



**Environmental  
Planning  
Commission**

*Agenda Number: 02  
Project Number: 1000188  
Case #: 15EPC-40081  
February, 11, 2016*

**Staff Report**

<b>Agent</b>	Josh Skarsgard, Retail Southwest Development
<b>Applicant</b>	Wal-Mart Stores East
<b>Request</b>	<b>Zone Map Amendment</b>
<b>Legal Description</b>	Tract 7 West Bluff Center
<b>Location</b>	Corona Drive, between Miami Road and Ouray Road NW
<b>Size</b>	1 acre
<b>Existing Zoning</b>	R-T
<b>Proposed Zoning</b>	C-2

**Staff Recommendation**

*APPROVAL of 15 EPC-40081 based on the Findings beginning on Page 11.*

**Staff Planner**  
*Maggie, Gould*

**Summary of Analysis**

This is a request to amend the zoning on the subject site from R-T, Residential Townhome to C-2, Community Commercial in order to develop a future commercial or service use.

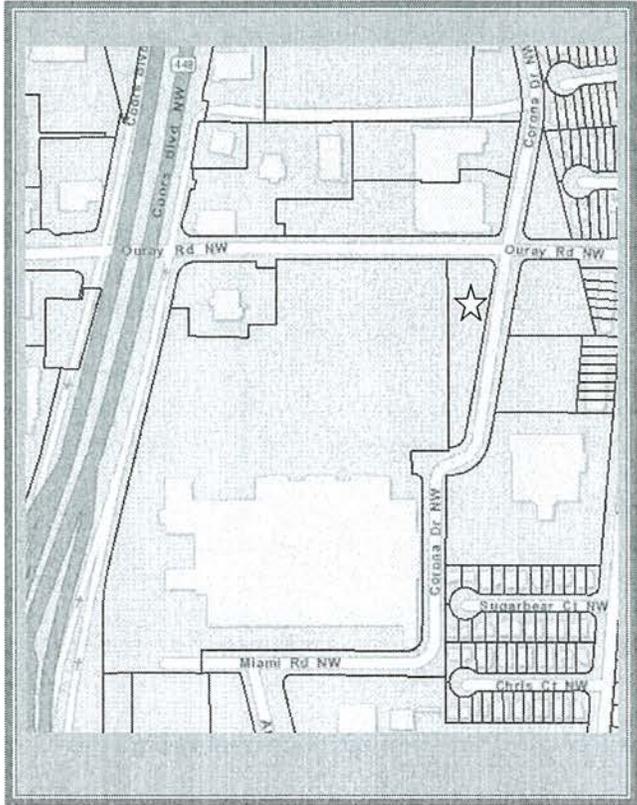
The subject site is within the boundaries of the Established Urban area of the Comprehensive Plan, The West Side Strategic Plan and the Coors Corridor Plan.

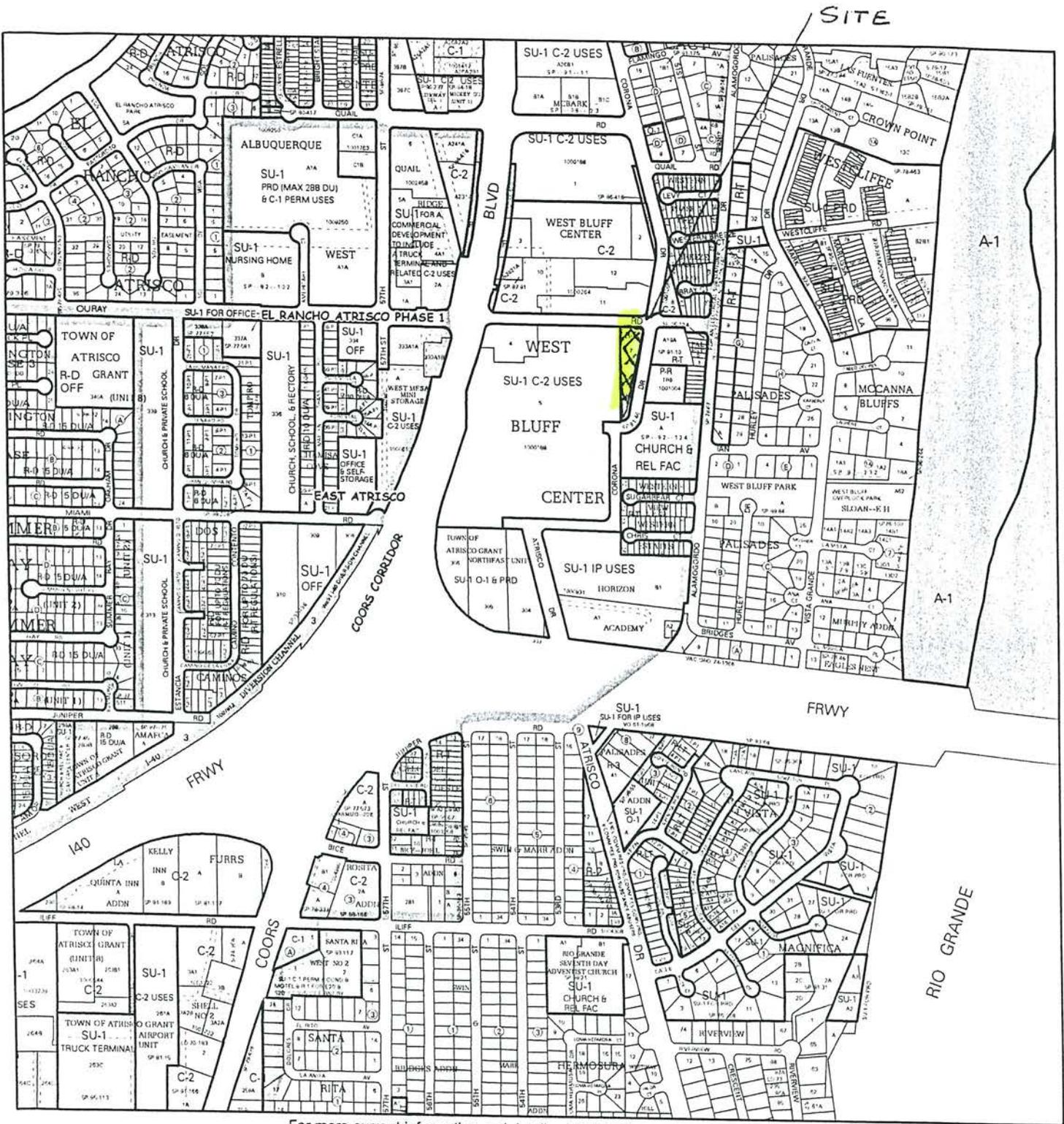
The applicant has justified the request pursuant to R-270-1980 as being more advantageous to the community as articulated in the adopted plans and policies.

The West Bluff Neighborhood and the West Side Coalition of Neighborhoods were notified of the request. Property owners within 100 feet of the site were notified by the City.

Staff has not received any comments as of this writing. There is no known opposition to this request.

Staff recommends approval.





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

**Albuquerque Geographic Information System**

Map amended through: 9/2/2014

Zone Atlas Page:  
**H-11-Z**

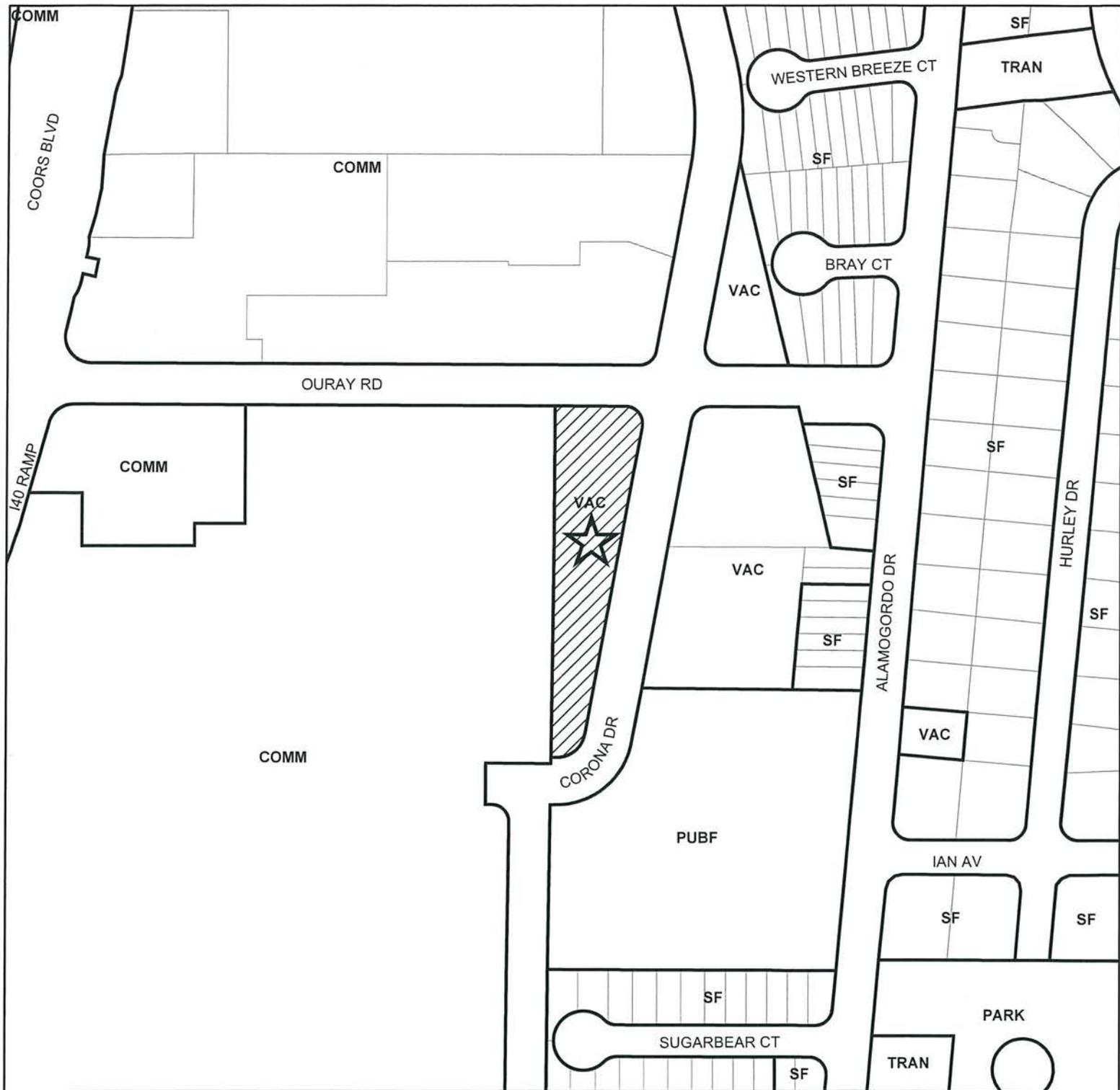
Selected Symbols

	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.		

Note: Grey Shading Represents Area Outside of the City Limits

0 750 1,500 Feet





# LAND USE MAP

Note: Grey shading indicates County.

