



## Environmental Planning Commission

Agenda Number: 01  
Project Number: 1008203  
Case #: 15EPC-40020  
July, 9, 2015

### Staff Report

<b>Agent</b>	Richard Dineen
<b>Applicant</b>	Unser and Sage LLC
<b>Request</b>	Zone Map Amendment
<b>Legal Description</b>	Tracts A-2, A-3 and A-4, Unser and Sage Marketplace
<b>Location</b>	Unser Boulevard, between Sage road and Arenal road SW
<b>Size</b>	3.48 acres
<b>Existing Zoning</b>	C-1
<b>Proposed Zoning</b>	SU-1 for C-2 uses

### Staff Recommendation

**APPROVAL** of Case 15 EPC-40020 based on the Findings beginning on Page 14. .

**Staff Planner**  
Maggie Gould, Planner

### Summary of Analysis

This is a request for a zone map amendment from C-1, Neighborhood Commercial to SU-1 for C-2 Community Commercial uses for 3 tracts that are part of a larger site located on Unser Boulevard SW between Sage Road SW and Arenal Road in order expand the allowed uses on the site.

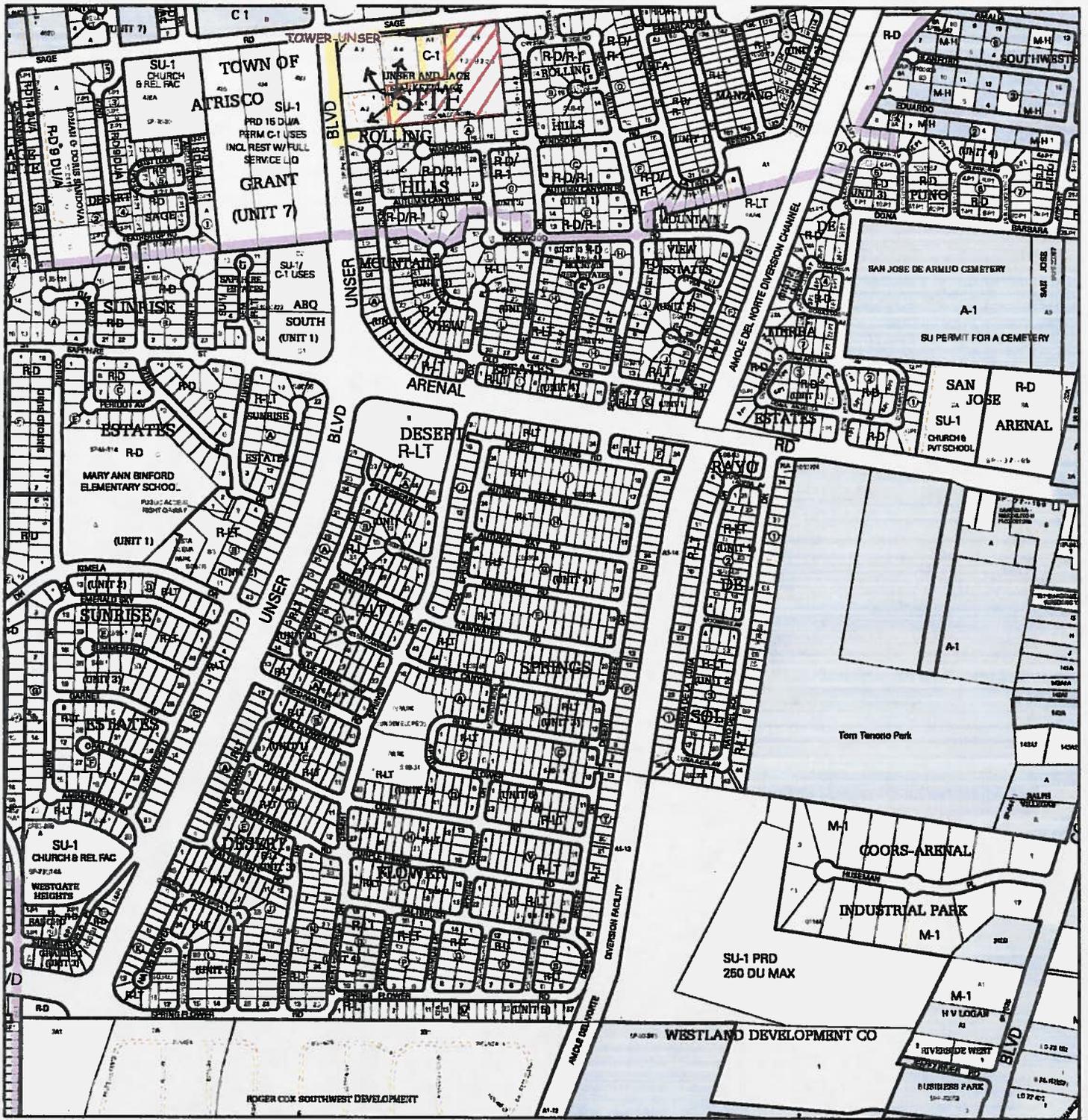
The site is located in the Established Urban area of the Comprehensive Plan and within the boundaries of the West Side Strategic Plan and the Tower Unser Sector Development Plan.

The applicant has justified the request as more advantageous to the community as articulated in the applicable goals and policies of the governing plans because it will provide the opportunity for increased goods and services and employment.

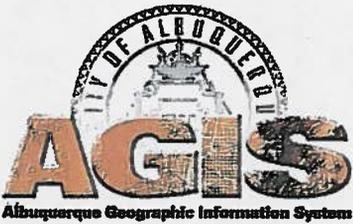
The neighborhoods declined a facilitated meeting. There is no known opposition to the request. Staff recommends approval and has one recommended condition.



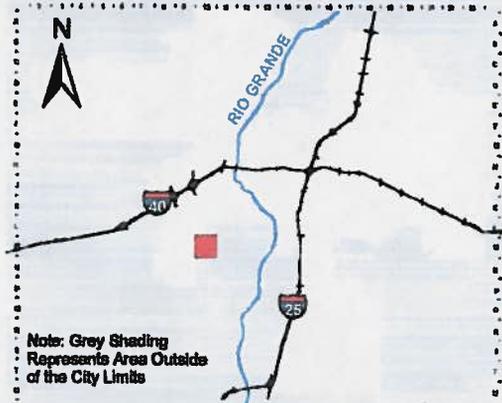
City Departments and other interested agencies reviewed this application from 05/28/2015 to 06/12/2015  
Agency comments used in the preparation of this report begin on Page 22.



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



Map amended through: 9/2/2014



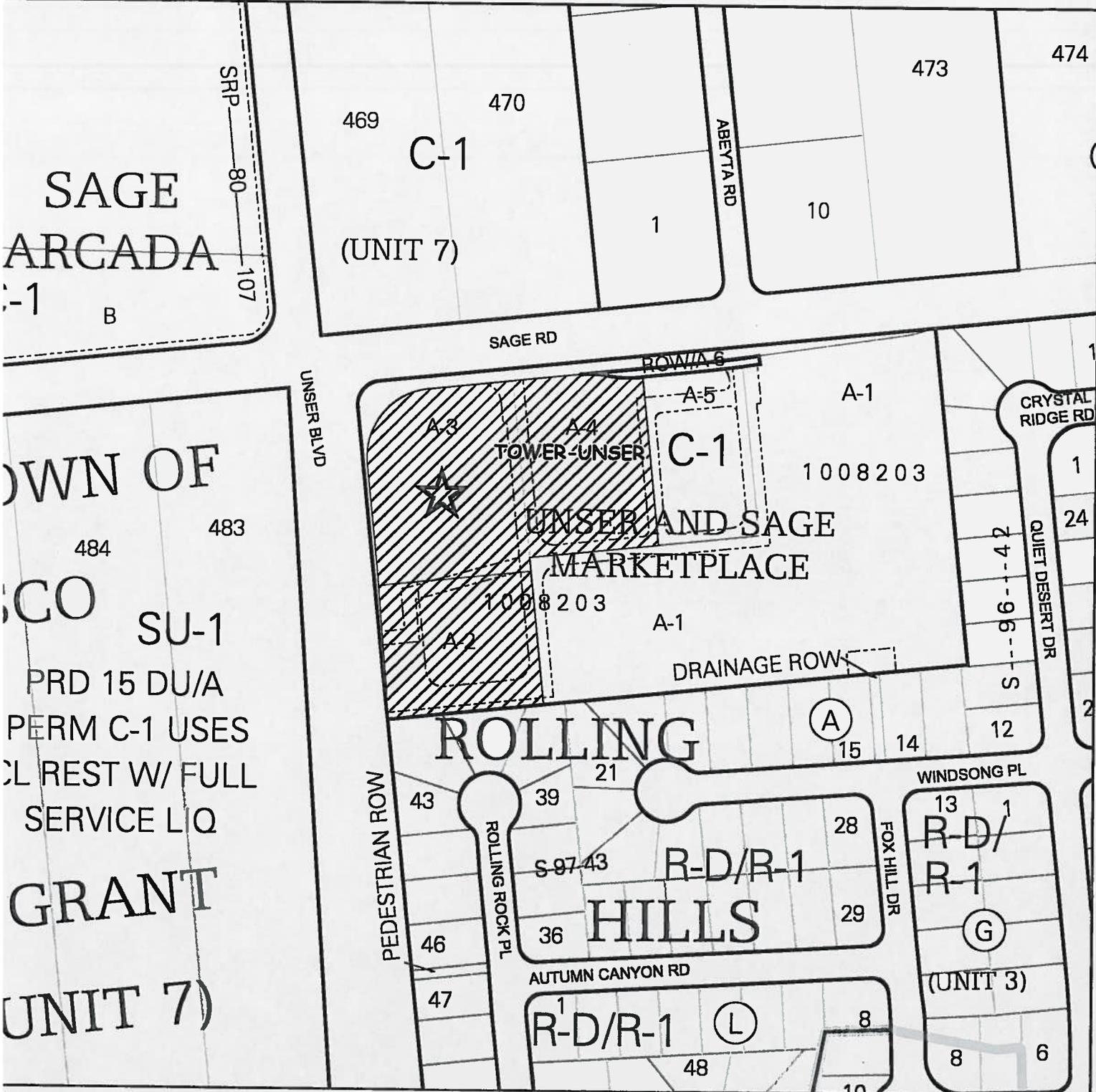
Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:  
**M-10-Z**

