

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

February 12, 2016

Wal-Mart Stores East Inc.
P.O. Box 8050
Bentonville, AR 72716

Project# 1000188
15EPC-40081 Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Tract 7, Plat of Tracts 1, 2, 3, 4, 5, 6 & 7 West Bluff Center, zoned R-T to C-2, located on Corona Dr. NW, between Miami Rd NW and Ouray Rd NW, containing approximately 1 acre.
(H-11) Staff Planner: Maggie Gould

PO Box 1293

On February 11, 2016, the Environmental Planning Commission (EPC) voted to APPROVE Project #1000188/15EPC-40081, a Zone Map Amendment (Zone Change), based on the following findings:
Albuquerque

FINDINGS:

NM 87103

www.cabq.gov

1. This is a request for a Zone Map Amendment from R-T to C-2 for Tract 7 of the West Bluff Center located on Corona DR. NW between Miami RD and Ouray Rd. and containing approximately 1 acre.
2. The applicant requests a Zone Change from R-T to C-2 in order to develop commercial or service uses on the site.
3. The subject site is included the West Bluff Retail Center Site Development Plan for Subdivision (Z-99-38), but is not a part of the shopping center.
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 is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

OFFICIAL NOTICE OF DECISION

Project #1000188

February 11, 2016

Page 2 of 6

- A. Policy II.B.5e: 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 subject site is located in an area with access to a full range of urban services including roads, water, sewer and electricity. The site is not directly adjacent to a single family neighborhood. The request furthers Policy II.B.5e.

- B. Policy II.B.5d: 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 proposed zone will be similar to the zoning on the nearby commercial parcels. The site is not directly adjacent to the single family development. The site has existing services. The signage and lighting allowed under the proposed zone may adversely impact the neighborhoods to the east. The traffic impact associated with a drive in or drive up use, which is permissive under the C-2 zone, may also impact the neighborhood. The request partially furthers Policy II.B.5d.

- C. Policy II.B.5i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.**

The proposed zoning will allow the development of commercial and service uses that are not directly adjacent to residential development. The site has access to Ouray Road and Corona Drive; patrons of the site would not need to travel through the nearby neighborhoods. However, the allowed signage and the traffic impact associated with a drive-in or drive-up use, which is permissive under the C-2 zone, may impact the neighborhood. The request partially furthers Policy II.B.5i.

- D. Policy II.B.5j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:**

- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.

The request would add new commercial zoning adjacent to existing commercial zoning in a shopping center area. Although the site will not be part of the center, the request will provide additional commercial uses in an area with existing road access and access to transit. The request furthers Policy II.B.5j.

- E. II.D.6 Economic Development: The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.**

OFFICIAL NOTICE OF DECISION

Project #1000188

February 11, 2016

Page 3 of 6

The proposed zoning will add to the mix of commercial and service uses in an area where they are appropriate. The commercial zone will allow the development of uses that may contribute to economic development. The request furthers the Economic Development Goal.

6. Do the same thing as 4 and 5 above for other applicable plans The subject site is within the boundaries of the West Side Strategic Plan. The following policies are applicable to this request:

- A. Goal 12: The Plan should provide for long-term sustainable development on the West Side.

The plan does not clearly define sustainable; however the existing zoning will allow the development of additional residential uses on the west side of the river where the housing to jobs balance is currently skewed towards housing. While the subject site is not a huge parcel and will not make a big difference in the jobs to housing balance, it is more sustainable to develop the property with commercial uses in proximity to other commercial uses. In the long term some commercial uses may not be sustainable on the site because of the impact on the surrounding area. The request partially furthers Goal 12.

- B. Objective 8: Promote job opportunities and business growth in appropriate areas of the west side.

The proposed zone will allow the development of commercial, office or service uses adjacent to existing commercial, office and service uses. These uses may provide job opportunities for area residents. The request furthers Objective 8. The request furthers Objective 8.

- C. Policy 1.3: Strip commercial developments shall not be approved on the West Side. Commercial development shall occur in concentrated clustered areas rather than new strip developments. Zone changes to commercial, industrial, or office uses for areas outside the centers are strongly discouraged, in order to reinforce the Neighborhood and Community Centers. Changes of commercial and office zoning outside the centers to residential use is encouraged. This policy is meant to impact the design and layout of commercial areas and their connections to adjacent development and to encourage clustering of commercial and office uses in activity centers. It is not intended to rezone allowed commercial uses. (Page 39)

The request will not create a strip commercial zone. The subject site is adjacent to existing commercial development in a shopping area where the commercial uses are clustered. The request furthers Policy 1.3.