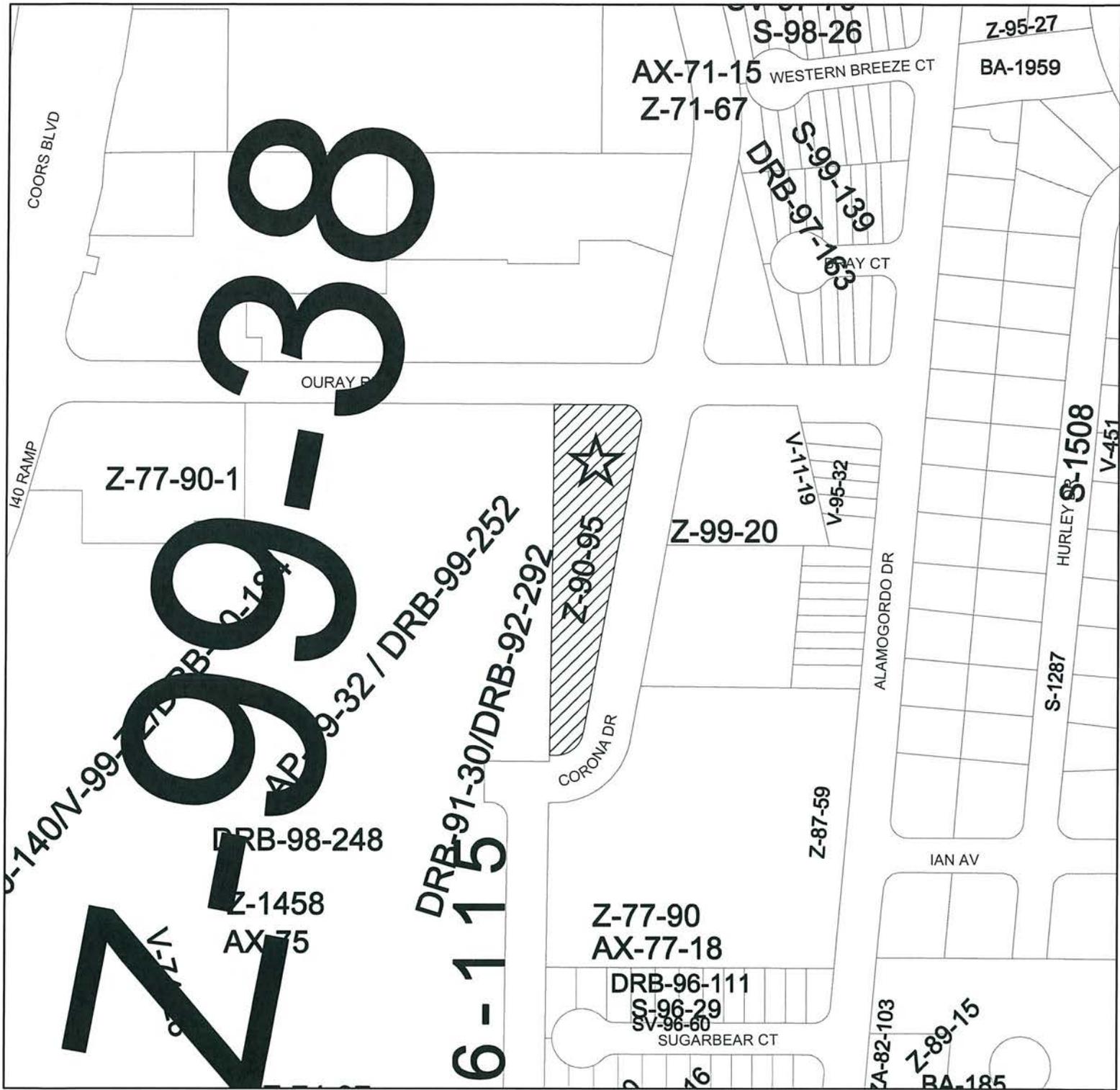
### KEY to Land Use Abbreviations

- 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 = 200 feet

**Project Number:**  
1000188  
**Hearing Date:**  
02/11/2016  
**Zone Map Page:** H-11  
**Additional Case Numbers:**  
15EPC-40081



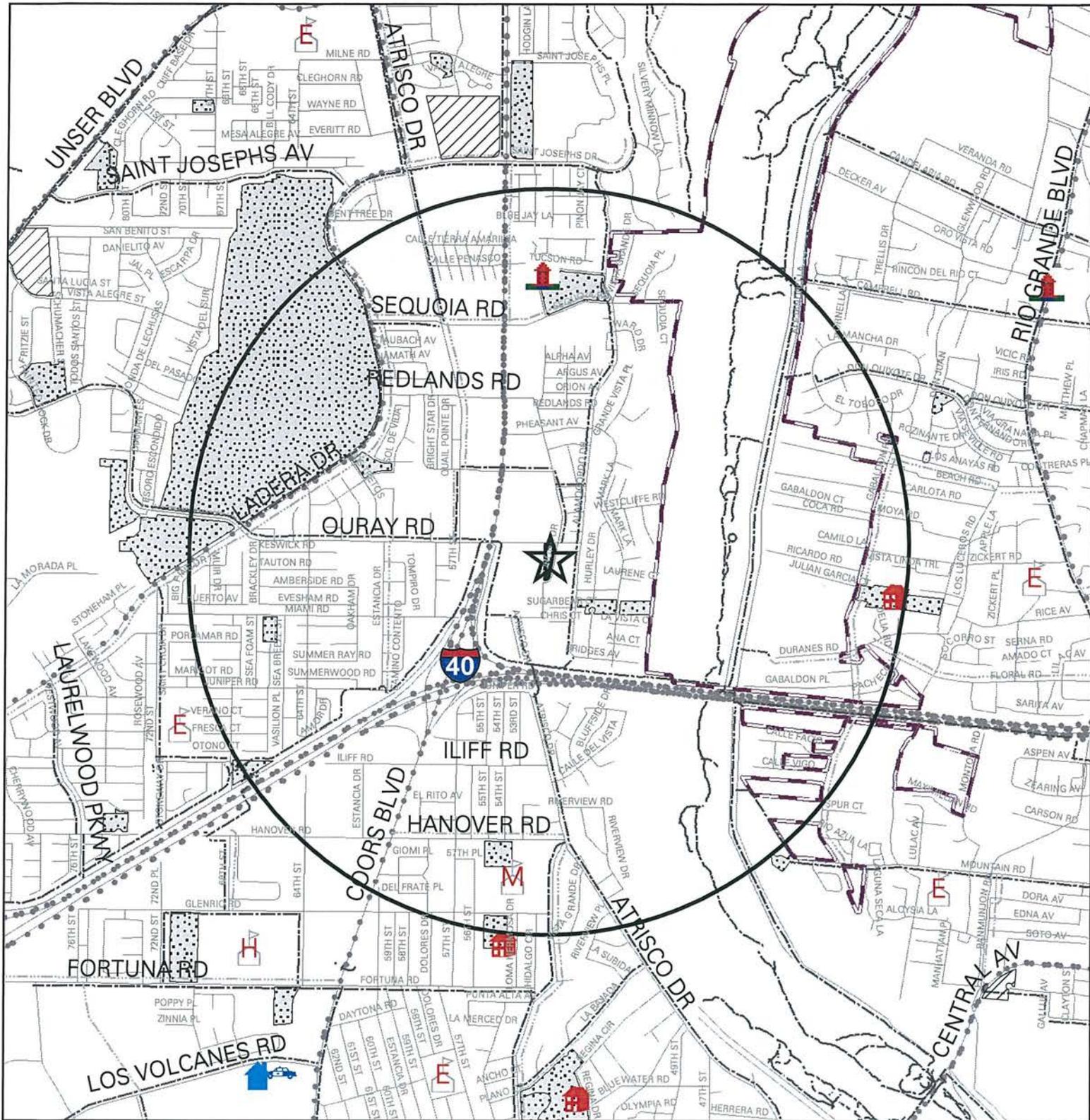
### HISTORY MAP

Note: Grey shading indicates County.



1 inch = 200 feet

Project Number:  
1000188  
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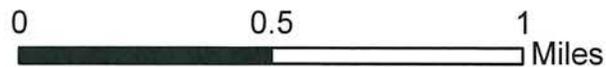


## Public Facilities Map with One-Mile Buffer



- |  |                      |  |                         |  |                          |  |                             |
|--|----------------------|--|-------------------------|--|--------------------------|--|-----------------------------|
|  | 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: 1000188



**I. AREA CHARACTERISTICS AND ZONING HISTORY**

*Surrounding zoning, plan designations, and land uses:*

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</i>	<i>Land Use</i>
<i>Site</i>	R-T	Established Urban, WSSP, Coors Corridor Plan	Vacant
<i>North</i>	C-2	Same	Commercial
<i>South</i>	SU-1 for C- 2 Uses, SU-1 for Church and related facilities	Same	Commercial, Institutional
<i>East</i>	P-R, R-T, C-2	Same	Institutional, Vacant, Residential
<i>West</i>	SU-1 for C-2 Uses	Same	Commercial

**II. INTRODUCTION**

***Proposal***

The applicant is requesting a Zone Change from R-T, Residential Townhome to C-2, Community Commercial in order to develop a future commercial or service use for an approximately one acre site located on Corona Drive which is south of Ouray and east of Coors Boulevard.

***EPC Role***

The EPC is hearing this case because the EPC has the authority to hear all Zone Map Amendment (Zone Change) cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1) SU-1 Special Use Zone, and 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 subject site was part the approval of a Site Development Pan for Subdivision (SPS) (Z-99-38) approved by the EPC in August of 1999 along with a Zone Map Amendment (ZMA) for the entire 61 acres that now make up the West Bluff Shopping Center. Both cases were appealed and ultimately approved. The subject site was part of the SPS was not included in the ZMA because it was thought that the site could develop under the R-T zone.

### ***Context***

The subject site is directly adjacent to the middle portion West Bluff Shopping Center which contains two large retail facilities and several smaller retail and service uses. The Shopping Center includes the land northwest of Ouray.

There is residential development to the east of the site, but the site is separated from the neighborhood by a church parking lot and vacant lot. The vacant lot is zoned R-T.

To the northeast of the site is residential development and the area to south contains a church and residential development.

### ***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 Long Range Roadway System designates Coors Boulevard as a Principal arterial.

The Long Range Roadway System designates Ouray Road as a Collector street.

### ***Comprehensive Plan Corridor Designation***

Coors Boulevard is a Major Transit Corridor.

Interstate is an Express corridor.

### ***Trails/Bikeways***

Corona Drive is a designated bike route.

### ***Transit***

The 96 and 155 routes stop approximately .5 miles from the site.

### ***Public Facilities/Community Services***

Refer to the Public Facilities Map in the packet.

## ***III. ANALYSIS***

### ***APPLICABLE ORDINANCES, PLANS AND POLICIES***

#### ***Albuquerque Comprehensive Zoning Code***

The site is currently zoned R-T, Residential Townhome which provides suitable sites for houses and townhouses. The minimum lot size is 2,200 square with a minimum 22 foot lot width and maximum height of 26 feet (§ 14-16-2-9).

The C-2, Community Commercial zone provides suitable sites for offices, commercial and services uses, certain institutional uses and residential uses under specific conditions. The maximum building height is 26 feet at any location with higher buildings allowed provided they meet solar angle planes; it would be difficult to meet the angle planes required for a taller

building on this site because of the narrow lot width. A sign of up 26 feet in height and 75 square feet would be allowed on the site (§14-16-2-17). Building mounted signage would be allowed to cover 25% percent of the façade facing a collector street or 12.5% of the faced if there was a freestanding on the premise.

Both zones are considered “straight zones” and would not require EPC approval for future development on a site of this size. Sites zoned C-2 and over 5 acres in size are subject to the Shopping Center Requirements of § 14-16-3-2.

The major difference between the two the zones is that one allows only residential uses and the other allows a full range of commercial and service uses including restaurants, bars, retail stores, offices, gas stations and drive thru uses.

The general design requirements of the Coors Corridor Plan apply to any future development on the site and would be reviewed through the building permit process.

Although the site abuts to the West Bluff Shopping Center, it would not become part of the shopping center site because it would not be part of SU-1 zoned portion of the center covered by a Site Development Plan for Building Permit and it is not adjacent to the C-2 zoned portion of the site, covered by the shopping center regulations.

#### ***Albuquerque / Bernalillo County Comprehensive Plan***

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 “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.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.***

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***

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*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.*

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.*

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.*

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

*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.*

### *Westside Strategic Plan (Rank 2)*

The West Side Strategic Plan (WSSP) was first adopted in 1997 and recently amended in 2011 to help promote development of Neighborhood and Community Activity Centers. The WSSP identifies 13 communities, each with a unique identity and comprised of smaller neighborhoods. The subject site is within the Ladera Community. The Ladera Community includes the area between the river on the east, roughly aligned with Western Trails on the north, with Unser Boulevard and the National Monument on the west, and with the I-40 corridor on the south. Relevant goals/policies include the following:

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*

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*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 sit because of the impact on the surrounding area. The request partially furthers Goal 12.*

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.*

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.*

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 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.*

### **Coors Corridor Sector Development Plan (Rank III)**

The site is within the boundaries of the Coors Corridor Plan, adopted in 1984 and revised in 1989. The Plan provides policy and guidelines for the design of Coors Boulevard and adjacent properties from Central Avenue north to State Road 528 (Alameda Boulevard). The plan also puts emphasis on Coors Boulevard as a transit and pedestrian corridor. The subject property is in Segment 2 of the Coors Corridor Plan, which extends from I-40 on the south to Western trail on the north.

Many of the policies in this plan are design policies that apply to building projects rather than zoning.

The following policies are relevant to this request:

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Policy 1- Land Use Development Intensity (p.60): Land use decisions shall be made in accordance with adopted plans for Northwest Mesa area. The City of Albuquerque has adopted a hierarchical plan ranking system. The Rank 1 plan includes all the elements of the Albuquerque/Bernalillo County Comprehensive Plan. Rank 2 plans include area plans such as the Northwest Mesa Area Plan. Rank 3 plans include sector development plans including this Coors Corridor Plan. Plans of lower rank must comply with all provisions of all higher ranking plans, including issues such as land use and commercial site locations.