Selected Symbols

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

0 750 1,500 Feet



OWN OF  
 484 483  
 CO SU-1  
 PRD 15 DU/A  
 PERM C-1 USES  
 CL REST W/ FULL  
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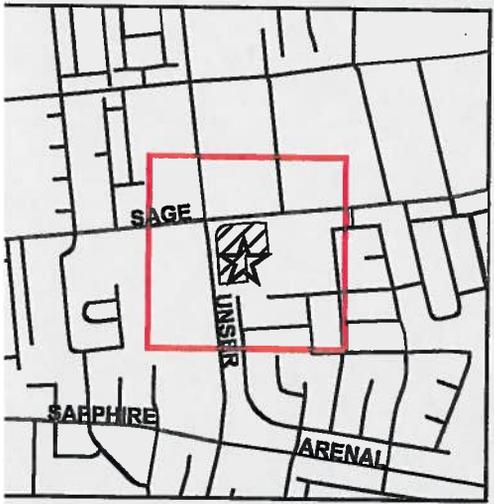
**ZONING MAP**

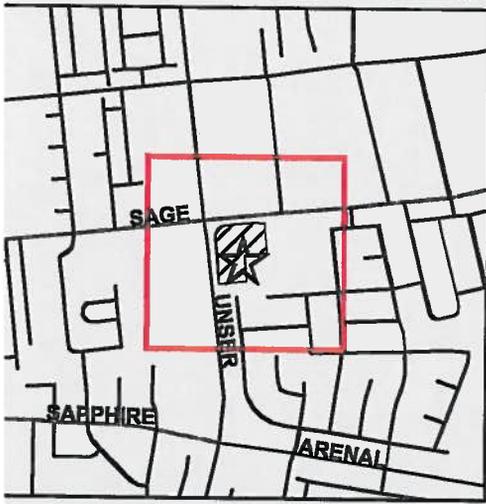
Note: Grey shading indicates County.



1 inch = 200 feet

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 15EPC 40020





## LAND USE MAP

Note: Gray shading indicates County.

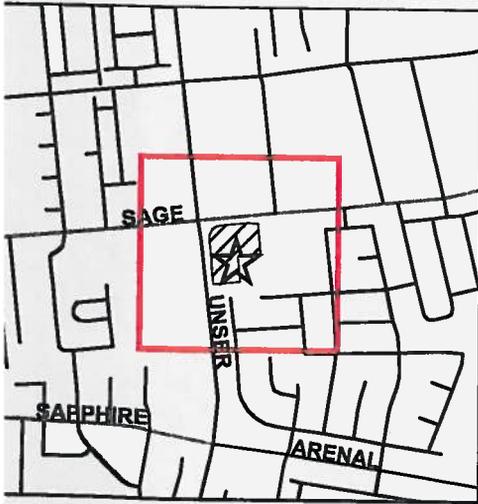
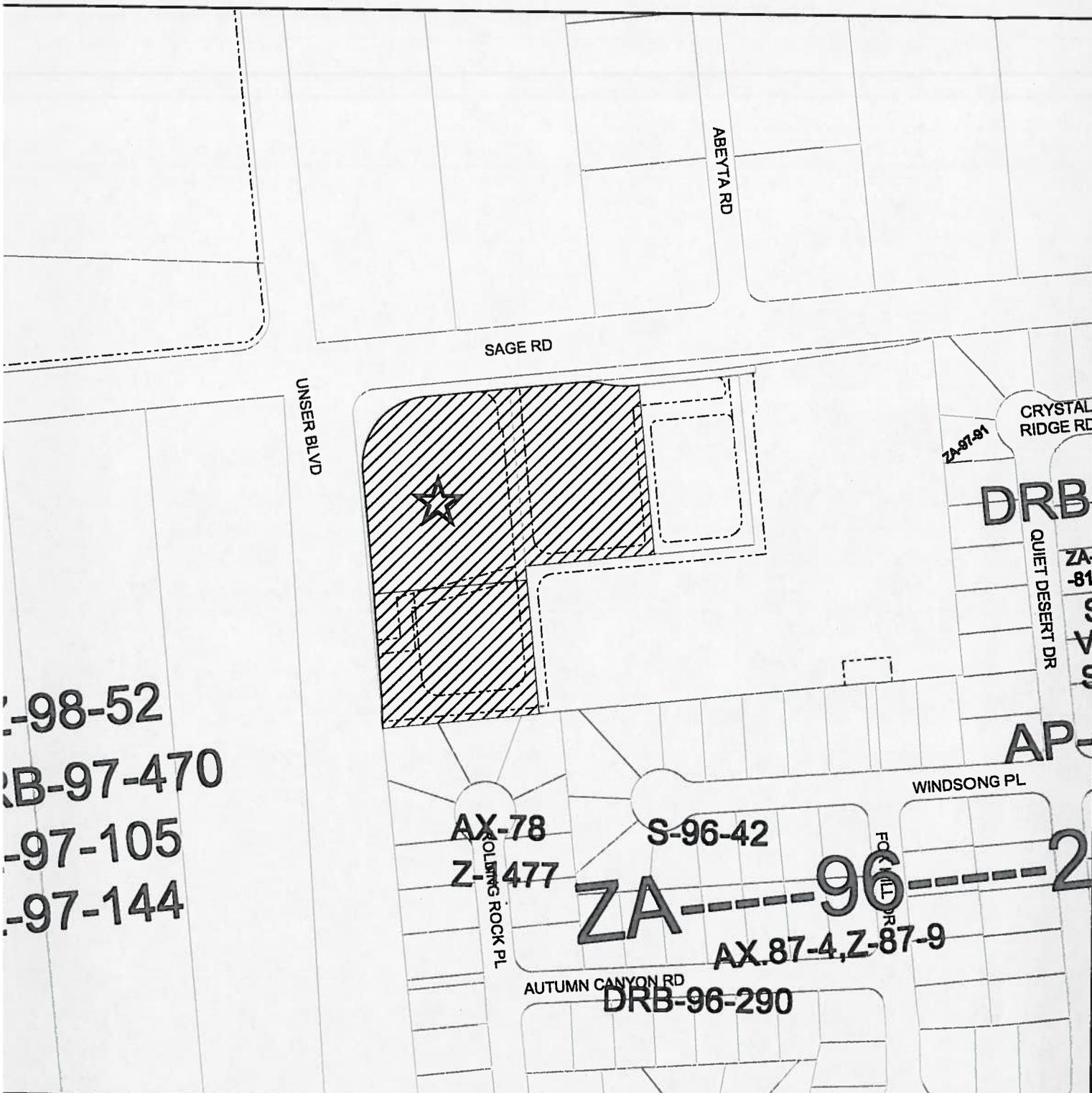
### KEY to Land Use Abbreviations

