



Environmental Planning Commission

Agenda Number: 05
Project Number: 1004309
Case #: 16EPC-40012
April 14, 2016

Staff Report

Agent	Modulus Architects
Applicant	Blake's Lotaburger, LLC
Request	Zone Map Amendment (Zone Change)
Legal Description	Tract Q-2, Replat of Tract Q of Unit #2, Atrisco Business Park
Location	On Fortuna Rd. NW, between Coors Blvd. and Fortuna Rd.
Size	Approximately .62 of an acre
Existing Zoning	SU-1 for Planned Industrial Park
Proposed Zoning	C-2

Staff Recommendation

APPROVAL of Case #16EPC-40012 based on the Findings beginning on Page #9.

Staff Planner
Vicente M. Quevedo, Planner

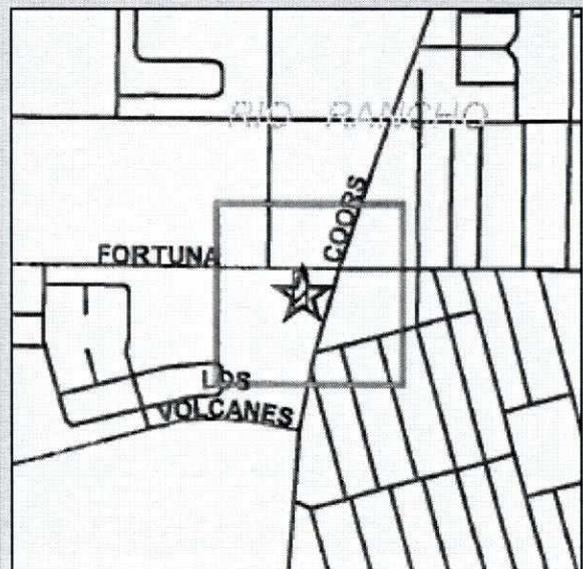
Summary of Analysis

This request is for a Zone Map Amendment (Zone Change) from SU-1 for Planned Industrial Park to C-2 zoning for an approximately .62 of an acre site located on Fortuna Rd. NW between Coors Blvd. and Fortuna Rd.

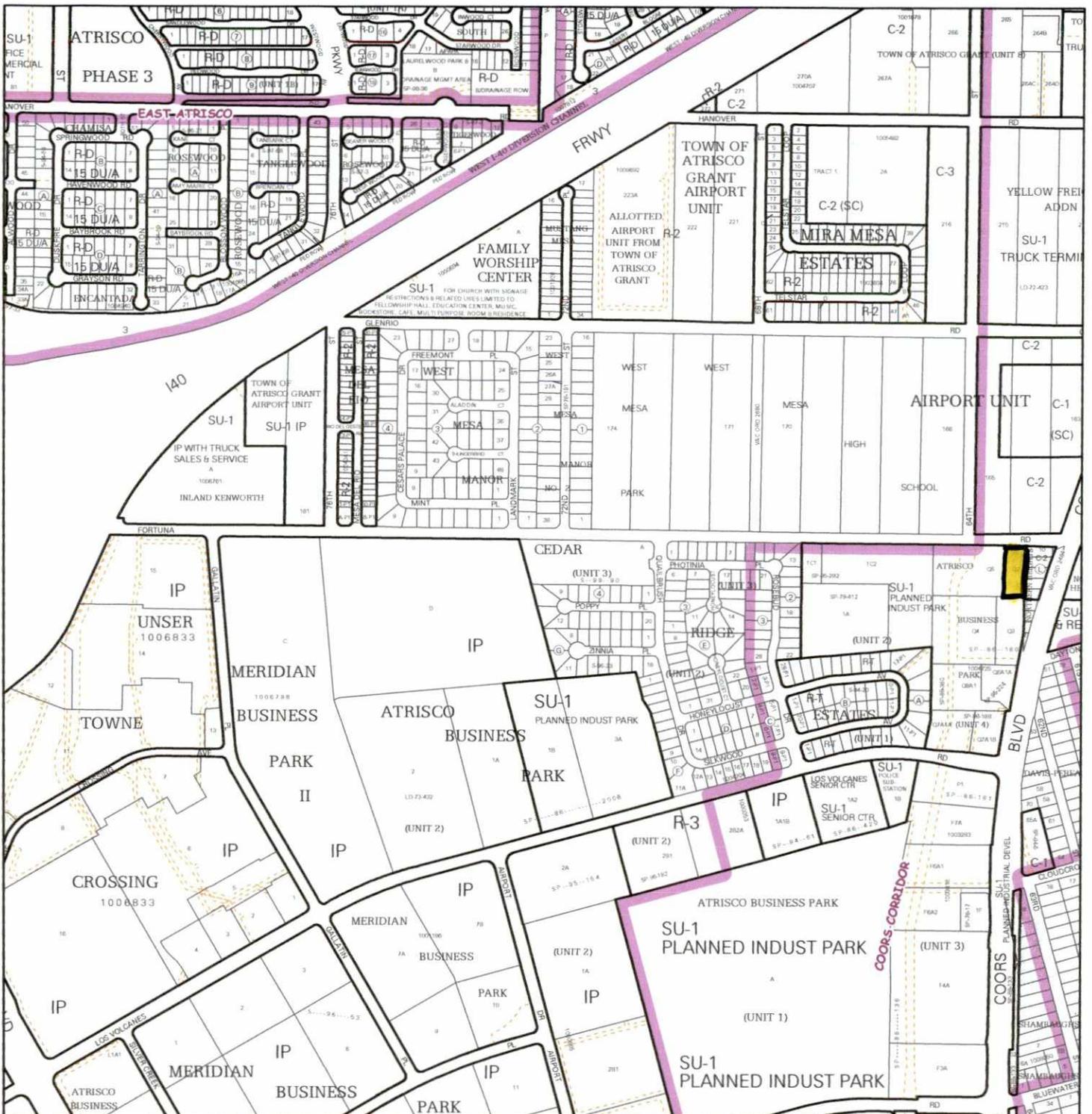
Staff finds that the request is adequately justified pursuant to R270-1980 and generally fulfills the intent of applicable Comprehensive Plan, West Side Strategic Plan and Coors Corridor Plan goals and policies.

A facilitated meeting was not recommended by The Office of Neighborhood Coordination. There is no known neighborhood opposition to this request.

Staff is recommending approval of the requested zone change request based on the findings in the Staff Report.



City Departments and other interested agencies reviewed this application from 02/29/2016 to 03/11/2016
Agency comments used in the preparation of this report begin on Page #13.



For more current information and details visit: <http://www.cabq.gov/gis>

Map amended through: 1/28/2016

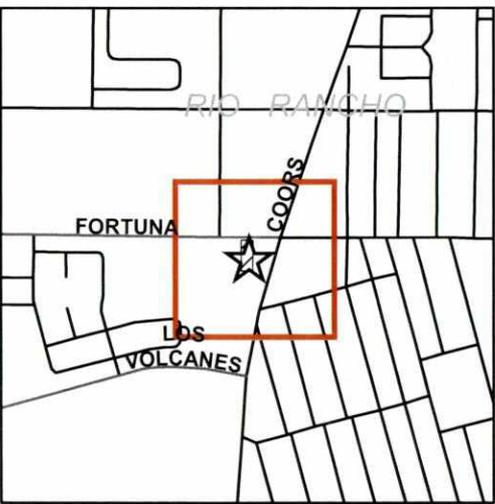
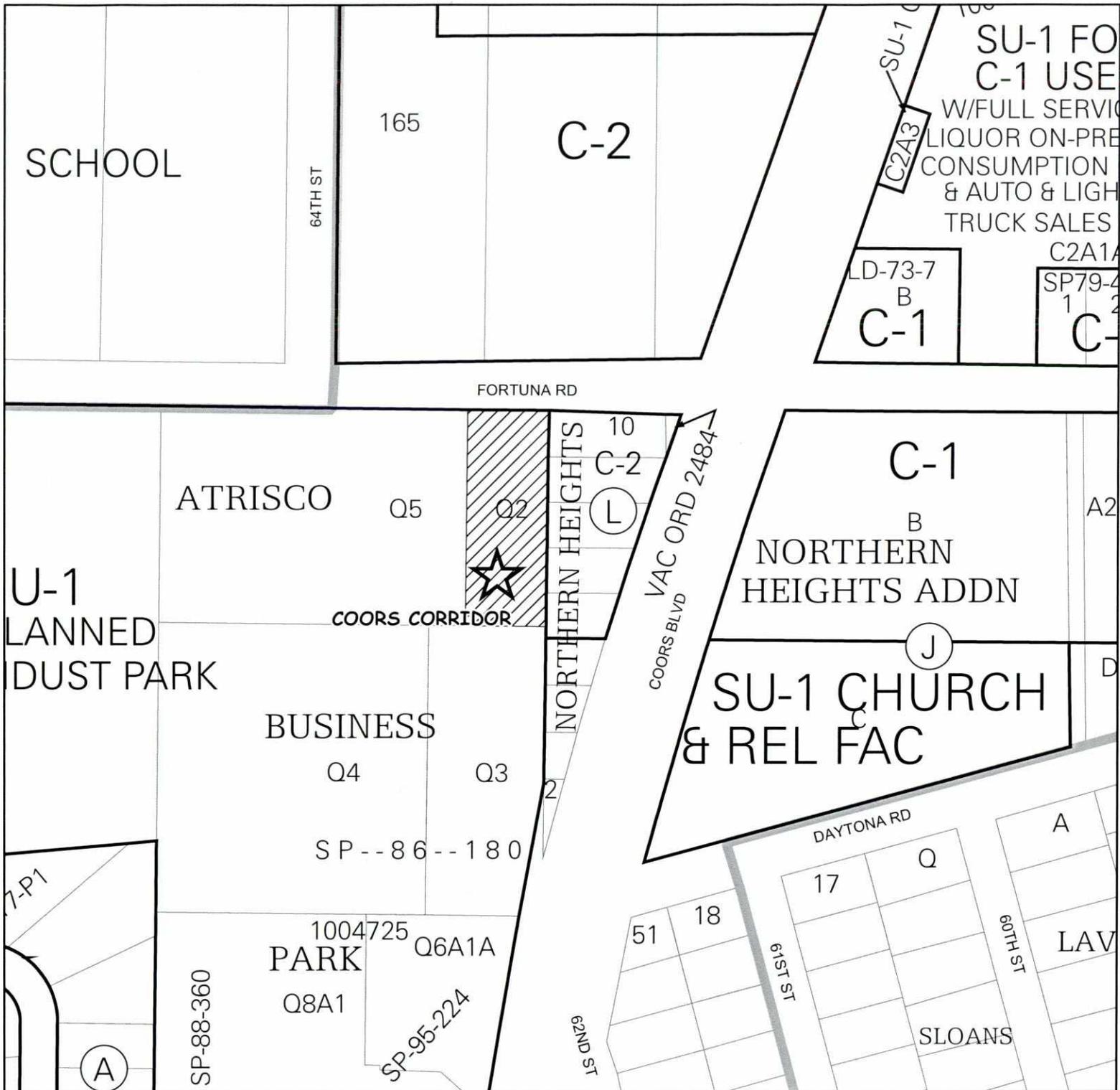
Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
J-10-Z