*The proposed zone is generally consistent with the applicable plans.*

Policy 5-Land Use Development Intensity (p. 79): Intensity of development shall be compatible with the roadway function, existing zoning or recommended land use, environmental concerns, and design guidelines.

*The proposed zone is consistent with the zoning on the adjacent parcels and is compatible with the roadway functions of the nearby street. The allowed uses may adversely impact the adjacent neighborhoods due to signage and lighting. The request partially furthers Policy 5-Land Use Development Intensity.*

***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 applicant states that the proposed zone will allow development that is the most appropriate uses of the land as stated in the Zone Code. The proposed use will not add students to the overcrowded school system or add a burden to the existing services in the area. The subject site is directly adjacent to the large commercial parking lot and residential development on the site may not be safe adjacent to this parking lot.*

***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. 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 proposed zone will maintain the commercial uses that are allowed on the adjacent site and will add new commercial opportunities. The proposed zone offers more flexibility than the existing zone. The development under existing zoning could cause friction between the allowed residential uses and the existing commercial use. The applicant also states the housing market on the west side would not support the addition of the new townhomes.*

*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. 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 for more in depth discussion of policy.*

*The test under Section C is whether or not there is “significant conflict” with an adopted element of the Comprehensive Plan or other City master plan such as a sector development plan. Staff finds that 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. Staff also believes that 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. Staff believes that 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. Staff believes that Land Use Policy 5 regarding development intensity is also relevant.*

- 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.

*Refer to policy analysis for additional discussion regarding policy justification.*

*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. Staff does not believe that 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. 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 uses allowed will allow commercial development as an infill project next to existing commercial development. The zoning code will require sidewalks and pedestrian connectivity to the neighborhood. The drive thru uses will be a benefit to the community.*

*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. 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 request will not result in unprogramed capital for the City because all of the roads and utilities are in place.*

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***Staff agrees that 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 cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

*The applicant states that the main factor in the request is the incompatibility with the existing zoning and the adjacent property.*

***The applicant has not cited the cost of the site as part of the justification.***

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

*The request is justified pursuant to the policies of the Comp Plan and WSSP.*

***The applicant has not cited the location on a major street as part of the justification.***

- 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.

*The proposed zoning will be consistent with adjacent land uses.*

***Staff agrees that the proposed uses are similar to or identical to the allowed uses on most of the nearby parcels.***

- 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.

*The proposed zoning will be consistent with adjacent land uses.*

***Staff agrees that the proposed uses are similar to or identical to the allowed uses on most of the nearby parcels.***

*Other Analysis*

The proposed use will not add to the housing to jobs imbalance on the west side of the City.

***IV. AGENCY & NEIGHBORHOOD CONCERNS***

*Reviewing Agencies*

Long Range Planning staff expressed concern regarding potential negative impact of the allowed signage under the C-2 zone. The applicant states that they are working to address some of these concerns. Because the request is for a “straight” zone, the EPC cannot impose condition on the request and any restrictions on the site would be civil matters that are not enforceable by the City.

*Neighborhood/Public*

The West Bluff NA and the Westside Coalition of Neighborhoods were notified. A facilitated meeting was not recommended or requested.

The City notified property owners within 100 feet of the site. Staff has not received any public comment as of this writing.

***V. CONCLUSION***

This is a request for a Zone Change from R-T, Residential Townhome to C-2, Community Commercial for a one acre parcel located on Corona Drive between Ouray Road and Miami Road NW.

The applicant has justified the request under R-270-1980 as being more advantageous as articulated in the applicable plans. The request will give the parcel zoning that is generally the same as the adjacent commercial parcels, except that the subject site is not subject to the shopping center regulations or the SU-1 zone. The proposed uses are generally compatible with the surrounding area, but may add additional traffic and signage and lighting that could impact the neighborhoods to the east.

Staff recommends approval. There is no known opposition to this request.

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*FINDINGS – 15 EPC-4008, February 11, 2016,-(Zone Map Amendment)*

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:
  - 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.

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 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.

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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.

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- 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.

***RECOMMENDATION - 15EPC-40081- February 11, 2016***

**APPROVAL of 15 EPC 40081, a request for Zone Map Amendment from R-T to C-2 for Tract 7 of the West Bluff Subdivision, based on the preceding Findings.**

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**Maggie Gould**  
**Planner**

***Notice of Decision cc list:***

Retail Southwest Development (Joshua Skarsgard) 8220 San Pedro NE Suite 500 ABQ, NM 87113  
Wal-Mart stores East Inc, PO Box 8050 Bentonville AR 72716

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## CITY OF ALBUQUERQUE AGENCY COMMENTS

### PLANNING DEPARTMENT

#### Zoning Enforcement

#### Office of Neighborhood Coordination

West Bluff NA (R)

Westside Coalition of NA's

#### Long Range Planning

If C-2 zoning is approved, there is no site plan review: no mechanism to ensure a strong pedestrian connection to the other buildings in the shopping center; no mechanism to ensure building and/or landscape design compatibility; signage would be per the C-2 zone (26 feet high, 75 square feet) and not the SC regulations, which may impose fugitive light on the residential uses to the east across Corona Drive, depending on the sign-design and orientation preference of the property owner; vehicular access could be entirely from Ouray Rd and/or Corona Drive - any vehicular cross-access between the subject site and the abutting LRF site would be voluntary.

#### Metropolitan Redevelopment Agency

### CITY ENGINEER

#### Transportation Development

No Objection to the Zoning request.

#### Hydrology Development

### DEPARTMENT of MUNICIPAL DEVELOPMENT

#### Transportation Planning

Per MRCOG's 2040 Long Range Bicycle System Map, Ouray Road is planned to contained bicycle lanes and Corona Drive is an existing bicycle route.

#### Traffic Engineering Operations

### WATER UTILITY AUTHORITY

#### Utility Services

15EPC – 40081 Zone Map Amendment Zone Map Amendment

- a. Prior to service, an availability statement must be request online at the following link: [http://www.abcwua.org/Availability\\_Statements.aspx](http://www.abcwua.org/Availability_Statements.aspx). Requests shall include fire marshal requirements.

b. Cross Connection information (contact Jane Rael (505) 289-3439, jrael@abcwua.org or Robert Chavez (505) 289-3454, rfchavez@abcwua.org)

i. Per the Cross Connection Ordinance, all new non-residential premises must have a reduced pressure principle backflow prevention assembly approved by the Water Authority installed at each domestic service connection to the customer's water system or at a location approved by the Water Authority. The developer may request a variance in writing from the cross connection manager. All new fire line services to fire protection systems shall be equipped with a reduced pressure principal backflow prevention assembly approved by the Water Authority and Fire Marshal having jurisdiction at each service connection. A double check valve assembly approved by the Water Authority and Fire Marshal having jurisdiction may be installed instead of a reduced pressure backflow prevention assembly provided the fire protection system contains ANSI/NSF Standard 60 or 61 water piping throughout the entire fire protection system, the fire sprinkler drain discharges into atmosphere, and there are no reservoirs, fire department connections, connections from auxiliary water supplies, antifreeze nor other additives. The Water Utility Authority requests that all backflow (containment) devices be located above ground just outside the easement or roadway right-of-way.

***ENVIRONMENTAL HEALTH DEPARTMENT***

***PARKS AND RECREATION***

***Planning and Design***

Reviewed, no comments

***Open Space Division***

***City Forester***

***POLICE DEPARTMENT/Planning***

No Crime Prevention or CPTED comments concerning the proposed Zone Map Amendment request at this time.

***SOLID WASTE MANAGEMENT DEPARTMENT***

***Refuse Division***

No comment

***FIRE DEPARTMENT/Planning***

***TRANSIT DEPARTMENT***

None

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## ***COMMENTS FROM OTHER AGENCIES***

### ***BERNALILLO COUNTY***

#### ***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

Reviewed. No comment.

#### ***ALBUQUERQUE PUBLIC SCHOOLS***

This will have no adverse impacts to the APS district.

#### ***MID-REGION COUNCIL OF GOVERNMENTS***

Any new entrances and exits to the site need to take pedestrian and bicycle travel and access into strong consideration, especially because the site is proposed to include a drive through and it is surrounded by proposed bicycle lanes on Ouray Rd NW and on Corona Dr NW.

MRMPO recommends providing walking access within the Wienerschnitzel site for pedestrians who may walk from the neighborhoods or from Wal-Mart and other surrounding developments to the site. Several of the other nearby sites include enhanced pedestrian routes (in red pavement) connecting between sites and the surrounding sidewalks.

#### ***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

#### ***PUBLIC SERVICE COMPANY OF NEW MEXICO***

PNM has no comments based on information provided to date for the zone change.

It is necessary for the developer to contact PNM's New Service Delivery Department for service to this project prior to development.



Looking southeast across the site from the northwest corner  
Looking northeast across the site from the southwest corner





Looking north across the site towards Ouray Road along the western boundary of the site.



## HISTORY

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

Date: September 17, 1999

## OFFICIAL NOTIFICATION OF DECISION

Geltmore, Inc.  
4408 Canyon Court NE  
Albuq. NM 87111

FILE: Z-99-38  
LEGAL DESCRIPTION: For land generally located in the northeast quadrant of Coors Boulevard and I-40, more particularly described as Tract A, Quail Ridge Shopping Center; Tract A-2122-A, Town of Atrisco Grant; Tract A-19-C2 and A-19-C1, Town of Atrisco Grant; Tract A-1-A, Tract A-15-A and Tract A-16-A, Town of Atrisco Grant; Tract 330, Tract 331-A and Tract 332, Town of Atrisco Grant, containing a total of approximately 35 acres. (H-11) Bob Torres, Staff Planner (DEFERRED FROM AUGUST 19, 1999)

On September 16, 1999, the Environmental Planning Commission voted to approve Z-99-38, a site plan for subdivision based on the following Finding and subject to the following Conditions:

### FINDINGS:

1. This is a request for a Site Plan Subdivision for a 34 acre site located on the northeast quadrant of Interstate I-40 and Coors Boulevard NW creating 5 tracts on 2 separate parcels.
2. This Site Plan for Subdivision request is filed in conjunction with a related Site Plan for Building Permit. Together these approvals will permit an approximately 347,000 square foot commercial development.
3. This request is in general conformance with applicable plans and policies of the *Comprehensive Plan* the *Coors Corridor Plan*, *West Side Strategic Plan* and applicable City ordinances.
4. The existing zoning on the site is SU-1 for C-2 Uses and C-2. The commercial uses proposed by the site development plan are allowed under the existing zoning. Both zone categories require EPC site plan review. The C-2 zone requires EPC site plan approval because it is a parcel larger than 5 acres which brings it under the Zoning Code Shopping Center regulations. (*Zoning Code*, Section 14-16-3-2, page 206).

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SEPTEMBER 16, 1999  
Z-99-38  
PAGE 3

8. The applicant intends to continue the 10' wide landscaped trail along the now vacant parcel between the north and south parcels of this request pending that owner's approval.
9. Landscape regulations of the *Zoning Code* require a 10' landscape buffer and a 6' opaque wall between a parking area of a commercial use and a residential zone. (*Zoning Code*, Section 14-16-3-10(E)(4)(a)(c), page 221.
10. The City Attorney's Office has indicated that in cases where the uses desired by a general plan are in conflict with the uses allowed by the zoning ordinance, the zoning ordinance will prevail.
11. WSSP policy 1.3. States that the plan is "... is not intended to affect the uses allowed in commercial zones or to alter the current zone of any properties." (*WSSP*, page 42.)
12. The *West Side Strategic Plan* does not restrict the location of regional shopping centers to the West Side Regional Center at Seven Bar Ranch.
13. The *Comprehensive Plan* does not restrict the location of regional shopping centers to Urban Centers.