- 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



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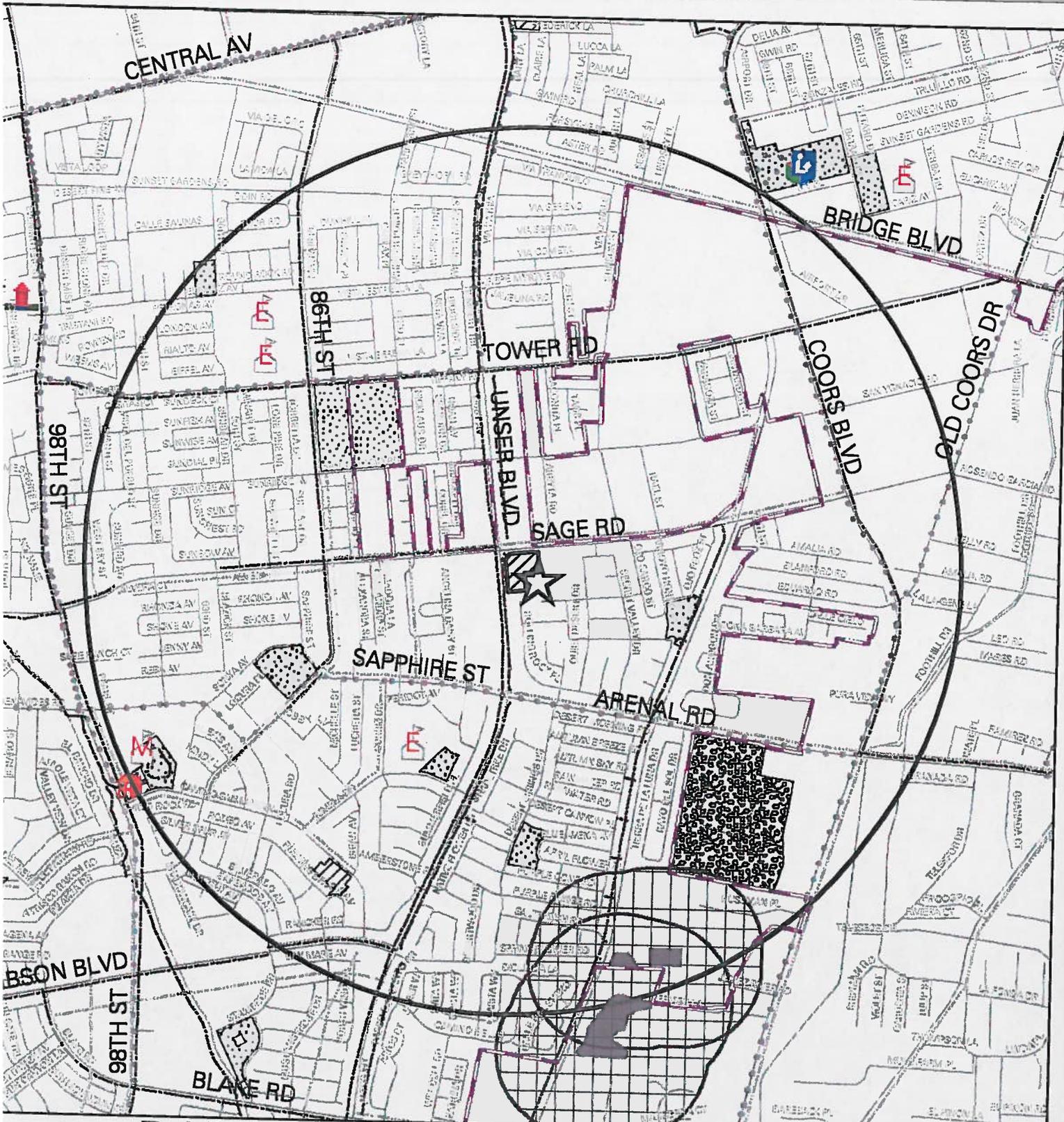
### HISTORY MAP

Note: Grey shading indicates County.



1 inch = 200 feet

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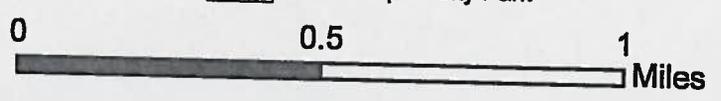


Public Facilities Map with One-Mile Buffer



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

Project Number: 1008203



**I. AREA CHARACTERISTICS AND ZONING HISTORY**

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

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	C-1		Vacant, commercial
<b>North</b>	C-1, County A-1, County R-1		Vacant, residential
<b>South</b>	R-D		Single Family Residential
<b>East</b>	R-D		Single Family residential
<b>West</b>	SU-1 for R-D and C-1 uses including restaurant with full service liquor, County C-1		vacant

**II. INTRODUCTION**

**Proposal**

The applicant proposes to amend the zoning on the three subject tracts that are part of a larger shopping center site from C-1 to SU-1 for C-2 uses in order to expand the allowable uses on the site. The other tracts in the subdivision will retain the C-1 zone.

**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 site was zoned R-D prior to the adoption of the Tower Unser Sector Plan in 1989, which established the existing C-1 zoning for the subject tracts and the rest of the site. The EPC approved a site development plan for subdivision (SPS) with design guidelines in 2010 (10EPC-40011). This plan will still govern the future development of site in the event that requested

zoning is approved. The SPS delegates the approval of future site development plans for building permit to the DRB.

The MRCOG approved the access point on the south west corner of the site in 2010. Unser Boulevard is a limited access roadway and access must be approved by the MRCOG.

The housing adjacent to the site was developed in the late 1990's.

### ***Context***

The entire shopping center site is partially developed. Tract A-5, to the east of the three subject parcels, contains small retail store. The surrounding development consists primarily of single family homes. There is commercial development along Central Avenue, 1.3 miles from the site and along Coors Boulevard, about 1 mile from the site.

### ***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 Unser Boulevard as a Limited-Access Principal arterial.

The Long Range Roadway System designates Sage Road as a Minor Arterial.

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

Unser Boulevard is an Enhanced Transit Corridor.

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

The Unser Trail, a paved multiple use trail, runs along Unser Boulevard in front of the site. Unser Boulevard contains a designated bike lane.

### ***Transit***

The closest bus stop is located on Arenal Road, about 1/3 of a mile south of the subject 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 zoned C-1, Neighborhood Commercial Use. This zone is designed to provide sites for office, service and institutional use and limited commercial uses to service the daily needs of residential areas. The permissive uses include churches, office, restaurant with beer and wine service, multi-family housing under certain circumstances, general retail sales, personal services

and gas stations with specific buffering requirements. Drive-in restaurants are allowed as a conditional use.

The requested zone, SU-1 for C-2 Community Commercial Uses would allow both the permissive and conditional uses of the C-2 zone. The C-2 provides suitable sites for offices, most service and commercial activities and limited institutional activities. The C-2 zone allows drive-in or drive through facilities permissively, multi-family housing under certain circumstances, restaurant with full service liquor, sales of alcohol for off premise consumption (package liquor), parking lots and dry cleaners. The conditional uses, which would allowed permissively in the requested zone, include kennels, church or other place of worship, outdoor storage, sales of alcohol for off-premise consumption within 500 feet of a residential zone and community residential program.

The site contains commercial zoning and is over 5 acres in size so is considered a Shopping Center site as defined in the zoning code § 14-16-3-2.

The approved Site Plan for Subdivision contains design regulations, shows access points and lot configuration and easements. The SPS delegates approval of future development to the DRB in an advertised public hearing.

The SU-1 Zone requires a development plan; the site has an existing, approved site development plan for subdivision that meets this requirement.

#### ***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 "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:

#### Land Use

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 uses will add to the variety of possible development on the site and could add services and employment that are consistent with the neighborhood values. There is an existing, approved site development plan for the subdivision that contains design standards that will guide future development on the site. Some of the allowed uses may be more intense than the uses generally developed near single family development, based on where the C-2 zone is mapped. The request partially furthers Policy II.B.5d.***

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 has access to a full range of urban services including roads, water and sewer lines, transit and community services, such as fire and police. The request furthers Policy II.B.5e.*

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 uses will add to the variety of additional employment and services that could occur on the site. Two of three subject tracts are not adjacent to the existing single family development, the third tract; tract A-2 abuts the back yards of 3 residences. The proposed uses could allow the development that adds to the employment and service options for local residents, complimenting the residential use. The previously approved site development plan for subdivision contains design standards that will provide for screening, placement of drive up uses, building materials and public space. The request furthers Policy II.B.5i.*

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

*The subject site has an approved site development plan for subdivision with design standards that specify pedestrian access, building design and restrict drive through uses to Sage Road. The proposed new uses will be subject to the standards which will ensure quality development on the site. The 3 subject tracts are the farthest from the bulk of the single family residential development adjacent to the site. The request furthers Policy II.B.5k.*

#### Activity Centers

The Goal is to “expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.”

*The site is called out as a potential activity center in the TUSDP. The request will contribute to the development of services on the west side that may increase the options for social and economic activities and reduce cross rivers trips. The request is consistent with the activity center goal.*

#### Economic Development

Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs created convenient to areas of most need.

*2013 American Fact Finder data show that 20 % of all families and 23% of all people in the 87121 zip code had an income that was below the poverty line. The west side of Albuquerque has a jobs to housing imbalance, with over 80 % of jobs on the east side of the river, according to MRCOG 2035 MTP forecast. Zoning that allows for additional uses may add to the*

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*possible jobs on the west side of the river and help to address this situation. The request furthers Policy II.D.6.a.*

### **West Side Strategic Plan (Rank 2)**

The West Side Strategic Plan (WSSP) was first adopted in 1997 and recently amended in 2002 to help promote development of Neighborhood and Community Activity Centers. The WSSP identifies 13 communities, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is in the Bridge/Westgate Community. The boundaries for the Bridge/Westgate Community roughly follow Central Avenue on the north, Coors Boulevard on the east, the 118<sup>th</sup> Corridor on the west, and Blake Road on the south. Staff has reviewed the WSSP against the request. Applicable policies include:

**Goal 10:** The Plan should create a framework to build a community where its citizens can live, work, shop, play, and learn together while protecting the unique quality of life and natural and cultural resources for West Side residents.