Selected Symbols

SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contours
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

0 750 1,500 Feet



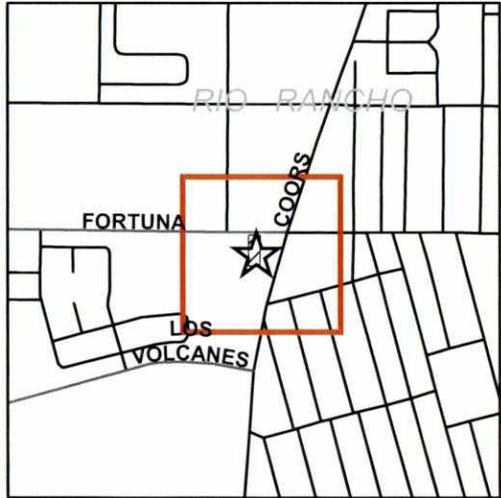
ZONING MAP

Note: Grey shading indicates County.



1 inch = 170 feet

Project Number:
1004309
Hearing Date:
04/14/2016
Zone Map Page: J-10
Additional Case Numbers:
16EPC-40012



LAND USE MAP

Note: Grey shading indicates County.

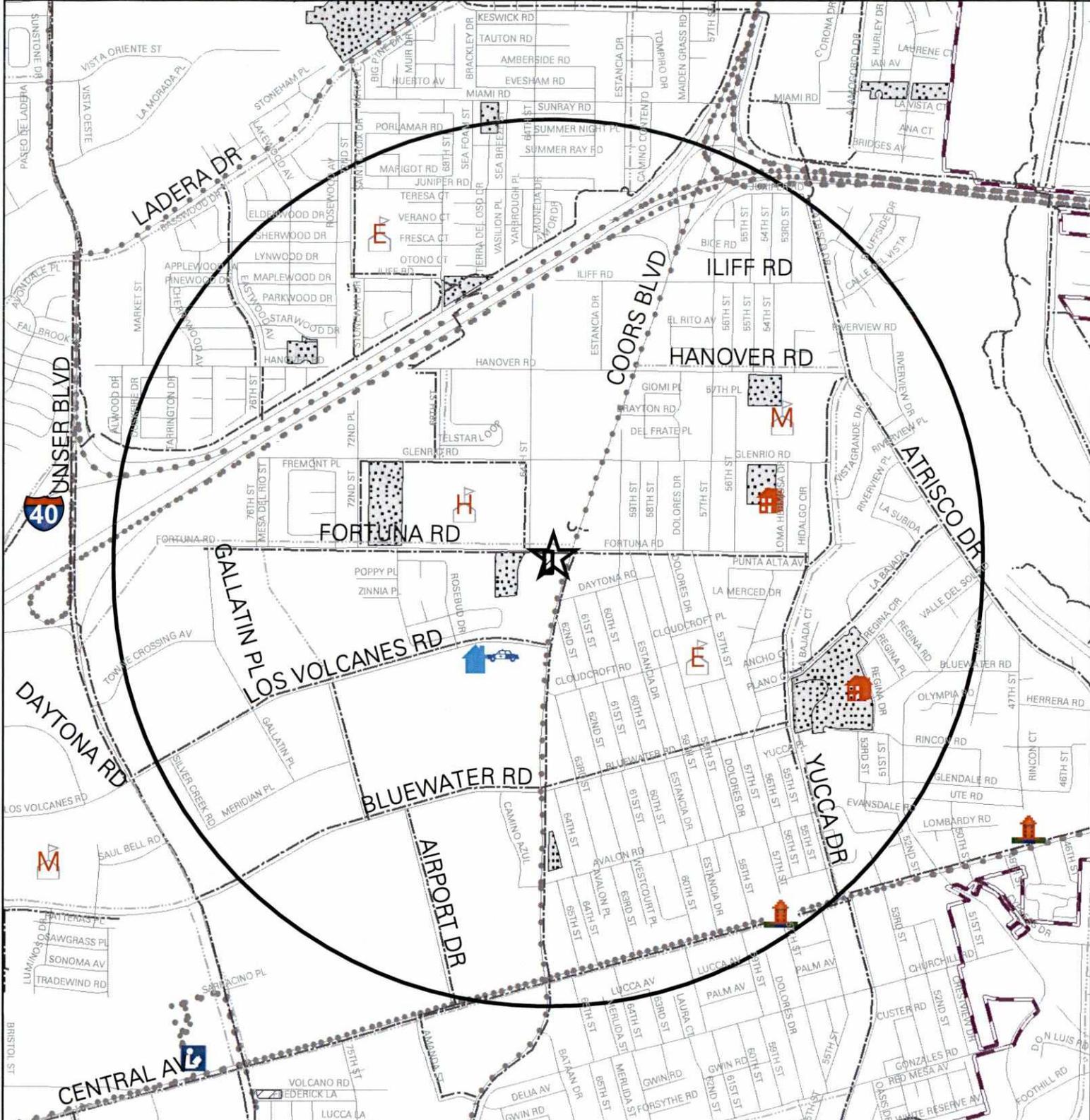
KEY to Land Use Abbreviations

- 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 = 170 feet

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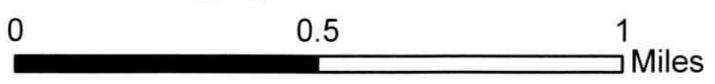


Public Facilities Map with One-Mile Buffer



- | | | | |
|----------------------|-------------------------|--------------------------|-----------------------------|
| 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: 1004309



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 Planned Industrial Park	Established Urban, West Side Strategic Plan, Coors Corridor Plan	Vacant
North	C-2	Same	Commercial Retail
South	R-1	Same	Vacant
East	C-2	Same	Commercial Retail
West	SU-1 for Planned Industrial Park	Same	Vacant

II. INTRODUCTION

Proposal

This is a request for approval of a Zone Map Amendment (Zone Change) from SU-1 for Planned Industrial Park to C-2 zoning for an approximately .62 of an acre site located on Fortuna Rd. NW between Coors Blvd. and Fortuna Rd., to allow for consolidated zoning and redevelopment of the existing Blake’s Lotaburger Restaurant currently located on the eastern adjacent parcel, which is zoned C-2.

EPC Role

The EPC is hearing this case because the EPC has the authority to hear all Zone Map Amendments within the City of Albuquerque. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-4-1, Amendment Procedure]. If so, an appeal would go to the Land Use Hearing Officer (LUHO) who then makes a recommendation to City Council [Ref: § 14-16-4-4-(A)(2) Appeal]. This is a quasi-judicial matter.

History/Background

The planning department archives do not indicate the exact year that the existing SU-1 for Planned Industrial Park zoning designation was established. Planning staff was however able to find a September 1984 replatting action (Z-84-47-2) that created the approximately .62 of an acre subject site (see attached).