CONDITIONS:

1. The submittal of this site plan to the DRB shall meet all EPC conditions; a letter shall accompany the submittal to the DRB indicating how the site plan has been modified to meet each of the EPC conditions.
  2. Designate five percent of the total parking spaces as multiple occupancy vehicle parking located near building entrances, and identified on the site plan.
  3. Locate five bicycle locker units at convenient locations and identify them on the site plan.
  4. Provide employee lockers, showers, dining facility/break room and outdoor gathering/dining at the two major buildings .
  5. Refuse enclosures and lift bins shall be located in accessible locations acceptable to the Solid Waste Management Department.
  6. Pedestrian crossings of vehicle circulation areas shall be minimum 6' wide, of an alternative textured material and slightly raised. Where parking spaces are perpendicular or angled to pedestrian walks, the pedestrian walk shall be protected by providing tire stops so that parked cars do not overlap the pedestrian walk or by making the walk 10' wide if there is parking on one, 10' wide if there is parking on both sides.
- 1  
Pedestrian areas in front of major buildings shall be minimum 15' wide; 10' wide in front of smaller buildings.
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- H) Location of walls, fences and signs must meet the clear sight distance requirements.
  - D) Provision of street trees and landscaping on Coors Boulevard and Quail Road.
  - J) Construction of 10 foot pedestrian bicycle trail on Coors Boulevard.
  - K) Dedication of right-of-way for a pedestrian crossing structure over Coors Boulevard. Provisions for internal paths connecting the structure with the trail east of the development. A Pedestrian Overcrossing of Coors Boulevard at Ouray Road may provide an alternate access route for pedestrians and bicycles from the west side of Coors due to the massive configuration of the Coors / Quail Intersection.
  - L) Service / loading areas must be provided for on-site, and served by a 30 foot unobstructed service drive. Provision for adequate turnaround area for large vehicles in the dock areas. Construction of 25 foot corner radii are required for the service route.
18. Pedestrian accesses with material of different types shall be installed on the perimeter pedestrian ways to the smaller retail stores.
19. Add architectural elements similar to the front elevations for the side and rear elevations of the two large buildings. Such elements shall include towers, varied roof and parapet treatments wall offsets, building plane offsets and related techniques to reduce massing and break up large facades.
20. Additional landscaping for purposes of buffering the neighborhood shall be added to the east side of the Walmart.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY OCTOBER 1, 1999 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE OF \$50 IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY OTHER 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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

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**OFFICIAL NOTICE OF DECISION**

**SEPTEMBER 16, 1999**

**Z-99-38**

**PAGE 7**

David Cooper, 4317 Chinlee NE, Albuquerque, NM 87110  
Albert & Gloria Kolb, 2330 La Vista Court NW, Albuquerque, NM 87120  
Ray Ruiz, 4901 El Aguila, Albuquerque, NM 87120  
Ray Bahm, 2513 Kimberly Ct. NW, Albuquerque, NM 87120  
Leo Romero, 5016 Grande Vista Ct. NW, Albuquerque, NM 87120  
Sylvia Mock, P.O. Box 3388, Albuquerque, NM 87192  
Doug Bennett, 6800 Porlamar NW, Albuquerque, NM 87120  
Pat Larson, 14200 Vista Ct. NW, Albuquerque, NM 87123  
Ron Bohannon, 4421 McLeod, Albuquerque, NM

## ZONING

The existing zone is R-T, the proposed zone is C-2

The text of both are included

**§ 14-16-2-9 R-T RESIDENTIAL ZONE.**

This zone provides suitable sites for houses, townhouses, and uses incidental thereto in the Established and Central Urban areas.

**(A) Permissive Uses.**

- (1) Uses permissive in the R-1 zone, except:
  - (a) Agricultural animal keeping (see § 14-16-2-6(A)(2)(b)) is not permitted;
  - (b) Front yard parking of recreational vehicles (§ 14-16-2-6(A)(2)(h)3.) is not permitted;
  - (c) Hobby breeders (see § 14-16-2-6(A)(2)(k)) are not permitted; and
  - (d) Houses are not limited to one per lot.
- (2) Townhouses.

**(B) Conditional Uses.** Uses conditional in the R-1 zone.**(C) Height.** Structures shall not exceed 26 feet in height, except as provided in § 14-16-3-3 of this Zoning Code.**(D) Lot Size.**

- (1) For a townhouse, except as provided in division (2) below, minimum lot area shall be 2,200 square feet per dwelling unit; minimum lot width shall be 22 feet per dwelling unit.
- (2) For a townhouse in a Family Housing Development or for a townhouse with vehicle access only to the rear yard from an alley, minimum lot area shall be 1,760 square feet; minimum lot width shall be 18 feet.
- (3) For a house, except as provided in division (4) below, minimum lot area shall be 3,600 square feet per dwelling unit; minimum lot width shall be 36 feet.
- (4) For a house in a Family Housing Development or for a house with vehicle access only to the rear yard from an alley or for a lot with a detached garage located in the rear yard and accessed by a driveway with a maximum width of 12 feet in the front yard and in the side yard abutting the side of the dwelling, minimum lot area shall be 2,880 square feet; minimum lot width shall be 29 feet.

**(E) Setback.**

- (1) There shall be a front-yard setback of not less than 15 feet except driveways shall be not less than 20 feet long.
- (2) For lots created after January 1, 2005 and for lots granted conditional use approval, if one of the following conditions is met, then there shall be a front yard setback of not less than 10 feet:
  - (a) Vehicle access is only to the rear yard from an alley, or

- (b) The garage is set back not less than 25 feet and comprises no more than 50% of the width of the street-facing building facade and driveways and off-street parking areas cover no more than 60% of the area of the front yard.
- (3) There shall be no required side-yard setback except:
  - (a) There shall be ten feet on the street side of corner lots.
  - (b) There shall be five feet from a side lot line that separates the R-T zone from another zone.
- (4) There shall be a rear-yard setback of:
  - (a) Not less than 15 feet; or
  - (b) For houses with offset rear lot lines, not less than five feet, provided that the average rear yard setback is not less than 15 feet. Such reduced setbacks are allowed only when approved by the Planning Director and specified on a subdivision plat for not less than two back-to-back lots.
  - (c) For lots created after January 1, 2005, if alleys are provided, either a second story heated space or the rear yard wall or fence shall provide a view of the alley.
- (5) There shall be a distance of not less than ten feet between residential buildings.

**(F) Off-Street Parking.**

- (1) Off-street parking spaces shall be as provided in § 14-16-3-1 of this Zoning Code.
- (2) Maximum front yard setback area that can be an improved parking and maneuvering area: 85%, but no more than 22 feet in width or the width of the front of the garage, whichever is wider, perpendicular to the curb.
- (3) Parking on any portion of a front yard setback area, other than the improved parking and maneuvering areas, is prohibited.

**(G) Usable Open Space.**

- (1) Usable open space shall be provided on-site at 750 square feet per house, 650 square feet per house on a lot with vehicle access only to the rear yard from an alley or on a lot with a detached garage located in the rear yard and accessed by a driveway with a maximum width of 12 feet in the front yard and in the side yard abutting the side of the dwelling, 550 square feet per townhouse dwelling unit, and 360 square feet per townhouse dwelling unit on a lot with vehicle access only to the rear yard from an alley.
- (2) Where an aggregate of two or more dwelling units is constructed on any given lot, the development shall include landscaping of the ground-level usable open space planted and maintained according to a landscaping plan approved by the Zoning Enforcement Officer.

**(H) Dwelling Units Per Building.** Where the rear yard(s) of townhouse units abut the rear or side yard areas of lots zoned specifically for houses, no more than two townhouse units per residential building shall be permitted.

- (I) **Materials.** Barbed tape, razor wire, barbed wire or similar materials are prohibited except at public utility structures and Albuquerque Police Department or Transit Department Facilities.

('74 Code, § 7-14-13) (Ord. 80-1975; Am. Ord. 40-1976; Am. Ord. 38-1978; Am. Ord. 23-1979; Am. Ord. 54-1980; Am. Ord. 92-1980; Am. Ord. 3-1986; Am. Ord. 12-1990; Am. Ord. 47-1990; Am. Ord. 69-1990; Am. Ord. 4-1995; Am. Ord. 15-1999; Am. Ord. 44-2005; Am. Ord. 17-2007; Am. Ord. 19-2010; **2013**)

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**§ 14-16-2-17 C-2 COMMUNITY COMMERCIAL ZONE.**

This zone provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses.

(A) **Permissive Uses.** Permissive uses, provided there is no outdoor storage except parking and as specifically allowed below:

- (1) Antenna, up to 65 feet in height.
- (2) Clinic.
- (3) Copying, blueprinting.
- (4) Institution:
  - (a) Club.
  - (b) Day Care Center.
  - (c) Library.
  - (d) Museum.
  - (e) School, including caretaker's mobile home.
- (5) Office.
- (6) Park-and-ride temporary facilities.
- (7) Public utility structure, provided its location is in accord with an adopted facility plan and a site development plan for building permit purposes has been approved by the Planning Commission.
- (8) Residential uses permissive in the R-3 Zone with the following requirements and exceptions:
  - (a) Relationship to Sector Development Plans.
    1. Where SU-2 zones refer to the C-2 zone and specify regulations for residential uses that impose different restrictions and/or development standards than those contained in this section, the provisions of the SU-2 zones shall prevail.
    2. Where SU-2 zones refer to the C-2 zone but do not specify provisions for the regulation of residential uses, residential development shall be regulated by section (B)(6) below.
  - (b) Site, or any portion thereof, shall be located within 660 feet from the right-of-way line of a Major or Enhanced Transit Corridor or within a Community or Major Activity Center as designated by the Comprehensive Plan, or be located within a designated Metropolitan Redevelopment Area (MRA).
  - (c) Houses are not allowed.

- (d) Residential uses may be part of a vertical mix of uses (e.g., residential over commercial or residential over office).
- (e) Where residential uses are proposed, the following regulations shall apply:
  - 1. Area: minimum of 0.5 acres.
  - 2. Height: Pursuant to the R-3 Zone.
  - 3. Number of dwelling units: Maximum 30 dwelling units per acre; however, residential structures constructed in applicable sites located within 660 feet of the centerline of San Mateo Blvd., Central Ave. and Montgomery Blvd. may have up to 75 dwelling units per acre.
  - 4. Density: The total square footage of all buildings shall achieve a minimum floor area ratio of 0.3.
  - 5. Usable open space: Pursuant to the R-3 Zone. At least 50% of the required open space shall be provided in the form of shared or aggregate open space.
  - 6. Parking requirements and allowances:
    - a. One space/unit;
    - b. Shared Parking: As provided in § 14-16-3-1(E)(6)(b) except that parking for residential uses is eligible for a shared parking exception.
    - c. On-street parking credit: one space per available, adjacent on-street parking space.
  - 7. Approval process: Site Development Plan for Building Permit approval by the Environmental Planning Commission for sites five acres in size and larger. Site development plan approval by the Planning Director or his/her designee for sites under five acres in size.
  - 8. For new residential development, in addition to the applicable General Regulations in the City Zoning Code, the following regulations must also be met:
    - a. Building Frontage and Articulation. The following regulations shall apply to all facades fronting a street:
      - i. The design standards of § 14-16-3-18(C)(2)(a), (b), (c), (d) and (e) shall apply.
      - ii. The design standards of § 14-16-3-18 (D)(2), except section (h), shall apply.
      - iii. A minimum of 30% of the ground floor shall have windows. For facades with doors, the percentage of windows may be reduced to 20%.
      - iv. Upper floors shall have a minimum of 20% glazing.

- v. The primary entry to the building shall be oriented toward the street or within 50 feet of a central courtyard.
  - b. Alleys: Existing alleys should remain in place to provide access to a site.
  - c. Building Placement:
    - i. Buildings shall be set back 0 to 15 feet from property lines adjacent to a street.
    - ii. Side and rear setbacks shall be pursuant to the underlying zone.
  - d. Pedestrian Access: Residential uses shall provide direct pedestrian connections from the residential building(s) to all street sidewalks and to other building(s) on the premise or project site. See § 14-16-3-1(H).
  - e. Landscaping:
    - i. Building setbacks not used for pedestrian activity shall have a minimum landscape area of 50%. Asphalt is not a permitted material within the setback area.
    - ii. Landscaping on roof decks may be counted toward the required area landscaping as regulated by § 14-16-3-10.
  - f. Parking Placement: Parking shall be located to the rear or to the side of a building, in a common parking area located interior to the block, or in a combination of the above. Parking is not permitted between a building and the street on which it fronts. Parking areas between a building and a side street are limited to 64 feet in width and shall have landscaped buffers facing the streets with a minimum depth of four feet and a screen wall with a minimum height of 36 inches. Wall material shall be as regulated by § 14-16-3-19(c).
  - g. Signage: Signage shall be as regulated by the O-1 zone, with the following exceptions:
    - i. Building-mounted signs shall be limited to 25 square feet.
    - ii. No more than one wall-mounted sign per building façade.
    - iii. Freestanding signs are not permitted on premises of under five acres.
    - iv. The maximum height of freestanding signs is eight feet.
9. Redevelopment of existing structures that results in a net 25% increase in square footage shall comply with the preceding regulations as determined by the Planning Director or his or her designee.
- (9) Sign, off-premise, as provided in § 14-16-3-5 of this Zoning Code, and further provided:
- (a) Location.