- D. Policy 3.25: Proposals for new development and rezonings in this area should be carefully analyzed to avoid negative impacts on the National Monument and other surrounding

OFFICIAL NOTICE OF DECISION

Project #1000188

February 11, 2016

Page 4 of 6

properties. Review of proposed projects should consider the design and site layout implications of any new development on surrounding properties.

The proposed zoning will not impact the National Monument because the subject site is not in the area of the Ladera Community close to the Monument. The request furthers Policy 3.25.

7. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:

A. The proposed zone will allow development that is similar to what is allowed on the sites to the north, west and east. The allowed uses are mapped in proximity to residential and commercial uses in other areas of the City.

B. The proposed zone is the same zoning that is found on the parcel the north east and nearly identical to the sites to the north and west. The proposed zone will allow development that is similar to the nearby commercial zoning and will not destabilize the area.

C. Summarize Policy Analysis The request is not in significant conflict with adopted elements of the Comprehensive Plan, West side Strategic Plan and Coors Corridor Plan. The applicant cites:

Comprehensive Plan Policies:

Policy II.B.5e, II.B.5i, Policy II.B.5j and Policy II.B.5l and the Economic Development goal, II.D.6 . Staff agrees that 5e, 5i and 5j and D.6 are relevant. Policy II.B.5l is not applicable because there is no Site Development Plan involved in this request. Policy II.B.5d regarding compatibility with surrounding developing is relevant.

West Side Strategic Plan:

Goal 12, Objective 4, policy 1.3 and 3.25 Staff feels that the request is generally consistent with the intent of the WSSP to have a wide range of uses, commercial development clustered in centers, and to protect the Petroglyph National Monument. Objective 8, regarding job opportunities is also relevant.

Coors Corridor Plan:

Land Use Policy 1 and Traffic Movement/Access, and Roadway Design Policy 8. The request is consistent with the ranked Plans as stated in Policy 1, however policy 8, regarding walking trails is more applicable to a site development plan. Land Use Policy 5 regarding development intensity is also relevant.

D. The applicant states that the request will be more advantageous to the community as articulated in the applicable plans because it will allow development that offers more commercial, service and employment opportunities and will prevent future conflicts that may occur if the site is developed residentially

The applicant cites the proposed new commercial development in the area and improvements to St Joseph's Avenue as changed conditions. The new development constitutes a changed condition because it is commercial development occurring on commercially zoned property.

The changes in Coors Boulevard and I-40 interchange could constitute a changed condition because the raised roadway may add additional noise that makes sites closer to the interchange less desirable for housing.

- E. The allowed uses on the site will be similar to the uses in the adjacent parcel and the parcels to the north and north east. The applicant states that the future development will have sidewalks and connections to the neighborhood, section 14-16-13-18 does require sidewalks, but without a site development plan it is difficult to assess the degree of connectivity. The drive thru uses (restaurant, pharmacy, and bank) may also create traffic in the area and the proposed zone will allow signage that may adversely impact the residential development the east. However, the uses will be the same uses that are allowed on the sites to the north, east and west and will be generally compatible with the area.
- F. The site has access to a full range of services and that future development on the site will not be funded by the City.
- G. The applicant has not cited the cost of the site as part of the justification.
- H. The applicant has not cited the location on a major street as part of the justification.
- I. The proposed uses are similar to or identical to the allowed uses on most of the nearby parcels. The request will not create a spot zone.
- J. The proposed uses are similar to or identical to the allowed uses on most of the nearby parcels and the subject site will not consist of a strip of differently zoned land. . The request will not create a strip zone.
8. The request will not add to the jobs to housing imbalance on the west side of the City.
9. The West Bluff NA and the Westside Coalition of Neighborhoods were notified. A facilitated meeting was not recommended or requested.
10. The City notified property owners within 100 feet of the site. Staff has not received any public comment as of this writing.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **FEBRUARY 26, 2016**. 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.

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

OFFICIAL NOTICE OF DECISION

Project #1000188

February 11, 2016

Page 6 of 6

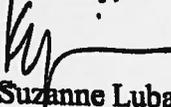
Code must be complied with, even after approval of the referenced application(s).

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/VQ

cc: Wal-Mart Stores, East Inc, P.O. Box 8050, Bentonville, AR 72716
Retail Southwest Develop., Joshua Skarsgard, 8220 San Pedro NE, Suite 500, ABQ, NM 87113
Dr. Joe Valles, West Bluff NA, 2515 Kimberly Ct NW, ABQ, NM 87120
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