Context

The subject site currently vacant. The subject site is bounded by Fortuna Rd to the north, a vacant residentially zoned property and SU-1 for Planned Industrial Park are adjacent to the subject site to the south and southwest, and an existing Blake's Lotaburger restaurant to the east which is zoned C-2. Surrounding land uses are primarily made up of commercial retail uses.

Transportation 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 Coors Blvd. as a Regional Principal arterial.

The LRRS designates Fortuna as a Major Collector.

Comprehensive Plan Corridor Designation

Coors Blvd. is designated a Major Transit Corridor, the intent of which is to optimize public transit and move large numbers of people in a very timely and efficient manner.

Trails/Bikeways

Fortuna Rd. contains a bike lane and a bike route. Coors Blvd. contains an NMDOT managed bicycle facility. 64th Street also contains a bike route.

Transit

Route #96, Crosstown Commuter route, Route #155, Coors route, and Route #790, Blue Line Rapid Ride pass the site Coors. Nearest bus stop is 550' northeast from the northeast corner of the property, serving Route #155.

Public Facilities/Community Services

Refer to Public Facilities Map for a complete list of public facilities and community services.

III. ANALYSIS

APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The existing zoning for the subject site is SU-1 for Planned Industrial Park. While no additional information exists in the Planning Department archives regarding the subject site's zoning designation (Notice of Decision, site plan, etc.), the most closely associated zoning category in the Zoning Code for the subject site is the Industrial Park (IP) zone. This zone provides suitable sites for a wide range of industrial and commercial uses, provided such uses are conducted in a compatible and harmonious manner within industrial environments achieved through a Master Development Plan.

The requested zoning for the subject site is C-2 (Community Commercial). This zone provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses.

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

Policy Citations are in Regular Text; Staff Analysis is in ***Bold Italics***

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a Goal 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.” Applicable policies include:

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, or recreational concern.

The request furthers Policy II.B.5.d. because the uses of the requested C-2 zone will respect existing natural and environmental conditions and carrying capacities through the implementation of less intense land uses than the existing zoning designation. Additionally, C-2 zoned parcels are located immediately east and north of the subject site.

Policy II.B.5.e.: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The request furthers Policy II.B.5.e. because the subject site is vacant and contiguous to existing urban facilities to the east and to the north.

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

The request furthers Policy II.B.5.o. because the zone change request will contribute to redevelopment efforts in the established Los Volcanes neighborhood and allow for redevelopment of the existing Blake’s Lotaburger Restaurant currently located on the eastern adjacent parcel that has been in operation for approximately 40 years.

West Side Strategic Plan (Rank 2)

The West Side Strategic Plan (WSSP) was adopted in 1997 and amended in 2009 to help promote the development of Neighborhood and Community Centers. The WSSP identifies 13 communities, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is in the Atrisco Park Community which is located between I-40 and Central Avenue and west of Coors Blvd. The Atrisco Business Park is located within the Atrisco Park Community and is one of three major employment areas. The Business Park is a key strategic element in the future development of the West Side and will be promoted for additional job creation and expansion.

Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

This request furthers Objective 8 (WSSP) because the development will allow potential job opportunities and business growth and allow for redevelopment of the existing Blake's Lotaburger Restaurant currently located on the eastern adjacent parcel that has been in operation for approximately 40 years.

Policy 3.34: The City of Albuquerque Planning Department and Economic Development Office shall work with AED, industrial real estate brokers, the State of New Mexico Economic Development Office, the landowners, and others to promote job growth within the Atrisco Business Park. Expansion of existing local businesses in this Park will be initiated.

The request furthers Policy 3.34 because Blake's Lotaburger is a local business enterprise and approval of the requested zone change will allow for expansion of an existing local business.

Policy 4.6.g: Create commercial developments that are or will be accessible by transit. Locate buildings adjacent to street frontages and place parking areas to the rear or sides of properties and/or on adjacent streets. Locate landscaping, walls, or fences so that they do not create barriers for pedestrians. Parking shall not take precedence over pedestrian circulation.

The request furthers Policy 4.6.g (WSSP) because future development on the site will be fairly accessible by transit, and this business type has the potential to draw transit users from Central. If the zone map amendment is approved by the EPC, building height, setback, and off-street parking would all be governed by the C-2 zone (refers to O-1 zone).

Coors Corridor Plan (Rank 3)

The subject site lies within the boundaries of the CCP, a Rank III plan adopted in 1984 amended in 1989, 1995, and 2003. It contains policies, regulations and guidelines for the development of Coors Blvd. and adjacent properties from Central Ave. north to State Road 528 (Alameda Blvd.), with the overarching goal to "promote visual harmony between new and existing buildings and between the built environment and the natural scene" (Pg. 82). Design policies express the intent of the City and County. Design regulations are to control specified critical design aspects of the area. They apply to new construction or alteration of buildings or sites. The plan also places emphasis on Coors Blvd. as a transit and pedestrian corridor. The subject site is in Segment 1 of the Coors Corridor Plan, which extends from I-40 on the north to Central Ave. on the south and is therefore not subject to the view preservation regulations of the plan. Applicable goals and policies include:

Recommended Land Use Plan (Pg. 69): No use intensity increase in commercial zoning; encourage existing development to comply with design guidelines.

The request furthers the CCP Recommended Land Use Plan because the requested zone change to C-2 is a down zone and will not increase intensity in commercial zoning. Additionally, C-2 zoned parcels are located immediately east and north of the subject site.

Issue 3 – Land Use and Intensity of Development, Policy 5 – Development Intensity: Intensity of development shall be compatible with the roadway function, existing zoning or recommended land use, environmental concerns, and design guidelines.

The request furthers CCP Issue 3, Policy 5 because the Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments designates Coors Blvd. as a Regional Principal Arterial and Fortuna Rd. as a Major Collector and the permissive uses of the C-2 zone are compatible with these roadway functions and environmental conditions.

Resolution 270-1980 (Policies for Zone Map Change Applications)

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Analysis of Applicant's Justification

Note: Policy is in regular text; Applicant's justification is in *italics*; staff's analysis is in ***bold italics***

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

The requested zoning will not create any adverse impacts to the environmental conditions, carrying capacity, scenic or social resources of the property and the development will positively contribute to these aspects through new development.

The requested change of zone is consistent with the health, safety, morals and general welfare of the city by furthering the stated policies articulated in Section C.

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

The purpose of the zone change request is to create a cohesive expansion of the existing permissive C-2 uses to the abutting lot to the east which is also owned by Lotaburger.

There are C-2 zoned parcels are located immediately east and north of the subject site and the zone change request would fulfill the requirement of stability of zoning by allowing for cohesive expansion of the existing permissive C-2 uses to the abutting lot to the east.

- 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.

Refer to policy analysis section beginning on page 4 of this report.

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

The requested zoning is more advantageous to the community as articulated in the Comprehensive Plan, West Side Strategic Plan and Coors Corridor Plan.

The requested change of zone furthers a preponderance of policies of the Comprehensive Plan and other applicable plans and is therefore more advantageous to the community.

- 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.

The requested change of zone will does not propose any non-permissive or conditional uses that would be detrimental to the surrounding area or harmful to the community.

The requested change of zone to C-2 is a down zone from the existing zoning designation and would be more compatible with surrounding C-2 uses abutting and adjacent to the site. Therefore, the C-2 permissive uses would not 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.

The development will not require any capital improvements by the City.

The requested change of zone will not require major or un-programmed capital expenditures by the City.

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

The cost of land or any other economic considerations are not the determining factor in this request.

While economic considerations are always a factor, they do not appear to be the determining factor for the change of zone. The request furthers a preponderance of Comprehensive Plan policies and is more compatible with abutting and adjacent C-2 zoning.

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

The roadway classifications have no bearing on this request.

The request is not being justified based on its location on a collector or major street. Rather the requested change of zone is based on the fulfilling the commercial needs of the community within which the subject site is located.

- 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.

This request will not create a spot zone as there are five parcels adjacent to the east and three parcels adjacent to the north are zoned C-2.

The requested change of zone does not meet the definition of a spot zone because it would not give a zone different from surrounding zoning to one small area. The abutting property to the east and adjacent property to the north are already zoned C-2.

- 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.

This request will not create a strip zone.

The requested change of zone would not create a strip zone because while the applicant is seeking to change the zoning to C-2, the subject site is not a strip of land along a street and the abutting property to the east and adjacent property to the north are already zoned C-2.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

Agencies reviewed this request from February 29, 2016 to March 11, 2016. Planning Staff did not receive any adverse comments from commenting agencies.

Neighborhood/Public

The Los Volcanes Neighborhood Association, West Mesa Neighborhood Association, South Valley Coalition of Neighborhood Association's, Southwest Alliance of Neighbors, West Side Coalition of Neighborhood Association's and property owners with 100 feet were all notified of this request. A facilitated meeting was not recommended or held. There is no known neighborhood opposition to this request.