1. Only wall signs and free-standing signs are permitted in the Established or Redeveloping Areas.
  2. Only wall signs are permitted in the Developing or Semi-Urban Areas except that free-standing signs designated to be read from the Interstate Highway and with at least one edge within 150 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, are also permitted.
  3. Separation.
    - a. No sign shall be nearer than 300 feet to any other off-premise sign.
    - b. No sign within 660 feet of the nearest edge of the public right-of-way of an Interstate Highway shall be nearer than 1,000 feet to any other off-premise sign.
    - c. But divisions a. and b. above shall not apply as to the distance between two signs separated by a building or other obstruction where the face of only one sign is visible from any point on the public right-of-way.
    - d. But divisions a. and b. above shall not apply to signs which are at some point within five feet of each other and only one of the sign faces is designed to be read from any given lane of traffic.
  4. No free-standing sign erected after January 1, 1976, shall be nearer than 100 feet to any preexisting on-premise sign.
  5. Setback
    - a. No sign shall be nearer than seven feet to any public street right-of-way, except a public right-of-way containing an Interstate Highway without a frontage road between the sign and the Interstate Highway.
    - b. No sign shall overhang a public right-of-way containing an Interstate Highway without a frontage road between the sign and the Interstate Highway.
  6. No free-standing sign shall be nearer than 150 feet to any conforming residential property.
- (b) Size.
1. Free-standing sign area of any one sign shall not exceed 300 square feet plus an additional add-on sign area of 18 square feet, except that within 150 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, the area of any one sign designed to be read from the Interstate Highway may be up to but shall not exceed 672 square feet plus an additional add-on sign area of 34 square feet. Free-standing sign length shall not exceed 60 feet.
  2. Wall sign area shall be controlled by the provisions of division (9)(c)2. of this division (A).
- (c) Height.

1. Sign height shall not exceed 26 feet, except:
    - a. As provided in division 2. below; and
    - b. the height of an add-on sign may be up to but shall not exceed 31 feet.
  2. Within 150 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, the height of the highest point of the sign shall not exceed 29 feet, measured either from grade or from the elevation of the Interstate Highway at its closest point, except the height of an add-on sign may be up to but shall not exceed 34 feet, measured in the same way.
- (d) Illumination, Motion: No regulations, apart from the general sign regulations.
- (10) Sign, on-premise, as provided in § 14-16-3-5 of this Zoning Code, and further provided:
- (a) Location.
    1. Building-mounted signs extending above the height of the building shall be permitted only if they are:
      - a. A continuation of the plane of a projecting sign or of the nearest facade; or
      - b. Counted and controlled by all number, size, and height regulations for free-standing signs, including division (c)2.b. below.
    2. A sign shall not overhang into the public right-of-way more than five feet.
    3. Projecting signs shall not project horizontally more than five feet, except marquee signs are permitted to project ten feet.
  - (b) Number.
    1. In the Established or Redeveloped Areas. One free-standing or projecting sign shall be permitted for each street frontage of each premises or joint sign premises which has at least 100 feet of street frontage, or one per 300 feet of total street frontage (e.g., up to two signs allowed if 630 feet of frontage), whichever is more permissive. A portable sign may also be permitted pursuant to the General Signage Regulations.
    2. In the Developing, Semi- Urban, or Rural and Open Areas.
      - a. No free-standing signs on sites of under five acres except a portable sign may also be permitted pursuant to the General Signage Regulations.
      - b. One free-standing sign per street frontage shall be permitted on premises of five acres or more, provided the street frontage is at least 100 feet wide.
      - c. One free-standing sign shall be permitted on a premises with 250 feet or more of street frontage but an area under five acres, provided the maximum sign area for each of one or two faces shall not exceed 35 square feet per face.
    3. One canopy sign per entrance or exit shall be permitted.

4. No limit on number of wall signs.

(c) Size.

1. Size of Free-Standing and Projecting Signs. Sign area for a free-standing or projecting sign shall not exceed the following area:
  - a. Seventy-five square feet if the most important street abutting the lot is a local street.
  - b. One hundred square feet if the most important street abutting the lot is a collector street.
  - c. Two hundred and fifty square feet if the most important street abutting the lot is an arterial street or freeway (if division d. below does not apply).
  - d. Three hundred square feet if the sign is within 200 feet of a moving lane of a freeway and is visible from the freeway; in addition to the regular limits on numbers of signs, there shall be no more than one sign this large per business.
2. Size, Building-Mounted Signs, Except Projecting Signs.
  - a. A building-mounted sign on premises or joint sign premises where there is no free-standing on- or off-premise sign shall not exceed the following:
    - i. Twenty percent of the area of the facade to which it is applied, if the sign area is not wholly visible from an abutting collector street, arterial street, or freeway;
    - ii. Twenty-five percent of the area to which it is applied, if the sign area is wholly visible from an abutting collector street; or
    - iii. Thirty percent of the area of the facade to which it is applied, if the sign area is wholly visible from an abutting arterial street or freeway.
  - b. A building-mounted sign on premises or joint sign premises where there is a free-standing or projecting on- or off-premise sign shall not exceed one-half the percentage of facade area listed in division a. above.
  - c. An off-premise wall sign may be substituted for the area which otherwise would be permitted for an on-premise sign; such sign shall be regulated by height regulations for off-premise signs.

(d) Height.

1. Height of a free-standing sign shall not exceed 26 feet, except a sign which is within 200 feet of a moving through lane of an Interstate Highway, excluding interchange ramps, may be up to but shall not exceed 26 feet above the freeway at its closest point.
2. Height of a building-mounted sign shall not exceed five feet above the height of the building, or it shall not exceed 30 feet, whichever is lower.

3. However, height of either a non-illuminated wall sign or an illuminated wall sign for a hotel or motel may be over 30 feet.
- (e) Illumination, Motion, Lettering. No regulations, apart from general sign regulations.
  - (f) Exceptions.
    1. Permitted building-mounted sign area from the front and sides of the principal building of the business may be transferred from the building to a customer service area of the same business on the same premises, provided the height of such signs shall not exceed 15 feet and setback shall be at least ten feet; such signing shall not be considered free-standing.
    2. Any exceptions allowed for shopping centers, in order to provide adequate signing in special situations, shall be as provided in § 14-16-3-2 of this Zoning Code. Such a sign exception must be specifically defined in the Planning Commission resolution. Shopping centers approved prior to the effective date of this Zoning Code shall comply with sign regulations in this article unless an exception is specifically defined in a Planning Commission resolution.
- (11) Radio or television studio or station.
  - (12) Recycling bin as an accessory use on the site, as provided in § 14-16-3-15 of this Zoning Code.
  - (13) Retailing of any consumer product and provision of any customer, personal, or business service, except adult amusement establishments and adult stores, hospitals for human beings and transit facilities, provided it is not listed as a conditional use in this zone, or as a permissive or conditional use listed for the first time in the C-3 zone, and with the following limitation:
    - (a) Alcoholic drink sales for consumption off premises; except the sale of alcoholic drink within 500 feet of a community residential program or hospital for treatment of substance abusers is prohibited pursuant to § 14-16-3-12(A)(11) ROA 1994:
      1. are limited to building area which is not within 500 feet of a residential zone; and
      2. shall not include the sale of broken packages or the following packages within 500 feet of a pre-elementary, elementary or secondary school, a religious institution, a residential zone, a designated Metropolitan Redevelopment Area (as defined in the State Metropolitan Redevelopment Code), a city owned park or city owned major public open space:
        - A. distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 750 milliliters;
        - B. beer, as defined in the New Mexico Liquor Control Act, in any single container labeled as containing 16 or fewer ounces; and
        - C. fortified wines with a volume of alcohol of more than 13.5 percent.
    - (b) Vehicle sales, rental, service, repair, and storage, both indoor and outdoor, provided:

1. Outdoor activity areas (display and storage of stock in trade) meet all the specifications for a parking lot, as regulated in the O-1 zone.
  2. Outdoor storage of inoperative vehicles is limited to two vehicles at any time, and a given inoperative vehicle shall not be parked outdoors over two weeks in any 12-month period.
  3. Painting and major automotive repair is conducted within a completely enclosed building at least 20 feet from any residential zone.
  4. A truck terminal is not permitted.
  5. Outdoor vehicle storage as a principal business, where vehicles are typically not moved for one week or more, is not a permissive use.
- (c) Banking, loaning money, including pawn. Drive-in facilities included on the condition the vehicle movement plan is approved by the Traffic Engineer.
- (d) Building materials, provided they are in a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high which must be solid when it faces or is contiguous to land not zoned C-2, C-3, M-1 or M-2.
- (e) Circus or Carnival operation outdoor or in a tent provided:
1. The use is located at least 300 feet from a dwelling in a residential zone;
  2. The use is permitted at one location for a period not to exceed seven days in any calendar year;
  3. Hours of operation, including erection and dismantling of equipment are:
    - a. If the use is located between 300 feet and 500 feet from a dwelling, between 7:30 a.m. and 10:30 p.m.;
    - b. If the use is located 500 feet or more from a dwelling, between 6:00 a.m. and 11:30 p.m.;
  4. There is sufficient off-street parking available on the premises to meet parking requirements for all the uses on the premises. The Zoning Enforcement Officer shall approve a site plan which shall demonstrate adequate parking and vehicle circulations;
  5. There are toilet facilities on the premises; and
  6. The City Fire Marshal or his authorized representative gives prior approval of any tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
- (f) Drive-in restaurant, provided a solid wall or fence at least six feet high shall be erected on sides which abut land, other than public right-of-way land, in a residential zone. However, if the wall or fence plus retaining wall would have an effective height of over eight feet on the residential side, the Zoning Hearing Examiner shall decide the required height; such decision shall be made by the same process and criteria required for a conditional use.

- (g) Dry cleaning, laundry, clothes pressing, provided:
    - 1. Only cleaning fluid which is not flammable at temperatures below 138.5° Fahrenheit may be used;
    - 2. The number of persons engaged in operating a laundry or dry cleaning establishment is limited to five, excluding pressers, office, clerical, or delivery personnel;
    - 3. That portion of the structure in which any cleaning process is done is at least 50 feet from any residential zone.
  - (h) Flowers and plants, including out-door sales.
  - (i) Gasoline, oil, and liquified petroleum gas retailing, including outdoor sales, but not truck plazas.
  - (j) Golf driving range, miniature golf course, baseball batting range, located in a building or outdoors, provided fencing or other suitable device is employed to insure that balls are not hit out of premises.
  - (k) Hospital for animals, provided it has no outside pens. One outside exercise run is permitted, provided it is enclosed with a solid wall or fence at least six feet high, and no more than one animal is permitted in the run at any one time.
  - (l) One mobile home for a watchman or caretaker on the same lot with commercial uses, permissive or conditional in this zone, which do not have or normally require a permanent structure, including but not limited to used car sales lot; mobile home or recreational vehicles sales or rental lot; and circus, carnival, or similar enterprise. However, the mobile home shall not be within 100 feet of a lot in a residential zone or a dwelling unit in any zone.
  - (m) Parking lot, as regulated in the O-1 zone.
  - (n) Pets, as regulated in the C-1 zone.
  - (o) Restaurant with outdoor seating.
  - (p) Sample dwelling unit used to sell such units, including incidental sales office activity.
  - (q) Secondhand store, including outside storage in the side or rear yard and if enclosed by a solid wall or fence at least six feet high.
  - (r) Stand or vehicle selling fruit, vegetables, or nursery stock, provided it is limited to a period of 90 days in any calendar year. However, one renewal for an additional 90 days may be permitted by the Planning Director.
  - (s) Not permissive as retailing or services are uses listed as conditional use in this section and uses that are in substantial part industrial or manufacturing activities, e.g., automobile dismantling, sheet metal working, or tire recapping and retreading.
- (14) Storage structure or yard for equipment, material or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of six

or more months, and further provided that it is limited to a period of one year unless the time is extended by the Planning Director.

- (15) Wholesaling of jewelry.
- (16) Uses or activities in a tent, if the uses or activities are listed elsewhere in this subsection, provided:
  - (a) The tent may not be erected for more than seven days at a time and may not be erected more than two times a year on a given premises;
  - (b) There is sufficient paved off-street parking available on the premises to meet parking requirements for all uses on the premises, including the activity in the tent. The Zoning Enforcement Officer shall approve the site plan for the tent, which shall demonstrate adequate parking and vehicle circulation, prior to erection of the tent; and
  - (c) There are toilet facilities on the premises available to the users of the tent; and
  - (d) The City Fire Marshall or his authorized representative gives prior approval of the tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
- (17) Wireless Telecommunications Facility, provided that the requirements of § 14-16-3-17 of this Zoning Code are met, and as specifically allowed below:
  - (a) A concealed wireless telecommunications facility, up to 65 feet in height.
  - (b) A collocated free-standing wireless telecommunications facility, up to 75 feet in height.
  - (c) A face-mounted wireless telecommunications facility.
  - (d) A roof-mounted free-standing wireless telecommunications facility, up to 20 feet above the parapet of the building on which it is placed.
  - (e) A wireless telecommunications facility, the antennas of which are all mounted on an existing vertical structure.