**Objective 1:** Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side.

*The requested zoning allows a wider variety of uses. These expanded uses will provide more opportunities for business development on the site that may add to the employment possibilities in the area. These uses may help to minimize the need for cross metro trips by providing more goods and services and job opportunities in the area providing opportunities for area residents to work, shop and play. The existing, approved SPS contains design standards that will protect the adjacent neighborhoods. The request is consistent with Goal 10 and Objective 1.*

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

*The request will expand the uses allowed on the subject site which may encourage new business to locate on the site. New business could provide new job opportunities. The request is consistent with Objective 8.*

**Policy 1.15:** Neighborhood Centers of 15 to 35 acres shall contain generally small parcels and buildings; on-street parking is permitted, with smaller off-street parking areas shared among businesses and institutions. The neighborhood center shall have a built scale very accommodating to pedestrians and bicyclists, including outdoor seating for informal gatherings. Services such as childcare, dry cleaners, drug stores and small restaurants along with a park and/or school should be located central to surrounding neighborhoods.

**Policy 1.16:** Neighborhood Centers shall be located on local collector and sometimes arterial streets. While their primary access may be auto, pedestrian and bicycle connections shall be provided to all adjacent neighborhoods, parks and to the larger open space system. Convenient transit services shall be connected with community-wide and regional transit development.

*The WSSP shows the area to the west of the subject site as a neighborhood center. The subject site is outside of the boundary, but the proposed uses would add to the area as a destination for local residents. The approved SPS requires pedestrian connections to the future building on the site to future transit stops, provision of outdoor seating and shaded areas that will make the development accommodating to pedestrians. Additionally, the SPS requires that drive-up uses be designed to avoid pedestrian areas. The request partially furthers policies 1.15 and 1.16.*

**Policy 3.40:** Urban Style services are appropriate in the Community. This area shall receive a high priority for public infrastructure spending.

**Policy 3.41:** Study the potential means to achieve maximum leverage of public/private financing of new development in this Community, including incentives for new development, and cost-sharing between public and private facilities. Encourage employment growth in this Community.

*The additional uses in the requested zoning add to the options for development of the site. The expanded uses may also add to the employment options on the site and encourage new development and growth. The request furthers policies 3.40 and 3.41.*

#### **Southwest Albuquerque Strategic Action Plan**

The Southwest Albuquerque Strategic Action Plan (SASAP) is a part of the West Side Strategic Plan. The SWASAP recommends area plan and sector plan amendments, projects, and programs to help Southwest Albuquerque become a complete community. Goal 1 of the SASAP is to "Build Complete Neighborhoods and a Network of Activity Centers to Serve Them." The SASAP describes a Neighborhood Activity Center as follows: "may range from approximately 5 to 15 acres. They should be easily accessible destinations for nearby residents and others, making it possible for nearby residents to access local services within a one-quarter to half-mile walk. Southwest Albuquerque has the potential to support a number of Neighborhood Activity Centers." Applicable policies include:

**Goal 1.** Build Complete Neighborhoods and a Network of Activity Centers to Serve Them:

*The WSSP (Southwest Albuquerque Strategic Action Plan) designates the area surrounding Unser/Sage as a Neighborhood Activity Center. A map in the SWASAP (page 332) shows a proposed network of Southwest Albuquerque Activity Centers. Unser/Sage is shown as a potential Neighborhood Activity Center. The request would add to the allowed uses at the proposed Neighborhood Activity Center at Unser and Sage to serve surrounding neighborhoods, which currently have little or no commercial services. The previously approved site development plan contains standards the will require pedestrian connections and public seating areas. The request is consistent with Goal 1.*

**Goal 4.** Increase and Improve Retail and Commercial Services:

*The residents of Southwest Albuquerque have few nearby shopping and commercial service options. The request for the proposed zoning would add to the allowed uses and would place*

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*shopping in a conveniently located and easily accessed Neighborhood Activity Center. A map on page 350 of the SASAP shows Southwest Albuquerque Existing & Potential Retail Locations. Unser/Sage is shown on this map as a Potential Neighborhood Center. The request would further Goal 4 by increasing and improving retail and commercial services.*

Appendix B. Southwest Albuquerque Commercial District Retail Plan

*The SWASP contains a market study done by the Gibbs consulting firm that states that the area is underserved by the existing retail development and can support additional services.*

### **Southwest Area Plan (Rank 2)**

The Southwest Area Plan was adopted in 2001, and generally encompasses properties between the Central Avenue and I-40 to the north, the Rio Puerco on the west, Isleta Pueblo lands on the south, and the Rio Grande north of Woodward Road on the east; specific boundaries are shown on page 3 in the Plan. Per Council Bill No. C/S R-01-375, Enactment No. 42-2002 (found in the front of the Southwest Area Plan), "With regard to the area where the boundaries of the Southwest Area Plan and the West Side Strategic Plan overlap south of Central Avenue and west of Coors Boulevard as depicted on Exhibit A attached hereto, the policies contained in the Southwest Area Plan shall apply to the properties situated in the unincorporated area of the County, and the policies contained in the West Side Strategic Plan shall apply to the areas situated within the municipal boundaries, as they are amended from time to time." The subject site is located south of Central and west of Coors, but is not located in the unincorporated area of the County; therefore, the SWAP does not apply to this site.

### **Tower/Unser Sector Development Plan (Rank 3)**

The Tower/Unser Sector Development Plan (TUSDP) was first adopted in 1989. The Plan generally encompasses properties between Sunset Road on the north, Sage Road on the south, the Powerline Channel on the west, and several lots east of Coors Boulevard on the east; specific boundaries are shown on Figure 1, Vicinity Map, in the Plan. The TUSDP established zoning for the plan area; prior to the adoption of the plan much of the zoning was R-D.

Policies are limited in the TUSDP, but the Executive Summary of the plan does have a development concept that applies to the project. The TUSDP contains special design guidelines for the platting of parcels at this corner that were satisfied by the site development plan for subdivision.

Executive Summary Development Concept #3: The plan area should have a mixture of land uses at a neighborhood scale, and high-density residential development should be limited.

*The subject site is shown as a possible activity center in the amended Tower/ Unser Sector Development Plan. Unser Boulevard is an Enhanced Transit Corridor and contains a multi-*

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*use trail. The additional uses will add to the viability of the site and mix of uses in an existing small shopping area. The request is consistent with Development Concept #3.*

***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.

***Applicant's Justification Summarized***

*The request is consistent with goals and policies of the applicable plans and will provide needed services for the area.*

***Staff's Response***

***Staff agrees that the request furthers many goals and policies of the applicable plans. The allowed uses in the requested zone may be more intense than what is allowed in the nearby commercial zones, but the allowed uses occur near residential areas in other parts of the city. The addition of SU-1 zone and the approved site development plan provide a clear indication of the uses and layout of the site.***

- 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's Justification Summarized***

*The request will not destabilize the area because there is similar zoning across Unser from the site and request will expand the allowed uses and support economic growth.*

***Staff's Response***

***The proposed uses expand the commercial possibilities on the site and may encourage future development on the site adding to the economic vitality of the area and long term stability of 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 a full discussion of the applicable policies***

***The applicant cites Comprehensive Plan policies II.B.5a, II.B.5e, II.B.5i, II.B.5j, II.B.5k, II.B, II.B7, II.D4a, II.D.4g, II.D.6a, II.D5b and II.D.6g.***

***WSSP Goal1, policies 1.3, 1.15 and 1.16 and Goal 4 and policies 4.4 and 4.5.***

***Staff also believes that the request is consistent with goals 1 and 4 of the SWASP.***

***The request is consistent with intent to increase the availability of goods, services and employment options on the west side. The existing, approved SPS contains design standards that will mitigate the impacts of the increased intensity and auto oriented uses in the requested zone.***

***Staff finds the request is consistent with and clearly facilitates the goals, policies and objectives of the applicable plans.***

- 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's Justification***

***The existing is zoning more advantageous to the community as articulated in the applicable plans because it will provide needed services and employment in the area.***

***Staff's Response (refer to policy analysis for further discussion regarding applicable policies)***

***The C-1 zoning on the site was established by the TUSDP in 1989, the population of the 87121 zip code was approximately 25, 000 people, in 2000 the population in increased to 39,000 and was 76, 700 in 2000. The area population has tripled since the adoption of the zoning on the site and Unser Boulevard has expanded from small local to a major north south connection across the southwest mesa. Staff believes that these could constitute changed conditions that also support the request.***

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

***Applicant's Justification***

***The additional uses will not change the access, design or layout of the proposed buildings. The subject tracts are only adjacent to 3 residential tracts.***

***Staff's Response***

***The uses allowed under the proposed zoning are more intense than what is currently allowed, but are found adjacent to residential development throughout the city. The approved SPS and zoning code require landscape buffers that will protect the residential development from any unintended harmful impacts of the future development.***

***The proposed SU-1 zone requires that all development be consistent with the approved site development plan and that significant changes will require a public hearing; this process provides an additional layer of protection for the community.***

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
1. Denied due to lack of capital funds; or
  2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

***No expenditures are required. The site has existing infrastructure.***

***Staff's Response***

***Staff agrees that the site has access to a full range of urban services and that all development on the site will be the responsibility of the property owner or future developer.***

- 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's Justification***

***The request is not based on economic consideration. The site may take longer to develop without the zoning change, but will eventually develop due the needs of the area.***