V. CONCLUSION

This request is for a Zone Map Amendment (Zone Change) from SU-1 for Planned Industrial Park to C-2 zoning for an approximately .62 of an acre site located on Fortuna Rd. NW between Coors Blvd. and Fortuna Rd.

Staff finds that the request is adequately justified pursuant to R270-1980 and generally fulfills the intent of applicable Comprehensive Plan, West Side Strategic Plan and Coors Corridor Plan goals and policies.

A facilitated meeting was not recommended by The Office of Neighborhood Coordination. There is no known neighborhood opposition to this request.

Staff is recommending approval of the requested zone change request based on the findings in the Staff Report.

FINDINGS - 16EPC-40012 – April 14, 2016 - Zone Map Amendment (Zone Change)

1. This is a request for a Zone Map Amendment (Zone Change) for Tract Q-2, Replat of Tract Q of Unit #2, Atrisco Business Park located On Fortuna Rd. NW, between Coors Blvd. and Fortuna Rd. and containing approximately 0.62 of an acre.
2. This is a request for approval of a Zone Map Amendment (Zone Change) from SU-1 for Planned Industrial Park to C-2 zoning for an approximately .62 of an acre site located on Fortuna Rd. NW between Coors Blvd. and Fortuna Rd., to allow for consolidated zoning and redevelopment of the existing Blake's Lotaburger Restaurant currently located on the eastern adjacent parcel, which is zoned C-2.
3. The planning department archives do not indicate the exact year that the existing SU-1 for Planned Industrial Park zoning designation was established. Planning staff was however able to find a September 1984 replatting action (Z-84-47-2) that created the approximately .62 of an acre subject site.
4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Coors Corridor 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 within the Established Urban Area of the Comprehensive Plan. The request furthers the following applicable goals and policies of the Comprehensive Plan:
 - A. 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, or recreational concern.

The request furthers Policy II.B.5.d. because the uses of the requested C-2 zone will respect existing natural and environmental conditions and carrying capacities through the implementation of less intense land uses than the existing zoning designation. Additionally, C-2 zoned parcels are located immediately east and north of the subject site.
 - B. Policy II.B.5.e.: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The request furthers Policy II.B.5.e. because the subject site is vacant and contiguous to existing urban facilities to the east and to the north.

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- C. Policy II.B.5.o.: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The request furthers Policy II.B.5.o. because the zone change request will contribute to redevelopment efforts in the established Los Volcanes neighborhood and allow for redevelopment of the existing Blake's Lotaburger Restaurant currently located on the eastern adjacent parcel that has been in operation for approximately 40 years.

6. The request furthers the following applicable goals and policies of the West Side Strategic Plan:

- A. Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

This request furthers Objective 8 (WSSP) because the development will allow potential job opportunities and business growth and allow for redevelopment of the existing Blake's Lotaburger Restaurant currently located on the eastern adjacent parcel that has been in operation for approximately 40 years.

- B. Policy 3.34: The City of Albuquerque Planning Department and Economic Development Office shall work with AED, industrial real estate brokers, the State of New Mexico Economic Development Office, the landowners, and others to promote job growth within the Atrisco Business Park. Expansion of existing local businesses in this Park will be initiated.

The request furthers Policy 3.34 because Blake's Lotaburger is a local business enterprise and approval of the requested zone change will allow for expansion of an existing local business.

- C. Policy 4.6.g: Create commercial developments that are or will be accessible by transit. Locate buildings adjacent to street frontages and place parking areas to the rear or sides of properties and/or on adjacent streets. Locate landscaping, walls, or fences so that they do not create barriers for pedestrians. Parking shall not take precedence over pedestrian circulation.

The request furthers Policy 4.6.g (WSSP) because future development on the site will be fairly accessible by transit, and this business type has the potential to draw transit users from Central. If the zone map amendment is approved by the EPC, building height, setback, and off-street parking would all be governed by the C-2 zone (refers to O-1 zone).

7. The request furthers the following applicable goals and policies of the Coors Corridor Plan:

- A. Recommended Land Use Plan (Pg. 69): No use intensity increase in commercial zoning; encourage existing development to comply with design guidelines.

The request furthers the CCP Recommended Land Use Plan because the requested zone change to C-2 is a down zone and will not increase intensity in commercial zoning. Additionally, C-2 zoned parcels are located immediately east and north of the subject site.

- B. Issue 3 – Land Use and Intensity of Development, Policy 5 – Development Intensity: Intensity of development shall be compatible with the roadway function, existing zoning or recommended land use, environmental concerns, and design guidelines.

The request furthers CCP Issue 3, Policy 5 because the Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments designates Coors Blvd. as a Regional Principal Arterial and Fortuna Rd. as a Major Collector and the permissive uses of the C-2 zone are compatible with these roadway functions and environmental conditions.

8. The applicant has justified the zone change request pursuant to R-270-1980 as follows:
- A. The requested change of zone is consistent with the health, safety, morals and general welfare of the city by furthering the stated policies articulated in Section C.
 - B. There are C-2 zoned parcels are located immediately east and north of the subject site and the zone change request would fulfill the requirement of stability of zoning by allowing for cohesive expansion of the existing permissive C-2 uses to the abutting lot to the east.
 - C. Refer to Findings 5 – 7 above for policy justification section.
 - D. The requested change of zone furthers a preponderance of policies of the Comprehensive Plan and other applicable plans and is therefore more advantageous to the community.
 - E. The requested change of zone to C-2 is a down zone from the existing zoning designation and would be more compatible with surrounding C-2 uses abutting and adjacent to the site. Therefore, the C-2 permissive uses would not be harmful to adjacent property, the neighborhood or the community.
 - F. The requested change of zone will not require major or un-programmed capital expenditures by the City.
 - G. While economic considerations are always a factor, they do not appear to be the determining factor for the change of zone. The request furthers a preponderance of Comprehensive Plan policies and is more compatible with abutting and adjacent C-2 zoning.
 - H. The request is not being justified based on its location on a collector or major street. Rather the requested change of zone is based on the fulfilling the commercial needs of the community within which the subject site is located.

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- I. The requested change of zone does not meet the definition of a spot zone because it would not give a zone different from surrounding zoning to one small area. The abutting property to the east and adjacent property to the north are already zoned C-2.
 - J. The requested change of zone would not create a strip zone because while the applicant is seeking to change the zoning to C-2, the subject site is not a strip of land along a street and the abutting property to the east and adjacent property to the north are already zoned C-2.
9. The Los Volcanes Neighborhood Association, West Mesa Neighborhood Association, South Valley Coalition of Neighborhood Association's, Southwest Alliance of Neighbors, West Side Coalition of Neighborhood Association's and property owners with 100 feet were all notified of this request. A facilitated meeting was not recommended or held. There is no known neighborhood opposition to this request.

RECOMMENDATION - 16EPC-40012 – April 14, 2016

APPROVAL of 16EPC-40012, a request for Zone Map Amendment from SU-1 for Planned Industrial Park to C-2 zoning for Tract Q-2, Replat of Tract Q of Unit #2, Atrisco Business Park, based on the preceding Findings.



***Vicente M. Quevedo
Planner***

Notice of Decision cc list:

Modulus Architects, 100 Sun Ave. NE, Suite 305, Albuquerque, NM 87109
Ben Sandoval, 6516 Honeylocust Ave. NW, Albuquerque, NM 87121
Ted Trujillo, 6601 Honeylocust Ave. NW, Albuquerque, NM 87121
Louis Tafoya, 6411 Avalon Rd. NW, Albuquerque, NM 87105
Steven Budenski, 5732 La Anita Ave. NW, Albuquerque, NM 87105
Rod Mahoney, 1838 Sadora Rd. SW, Albuquerque, NM 87105
Marcia Fernandez, 2401 Violet SW, Albuquerque, NM 87105
Johnny Pena, 6265 Sunset Gardens SW, Albuquerque, NM 87121
Jerry Gallegos, 417 65th St. NW, Albuquerque, NM 87121
Gerald Worrall, 1039 Pinatubo Pl. NW, Albuquerque, NM 87120
Harry Hendriksen, 10592 Rio Del Sole Ct. NW, Albuquerque, NM 87114-2701

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Reviewed, no adverse comments.

Office of Neighborhood Coordination

Los Volcanes NA, West Mesa NA, South Valley Coalition of NA's, Southwest Alliance of Neighbors, West Side Coalition of NA's

Long Range Planning

Reviewed, no adverse comments.

Metropolitan Redevelopment Agency

No comments received.

CITY ENGINEER

Reviewed, no adverse comments.

NM DOT

Once the lot is re-zoned for redevelopment of the Blake's Lotaburger, the existing access points will also need to be revisited to include, but not limited to NMDOT access permit approval. Additional comments will be provided for site development plan.

Hydrology Development

#1004309 - SPBP Blake's @ Fortuna

Expansion will need to comply with first flush

Unless storm drain capacity on Fortuna/Coors is known, drainage design should limit peak discharge for the 100-year 6 hour storm to existing flows, or preferably, reduce the peak flow. Coors system flood control network in many areas is over capacity.