**(B) Conditional Uses.**

- (1) Antenna, over 65 feet in height.
- (2) Apartment, as permitted in division (A)(8) above, if there are more than 30 dwelling units per acre but not more than 75 dwelling units per acre. Conditional use applications shall be considered on the basis of a site plan.
- (3) Church or other place of worship, including incidental recreational and educational facilities. Incidental uses allowed include but are not limited to an emergency shelter operated by the church on the church's principal premises which is used regularly for public worship, notwithstanding special limitations elsewhere in this Zoning Code.
- (4) Cold storage plant.
- (5) Community residential program, provided that the standards of § 14-16-3-12 of this Zoning Code are met.

- (6) Drive-in theater.
- (7) Dwelling unit (house, townhouse, apartment), for properties that do not meet the criteria of divisions (A)(8)(b) and (A)(8)(e)1 above or with SU-2 zoning that refers to the C-1 zone but does not specify provisions for the regulation of residential uses, provided:
  - (a) There are not over 30 dwelling units per net acre.
  - (b) Usable open space is provided on site in an amount no less than specified in the R-3 zone; no more shall be required than specified in the R-2 zone except if located in an area designated by the master plan as "Developing" or "Semi-Urban," the total open space requirements of the R-D or RA-1 zone, respectively, shall be met.
  - (c) Development shall comply with the regulations specified in division (A)(8)(e)8 above.
- (8) Emergency shelter, provided the standards of § 14-16-3-13 of this Zoning Code are met.
- (9) Fire wood sales and related storage, provided the wood is not visible from land not zoned C-2, C-3, M-1, or M-2.
- (10) Kennel.
- (11) Mobile home development, provided the development contains at least three acres. Approval of a site development plan and landscaping plan is required prior to development.
- (12) One mobile home for a watchman or caretaker on the same premises with a commercial use other than one of those uses enumerated in division (A)(12)(l) of this section. However, the mobile home shall not be within 100 feet of a lot in a residential zone or a dwelling unit in any zone.
- (13) Outdoor storage or activity, except as specifically listed as a permissive or conditional use in this section, and as further provided below:
  - (a) No outdoor storage or activity specified as a principal special use in § 14-16-2-22(B) of the Zoning Code, the SU-1 zone, may be a conditional use considered under this division (B).
  - (b) Combinations of uses, some or all of which are outdoor uses, which interact to create a more intense use, operating as one coordinated enterprise or attraction are not normally appropriate for approval as conditional uses under this division (B), being more properly controlled as SU-1 zone special uses.
  - (c) Outdoor uses which would impact their environs with appearance, light, noise, odor, or similar environmental problems likely to be unpleasant to neighboring premises and uses shall not be approved.
  - (d) Outdoor conditional uses often justify special requirements to keep the appearance or other aspects of the outdoor storage or activity from negatively impacting adjacent land.
  - (e) Outdoor vehicle storage as a principal business, where vehicles are typically not moved for one week or more, is not appropriate if it will be significantly visible from adjacent streets or nearby residential, office, or commercial uses: if approved, this type of storage requires special buffering.

- (14) Parking of more than two truck tractors and two semitrailers for over two hours.
- (15) Park-and-ride joint-use facilities, if it is determined that under the conditions imposed there will not be a shortage of on-site parking for the activities on the site; in such situations, no parking variance is required.
- (16) Pony riding without stables, provided it is located at least 300 feet from a dwelling which is a conforming use.
- (17) Public utility structure which is not permissive.
- (18) Retail sale of alcoholic drink for consumption off premises, where the portion of the building used for such business is within 500 feet of a residential zone, provided such sales shall not include the sale of broken packages or the following packages within 500 feet of a pre-elementary, elementary or secondary school, a religious institution, a residential zone, a city owned park or city owned major public open space except the retailing of alcoholic drink, for on or off premise consumption, within 500 feet of a community residential program or hospital for treatment of substance abusers, is prohibited pursuant to § 14-16-3-12(A)(11) ROA 1994 and further provided that such sales shall not include:
  - (a) distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 750 milliliters;
  - (b) beer, as defined in the New Mexico Liquor Control Act, in any single container; and
  - (c) fortified wines with a volume of alcohol of more than 13.5 percent.
- (19) Retail business in which products may be manufactured, compounded, processed, assembled, or treated, as an accessory use, including carpentry, plumbing, sheet-metal working, upholstering, sign painting, making of metal stamps, catering, baking, confectionery making, or jewelry or curio making, provided:
  - (a) All activities are conducted within a completely enclosed building.
  - (b) The number of persons engaged in the manufacturing, processing, assembling, or treating of products is limited to ten, excluding office, clerical or delivery personnel.
  - (c) Activities or products are not objectionable due to odor, dust, smoke, noise, vibration, or other cause.
- (20) Uses or activities in a tent, if the uses or activities are listed elsewhere in this section, provided there is sufficient paved off-street parking available on the premises to meet parking requirements for all uses on the premises, including the activity in the tent, and provided that the Fire Marshal [i.e., the Chief of the Fire Prevention Bureau] or his designated representative gives prior approval of the tent as meeting the requirements of Chapter 14, Article 2, Fire Code.
- (21) Tire recapping or retreading, provided:
  - (a) The activity is incidental to the major use and is conducted within a completely enclosed building.
  - (b) Outdoor storage of tires is enclosed by a solid wall or fence at least six feet high.

- (c) Tires stored outdoors may not be stacked above the plane established by the top of the required surrounding wall.
- (22) Transfer or storage of household goods, provided:
  - (a) Parking and maneuvering of trucks is permitted only off the street in an off-street parking area as regulated by this article.
  - (b) Servicing of trucks is permitted only within a building or an area completely enclosed by a solid wall or fence at least eight feet high.
- (23) Wireless Telecommunications Facility, Roof-Mounted, up to 20 feet above the parapet of the building on which it is placed, provided that the requirements of § 14-16-3-17 of this Zoning Code are met.
- (C) **Height.** Height shall be as provided in the O-1 zone, except sign and antenna height shall be as provided in division (A) of this section.
- (D) **Lot Size.** No requirements.
- (E) **Setback.** Setback shall be as provided in the O-1 zone.
- (F) **Off-Street Parking.** Off-street parking shall be as provided in § 14-16-3-1 of this Zoning Code.
- (G) **Shopping Center Regulations.** Any site in this zone classified as a Shopping Center site, as defined in § 14-16-1-5 of this Zoning Code, is subject to special site development regulations. The Shopping Center Regulations are provided in § 14-16-3-2 of this Zoning Code.

('74 Code, § 7-14-22) (Ord. 80-1975; Am. Ord. 40-1976; Am. Ord. 57-1976; Am. Ord. 13-1977; Am. Ord. 26-1977; Am. Ord. 74-1977; Am. Ord. 38-1978; Am. Ord. 55-1978; Am. Ord. 74-1980; Am. Ord. 42-1981; Am. Ord. 40-1983; Am. Ord. 54-1983; Am. Ord. 74-1985; Am. Ord. 11-1986; Am. Ord. 80-1986; Am. Ord. 41-1987; Am. Ord. 62-1988; Am. Ord. 3-1990; Am. Ord. 12-1990; Am. Ord. 30-1990; Am. Ord. 47-1990; Am. Ord. 63-1990; Am. Ord. 69-1990; Am. Ord. 43-1991; Am. Ord. 39-1992; Am. Ord. 50-1992; Am. Ord. 13-1993; Am. Ord. 2-1994; Am. Ord. 58-1995; Am. Ord. 9-1999; Am. Ord. 11-2002; Am. Ord. 10-2004; Am. Ord. 42-2004; Am. Ord. 4-2005; Am. Ord. 16-2005; Am. Ord. 43-2005; Am. Ord. 7-2006; Am. Ord. 23-2007; Am. Ord. 5-2008; Am. Ord. 6-2009; Am. Ord. 19-2010; Am. Ord. 2012-004)

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APPLICATION INFORMATION



Supplemental Form (SF)

<b>SUBDIVISION</b>	<b>S</b>	<b>Z</b>	<b>ZONING &amp; PLANNING</b>
<input type="checkbox"/> Major subdivision action	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor subdivision action	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
<input type="checkbox"/> Vacation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar
<input type="checkbox"/> Variance (Non-Zoning)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
<b>SITE DEVELOPMENT PLAN</b>	<b>P</b>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> for Subdivision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> for Building Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Administrative Amendment (AA)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Administrative Approval (DRT, URT, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> IP Master Development Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>STORM DRAINAGE (Form D)</b>	<b>D</b>	<input type="checkbox"/>	<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> Storm Drainage Cost Allocation Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>L</b>	<b>A</b>	<b>APPEAL / PROTEST of...</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 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 2<sup>nd</sup> Street NW, Albuquerque, NM 87102.  
Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICATION INFORMATION:**

(Joshua Skarsgard)  
Professional/Agent (if any): Retail Southwest Development PHONE: 505-998-9094  
ADDRESS: 8220 San Pedro NE Suite 500 FAX: 505-998-9080  
CITY: Albuquerque STATE NM ZIP 87113 E-MAIL: josh@retailsouthwest.com  
APPLICANT: Wal-Mart Stores East Inc. PHONE: \_\_\_\_\_  
ADDRESS: PO BOX 8050 FAX: \_\_\_\_\_  
CITY: Bentonville STATE AR ZIP 72716 E-MAIL: \_\_\_\_\_  
Proprietary interest in site: Owner List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: zone map amendment from residential to commercial.

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

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

Lot or Tract No. Tract 7 Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
Subdiv/Addn/TBKA: westbluff center  
Existing Zoning: R-T Proposed zoning: C-2 MRGCD Map No \_\_\_\_\_  
Zone Atlas page(s): H-11 UPC Code: 101105932434911503

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX\_Z\_, V\_, S\_, etc.): NA  
1000188

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? NO  
No. of existing lots: 1 No. of proposed lots: 1 Total site area (acres): 1.0018 acres  
LOCATION OF PROPERTY BY STREETS: On or Near: Corona Dr. NW  
Between: Miami Rd. NW and Durray Rd. NW  
Check if project was previously reviewed by: Sketch Plat/Plan  or Pre-application Review Team(PRT)  Review Date: 10/20/15

**SIGNATURE**

[Signature] DATE 12-30-15  
(Print Name) Joshua Skarsgard Applicant:  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

15EPC-400881

Action

ARM  
ADV  
CMF

S.F.

\_\_\_\_\_

Fees

\$295.00

\$75.00

\$50.00

\_\_\_\_\_

\_\_\_\_\_

Total

\$420.00

Hearing date February 11, 2016

[Signature]  
Staff signature & Date

Project # 1000188

**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.

Joshua Skarsgard  
Applicant name (print)  
12/30/15  
Applicant signature & Date



Revised: June 2011

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

Application case numbers  
15EPC-40081

[Signature]  
Staff signature & Date  
12-30-15  
Project # 1000188

# CITY OF ALBUQUERQUE

## TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Joshua Skarsgard (agent) DATE OF REQUEST: 1/1 ZONE ATLAS PAGE(S): H-11

CURRENT: ZONING R-T LEGAL DESCRIPTION: LOT OR TRACT # 7 BLOCK # \_\_\_\_\_  
PARCEL SIZE (AC/SQ. FT.) 1.0018 acres SUBDIVISION NAME Westbluff Center

REQUESTED CITY ACTION(S): ANNEXATION [ ] SITE DEVELOPMENT PLAN: SUBDIVISION\* [ ] AMENDMENT [ ]  
ZONE CHANGE [✓] From R-T To C-2 BUILDING PERMIT [ ] ACCESS PERMIT [ ]  
SECTOR, AREA, FAC, COMP PLAN [ ] BUILDING PURPOSES [ ] OTHER [ ]  
AMENDMENT (Map/Text) [ ] \*includes platting actions

PROPOSED DEVELOPMENT: NO CONSTRUCTION/DEVELOPMENT [ ] # OF UNITS: 1  
NEW CONSTRUCTION [✓] BUILDING SIZE: 700 (sq. ft.)  
EXPANSION OF EXISTING DEVELOPMENT [ ]

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

APPLICANT OR REPRESENTATIVE [Signature] DATE 12/21/15  
(To be signed upon completion of processing by the Traffic Engineer)

Planning Department, Development & Building Services Division, Transportation Development Section -  
2<sup>ND</sup> Floor West, 600 2<sup>ND</sup> 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: 700 square-foot drive-thru

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.

