITH WEST GARDEN LANDSCAPE MAINTENANCE COMPANY TO MAINTAIN THE LANDSCAPE MAINTENANCE STATEMENT. THE LANDSCAPE MAINTENANCE STATEMENT IS TO BE MAINTAINED BY THE CLIENT.

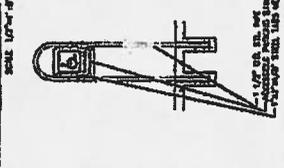
LANDSCAPE ISLAND AREAS



EXTERIOR HANDICAP RAMP



ACCESSIBLE PARKING SIGN



PROJECT DATA

TOTAL LOT AREA 61,389 SF (0.43 ACRES)
 TOTAL BUILDING FOOTPRINT 14,184 SF
 TOTAL PARKING AREA 48,185 SF
 REQUIRED LANDSCAPED AREA 2,440 SF
 TOTAL LANDSCAPED AREA 32,891 SF
 USCAR STREET FRONTAGE 104 FT
 STREET TREES PROVIDED 3 TREES
 TOTAL HEATED SPACE 14,200 SF
 SEATING CAPACITY 436 PARKINGS

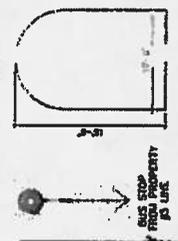
ADULTS 111
 CHILDREN 111
 TOTAL 222



ZONING

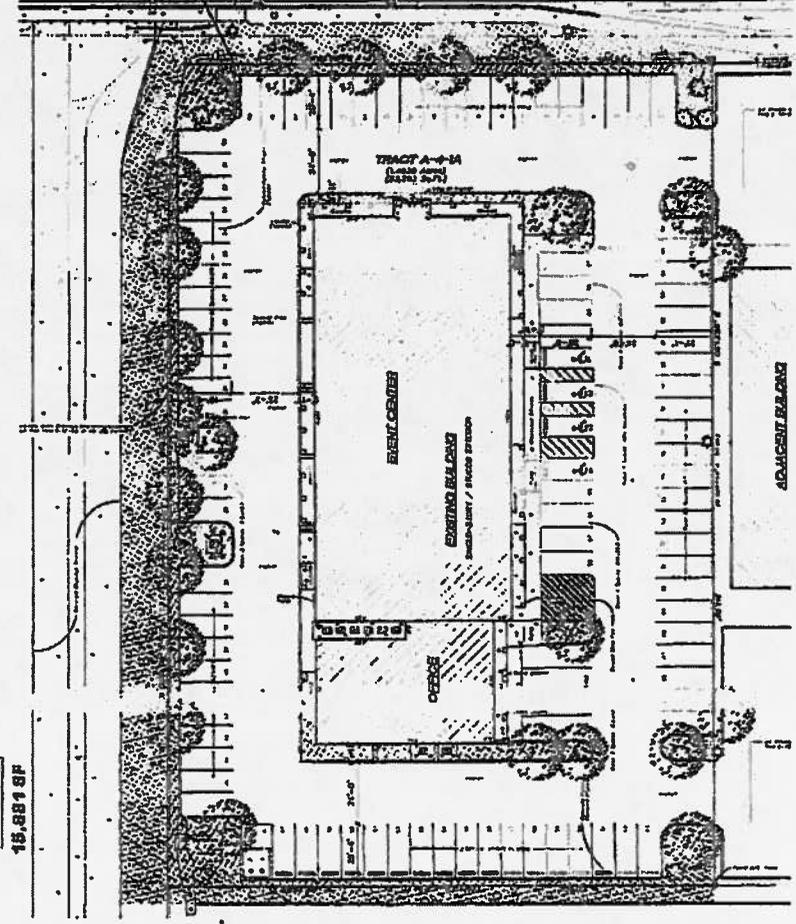
Zone M-1 (Medium Density Residential)
 Zone R-1 (Single-Family Residential)
 Zone C-1 (Community Center)
 Zone O-1 (Office)
 Zone P-1 (Professional Office)
 Zone S-1 (Special Use)

PLANNING DEPARTMENT
 PROJECT NUMBER: 15-001
 DATE: 11/15/11
 APPROVED BY: [Signature]
 DATE: 11/15/11



MONUMENT SIGN

7500 MONTGOMERY BOULEVARD NE



SITE PLAN



VICINITY MAP

LEGEND

- Tree
- 24" Light Pole w/ 8" Sign
- 60" Tall-Off Tripod
- Ballpost
- Electric Transformer
- Gas Meter
- Air Conditioning Unit
- Water Meter
- Utility Pole
- Covered Driveway

LANDSCAPING

- Landscaping Area within Property Lines
- Area within 10' of Property Lines
- Area within 20' of Property Lines
- Area within 30' of Property Lines
- Area within 40' of Property Lines
- Area within 50' of Property Lines
- Area within 60' of Property Lines
- Area within 70' of Property Lines
- Area within 80' of Property Lines
- Area within 90' of Property Lines
- Area within 100' of Property Lines

7500 Montgomery Blvd. NE
 Albuquerque, NM

Professional Engineer
 G. DONALD DUDLEY AIA
 License No. 10000
 State of New Mexico
 11/15/11