DEPARTMENT of MUNICIPAL DEVELOPMENT

No comments received.

WATER UTILITY AUTHORITY

Utility Services

1. 16EPC-40012 Zone Map Amendment

- a. Pro Rata is due for the property in the amount of \$195. Payment is required prior to any DRB action or prior to service.
- b. An availability statement is required to identify requirements for service. Requests are made at the following link and shall include fire marshal requirements (Fire 1)
http://www.abcwua.org/Availability_Statements.aspx

ENVIRONMENTAL HEALTH DEPARTMENT

No comments received.

PARKS AND RECREATION

Planning and Design

No comments received.

Open Space Division

No comments received.

City Forester

No comments received.

POLICE DEPARTMENT/Planning

EPC 1004309 – This project is in the Southwest Area Command.

- No Crime Prevention or CPTED comments concerning the proposed *Zone Map Amendment (Zone Change)* request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Reviewed, no adverse comments.

FIRE DEPARTMENT/Planning

No comments received.

TRANSIT DEPARTMENT

Route #96, Crosstown Commuter route, Route #155, Coors route, and Route #790, Blue Line Rapid Ride pass the site Coors.

Nearest bus stop is 550' northeast from the northeast corner of the property, serving Route #155.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

P#1004309 Blakes Lotaburger ZMA, (J-10)
16EPC-40012 Reviewed. No comment.

ALBUQUERQUE PUBLIC SCHOOLS

No comments received.

MID-REGION COUNCIL OF GOVERNMENTS

No comments received

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

Conditions for Approval for Project #1004309 Zone Change (expansion adjacent to Blake's Lotaburger at Fortuna NW west of Coors Blvd NW) 16EPC-400012

1. An existing overhead distribution line is located along the northern boundary of the subject property along Fortuna Road NW. It is the applicant's obligation to abide by any conditions or terms of those easements. PNM's landscaping preference is for trees and shrubs to be planted outside the PNM easement; however, if within the easement, trees and shrubs should be located to minimize effects on electric facility maintenance and repair. New trees planted near PNM facilities should be no taller than 25 feet in height at maturity to avoid conflicts with existing electric infrastructure.



Legend

- Bernalillo County Parcels
- Primary Streets**
 - Urban Principal Arterial
 - BN and SF Railroad
 - Freeway
 - Urban Minor Arterial
- Other Streets**
- Zoning**
 - <all other values>
 - RESIDENTIAL
 - COMMERCIAL
 - OFFICE
 - INDUSTRIAL / WHOLESALE / MANUFACTURING
 - INSTITUTIONAL / GOVERNMENT
 - UTILITIES / TRANSPORTATION
 - OPEN SPACE / RECREATION / AMUSEMENT
 - RESIDENTIAL / AGRICULTURAL
 - NOT CLASSIFIED
- Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED
- World Street Map**

Notes

0.0 0 0.01 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
4/7/2016 © City of Albuquerque

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THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES



Legend

- Bernalillo County Parcels
- City Parcels
- Zoning**
- <all other values>
- RESIDENTIAL
- COMMERCIAL
- OFFICE
- INDUSTRIAL / WHOLESALE / MANUFACTURING
- INSTITUTIONAL / GOVERNMENT
- UTILITIES / TRANSPORTATION
- OPEN SPACE / RECREATION / AGRICULTURAL
- RESIDENTIAL / AGRICULTURAL
- NOT CLASSIFIED
- Comp Plan Community and Major Corridors
- Comprehensive Plan Corridors
- Municipal Limits**
- Corrales
- Edgewood
- Los Ranchos
- Rio Rancho
- Tijeras
- UNINCORPORATED
- World Street Map

Notes

0.0 0 0.01 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
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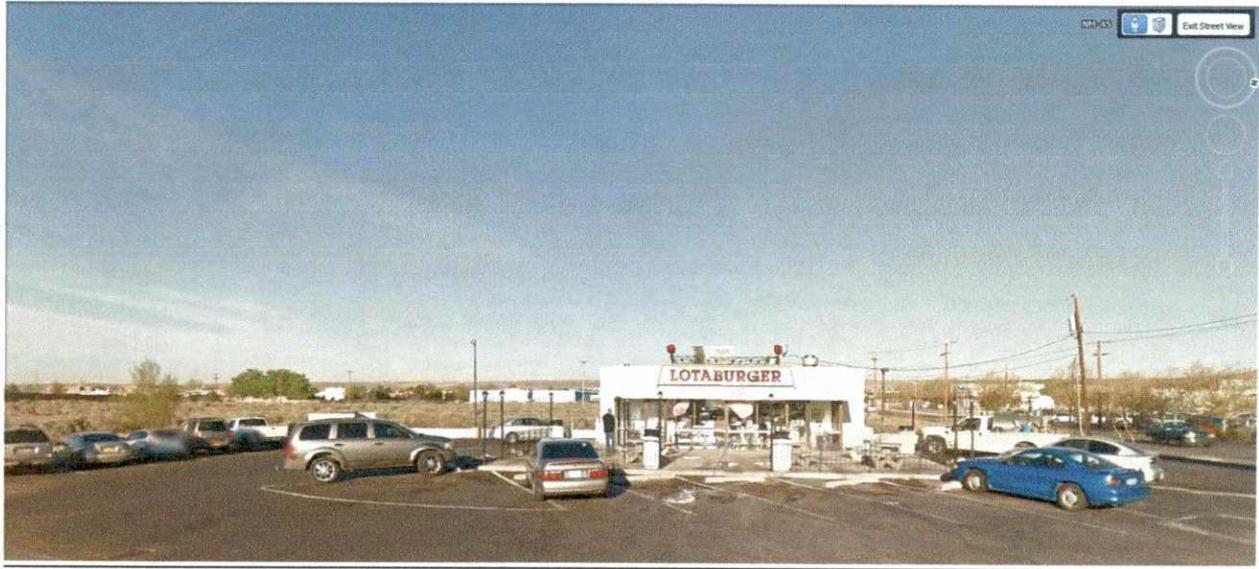
THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

1: 907

Main: (505) 348-1499

Abenson@modulusarchitects.com

Existing Blake's at Coors & Fortuna



PROPOSED NEW Blake's at Coors & Fortuna



R-270-1980

Policies for Zone Map Change Applications

The following policies for deciding zone map change applications pursuant to the Comprehensive City Zoning Code 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 there, to, 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.

(Res. 270-1980, approved 12-30-80)

HISTORY

APPLICATION INFORMATION

EPC/DRB 4/14/16

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Updated 4/16/15

Supplemental Form (SF)

SUBDIVISION

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

SITE DEVELOPMENT PLAN

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

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

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)
- L A APPEAL / 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, 600 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): ANGLEA BENSON, PRINCIPAL PARTNER - MODULUS ARCHITECTS PHONE: (505) 338-1499 EXT. 1000

ADDRESS: 100 SUN AVE NE, SUITE 305 FAX: (505) 338-1498

CITY: ALBUQUERQUE STATE: NM ZIP: 87109 E-MAIL: abenson@modulusarchitects.com

APPLICANT: BLAKE'S LOTABURGER, LLC. PHONE: (505) 250-8766

ADDRESS: 3205 RICHMOND DRIVE NE. FAX: (505) 224-9720

CITY: ALBUQUERQUE STATE: NM ZIP: 87107 E-MAIL: cwood@lotaburger.com

Proprietary interest in site: OWNER/ DEVELOPER List all owners: _____

DESCRIPTION OF REQUEST: ZONE MAP AMENDMENT FROM SU-1 PLANNED INDUSTRIAL PARK TO C-2

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

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

TR Q-2 REPL OF TR Q OF UNIT #2 ATRISCO BUSINESS PARK CONT 0.613 ACRES

Subdiv/Addn/TBKA: ATRISCO BUSINESS PARK Existing Zoning: SU-1 for PLANNED INDUSTRIAL PARK Proposed zoning: C-2

MRGCD Map No _____ Zone Atlas page(s): J-10-Z UPC Code: 101005850723240312

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.):

CASE INFORMATION: 1004309, Z-84-47-2

Within city limits? X Yes Within 1000FT of a landfill? NO

No. of existing lots: (1) ONE No. of proposed lots: (1) ONE Total site area (acres): 0.613 ACRES

LOCATION OF PROPERTY BY STREETS: On or Near: 615 FORTUNA ROAD NW.

Between: COORS and FORTUNA, NORTH OF LOS VOLCANOS.