TRAFFIC ENGINEER [Signature] DATE 12-21-15

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 1/1 TRAFFIC ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_  
-FINALIZED 1/1



Lina Brown  
Transaction Manager  
2001 S.E. 10th Street  
Bentonville, Arkansas 72716-5535  
Phone: 479.204.0923  
Email: lina.brown@walmart.com

December 7, 2015

City of Albuquerque  
Environmental Planning Commission  
600 2<sup>nd</sup> Street  
Albuquerque NM 87194

*Re: Agency Authorization for Joshua J. Skarsgard to act as agent at the Environmental Planning Commission application for a zone map amendment.*

Dear City of Albuquerque Planning Department and EPC:

Please be advised that Joshua J. Skarsgard is the contract purchaser and has been granted the authority to represent Wal-Mart Stores, Inc. a Delaware corporation, for the limited purpose of acting as our agent on the ZONE MAP AMENDMENT application to the Environmental Planning Commission for the parcel as shown on Exhibit "A" (West Bluff Shopping Center).

Thank you in advance for your cooperation and please contact me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lina Brown".

Name: Lina Brown  
Title: Transaction Manager  
Date: 12/4/15

January 24, 2015

City of Albuquerque  
Care of: Chairman of the EPC  
Environmental Planning Commission  
600 2nd Street, NW  
Albuquerque, NM 87102

**RE: EPC submittal for Zone Map Amendment from R-T to C-2.**

Dear Environmental Planning Commission:

Please be advised that Retail Southwest Development, LLC (and Mr. Josh Skarsgard, Esq. as “**Agent**”) represents the landowner Wal-Mart (“**Applicant**”) regarding this application for a Zone Map Amendment from R-T to C-2 (“**Application**”) on the real property referred to as Tract 7 West Bluff Center Subdivision containing 1.0018 acres (“**Subject Site**”). The purpose is to adopt C-2 zoning with all of its permissive uses (including the possibility of a Wienerschnitzel restaurant with drive thru window). Currently commercial uses (including a drive thru restaurant) are not a permissive use in the R-T (residential) zone but it is a permissive use in the C-2 (commercial) zone.

**I. Summary of the Zone Map Amendment Request**

Current Zoning: The subject site is currently zoned R-T.

Proposed Zoning: The application for zone map amendment is from the existing R-T to C-2.

**II. Compliance with Resolution 270-1980**

The City of Albuquerque (“**City**”) Resolution 270-1980 (“**Resolution**”) requires that an Applicant of a zone map amendment offer sufficient justification for the Application by providing a detailed response to all of the policies contained within the Resolution. Resolution 270-1980 outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. The burden is on the applicant to show why a change should be made, not on the City to show why a change should not be made.

In compliance with the Resolution, the Agent on behalf of the Applicant, provides the following responses to the Resolution:

**Resolution 270-1980 Guideline:**

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

Applicant Response:

The proposed zone map amendment to C-2 (with all of its permissive uses including the possibility of a Wienerschnitzel restaurant with drive thru) will contribute to the health, safety and general

welfare of the community because the existing zoning doesn't allow for commercial uses (R-T) and building a residential project in the Wal-Mart parking lot would be unsafe for the residents due to its direct proximity to high density commercial uses (Wal-Mart, Chili's, Staples, etc.). This property was a remnant sliver of property left over after Wal-Mart obtained site plan approval for their large retail store. This remnant would be a poor location to implement residential uses because of the traffic, light, noise and traffic that is contiguous to this site in the Wal Mart parking lot.

The following elements will be benefitted by the zone map amendment if approved by the EPC:

- **Environment** – The zone map amendment (Sector Plan Amendment), if approved, will reduce vehicle miles traveled for neighbors seeking a meal. This reduction in vehicle miles traveled will be good for the environment.
- **Public facilities & services** – The public facilities and services should be a negligible impact. There are adjacent bus services that are readily accessible to Subject Property (Coors Blvd.).
- **Roadways** – Coors Blvd. was upgraded from an Enhanced Transit Corridor to a Major Transit Corridor. This urban infill project (C-2 uses including the possibility of a Wienerschnitzel restaurant will not impact the roadways in a material manner).
- **Schools** – There will be a negligible impact on schools with this zone change because there is NO new residential proposed in this project (urban infill of C-2 uses including the possibility of a Wienerschnitzel restaurant)
- **Parks** – The commercial project will have a negligible impact on local parks, because there is no new residential (rooftops) added to this project.
- **Fire and police facilities and drainage facilities** – There will be a negligible impact on fire and police and drainage facilities if the ZMA is approved because the commercial zoning. The grading and drainage plan for the Subject Property demonstrates that it complies with City zoning code and the DPM

Additionally, the Applicant believes that this Zone Map Amendment application is consistent with the goals and policies cited in section C of R-270-1980 and the intent of the zoning code. The Zoning Code intent can be found in Section 14-16-1-3 which states in part: *“This article is intended to create orderly, harmonious, and **economically sound development** in order to promote the **health, safety, convenience, and general welfare of the citizens of the city.** These regulations are necessary to provide adequate open spaces for light and air including solar access; to avoid undue concentration of population, to secure safety from fire, panic, and other dangers; to help control congestion in the streets and public ways; to control and abate unsightly use of buildings or land; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewer, schools, and parks; to **encourage the most appropriate use of land;** to properly channel flood water runoff; to **conserve and stabilize the value of property;** and to enhance the appearance of the landscape.”*

The Applicant has bolded the sections of the Zoning Code that are applicable to this Application, most notably, *“to **encourage the most appropriate use of land**”*. It is difficult to stand on this “remnant” triangular shaped property adjacent to a very busy Wal-Mart parking lot and imagine it has a town home, apartment, or residential use of land because of the traffic, noise, shopping, light,

and surrounding commercial buildings. The Applicant believes that the most “*appropriate use of land*” is commercial (C-2) due to its surrounding commercial neighbors.

**Resolution 270-1980 Guideline:**

*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.*

Applicant Response: The proposed zoning will stabilize the area because it will maintain the C-2 uses already existing in the neighboring uses (Wal Mart and West Bluff Shopping Center). Also, the market demand for R-T is virtually **non-existent** due to an oversupply of housing on the west side of Albuquerque.

The Applicant would like to provide the following documentation to support the claim that there is no market for the development allowed under the R-T zone:

- “Clearly Albuquerque’s home starts and closings activity continues to **tread water**,” said John Covert, Regional Director of Metrostudy’s Albuquerque and Denver Markets. “A lifeline for the housing market will come from improving job growth” (<http://www.metrostudy.com/albuquerque-housing-3q15-new-home-demand-remains-flat-as-supply-tightens-at-lower-price-ranges-resale-market-gains-strength/>) “While there are signs of job growth and an improving resale market, for Albuquerque’s new housing starts to once again reach historical norms, **further gains are needed in several key areas, including continued local job and income growth, acceleration of efforts to reinvent the local economy, improved consumer and business confidence**, continued low mortgage rates, further stabilization and growth of home values and sales prices, further national economic growth, and positive in-migration, to name a few,” said Covert.

The Applicant believes that the “treading water” of the residential market and the efforts needed to “reinvent the local economy” indicate that it is a poor time to construct new residential (R-T) in the center of the West Bluff Shopping Center.

**C-2 Zoning Allows Flexibility that Straight R-T Zoning Does Not Allow.**

The surrounding uses to this Subject Property are all commercial (except for residential located east of the Subject Property). This project is aimed at performing “**urban infill**”, namely, converting vacant land into a project that allows for the C-2 uses including the possibility of a Wienerschnitzel restaurant. This conversion from vacant land to an urban infill project will “stabilize” this commercial corridor and provide additional dining choices to the residents. The Applicant believes that R-T uses in this remnant triangular shaped property would destabilize the adjacent commercial zoning and cause friction between the commercial buildings (Staples, Wal-Mart, Chilis) and the residents of this narrow triangular shaped Subject Property.

**Resolution 270-1980 Guideline:**

*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.*

Applicant Response:

The subject site is within the Established Urban Area of the Comprehensive Plan, West Side Strategic Plan and the Coors Corridor Sector Plan.

The Application would be in accordance with the goals and policies of the following ranked plans:

***Albuquerque/Bernalillo County Comprehensive Plan (Rank I)***

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.*” The Comp Plan also contains **Policy II.B.5e** which reads: “*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 Applicant believes that the new construction of a project with C-2 uses (including the possibility of a Wienerschnitzel restaurant) will be “new growth” that is accommodated in vacant land located next to programmed “urban facilities and services” (Wal-Mart and Home Depot and other restaurants in the heavily trafficked West Bluff Shopping Center) which ensures the integrity of the surrounding communities. We believe that C-2 uses (e.g. restaurant) is a perfect use for the Established Urban area of the Comprehensive plan, providing needed dining choices near the residents and most importantly an urban infill on a currently vacant 1 acre tract surrounded by commercial buildings to the west, north and south (Staples, Wal-Mart, Chili’s, etc.). This site design for this C-2 project (if approved) will likely be pedestrian oriented and provide a comfortable place for residents to recreate and (if utilized for a restaurant - enjoy a nice meal with a patio next to the kiosk window). It is also a “walkable” site, in that residents can utilize the nearby sidewalks to access the site (see the conceptual Site Plan for the possibility of a drive thru restaurant - with pedestrian oriented sidewalk connections).

This Application will likely result in a development that “*offers variety and maximum choice in housing, transportation, work areas, and life styles.*” The urban infill project on the Subject Property and layout (building located next to Wal-Mart) will provide a few new jobs (increasing the choice in “work areas”). The intention of the policies is to create a higher intensity/density node of development that has a different feel and character than the surrounding neighborhoods. The Applicant believes that the character of the development is generally consistent with the Established Urban Area Goal.

**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 Applicant makes note that C-2 uses (including restaurant uses) located on vacant land next to a Wal-Mart and Staples store that will complement the residential neighborhoods located directly to the east of this site (and across the street – which provides a nice buffer against the noise, lighting, and pollution (if any) caused on the Subject Property. The Applicant believes that this is the perfect site for an urban infill commercial project because it is surrounded by commercial uses

within the West Bluff Shopping Center, yet it has two streets buffering it from the residential communities located east of the Subject Property.

**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 Applicant believes that this is the perfect site for an urban infill commercial project because it is surround by commercial uses within the West Bluff Shopping Center, and it has access from Coors Road and Mass Transit (City of Albuquerque bus stops). There are arterial streets located nearby (Coors Rd) and more importantly this restaurant is buffered by two streets to the north and east of the Subject Property.

**Policy II.B.5l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.**

The Applicant believes that this is the perfect site for C-2 zoning and an urban infill commercial project because it will utilize new commercial design prominent in the southwest, including the possibility of a national prototypical Wienerschnitzel restaurant (A-Frame) restaurant design which is very unique when compared to other restaurant buildings with flat roofs.

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

The Applicant believes that this is the perfect site for a conversion of vacant residentially zoned parcel (with no economic benefit) to a commercially zoned (C-2) parcel that can develop new construction commercial buildings including the possibility of a Wienerschnitzel restaurant. A newly constructed commercial project (including a possible restaurant) will achieve the Comp Plan's goal of a diversified economic development because it will employ at least 8 to 20 persons to manage and staff the restaurant or commercial building, along with the construction jobs that will be temporarily created to construct the building. The Applicant would also like to note that if this site develops as a restaurant that there will likely be positions available for nearby young residents (high school students, etc.) because those are the positions that likely get filled in restaurant staffing. We think providing young employment opportunities further diversifies the economic base.

The Applicant is also confident that a commercial building or restaurant could encourage "walk up" customers to order food from the restaurant (or services from a retail building) after shopping at nearby stores, or walking distance residences. We think this design and use meets cultural and social goals by encouraging walkability and dining outdoors.

### **West Side Strategic Plan**

The West Side Strategic Plan (WSSP) was first adopted in 1997 and amended in 2002 to help promote development of Neighborhood and Community Activity Centers. The Applicant believes that this Zone Map Amendment is supported by the following goals and policies"

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

The Applicant believes that this is the perfect site for an urban infill commercial project because it will provide a long term solution to this vacant remnant skinny triangular piece of property attached to the Wal-Mart parking lot. There are very few business and land use concepts that could successfully locate on this skinny parcel (Wienerschnitzel is a possible use that could adapt to this skinny Subject Property). Ultimately, we think this urban infill commercial project will provide a long term sustainable development to this West Bluff Shopping Center because the Applicant has uses within the C-2 zone (including the possibility of a restaurant) that can convert this vacant land into a successful project in spite of its narrow and triangular shape. It would NOT be sustainable development to maintain its current zoning of R-T because the Applicant believes that the Subject Property would be “sandwiched” between commercial zoning neighboring parcels (C-2 Zoned Property across the street to the east of the Subject Property, Wal-Mart, Staples, etc.). There would be constant land use “friction” to have a high density R-T (residential) use on this parcel that is attached to the Wal-Mart parking lot (noise, car traffic, pedestrian foot traffic, lights, late hours of activity in the parking lot).