***Staff's Response***

***The applicant has justified the request as being consistent with the applicable goals and policies of the governing plans.***

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

***Applicant's Justification***

***The site is already a proposed activity center; the applicant states that the request is justified through compliance with goals and policies in the applicable plans.***

***Staff's Response***

***The applicant has provided justification in the form of compliance with goals and policies of the relevant plans. However, the location on an arterial is relevant to the request because the additional uses are appropriate on a larger street.***

- 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's Justification*

*The request will not create a spot zone because there is existing commercial zoning nearby and the site development for subdivision will address compatibility with the existing development through design.*

*Staff's Response*

*The SU-1 zone is generally considered justifiable spot zone because it has been justified by compliance with R-270-1980 and furthers the goals of and policies of the Comprehensive plan and Area or Sector Development Plans. The proposed zoning clearly facilitates the goals and polices cited in section C.*

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will 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's Justification*

*There is exiting commercial zoning on the other 3 corners of the intersection, the pattern of the lots does not create a strip.*

*Staff's Response*

*The subject site already contains commercial zoning; the applicant proposes to add more intense uses to the commercial entitlements on the site, so the subject tracts will have a different category than the adjacent tracts of land. However, the SU-1 zone is generally considered a justified strip or spot zone and the subject tracts are still covered by the SPS which sets the same design requirements for the these tracts as for the adjacent commercial tracts.*

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## **SITE DEVELOPMENT PLAN FOR SUBDIVISION**

### ***Request***

The EPC approved the site development plan for subdivision for this site in April of 2010. The SPS will still govern the site if the requested zoning is approved. The SPS delegates approval of future site development plans for building permit to the DRB at an advertised public hearing. This process will provide review by staff to insure that the design requirements are met.

The SPS requires pedestrian connections throughout the site, shaded public seating areas and only allows drive-in services located along Sage Road.

Additionally, the SPS requires connection to the future transit stops that will develop along Unser Boulevard.

Building height is capped at 26 feet and setbacks are to be provided pursuant to the O-1 zone.

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

### ***Reviewing Agencies***

There are no significant agency comments. The MRCOG's request for a pedestrian connection is addressed in the approved SPS which shows pedestrian circulation into the neighborhood to the south via a 15 foot easement.

### ***Neighborhood/Public***

The Stinson Tower and Westgate Heights Neighborhood Associations, South Valley Coalition of Neighborhoods, South West Alliance of Neighbors (SWAN) and Westside Coalition of Neighborhoods were all notified. The neighborhoods declined a facilitated meeting.

The South Valley Coalition of Neighborhoods stated that they might not be in favor of a liquor sales outlet at the site, they felt that they immediate neighbors should help make the decision about uses on the site. Although liquor sales would be an allowed use on the site, no specific use is proposed with this zone map amendment.

Staff received one phone call from a member of the Tower/ Stinson Neighborhood asking about the proposed uses allowed if the request is approved and an additional e-mail stating that the neighborhoods has concerns about the possibility of package liquor sales at the site, but that they are not necessarily opposed to the request. The applicant and the neighbors will meet before the EPC hearing to discuss this issue further. Staff may have additional recommendations based on the outcome of this meeting.

## **V. CONCLUSION**

The applicant proposes to change the zoning on the three subject tracts from C-1 to SU-I for C-2 uses in order to expand the allowable uses on the subject tracts.

The west side of Albuquerque has a jobs to housing imbalance, with over 80 % of jobs on the east side of the river, according to MRCOG 2035 MTP forecast. Zoning that allows for

additional uses may add to the possible jobs on the west side of the river and help to address this situation. The new zoning may encourage new development on the site

The existing approved SPS contains design standards that will require pedestrian connections, provision of shaded public areas and screening of parking that will help to off the possible impacts of more auto oriented uses.

The applicant has justified the request as being more advantageous to the community as stated in the applicable plans because the request will clearly facilitate the goals and policies of those plans.

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***FINDINGS – 15 EPC-40020- July 9, 2015- Zone Map Amendment***

1. This is a request for a zone map amendment for tracts A-2, A-3, A-4 of Unser Sage Marketplace located on Unser Boulevard SW, between Sage Road SW and Arenal Road SW and containing approximately 3.5 acres from C-1 to SU-1 for C-2 uses.
2. The applicant proposes to amend the zoning from C-1, Neighborhood Commercial to SU-1 for C-2 Community Commercial Uses in order to expand the allowable uses on the subject tracts.
3. The EPC approved a site development plan for division for the subject site in April of 2010, (10 EPC 40011). This plan will continue to apply to the subject tracts and the other tracts on the site.
4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, including the Southwest Strategic Action Plan, Tower Unser Sector Development 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 of the Comprehensive Plan.

The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Land Use

- A. 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 uses will add to the variety of possible development on the site and could add services and employment that are consistent with the neighborhood values. There is an existing, approved site development plan for the subdivision that contains design standards that will guide future development on the site. Some of the allowed uses may be more intense than the uses generally developed near single family development, based on where the C-2 is mapped. The request partially furthers Policy II.B.5d.

- B. 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 has access to a full range of urban services including roads, water and sewer lines, transit and community services, such as fire and police. The request furthers Policy II.B.5e.

- 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 uses will add to the variety of additional employment and services that could occur on the site. Two of three subject tracts are not adjacent to the existing single family development, the third tract; tract A-2 abuts the back yards of 3 residences. The proposed uses could allow the development that adds to the employment and service options for local residents, complimenting the residential use. The previously approved site development plan for subdivision contains design standards that will provide for screen, placement of drive up windows, building materials and public space. The request furthers Policy II.B.5i.

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

The subject site has an approved site development plan for subdivision with design standards that specify pedestrian access, building design and restrict drive through uses to Sage Road. The proposed new uses will be subject to the standards which will ensure quality development on the site. The 3 subject tracts are the farthest from the bulk of the single family residential development adjacent to the site. The request furthers Policy II.B.5k.

#### Activity Centers

- A. The Goal is to “expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.”

The site is called out as a potential activity center in the TUSDP. The request will contribute to the development of services on the west side that may increase the options for social and economic activities and reduce cross rivers trips. The request is consistent with the activity center goal.

#### Economic Development

- A. Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs created convenient to areas of most need.

2013 American Fact Finder data show that 20 % of all families and 23% of all people in the 87121 zip code had an income that was below the poverty line. The west side of Albuquerque has a jobs to housing imbalance, with over 80 % of jobs on the east side of the

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river, according to MRCOG 2035 MTP forecast. Zoning that allows for additional uses may add to the possible jobs on the west side of the river and help to address this situation. The request furthers Policy II.D.6.a.

6. The subject site is within the boundaries of the West Side Strategic Plan. The following policies are applicable to the request.

A. Goal 10: The Plan should create a framework to build a community where its citizens can live, work, shop, play, and learn together while protecting the unique quality of life and natural and cultural resources for West Side residents.

Objective 1: Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side.

The requested zoning allows a wider variety of uses. These expanded uses will provide more opportunities for business development on the site that may add to the employment possibilities in the area. These uses may help to minimize the need for cross metro trips by providing more goods and services and job opportunities in the area providing opportunities for area residents to work, shop and play. The existing, approved SPS contains design standards that will protect the adjacent neighborhoods. The request is consistent with Goal 10 and Objective 1.

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

The request will expand the uses allowed on the subject site which may encourage new business to locate on the site. New business could provide new job opportunities. The request is consistent with Objective 8.

C. Policy 1.15: Neighborhood Centers of 15 to 35 acres shall contain generally small parcels and buildings; on-street parking is permitted, with smaller off-street parking areas shared among businesses and institutions. The neighborhood center shall have a built scale very accommodating to pedestrians and bicyclists, including outdoor seating for informal gatherings. Services such as childcare, dry cleaners, drug stores and small restaurants along with a park and/or school should be located central to surrounding neighborhoods.

Policy 1.16: Neighborhood Centers shall be located on local collector and sometimes arterial streets. While their primary access may be auto, pedestrian and bicycle connections shall be provided to all adjacent neighborhoods, parks and to the larger open space system. Convenient transit services shall be connected with community-wide and regional transit development.

The WSSP shows the area to the west of the subject site as a neighborhood center. The subject site is outside of the boundary, but the proposed uses would add to the area as a

destination for local residents. The approved SPS requires pedestrian connections to the future building on the site to future transit stops, provision of outdoor seating and shaded areas that will make the development accommodating to pedestrians. Additionally, the SPS requires that drive-in uses be designed to avoid pedestrian areas. The request partially furthers policies 1.15 and 1.16.

D. Policy 3.40: Urban Style services are appropriate in the Community. This area shall receive a high priority for public infrastructure spending.

Policy 3.41: Study the potential means to achieve maximum leverage of public/private financing of new development in this Community, including incentives for new development, and cost-sharing between public and private facilities. Encourage employment growth in this Community.

The additional uses in the requested zoning add to the options for development of the site. The expanded uses may also add to the employment options on the site and encourage new development and growth. The request furthers policies 3.40 and 3.41.

7. The Southwest Albuquerque Strategic Action Plan (SASAP) is a part of the West Side Strategic Plan. The following goals are applicable to the request.