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: FEB. 9, 2016

SIGNATURE Angela Benson, Modulus (Agent) DATE 2/17/16
(Print Name) ANGELA M. BENSON, PRINCIPAL PARTNER - MODULUS ARCHITECTS (AGENT)

FOR OFFICIAL USE ONLY

Revised: 11/2014

- 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	Action	S.F.	Fees
16 EPC - 40012	Azm	___	\$240.00
_____	CMF	___	\$ 50.00
_____	ADV	___	\$ 75.00
_____	_____	___	\$ _____
_____	_____	___	\$ _____
Hearing date <u>April 14, 2016</u>			Total
			\$365.00

[Signature]
Staff signature & Date 2-25-16

Project # 1004309

FORM Z: ZONE CODE TEXT & MAP AMENDMENTS, PLAN APPROVALS & AMENDMENTS

ANNEXATION (EPC08)

- Application for zone map amendment including those submittal requirements (see below).
Annexation and establishment of zoning must be applied for simultaneously.
 - Petition for Annexation Form and necessary attachments
 - Zone Atlas map with the entire property(ies) clearly outlined and indicated
NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
 - Letter describing, explaining, and justifying the request
NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990"
 - Letter of authorization from the property owner if application is submitted by an agent
 - Board of County Commissioners (BCC) Notice of Decision
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - Sign Posting Agreement form
 - Traffic Impact Study (TIS) form
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

- SDP PHASE I - DRB CONCEPTUAL PLAN REVIEW (DRBPH1)** (Unadvertised)
- SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14)** (Public Hearing)
- SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2)** (Unadvertised)

- Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
 - Proposed Sector Plan (30 copies for EPC, 6 copies for DRB)
 - Zone Atlas map with the entire plan area clearly outlined and indicated
 - Letter describing, explaining, and justifying the request
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for EPC public hearing only)
 - Traffic Impact Study (TIS) form (for EPC public hearing only)
 - Fee for EPC final approval only (see schedule)
 - List any original and/or related file numbers on the cover application
- Refer to the schedules for the dates, times and places of DRB and EPC hearings.* Your attendance is required.

AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05)

- Zone Atlas map with the entire property clearly outlined and indicated
 - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980.
 - Letter of authorization from the property owner if application is submitted by an agent
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - Sign Posting Agreement form
 - Traffic Impact Study (TIS) form
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)

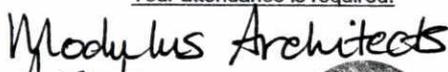
AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)

- Proposed Amendment referenced to the materials in the Plan being amended (text and/or map)
 - Plan to be amended with materials to be changed noted and marked
 - Zone Atlas map with the entire plan/amendment area clearly outlined
 - Letter of authorization from the property owner if application is submitted by an agent (map change only)
 - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980 (Sector Plan map change only)
 - Letter briefly describing, explaining, and justifying the request
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for sector plans only)
 - Traffic Impact Study (TIS) form
 - Sign Posting Agreement
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)

- Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended
 - Sections of the Zone Code/Subdivision Regulations to be amended with text to be changed noted and marked
 - Letter describing, explaining, and justifying the request
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

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


Angela Benson, Agent
 Applicant name (print)
Angela Benson, Agent
 Applicant signature & Date
2/16/16
 Revised: June 2011



- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
16 EPC - 40012

2-25-16
 Staff signature & Date
Project # 1004309

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Blakes Lotaburger DATE OF REQUEST: 2/16/16 ZONE ATLAS PAGE(S): J10

CURRENT:
ZONING C-2/SU-1
PARCEL SIZE (AC/SQ. FT.) 0.613, 0.184

LEGAL DESCRIPTION:
LOT OR TRACT # 2 BLOCK # 2
SUBDIVISION NAME Arisco Business Park

REQUESTED CITY ACTION(S):
ANNEXATION []
ZONE CHANGE : From SU1 To C-2
SECTOR, AREA, FAC, COMP PLAN []
AMENDMENT (Map/Text) []

SITE DEVELOPMENT PLAN:
SUBDIVISION* [] AMENDMENT []
BUILDING PERMIT [] ACCESS PERMIT []
BUILDING PURPOSES [] OTHER []
*includes platting actions

PROPOSED DEVELOPMENT:
NO CONSTRUCTION/DEVELOPMENT []
NEW CONSTRUCTION
EXPANSION OF EXISTING DEVELOPMENT []

GENERAL DESCRIPTION OF ACTION:
OF UNITS: 1
BUILDING SIZE: 3,062 (sq. ft.)

**Tear down existing Blakes and build new prototype.*

Note: changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

APPLICANT OR REPRESENTATIVE: Angela Benson, Agent DATE 2/16/16
Modulus Architects

(To be signed upon completion of processing by the Traffic Engineer)

Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2ND St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [] NO BORDERLINE []

THRESHOLDS MET? YES [] NO MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: []
Notes:

If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. **Any subsequent changes to the development proposal identified above may require an update or new TIS.**

[Signature]
TRAFFIC ENGINEER

2.18.16
DATE

Required TIS **must be completed prior to applying to the EPC and/or the DRB.** Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS -SUBMITTED / / TRAFFIC ENGINEER _____ DATE _____
-FINALIZED / /



3205 RICHMOND DRIVE, N.E. • ALBUQUERQUE, NEW MEXICO 87107
TELEPHONE (505) 884-2160 • FAX (505) 884-2164

February 16, 2016

Environmental Planning Commission
Peter Nicholls, Chair
Planning & Development Services
Plaza del Sol, 600 Second NW, Albuquerque, NM 87102
P.O. Box 1293, Albuquerque, N.M. 87103
Telephone: (505) 924-3860

Re: Agent Authorization for Blake's Lotaburger LLC. Request for Zone Map Amendment

Mr. Nicholls,

Blake's Lotaburger, LLC hereby authorizes Angela Benson, Principal with Modulus Architects to perform as the Agent of Record with the City of Albuquerque. It is our intention to file for a Zone Map Amendment with the Environmental Planning Commission and Design Review Board for the property located at: 615 Fortuna Road NW, Albuquerque – New Mexico 87121. Legally Described as: TR Q -2 REPL OF TR Q OF UNIT #2 ATRISCO BUSINESS PARK CONT 0.613 AC

This authorization is valid until further written notice from Angela Benson, Principal at Modulus Architects (Agent) or Mr. Buck Buckner. Please direct all correspondence and communication to our Agent for the purpose of this request for review and approval.

Sincerely,

Craig Wood, Director of Development
3205 Richmond Drive NE
Albuquerque, New Mexico 87107
Main: (505) 884-2160
cwood@lotaburger.com



PRE-APPLICATION REVIEW TEAM (PRT) MEETING

PA# 16-024 Date: 2/9/2016 Time: 2:00 PM

Address: 615 + 641 COOPS BLVD NW

1. AGENCY REPRESENTATIVES PRESENT AT MEETING

Planning: Kym Dicome Other: MAGGIE GOULD
Transportation: Gary Sandoval Other: _____
Code Enforcement: Ben McIntosh Other: _____
Fire Marshall: Antonio Chinchilla Other: _____

2. TYPE OF APPLICATION ANTICIPATED / APPROVAL AUTHORITY

Zone Map Amendment EPC Approval City Council Approval
 Sector Dev. Plan Amendment EPC Approval City Council Approval
 Site Dev. Plan for Subdivision EPC Approval DRB Approval Admin Approval
 Site Dev. Plan for Bldg. Permit EPC Approval DRB Approval Admin Approval
 Other _____

3. SUMMARY OF PRT DISCUSSION:

Current Zoning: SU-1 + C-2
Proposed Use/Zone: _____
Applicable Plans: _____
Applicable Design Regulations: _____
Previously approved site plans/project #s: _____
Requirements for application: (R-270-1980, Notification, as-built drawings, TIS, Check Lists, Other) _____

Handouts Given:

Zone Map Amendment Process R-270-1980 AA Process EPC Schedule

Additional Notes:

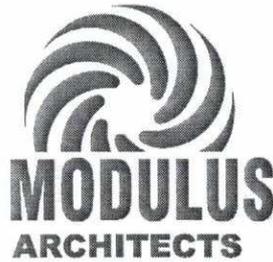
existing Blake's on C-2 lot expansion on to
the SU-1 portion will require replot at
DRB and rezone at EPC so that entire
site has the same zoning.
If EPC approves the zoning DRB will address

4. SIGN & DATE TO VERIFY ATTENDANCE & RECEIPT OF THIS SUMMARY.

[Signature]
PRT CHAIR

[Signature]
APPLICANT OR AGENT

*****Please Note: PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY: THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL. Statements regarding Zoning are not Certificates of Zoning. Additional research may be necessary to determine the exact type of application and/or process needed. It is possible that factors unknown at this time and/or thought of as minor could become significant as the case progresses.**



City of Albuquerque
Environmental Planning Commission
Mr. Peter Nicholls, EPC Chair, Council District 4
Plaza del Sol, 600 Second NW
Albuquerque, New Mexico 87102
Telephone: (505) 924-3860

February 17, 2016

ZONE MAP AMENDMENT REQUEST FROM SU-1 PLANNED INDUSTRIAL PARK TO C-2 ZONING DESIGNATION IN ACCORDANCE WITH RESOLUTION 270-1980

Blake's Lotaburger epitomizes the values and character of Albuquerque. Lotaburger was born on July 9th, 1952 on a simple grill in a small stand in Albuquerque, New Mexico. Over 60 years later, Blake's has become a crucial stop on the New Mexico Tourism Departments "Green Chili Cheeseburger Trail" & become synonymous with New Mexico culture. It is for this reason that Blake's has stayed true to its New Mexico roots and opened more than 75 restaurants in New Mexico. Those 60 years are showing their age and now Blake's has embarked on a journey to revitalize its restaurants with fresh and new concepts; starting with this project.