**Objective 4: Preserve a sense of community and quality of life for all residents based on wise, long-term decision-making. (Page 17)**

The Applicant believes that this is the perfect site for an urban infill commercial project, because it will provide a local rally spot for nearby residents that walk up to the building (providing a sense of community for local residents). We think that residential land uses on this property would NOT be a wise, long term decision for this parcel because of the close proximity to the Wal Mart parking lot (and Staples, etc.).

**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 Applicant believes that this is the perfect site for an urban infill commercial project, because it seeks to “Cluster” the C-2 uses (possibility of a restaurant) adjacent to other commercial uses (Wal Mart, Staples, Chilis, etc.). Zone changes are discouraged outside of the “Centers”... but this application is for a commercial zone change inside the West Bluff Shopping Center.

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

The Applicant believes that Policy 3.25 of the “Ladera Community” (of which the Subject Property is a part of) is met by this Application, because the Subject Property is not located directly contiguous to any residential property that would have negative impacts from the

construction of a C-2 project (including the possibility of a Wienerschnitzel restaurant). The Applicant notes that there is a C-2 zoned property located across the street to the east of the Subject Property that has similar permissive uses and the right to install signage up to 26 feet in height.

The Applicant believes that the neighboring residents will not be materially harmed by the construction of a C-2 use on this property, and any concerns regarding signage on the Subject Property can be mitigated with “Conditions of Approval”, location of the sign on the west side of the proposed building (buffering it further from neighbors), limiting the height of the sign, etc.

### **Coors Corridor Plan**

The subject site lies within the boundaries of the Coors Corridor Plan, a Rank III plan adopted in 1984. It contains policies, regulations, and guidelines for the development of Coors Boulevard.

**Policy 1 – Adopted Plans: Land use decisions shall be made in accordance with adopted plans for Northwest Mesa area. The City of Albuquerque has adopted a hierarchical plan ranking system. The Rank 1 plan includes all the elements of the Albuquerque/Bernalillo County Comprehensive Plan. Rank 2 plans include area plans such as the Northwest Mesa Area Plan. Rank 3 plans include sector development plans including this Coors Corridor Plan. Plans of lower rank must comply with all provisions of all higher ranking plans, including issues such as land use and commercial site locations.**

The Applicant believes that this is the perfect site for an urban infill commercial project, because it complies with the Rank III Plan, Rank II Plan and Comp Plan. We think all three ranked plans have policies that support this urban infill restaurant land use (or commercial land uses) next to a Wal-Mart parking lot.

We have attached above the numerous COMP PLAN policies (II B 5 e, I, j, etc.) and goals that are furthered by converting this vacant residentially zoned parcel into a commercial/restaurant project.

As it relates to Coors Corridor Plan, we believe specifically that Policy 8 will be achieved by converting this residentially zoned vacant land into a commercial (or restaurant) project. We believe that this commercial project could be newly constructed immediately adjacent to the other commercial buildings and across the street from some residential communities that could connect to this project via the sidewalks and trails.

**Policy 8 – Walks and Trails- “Land Uses in the Coors Corridor provide a variety of living, working and recreational facilities which should be connected with a multi-purpose network of access and circulation”**

The Applicant believes that this is the perfect site for an urban infill commercial project that complies with Policy 8 of the Coors Corridor Plan because the new construction on this Subject Property (if approved) will require compliance with the City of Albuquerque landscaping, trails, and sidewalk connectivity regulations. Currently this site is a vacant remnant parcel collecting tumble weeds and trash. After the construction of the urban infill commercial project (including the possibility of a Wienerschnitzel restaurant) it will connect to the sidewalks of Wal-Mart and the adjacent roadways providing safe pedestrian connections for nearby residents.

***Resolution 270-1980 Guideline:***

- 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.*

Applicant Response:

We believe that the **D2** is satisfied by this Application because there have been changes in the community conditions that justify this change in zoning, specifically:

**ZONE MAP AMENDMENT OF WEST BLUFF SHOPPING CENTER AND WAL-MART**

The Applicant believes that the original zone map amendment establishing the Wal-Mart and the West Bluff Shopping Center is a significant changed community condition. The Applicant believes that this remnant was not included in that zone change in order to provide a buffer to the residential community to the east (and a 6 foot CMU Block wall that will be demo'd if this application is successful). This original zone map amendment left this triangular shaped remnant as a "spot zone" not surrounded or contiguous to any residential zoning.

**OXBOW DEVELOPMENT AND WESTERN TRAILS DEVELOPMENT AND WEST BLUFF DEVELOPMENT AND GAS STATION REMODEL.**

Although St. Joseph's and Coors Blvd. are a large distance from the Subject Property, the proposed changes on those parcels (by changes, the Applicant means construction and re-construction), indicate there are changed neighborhood conditions that justify this request.

There is a newly planned multi-tenant retail shops project planned for the east side of Coors Blvd. (formerly a gas station) (directly across the street) which will have retail tenants. The West Bluff Shopping Center has an application for a restaurant and other commercial uses emerging.

There is also a large scale City of Albuquerque remodel of St. Joseph's Road (north of the Subject Property). This changed community condition accurately reflects the momentum to change underutilized and vacant land spaces along Coors Blvd. and convert them into restaurant and retail. Additionally, there is a large 21 acre Site Development Plan for Subdivision submittal on Coors Blvd. and St. Joseph's that will bring a handful of new restaurants to this corridor that are consistent with this application's goal of converting this vacant land zoned R-T into a national restaurant with a drive thru window. Additionally there has been a large increase in residential housing surrounding this site (OXBOW) which precludes the need for more residential.

We believe that **D3** will also be satisfied by this Application for a zone map amendment because the C-2 Uses (including the possibility of a Wienerschnitzel drive thru restaurant) will be advantageous to the community as articulated in the governing ranked plans (See arguments attached above.). The Application furthers the policies of the WSSP and the Coors Corridor Plan and the ESTABLISHED URBAN section of the Comp Plan (as articulated in detail above).

**Resolution 270-1980 Guideline:**

*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.*

Applicant Response: The permissive uses (C-2) will not be harmful to the adjacent neighborhood because the Subject Site will develop an urban infill commercial project (including the possibility of a Wienerschnitzel with Drive Thru window) that does not provide an immediate threat to harm the adjacent neighborhood because this new project will be well designed with vehicular circulation and sufficient parking for restaurant customers or commercial customers (including all permissive uses in the C-2 zone). Additionally it will be beneficial to the community because if one of the C-2 uses employed is a drive thru restaurant (possibly as a Wienerschnitzel) it will have sidewalks and pedestrian connectivity to the neighborhood (which is required in the City of Albuquerque Zoning Code), and it will meet the City of Albuquerque landscape regulations. Currently, this is a vacant 1 acre remnant parcel that collects trash.

The Applicant believes that the current permissive uses in R-T (condos, apartments, residential) would be harmful the adjacent commercial uses (Wal Mart and Staples, etc.) because it would create incompatible neighboring land uses (as this Subject Property is literally touching the parking lot of the Wal-Mart). It would be a loud and bright and disruptive location for a residential.

The Subject Site will also increase economic opportunities for the surrounding community in the form of construction jobs, permanent jobs, and an increased gross receipts tax base for the City of Albuquerque.

The Applicant also believes that any concerns raised about signage (26' permissive in the C-2 zone) can be assuaged by one of the following manners: (i) Conditions of Approval (ii) limiting the height of the signage (iii) locating the signage on the west side of the building. The Applicant would also like to point out that Staples and Wal-Mart have much large signs on their building facades then this site could provide (75 square feet). Additionally, there is a currently zoned C-2 parcel across the street which allows for 26 foot tall signs and that site is directly contiguous to the neighborhood located east of the Subject Property.

In sum, the Applicant does not believe that the permissive uses (including the possibility of a drive thru restaurant) and permissive signage regulations are going to materially damaging to the neighboring parcels.

**Resolution 270-1980 Guideline:**

*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.*

Applicant Response: The Application will not result in unprogrammed capital expenditures on behalf of the City because the roads and utilities are all provided in the adjacent streets.

**Resolution 270-1980 Guideline:**

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

Applicant Response: The cost of the land is not the determining factor for the Application. The determining factor in this application is the obvious conflict that the current zoning R-T has with all the neighboring commercial properties (Wal Mart, Staples, etc.). The cost of the land was a factor, but it was not the determining factor.

**Resolution 270-1980 Guideline:**

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

Applicant Response: This Application is not justified because of its location on a major street. Coors Blvd. is a “major street” but this zone map amendment is justified pursuant to the policies of the Comp Plan and as a result of its urban infill application (and policies within the WSSP).

**Resolution 270-1980 Guideline:**

*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.*

Applicant Response: This application will not be a spot zone or strip zone because it will be consistent with the Wal-Mart zoning and Staples zoning upon approval by the EPC. The current zoning is a “spot zone” because there is no residential uses contiguous to the property.

**Resolution 270-1980 Guideline:**

*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*

Applicant Response: This application will not be a spot zone or strip zone because it will be

consistent with the Wal-Mart zoning and Staples zoning upon approval by the EPC. The current zoning is a "spot zone" because there is no residential uses contiguous to the property.

If you have any questions or concerns regarding this Application, please contact me using the following contact information: Joshua Skarsgard - 8220 San Pedro NE Suite 500 Albuquerque, NM 87113 - Phone: 505-262-2323 E-mail: [josh@retailsouthwest.com](mailto:josh@retailsouthwest.com).

Sincerely,

---

Joshua Skarsgard, Esq.

NOTIFICATION &  
NEIGHBORHOOD INFORMATION

## ATTACHMENT "A"

December 7, 2015

Trish Lopes  
Retail Southwest Development  
8220 San Pedro NE, Ste. 500/87113  
Phone: 505-998-9093/ Fax: 505-998-9080  
E-mail: trish@retailsouthwest.com

### **WEST BLUFF N.A. (WBF) "R"**

**\*Ray Bahm**  
2515 Kimberly Ct. NW/87120-1024 831-3911 (c)  
Dr. Joe Valles  
5020 Grande Vista Ct. NW/87120 836-1847 (h)

### **NEIGHBORHOOD COALITIONS**

#### **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)

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Sent To **Harry Hendriksen**  
 Street, Apt. No., or PO Box No. **105912 Rio Del Sole Ct**  
 City, State, ZIP+4 **Alb NM 87114**

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# RETAILSOUTHWEST D E V E L O P M E N T

TYPICAL

December 21, 2015

Ray Bahm  
2515 Kimberly Ct NW  
Albuquerque, NM 87120

Dear Mr. Bahm:

This letter is to inform you that Retail Southwest Development, LLC (Mr. Joshua Skarsgard) represents an applicant for an application for a Zone Map Amendment on Tract 7 West Bluff Center ("Subject Site") that will be submitted to the City of Albuquerque ("City") on or before December 30, 2015, for a public hearing on February 11, 2016.

The City requires that notification be made to all affected Neighborhood and/or Homeowner Associations contemporaneous with applications for zone map amendments. The purpose of this letter is to inform you as to the facts surrounding the application and to invite you to contact us if you have any questions. The specifics of the application are as follows:

The Subject Site is legally described as:

***Tract 7 Plat of Tracts 1, 2, 3, 4, 5, 6 & 7 West Bluff Center Subdivision containing 1.0018 acres.***

Current Zoning: The subject site is currently zoned R-T. The R-T zone "provides suitable sites for houses, townhouses, and uses incidental thereto in the Established and Central Urban Areas." (see Zoning Code §14- 16-2-9).

Proposed Zoning: The application for zone map amendment is from the existing R-T to the C-2 (see Zoning Code §14-16-2-17, Community Commercial Zone). The C-2 zone "provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses".

The amended zoning would allow for the Subject Site to be developed with a fast food restaurant.

If you have any additional questions about this application for a zone map amendment, please contact me at the following contact information:

Joshua Skarsgard  
Retail Southwest Development, LLC  
8220 San Pedro NE Suite 500  
Albuquerque, NM 87113  
Phone: 505-262-2323  
E-mail: [josh@retailsouthwest.com](mailto:josh@retailsouthwest.com)

Sincerely,

Joshua Skarsgard, Esq.

EXHIBIT "A"