A. Goal 1. Build Complete Neighborhoods and a Network of Activity Centers to Serve Them:

The WSSP (Southwest Albuquerque Strategic Action Plan) designates the area surrounding Unser/Sage as a Neighborhood Activity Center. A map in the SWASAP (page 332) shows a proposed network of Southwest Albuquerque Activity Centers. Unser/Sage is shown as a potential Neighborhood Activity Center. The request would add to the allowed uses at the proposed Neighborhood Activity Center at Unser and Sage to serve surrounding neighborhoods, which currently have little or no commercial services. The previously approved site development plan contains standards that will require pedestrian connections and public seating areas. The request is consistent with Goal 1.

B. Goal 4. Increase and Improve Retail and Commercial Services:

The residents of Southwest Albuquerque have few nearby shopping and commercial service options. The request for the proposed zoning would add to the allowed uses and would place shopping in a conveniently located and easily accessed Neighborhood Activity Center. A map on page 350 of the SASAP shows Southwest Albuquerque Existing & Potential Retail Locations. Unser/Sage is shown on this map as a Potential Neighborhood Center. The request would further Goal 4 by increasing and improving retail and commercial services.

C. Appendix B. Southwest Albuquerque Commercial District Retail Plan

The SWASP contains a market study done by the Gibbs consulting firm that states that the area is underserved by the existing retail development and can support additional services.

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

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

The request furthers many goals and policies of the applicable plans. The allowed uses in the requested zone may be more intense than what is allowed in the nearby commercial zones, but the allowed uses occur near residential areas in other parts of the city. The addition of SU-1 zone and the approved site development plan provide a clear indication of the uses and layout of the site.

**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 uses expand the commercial possibilities on the site and may encourage future development on the site adding to the economic vitality of the area and long term stability of the area. The request will not destabilize the area because there is similar zoning across Unser from the site and request will expand the allowed uses and support economic growth.

**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 a full discussion of the applicable policies

The applicant cites Comprehensive Plan policies II.B.5a, II.B.5e, II.B.5i, II.B.5j, II.B.5k, II.B. II.B7, II.D4a,, II.D.4g , II.D.6a, II.D5b and II.D.6g.

WSSP Goal1, policies 1.3, 1.15 and 1.16 and Goal 4 and policies 4.4 and 4.5.

Staff also believes that the request is consistent with goals 1 and 4 of the SWASP.

The request is consistent with intent to increase the availability of goods, services and employment options on the west side. The existing, approved SPS contains design standards that will mitigate the impacts of the increased intensity and auto oriented uses in the requested zone.

Staff finds the request is consistent with and clearly facilitates the goals, policies and objectives of the applicable plans.

**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's Justification

The existing is zoning more advantageous to the community as articulated in the applicable plans because it will provide needed services and employment in the area.

Refer to policy analysis for further discussion regarding applicable policies.

The C-1 zoning on the site was established by the TUSDP in 1989, the population of the 87121 zip code was approximately 25, 000 people, in 2000 the population in increased to 39,000 and was 76, 700 in 2000. The area population has tripled since the adoption of the zoning on the site and Unser Boulevard has expanded from small local to a major north south connection across the southwest mesa. Staff believes that these could constitute changed conditions that also support the request.

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

The uses allowed under the proposed zoning are more intense than what is currently allowed, but are found adjacent to residential development throughout the city. The approved SPS and zoning code require landscape buffers that will protect the residential development from any unintended harmful impacts of the future development.

The proposed SU-1 zone requires that all development be consistent with the approved site development plan and that significant changes are heard in a public hearing; this process provides an additional layer of protection for the community.

**F.** A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

1. Denied due to lack of capital funds; or
2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The site has access to a full range of urban services and that all development on the site will be the responsibility of the property owner or future developer.

**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 has justified the request as being consistent with the applicable goals and policies of the governing plans.

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

#### **Applicant's Justification**

The applicant has provided justification in the form of compliance with goals and policies of the relevant plans. However, the location on an arterial is relevant to the request because the additional uses are appropriate on a larger street.

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**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 SU-1 zone is generally considered justifiable spot zone because it has been justified by compliance with R-270-1980 and furthers the goals of and policies of the Comprehensive plan and Area or Sector Development Plans. The proposed zoning clearly facilitates the goals and polices cited in section C.

**J.** A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will 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 subject site already contains commercial zoning; the applicant proposes to add more intense uses to the commercial entitlements on the site, so the subject tracts will have a different category than the adjacent tracts of land. However, the SU-1 zone is generally considered a justified strip or spot zone and the subject tracts are still covered by the SPS which sets the same design requirements for the these tracts as for the adjacent commercial tracts.

9. The Stinson Tower NA (R), Westgate Heights NA (R), South Valley Coalition of NA's, South West Alliance of Neighbors (SWAN), Westside Coalition of NA's were notified of the request via certified mail. The neighborhoods declined a facilitated meeting.
10. Staff received an e-mail from the representative of the Tower Stinson neighborhood association expressing concern about the possibility of package sales on the site.
11. The city notified property owners within 100 feet of the site.

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**RECOMMENDATION - 15EPC-40020-July 9 2015**

**APPROVAL of 15 EPC-40020, a request for Zone Map Amendment from C-1 to SU-1 for C-2 uses for Tracts A-2, A-3 and A-4 of the Unser Sage Marketplace , based on the preceding Findings.**

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**Maggie Gould  
Planner**

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

Richard Dineen	2811Bosque del Sol lane, NW	ABQ, NM	87120
Unser & Sage LLC.	6300 Jefferson, NE	ABQ, NM	87109

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Enforcement***

#### ***Office of Neighborhood Coordination***

Stinson Tower NA (R)

Westgate Heights NA (R)

South Valley Coalition of NA's

South West Alliance of Neighbors (SWAN)

Westside Coalition of NA's

6/1/15 – Recommended for Facilitation – siw

6/3/15 – Assigned to Philip Crump –th

#### ***Long Range Planning***

The request is for a zone map amendment from C-1 to SU-1 for C-2 Uses, located on Unser Boulevard SW, between Sage Rd SW and Arenal Rd SW. The site abuts a Neighborhood Activity Center. The site is within the boundaries of the West Side Strategic Plan, the Southwest Area Plan, and the Tower/Unser Sector Development Plan.

The proposed zone could provide a greater variety of uses to serve the needs of the area than those presently allowed in the C-1 Zone. Additional desired services mentioned by the applicant include full auto service station with convenience store, 'carry out' package liquor, carwash, and drive up restaurant. The C-1 zoning allows gas stations with up to four dispensers (8 fueling positions) with certain design controls, food and drink for consumption on or off premises, and alcoholic drink sales only under a restaurant licenses. A drive up restaurant is a conditional use in the C-1 zone. The C-1 zone is used predominantly in the Tower/Unser SDP "because of the need for neighborhood-scale, not community-scale, services."

The West Side Strategic Plan states that: "Smaller sites outside activity centers can provide stores with drive-up windows, car washes, and gas stations. These types of uses should not be located in mixed-use centers that are designed for walking from one shop or service to another." (Page 323)

#### **SU-1 Zone**

A Site Development Plan for Subdivision was approved in 2010. In the SU-1 zone, "A decision implementing a change to the zone map to SU-1 zoning shall designate the specific use permitted, and a

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building permit shall be issued only for the specific use and in accordance with an approved Site Development Plan. The specific use shall be recorded on the zone map.”

- If this request is approved, the site plan will need to be amended.
- Please specify the proposed use for this site.

**Metropolitan Redevelopment Agency**

**CITY ENGINEER**

**Transportation Development**

No objection to the request

**Hydrology Development**

No comment at this time for Project #1008203, for the zone change.

**DEPARTMENT of MUNICIPAL DEVELOPMENT**

**Transportation Planning**

Per MRCOG's Interim Long Range Roadway System Map, Unser Blvd. is a Principal Arterial and Sage Road is a Minor Arterial. Per MRCOG's Long Range Bikeway System Map, Unser is to contain bicycle lanes, which presently existing across the site's Unser frontage. The Bikeway System Map also calls for bike lanes on Sage Road. On the outside of the existing eastbound through-lane there may be adequate lateral spacing for a bike lane to be added in connection with this site's development. An existing multi-use trail also runs on the east side of Unser Blvd. adjacent to the property.

**Traffic Engineering Operations**

NMDOT: No objection to the request.

**WATER UTILITY AUTHORITY**

**Utility Services**

No objection

**ENVIRONMENTAL HEALTH DEPARTMENT**

**PARKS AND RECREATION**

**Planning and Design**

No objection to this request. Informational comment: Unser bike lane and trail along the west side of this property line are already in place. Grading plan will be reviewed at DRB for side of trail treatment with respect to grade, slope, surface coverage to prevent erosion onto trail.

**Open Space Division**

OSD has reviewed and has no adverse comments

**City Forester**

**POLICE DEPARTMENT/Planning**

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

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division** Reviewed, No comment

**FIRE DEPARTMENT/Planning** Reviewed with No Comments

**TRANSIT DEPARTMENT**

Adjacent and nearby routes	None.
Adjacent bus stops	None.
Site plan requirements	None
Large site TDM suggestions	None.
Other information	None

## **COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

Reviewed. No comment

**ALBUQUERQUE PUBLIC SCHOOLS**

This will have no adverse impacts to the APS district.