This is a request for approval of a Zone Map Amendment of 0.613 acres currently zoned SU-1 Planned Industrial Park to a zoning designation of C-2 to allow for the redevelopment of the existing Blake's Lotaburger Restaurant currently located on the adjacent parcel. The property owner/operator of the Blake's Lotaburger owns five (5) parcels on the SWC of Coors Blvd. and Fortuna Road. Four of these parcels are zoned C-2 with the fifth parcel (referenced above as "subject" site) zoned SU-1 creating a split zone of the owner's properties (615 Fortuna Road NW). Currently, there is a Blake's Lotaburger on the parcels zoned C-2. The owner is seeking the approval of this zone map amendment in order to allow for cohesive development of the NEW concept Blake's Lotaburger which will be built in its place. Although the building itself will remain on the currently zoned C-2 parcels, the adjacent parcel (subject site) is needed for site articulation, parking and landscaping. Subsequent to this approval, the property owner will be consolidating all parcels via a replat with the Development Review Board prior to construction.

The approval of this request would allow the applicant to redevelop the dated and antiquated existing facility and embark on one of its greatest endeavors to date. Development of the new concept under one cohesive jurisdictional zoning designation with a clear path forward for development and standards for design, providing continuity of oversight to this development under the policies and regulations guiding desired development.

In accordance with Resolution 270-1980 (Policies for Zone Map Change Applications)

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

The proposed zoning of C-2 will respect the location, intensity and design of new development, existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, recreational concerns because it is compatible with the adjacent existing zoning and existing use and will not overburden the existing natural or built environment. Furthermore, the proposed C-2 zoning for the parcel is consistent with the C-2 zoning in place at the existing Blake's site to the east and will allow for cohesive development

The proposed change does not create any adverse impacts to the environmental conditions or carrying capacity, scenic or social resources of the property. In fact, the development of this site will positively contribute to all of these aspects through the development of new, high quality development. Further, this future commercial site has adequate existing facilities and services available to it. Water, sewer, and electricity are readily available to the property. Direct access is provided from Fortuna and Coors already in use by the property owner.

(B) Stability of land use 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.

The purpose of this request to change to COA C-2 is for consistent development and governing criteria for a cohesive expansion of the existing permissive use (Blake's Lotaburger) to the east, which is zoned COA C-2. In addition C-2 (City of Albuquerque) zoning exist on a number of parcels across from the subject site to the north. The use and uniformity of development will continue to be consistent with this request and will not create instability.

Albuquerque/Bernalillo County Comprehensive Plan

Establish Urban Areas – The established urban area shall allow a full range of urban land uses. 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, recreational concern.

The proposed change does not create any adverse impacts to the environmental conditions or carrying capacity, scenic or social resources of the property. In fact, the development of this site will positively contribute to all of these aspects through the redevelopment of a locally owned and operated business that is integral to the community in which it serves. Redevelopment will allow for an exceptional opportunity to add landscaping and buffers as well as become more in line with goals and policies that have been adopted since the original Blake's was constructed. Further, this commercial site has adequate existing facilities and services available to it. Water, sewer, and electricity are readily available to the property. Direct access is provided from Fortuna and Coors already in use by the property owner.

New growth shall be accommodated through development in areas where vacant land is contiguous to existing facilities and services. The subject parcel is adjacent to the east to the existing Blake's restaurant and existing facilities. To the west of the subject property is vacant land, furthering both of the goals of adjacencies to existing facilities and services.

Redevelopment of older developments or neighborhoods in the Established Urban Area shall be continued and strengthened. The zone map amendment request furthers this policy and will emphasize redevelopment efforts that are consistent with the Comprehensive Plan.

Per the Coors Corridor Plan – Segment (1) Recommended Land Use (Figure 28) states that no use intensity increases in commercial or industrial zoning shall be encouraged. This request would further that policy guideline in that the proposed zoning would allow the

redevelopment of an existing permissive use on the adjacent parcel and would not increase the intensity of the land use of this 0.613 acre parcel.

(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.**

The subject site is in the Jurisdiction of the Coors Corridor plan (Rank 3) Segment (1). The goals of this plan state that the Coors Corridor is a desirable location for commercial uses that would serve to meet the day-to-day needs of residents in the immediate area.

Albuquerque/Bernalillo County Comprehensive Plan – *"The City's Economic Development policy proposes creation of a favorable business climate. A crucial quality growth ingredient is the is opportunity for market expansion and the opportunity for redevelopment."* Blake's Lotaburger epitomizes that policy. Lotaburger was born on July 9th, 1952 on a simple grill in a small stand in Albuquerque, New Mexico. Now, over 60 years later, Blake's has become a crucial stop on the New Mexico Tourism Department's "Green Chile Cheeseburger Trail" & become synonymous with New Mexico Culture. Blake's owns and operates its restaurant on the adjacent parcel, its desire to redevelop an aging and antiquated building is further testament to its commitment to our economic climate.

"Promote neighborhood vitality, public safety, affordable housing, customer service, balanced infrastructure spending, sustainability and infill, economic vitality and cultural development; Reinforce and expand interest in and sense of community as evidenced by the growth of neighborhood organizations and other special purpose community organizations;"

Albuquerque/Bernalillo County Comprehensive Plan –

Westside Strategic Plan (Rank 2 Area Plan) - *Rank Two Goals state that through the planning efforts, the City is to encourage redevelopment and infill development.* This project clearly furthers this policy of redevelopment. The redevelopment will allow the developer to incorporate design guidelines that will not only add to the characteristic of the Westside but will allow better articulation, more landscaping, and a modern building more in line with the goals of the City of Albuquerque and the residents of the Westside.

Westside Strategic Plan Goal for the West Central Community states that, "land use and zoning should create incentives for property owners to enhance the appearance of their property through landscaping, building façade improvements and better signage." This zone map amendment would exemplify this goal by allowing the developer to improve the existing development with a new building showcasing the aesthetic showmanship of the southwest, substantially more landscaping and much better signage, profoundly furthering the goal of gaining higher quality commercial development.

Westside Strategic Plan – Atrisco Business Park – "Focus business recruitment efforts on companies that provide services and business that will employ a minimum of twelve to fifteen people over an acre. Blake's Lotaburger recognizes along with the City that development of this area has been very slow, however, as a local business, they have led the charge in investing resources and creating jobs in the area. They are committed to furthering their dedication with a significant financial investment.

Coors Corridor Policy 5 – Intensity of development shall be compatible with the roadway function, existing zoning and recommended land use. Because the existing permissive use to the west will be redeveloped in its current location, there is an establish roadway

Functionality and existing zoning that would allow for the redevelopment of the use. This would serve as a “continuation” of the existing land use. The redevelopment would allow the new building and site to comply with design regulations and guidelines not currently required because the building was approved prior to the establishment of the Sector Plan and governing criteria. The opportunity exists to create a unique coordinated design program for the corridor area with the approval of this request.

- (D) **The applicant must demonstrate that the existing zoning is inappropriate: (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) or (2) above do not apply:**

The subject request meets all of the policies and criteria of R-270-1980, most notably: The requested C-2 zoning is more advantageous to the community as articulated in the Albuquerque/Bernalillo County Comprehensive Plan and the Westside Strategic Plan as demonstrated above in the multitude of policies and goals furthered by this request.

- (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 community.**

The establishment of C-2 zoning is appropriate because it is similar to surrounding zoning and will provide a continuation of cohesive development and stability to the area and existing permissive uses adjacent to the parcel. In addition, the above-described parcels are contiguous to existing C-2 zoning development and the proposed uses are permissive in the C-2 zoning category. This project proposes no uses that are not permissive or conditional in the C-2 zone nor any that would be detrimental to the surrounding area or harmful to 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 a lack of capital funds; or*
2. *Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.*

The subject site is serviceable with City utilities and services and vehicular access is provided on Coors Blvd. and Fortuna Road. The development of the parcel will not require any capital improvements by the City. Development of this property will utilize extensions of the water and sanitary sewer services that originate on the cross streets currently serving the proposed use to the east.

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

The cost of land or any other economic considerations are not a determining factor in this request. City C-2 zoning will promote commercial development with existing similarly commercially zoned property to the east and allow for the extension of a permissive use on the property furthering infill development and continuing services for the community.

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

The roadway classification designation has no bearing in this request. The proposed location of redevelopment is based upon serving the needs of the community in which it is located.

- (I) **A zone change request which would give a zone different from surrounding zoning on one small area, especially when only one premise is involved, is generally called a "spot zone".**

This request will not create a spot zone as there are five parcels adjacent to the east and three parcels adjacent to the north are COA C-2 as well as several other properties.

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.

This request will not create a strip zone. The area surrounding the property to the east is zoned C-2

- (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 realizations 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.