**MID-REGION COUNCIL OF GOVERNMENTS**

Unser Blvd is classified as a high capacity limited access Principal Arterial from Gun Club Road to US 550 with full access at-grade intersections at one-half mile intervals. Right-in, right-out access points may be located at approximately one-quarter mile intervals, provided the access location does not degrade traffic flow and upon review of the Transportation Coordinating Committee. All requests to modify access on Limited Access Roadways will be considered by the Transportation Coordination Committee (TCC), which is the technical advisory committee for the Metropolitan Transportation Board (MTB). For more details on Roadway Access Modification Policies please contact the Mid Region Council of Governments at 247-1753.

Additionally, MRMPO strongly recommends modifying the site plan (if necessary) to preserve and enhance pedestrian access to the site from Fox Hill Drive SW.

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

**PUBLIC SERVICE COMPANY OF NEW MEXICO**

PNM has no comments based on information provided to date.



Looking southeast across the subject site from the corner of Unser Boulevard and Sage Road  
Looking northeast across the subject site





**Looking southwest across the subject site toward Unser Boulevard  
Looking northwest across the subject site**



**Existing sidewalk along Sage Road**



**Existing multi-use bike trail along Unser  
Boulevard**

**Existing development on tract A-5 ,east of  
the subject tracts**



## **R-270-1980: POLICIES FOR ZONE MAP CHANGE APPLICATIONS**

The following policies for deciding zone map change applications pursuant to the Comprehensive City Zoning Code are hereby adopted:

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

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

(C) A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments there, to, including privately developed area plans which have been adopted by the city.

(D) The applicant must demonstrate that the existing zoning is inappropriate because:

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

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

(F) A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

1. Denied due to lack of capital funds; or
2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

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

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

(I) A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

(J) A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:

1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

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



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

Date: April 9, 2010

## OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1008203**  
10EPC-40011 SITE DEVELOPMENT -  
SUBDIVISION

Unser Sage Partnership  
2019 Dartmouth Drive NE  
Albuquerque, NM 87106

LEGAL DESCRIPTION: CONSENSUS  
PLANNING INC agent for UNSER SAGE  
PARTNERSHIP requests the above action for all  
or a portion of Tract A PLAT OF Tracts A & B,  
Unit 1-B, LANDS OF ALBUQUERQUE  
SOUTH zoned C-1 located on UNSER BLVD  
SW BETWEEN SAGE RD SW AND ARENAL  
RD SW containing approximately 9.56 acre.  
(M-10) Randall Falkner, Staff Planner

On April 8, 2010 the Environmental Planning Commission voted to **APPROVE** Project 1008203 / 10EPC-40011, a site development plan for subdivision for all or a portion of Tract A PLAT OF Tracts A & B, Unit 1-B, LANDS OF ALBUQUERQUE SOUTH zoned C-1, based on the following Findings and subject to the following Conditions:

### FINDINGS:

1. This is a request for a site development plan for subdivision on a 9.5 acre tract of land located on the southeast corner of Unser Boulevard SW and Sage Road SW. The site comprises Tract A, Plat of Tracts A & B, Unit 1-B, of the Lands of Albuquerque South, and is zoned C-1. The applicant proposes to subdivide Tract A into two lots and intends to develop the site with a variety of small to medium size commercial services. The proposed subdivision is called the Unser/Sage Marketplace.
2. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan (Southwest Albuquerque Strategic Action Plan), and the Tower/Unser Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
3. The subject site is within the area designated Developing Urban by the Comprehensive Plan.

OFFICIAL NOTICE OF DECISION

APRIL 8, 2010

PROJECT 1008203

PAGE 2 OF 8

4. The request furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:
  - a. Policy II.B.5a – The primary land use in this area of the City is single family residential. The request would result in a more complete range of land uses and allow local residents greater opportunities to shop and work closer to home.
  - b. Policy II.B.5d – The Design Standards of the site development plan for subdivision will help to ensure that future developments at the Unser/Sage Marketplace will respect existing neighborhood values, natural environmental conditions, and resources of other social, cultural, or recreational concern.
  - c. Policy II.B.5e – The request will provide infill in an area of the City where housing development has severely outpaced the development of commercial services. Full urban services (water, sewer, gas, and communications) are available to this site and the integrity of the neighborhoods can be ensured with proper Design Standards.
  - d. Policy II.B.5i – The proposed Unser/Sage Marketplace would be an important employment neighborhood use which would provide job opportunities to nearby residents. Noise, lighting, pollution and traffic would be mitigated by appropriate Design Standards.
5. The request would further the Economic Development Goal of the Comprehensive Plan by developing local businesses and expanding the existing employment base. The surrounding neighborhood is all residential and could benefit by diversifying with commercial development.
6. The request furthers the following West Side Strategic Plan policies:
  - a. Goal 10 – The addition of the Unser/Sage Marketplace would help to build a community by adding an important resource that would allow citizens in this area to live, work, and play together, while protecting the unique quality of life and natural and cultural resources for West Side residents.
  - b. Objective 1 – The request for the Unser/Sage Marketplace would help to provide for a complete mix of land uses in this West Side neighborhood, and would set the stage for future jobs and minimize cross-metro trips.
  - c. Objective 8 – The request would promote future job opportunities and business growth in an area that is in desperate need of commercial services. The intersection of Unser Boulevard and Sage Road has been designated in the Southwest Albuquerque Strategic Action Plan as a potential Neighborhood Activity Center.
  - d. Policy 1.3 – The property is not within an existing Neighborhood or Community Center. However, the intersection of Unser Boulevard and Sage Boulevard has been designated by the Southwest Albuquerque Strategic Action Plan as a potential Neighborhood Activity Center. There is also an existing Neighborhood Activity Center adjacent to the subject site and west of Unser and south of Sage to 82<sup>nd</sup> Street. The proposed Unser/Sage Marketplace is a commercial development that would occur in a concentrated cluster area (proposed Neighborhood Activity Center) rather than a new strip development.

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- e. Policy 3.40 – The area is almost totally devoid of any urban style services. New commercial uses, such as the Unser/Sage Marketplace would provide urban style services that would be appropriate in the Bridge/Westgate community.
- f. Policy 3.41 – The request for the Unser/Sage Marketplace would encourage future employment growth in an area that desperately needs commercial services.

7. The request partially furthers the following West Side Strategic Plan policies:

- a. Policy 1.9 – It is unknown how many residents are in this specific area, but there are no commercial services in this area of the City. The Market Area portion of this policy would most likely be achieved, because a large portion of the single family residential homes are within one mile of the proposed Marketplace and would be accessed on a weekly basis if not daily. The Neighborhood Centers Access/Connections portion of this Policy is described as follows: “Neighborhood Centers should be less automobile oriented, located on minor arterial and/or collector streets, and connected to public transit service as well as informal pedestrian and bicycle ways. Both community and neighborhood centers shall be very accommodating to the pedestrian even within predominantly off-street parking areas.” The proposed Unser/Sage Marketplace is located on arterial streets and no public transit service is currently available. However, Unser Boulevard is designated as an Enhanced Transit Corridor and transit service is expected in the future. In order to encourage pedestrian activity the buildings need to be clustered along the internal east/west driveway and not be separated by large areas of parking. The Scale portion of this policy is partially achieved, because the proposed area is small with small buildings, however the bicycle and pedestrian connections inside the Marketplace and to the areas outside of the Marketplace could be improved. The Location portion is achieved by the Marketplace which would create a stimulus to economic and social activity.
- b. Policy 1.15 – The Unser/Sage Marketplace is proposed to be in a future Neighborhood Activity Center. This development is relatively small (9.5 acres), and proposes small buildings (no buildings larger than 17,000 s.f.). However, the buildings do not seem to have a strong relation to one another or encourage pedestrian/community activity. It is unknown if services such as childcare, dry cleaners, drug stores, small restaurants, or a park or school will be located at the proposed Unser/Sage Marketplace. In order to encourage pedestrian activity, the buildings need to be clustered along the internal east/west driveway and not be separated by large parking areas.
- c. Policy 1.16 – The Unser/Sage Marketplace is located at the intersection of a limited-access principal arterial (Unser Boulevard) and a minor arterial (Sage Road). Unser Boulevard is also designated as an Enhanced Transit Corridor. There is currently no transit service at the Unser/Sage intersection; however, future transit service is expected. The primary access to the Unser/Sage Marketplace is by auto. Pedestrian and bicycle connections at this location are currently lacking. However, there is an existing bicycle trail west of Unser Boulevard, and bicycle lanes are proposed along both Unser Boulevard and Sage Road. A pedestrian circulation plan is shown on Sheet 1 of 5 of the site development plan for subdivision. This pedestrian circulation plan needs to encourage pedestrian activity by

clustering buildings along the internal east/west driveway and by separating large areas of parking.