This request will not create a strip zone. The area surrounding the property to the east is zoned C-2. This property is all owned by Blake's Lotaburger, the request for the zone change is to allow for this parcel to be incorporated into a redevelopment of the existing Blake's. This is needed in order to meet the policies and goals of the applicable City Comprehensive Plan and sector development plans. Landscaping, setbacks, site articulation, improved circulation, access and site design can be realized only with the approval of this zone change request.

This parcel will act as a transition between the SU-1 Planned Industrial Park and the C-2 parcel to the east which is the current Blake's Lotaburger. This parcel would be used for landscape buffers, site circulation and will create a nice buffer between uses if at such time the SU-1 parcels to the west were ever developed. This would clearly help facilitate the planned intention of the Comprehensive Plan as well as the Site Development Plan.

The subject request meets all of the policies and criteria of R-270-1980, most notably: The requested C-2 zoning is more advantageous to the community as articulated in the Comprehensive Plan and the **Westside Strategic Plan**.

The **Goal of all applicable plans are** to create a quality environment through redevelopment efforts which perpetuate the tradition of identifiable, individual but integrated communities within areas which offers variety and choice in housing, transportation, services, work areas, and lifestyles while creating a visually pleasing built environment.

New growth shall be accommodated through development in areas where vacant land is contiguous to existing facilities and services where the integrity of existing neighborhoods can be ensured the aforementioned goals and policies.

Where new commercial development occurs, it should be located in existing commercially zoned areas. The adjacent property is currently zoned C-2 and is contiguous to several other parcels of developed property also zoned C-2

A Goal of the Southwest Area Plan is to encourage quality commercial/office/institutional development and redevelopment in response to area needs in already developed/ established commercial zones and areas. The proposed zoning designation of C-2 is consistent with the current zoning and surrounding areas of developed commercial uses. The proposed lot will be developed as a "replacement" or redevelopment of an existing use in current operation.

The approval of this petition for a zoning designation of C-2 for the site will ensure cohesive development with the adjacent parcel and surrounding areas.

We respectfully request that the EPC support this important community development project for the Southwest Area of Albuquerque.

Sincerely,

Angela Benson, Principal Partner (Agent)

Modulus Architects, Inc.

100 Sun Ave NW, Suite 305

Albuquerque, New Mexico 87109

Main: (505) 348-1499

Abenson@modulusarchitects.com

NOTIFICATION &
NEIGHBORHOOD INFORMATION



PLEASE NOTE: The NA/HOA 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.

City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

February 17, 2016

Angela Benson
Modulus Architects
100 Sun Avenue, Suite 305/87109
Phone: 505-338-1499/Fax: 505-338-1498
E-mail: abenson@modulusarchitects.com

Dear Angela:

Thank you for your inquiry of **February 17, 2016** requesting the names of **ALL Neighborhood and/or Homeowner Associations and Coalitions** who would be affected under the provisions of §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* by your proposed project at **(EPC SUBMITTAL) - TRACT Q-1, REPLAT OF TRACT Q OF UNIT 2, ATRISCO BUSINESS PARK, CONT. 0.613AC, LOCATED AT 615 FORTUNA ROAD NW BETWEEN COORS BOULEVARD NW AND FORTUNA ROAD NW - NORTH OF LOS VOLCANES ROAD NW** zone map **J-10**.

Our records indicate that the **Neighborhood and/or Homeowner Associations and Coalitions** affected by this submittal 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 - siw.

Please note that according to §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* 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 (**PLEASE ATTACH: 1) Copy of this letter; 2) Copy of letters sent to NA/HOA's and 3) Copy of White Receipts showing proof that you sent certified mail w/stamp from U.S.P.S. showing date.**) If you have any questions about the information provided please contact me at (505) 924-3914 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

**LETTERS MUST BE SENT TO
BOTH CONTACTS OF EACH
NA/HOA FOR THIS
PLANNING SUBMITTAL.**

ATTACHMENT A

(EPC SUBMITTAL) – TRACT Q-1, REPLAT OF TRACT Q OF UNIT 2, ATRISCO BUSINESS PARK, CONT. 0.613AC, LOCATED AT 615 FORTUNA ROAD NW BETWEEN COORS BOULEVARD NW AND FORTUNA ROAD NW – NORTH OF LOS VOLCANES ROAD NW zone map J-10 for Angela Benson, Modulus Architects.

LOS VOLCANES N.A. (LVC) "R"

***Ben Sandoval**

6516 Honeylocust Ave. NW/87121 836-4419 (h)

Ted Trujillo

6601 Honeylocust Ave. NW/87121 836-0336 (h)

WEST MESA N.A. "R"

***Louis Tafoya**

6411 Avalon Rd. NW/87105 836-3189 (h)

Steven Budenski

5732 La Anita Ave. NW/87105 489-1218 (h)

SOUTH VALLEY COALITION OF NEIGHBORHOOD ASSOCIATIONS

***Rod Mahoney**, 1838 Sadora Rd. SW/87105 681-3600 (c)

Marcia Fernandez, 2401 Violet SW/87105 877-9727 (h) 235-6511 (c)

SOUTH WEST ALLIANCE OF NEIGHBORS (SWAN)

— March (1st)

***Johnny Pena**, 6525 Sunset Gardens SW/87121 321-3551 (c) 836-3281 (h)

Jerry Gallegos, 417 65th St. SW/87121 261-0878 (c) 831-5406 (h)

Johnny Pena
@comcast.net

WESTSIDE COALITION OF N.A.'S

***Gerald C. (Jerry) Worrall**, 1039 Pinatubo Pl. NW/87120 839-0893 (h) 933-1919 (c)

Harry Hendriksen, 10592 Rio Del Sole Ct. NW/87114-2701 890-3481 (h) 221-4003 (c)

***President of NA/HOA/Coalition**

r mahoney01 @ comcast.net

4th Thursday - meeting

March Meeting - 3/24 - Neighborhood Meeting



February 22, 2016

Dear Dear Sir or Madam,

BLAKE'S LOTABURGER REQUEST FOR ZONE MAP AMENDMENT FROM SU-1 PLANNED INDUSTRIAL PARK TO C-2 ZONING DESIGNATION – 615 FORTUNA ROAD NW.

Blake's Lotaburger epitomizes the values and character of Albuquerque. Lotaburger was born on July 9th, 1952 on a simple grill in a small stand in Albuquerque, New Mexico. Now, over 60 years later, Blake's has become a crucial stop on the New Mexico Tourism Departments "Green Chili Cheeseburger Trail" & become synonymous with New Mexico culture. It is for this reason that Blake's has stayed true to its New Mexico roots and opened more than 75 restaurants in New Mexico. Those 60 years are showing their age and now Blake's has embarked on a journey to revitalize its restaurants with fresh and new concepts; starting with this project.

This is a request for approval of a Zone Map Amendment of 0.613 acres currently zoned SU-1 Planned Industrial Park to a zoning designation of C-2 to allow for the redevelopment of the existing Blake's Lotaburger Restaurant currently located on the adjacent parcel. The property owner/operator of the Blake's Lotaburger owns five (5) parcels on the SWC of Coors Blvd. and Fortuna Road. Four of these parcels are zoned C-2 with the fifth parcel (referenced above as "subject" site) zoned SU-1 creating a split zone of the owner's properties. Currently, there is a Blake's Lotaburger on the parcels zoned C-2. The owner is seeking the approval of this zone map amendment in order to allow for cohesive development of the NEW concept Blake's Lotaburger which will be built in its place. Although the building itself will remain on the currently zoned C-2 parcels, the adjacent parcel (subject site) is needed for site articulation, parking and landscaping. Subsequent to this approval, the property owner will be consolidating all parcels via a replat with the Development Review Board prior to construction.

I will be presenting information on this project for your review and to answer questions at the March meeting of the South Valley Coalition of Neighborhood Associations, I have also reached out to Mr. Pena with the South West Alliance of Neighbors with more detailed information. I encourage you to contact me if you have any questions or would like more information on this exciting project.

Presentation Information:

WHEN: Thursday, March 10, 2016

WHERE: Bernalillo County Sheriff's Office Sub Station, South Area Command (2039 Isleta Blvd.)

TIME: 6:30 PM

I encourage you to contact me if you have any questions or would like more information on this exciting project.

Best regards,

Angela Benson, Principal Partner
Modulus Architects, Inc.
100 Sun Ave NW, Suite 305
Albuquerque, New Mexico 87109

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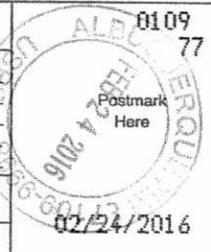
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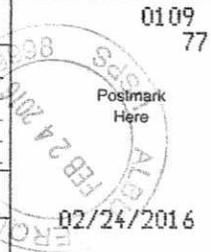
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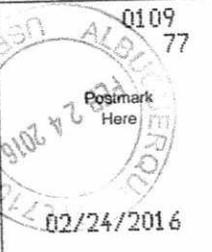
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