8. The request partially furthers Goal 1 (Build Complete Neighborhoods and a Network of Activity Centers to Serve Them) of the West Side Strategic Plan (Southwest Albuquerque Strategic Action Plan). The WSSP (Southwest Albuquerque Strategic Action Plan) designates the area surrounding Unser/Sage as a Neighborhood Activity Center. A map in the SWASAP (page 332) shows a proposed network of Southwest Albuquerque Activity Centers. Unser/Sage is shown as a potential Neighborhood Activity Center. The request would begin development of a Neighborhood Activity Center at Unser and Sage to serve surrounding neighborhoods, which currently have little or no commercial services. A pedestrian friendly environment that encourages walking to local community services is part of building a complete neighborhood and a network of activity centers. The pedestrian environment needs to be improved at this location to ensure quality development. Clustering buildings together will help to improve and encourage pedestrian activity at this location.
9. The request furthers Goal 4 (Increase and Improve Retail and Commercial Services) of the West Side Strategic Plan (Southwest Albuquerque Strategic Action Plan). The residents of Southwest Albuquerque have few nearby shopping and commercial service options. The request for the Unser/Sage Marketplace would place shopping in a conveniently located and easily accessed Neighborhood Activity Center. A map on page 350 of the SASAP shows Southwest Albuquerque Existing & Potential Retail Locations. Unser/Sage is shown on this map as a Potential Neighborhood Center.
10. The request furthers Executive Summary Development Concept #3 in the Tower/Unser Sector Development Plan. The request would add to the mixture of land uses at a neighborhood scale (buildings will be between 6,000 to 16,000 square feet, with no Large Retail Facilities) by adding commercial land use to an area that is almost entirely single family residential.
11. There is no known neighborhood or other opposition.

**CONDITIONS:**

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. The following Design Standard shall be added under 1. Site Design, General: In order to enhance a proposed future Neighborhood Activity Center and walkability of the site, the following conditions shall be added:
  - a. The drive-up uses shall be located only along Sage Road. Drive-up uses shall be designed so traffic and queuing shall cause no deleterious effects on the pedestrian qualities of the marketplace.
  - b. Buildings shall be clustered to encourage pedestrian activity and shall not be separated by large areas of parking.
4. Add the following sentence as the third paragraph under Design Standards: "Development in the Unser/Sage Marketplace shall comply with applicable Zoning Code Regulations."
5. 1. Site Design, Public Space, 3<sup>rd</sup> bullet, change "150" to "400".
6. 1. Site Design, Accessibility & Safety:
  - a. 1<sup>st</sup> bullet, delete the word "consulted": and add the words "complied with".
  - b. Delete 3<sup>rd</sup> bullet.
7. 1. Site Design, Parking:
  - a. 6<sup>th</sup> bullet, change "150" to "85".
  - b. 7<sup>th</sup> bullet, 2<sup>nd</sup> sentence shall read "However, openings shall be provided for water harvesting to be used."
8. 3. Screening Walls & Fences, 4<sup>th</sup> bullet, change the spelling of the word "cueing" to "queuing".
9. 4. Architectural Design:
  - a. Add the following as 5<sup>th</sup> bullet under Architectural Design: "Predominant building materials shall be stucco clad buildings accented with masonry elements."
  - b. Add the following as 6<sup>th</sup> bullet under Architectural Design: "Portals or shaded elements shall be provided at primary facades and at critical pedestrian linkages."
  - c. Building Facades, 3<sup>rd</sup> bullet, delete the word "wood".
  - d. Roofs & Parapets, add the following sentence as 4<sup>th</sup> bullet: "Predominant roof lines shall be predominantly flat roofed with accent roof elements, such as tower caps and portal roofs."
  - e. Building Materials & Colors, add the following sentence as 4<sup>th</sup> bullet: "Basic colors shall be light tan, gray or sage, with accents of red-brown, yellow-ochre or dark gray. The color of the roof shall be silver gray or dark gray flat concrete shingles."
10. 6. Landscape:
  - a. The Purple Robe Locust tree listed under Unser Boulevard – Street Trees shall be replaced with a Texas Red Oak tree.

- b. Add the following bullet: "Berms shall be constructed with 75% minimum live vegetated cover, and care shall be taken so that the soil of the berms is not compacted upon construction and remains loose and viable for the living vegetative cover.
  - c. 5<sup>th</sup> bullet, replace the word "site" with the words "net lot".
  - d. 8<sup>th</sup> bullet, replace the word "turf" and replace with the words "low water native grass or other living vegetation."
  - e. Add the following bullet: "Organic mulch around trees and plants is preferred over inorganic rock."
  - f. Add the following bullet: "In some cases, tree wells need to be larger than 36 square feet to provide more rooting volume. The size of the well depends on the mature size of the tree. Methods for increasing rooting volume include the following: larger tree wells, tree well connections, pervious paving, structure soil, root tunnels, soil subway paths, and bridging of sidewalks."
11. The following Design Standard shall be added as the second sentence under 10. Process: "Prior to application for subsequent site development plan for building permits, the applicant shall meet with an EPC staff planner to ensure compliance with design standards and EPC conditions."
12. Recommended Conditions from City Engineer, Municipal Development, and NMDOT:
- a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
  - b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
  - c. Label access easements as common access and utility easements.
  - d. With respect to site drive "A" (first site drive on Sage east of Unser): per the DPM, the location of a site drive on the departure side of an intersection of two arterials (principal and minor) would be 150' **minimum**. However, based on the future re-construction of the Sage and Unser intersection by the City of Albuquerque, which includes free right turn lanes in each quadrant, and the volumes associated with this site drive, the applicant will need to delete this drive or re-locate it east a distance sufficient to accommodate a possible right turn deceleration or taper lane. Provide analysis prior to DRB.
  - e. Concurrent platting action required at DRB.
  - f. Site plan shall comply and be designed per DPM Standards.
  - g. Dedication of a *minimum* 43 feet of right-of-way from the centerline of Sage Road a minor arterial as designated on the Long Range Roadway System map.
  - h. Dedication of an additional 6 feet of right-of-way along Sage Road adjacent to the subject property as required by the City Engineer to provide for on-street bicycle lanes.
  - i. Construction of the on-street bicycle lane along Sage Road adjacent to the subject property as designated on Long Range Bikeways System map.
  - j. Approval of the additional right-in, right-out driveway access on Unser Boulevard to the proposed site by the Transportation Coordinating Committee (TCC) of the Mid-Region

Council of Governments (MRCOG) consistent with procedures described in MRCOG resolution R-05-09. Request must be in process concurrently with DRB

13. Recommended Conditions from Public Service Company of New Mexico:

- a. As a condition, it is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet prior to DRB review. PNM's standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances.
- b. As a condition, please add note on Sheet 5 that all screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide for specifications.

**APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY APRIL 23, 2010 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.**

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 they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

**YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).**

**Deferral requests by the applicant for map amendments and site development plans are subject to a \$110 fee per item (Zoning Code Section 14-16-4-1(B)). Failure of the applicant to pay such fees and provide proof of payment prior to the date the case(s) are deferred to may result in further deferral of the item(s) until the required fee(s) are paid.**

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Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC.

Sincerely,

Deborah Stover  
Planning Director

DS/RF/ma

cc: Consensus Planning, Inc., 302 Eighth Street NW, Albuquerque, NM 87102  
Victor Wyant, Stinson Tower N.A., 612 Cottontail SW, Albuquerque, NM 87121  
Patrick Barisione, Stinson Tower N.A., P.O. Box 12676, Albuquerque, NM 87195  
Mathew Archuleta, Westgate Heights N.A., 1628 Summerfield SW, Albuquerque, NM 87121  
Frederick Gentry, Westgate Heights N.A., 10213 De Trevis SW, Albuquerque, NM 87121  
Susan White, South Valley Coalition of N.A.s, 2736 Lost Padillas SW, Albuquerque, NM 87105  
Marcia Fernandez, South Valley Coalition of N.A.s, 2401 Violet SW, Albuquerque, NM 87105  
Klarissa Pena, SWAN, 6013 Sunset Gardens SW, Albuquerque, NM 87121  
Louis Tafoya, SWAN, 6411 Avalon Rd. NW, Albuquerque, NM 87105  
Brett Lopez, Westside Coalition of N.A.s, 4815 Northern Trl. NW, Albuquerque, NM 87120  
Candelaria Patterson, Westside Coalition of N.A.s, 7608 Elderwood NW, Albuquerque, NM 87120



27 Sage Road. Additionally, the City of Albuquerque shall include a clause in their access  
28 permit that reserves the right to require the property owner to extend the deceleration  
29 lane to AASHTO standards in the future should safety concerns develop as determined  
30 by the City Traffic Engineer.

31 PASSED, APPROVED, AND ADOPTED this 3rd day of December 2010 by the  
32 Transportation Coordinating Committee of the Metropolitan Transportation Board of the  
33 Mid-Region Council of Governments of New Mexico.

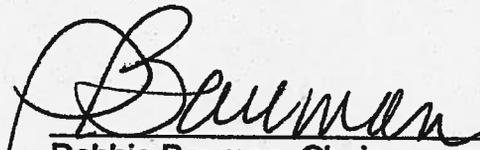
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Debbie Bauman, Chair  
Transportation Coordinating Committee

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40 ATTEST:

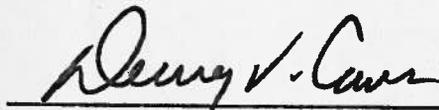
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Dewey V. Cave  
Executive Director



**Please refer to the SU-1 and C-2 zones for this request.**

NOTES