

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

July 15, 2016

AMERCO Real Estate Co.
2727 N. Central Ave
Phoenix, AZ 85004

Project# 1002717
16EPC-40027 Sector Development Plan Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Lots 303, 304, 305, 306, Town of Atrisco Grant, Unit 8, zoned SU-1 for O-1/PRD to SU-1 for Permissive C-2 Uses Excluding Residential Uses, located on Atrisco Drive NW, Between Coors Blvd. and I-40, containing approximately 6 acres. (H-11)

Staff Planner: Vicente Quevedo

PO Box 1293

On July 14, 2016 the Environmental Planning Commission (EPC) voted APPROVE Project Albuquerque #1002717/16EPC-40027, a Sector Development Plan Map Amendment (Zone Change), based on the following findings and conditions:

New Mexico FINDINGS:

1. This is a request for a Sector Development Plan Map Amendment for Lots 303, 304, 305, 306, Town of Atrisco Grant, Unit 8 located on Atrisco Dr. NW, between Coors Blvd. and Interstate 40 and containing approximately 6 acres.
2. This is a request for a Sector Development Plan Map Amendment (Zone Change) to the Coors Corridor Plan from SU-1 for O-1/PRD to SU-1 for Permissive C-2 Uses Excluding Residential Uses. The applicant is proposing to construct a storage facility for household goods that includes climate controlled and non-climate controlled indoor storage and moving services that includes outdoor parking for rental trucks.
3. The proposed indoor storage services are permissive under the C-2 zone per Section 14-16-2-17(A)(13), and the proposed rental trucks/moving service use is permissive under the C-2 zone per Section 14-16-2-17(A)(13)(b).

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4. The C-2 zone also allows for residential uses permissive in the R-3 zone, however the applicant intends to exclude all residential uses on the subject site. The SU-1 Special Use designation is the only way to allow permissive C-2 uses and exclude all residential uses on the subject site.
5. The applicant is only requesting approval of the zone change at this time, but is required by the Zoning Code to submit a site plan to accompany the zone change that includes all of the minimum elements of a Site Development Plan for Subdivision (Section 14-16-1-5, *SITE DEVELOPMENT PLAN* (1)(a)).
6. The applicant has submitted an illustrative site development plan that fulfills the minimum requirements of Section 14-16-1-5, *SITE DEVELOPMENT PLAN* (1)(a) of the Zoning Code to assist the Environmental Planning Commission (EPC) in understanding how the requested commercial uses will be configured on the subject site.
7. EPC approval of a future Site Development Plan for Building Permit is still required by the Zoning Code in order for the requested zone change to become effective, and for a new certificate of zoning to be issued by the Planning Department for the subject site.
8. Conditions of approval for the requested sector development plan map amendment include a six month deadline for DRB approval of a consolidated plat and EPC approval of a site development plan for building permit in order for the zone change to become effective and for a zoning certification to be issued for the subject site.
9. The Coors Corridor Plan (1984, Enactment #72-1984) adopted zoning for seven parcels including the subject site. At the time of adoption, the subject site's zoning was changed from SU-1 for M-1 to SU-1 for O-1/PRD.
10. In early 2006, a site development plan for residential uses on the subject site was received by the Planning Department but was withdrawn by the applicant prior to the EPC hearing. In December of 2006, the EPC approved a sector development plan map amendment to the Coors Corridor SDP from SU-1 for O-1 and PRD, to SU-1 for O-1 and Warehousing and Wholesaling, including sales and display rooms or buildings for wholesalers, distributors, warehouses or manufacturers (Project 1002717, 06EPC-01585).
11. Condition #1 and #2 of the EPC Official Notice of Decision for 06EPC-01585 required the applicant to replat the subject site into one lot through DRB, as well as EPC approval of a site development plan for subdivision within six months from the approval of the sector development plan map amendment in accordance with zoning regulations.

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12. A site development plan for subdivision (07EPC-40061) and site development plan for building permit (07EPC-40062) for the subject site were approved by the EPC on November 15, 2007 following a Planning Department approved six month extension. However, the required replatting action was never completed which resulted in the sector development plan map amendment and site development plans expiring. The subject site remained zoned as SU-1 for O-1/PRD.
13. 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.
14. The subject site is within the Established Urban Area of the Comprehensive Plan. The request furthers the following applicable policies of the Comprehensive Plan:

- A. Policy II.B.5.d.: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, and recreational concern.

The request furthers Policy II.B.5.d. because the proposed Permissive C-2 uses will be located in an existing commercially zoned area. The West Bluff Shopping Center abuts the subject site to the north and is zoned SU-1 for C-2 Uses and the lots to the north and east of the shopping center are zoned C-2. Existing residential uses east of the subject site are buffered by an existing charter school zoned SU-1 for IP Uses, and existing residential uses to the west of the subject site are buffered by Coors Blvd. The illustrative site development plan for subdivision indicates that the subject site will be directly accessed through the shopping center to the north and will not direct cut through traffic through the residential uses east of the subject site.

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

The request furthers Policy II.B.5.e. because the subject site is vacant and is contiguous to existing urban facilities and services such as the West Bluff Shopping Center to the north. The integrity of existing neighborhoods will be ensured because the subject site will be accessed via Corona Dr., Miami Rd. and Atrisco Dr. which do not provide any direct access to the nearest existing residential uses approximately 600 ft. east of the subject site.

- C. Policy II.B.5.i.: 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 request furthers Policy II.B.5.i. because the proposed service uses will be located in an existing commercially zoned area near existing higher density residentially zoned lots to the east and west (i.e. - R-D, R-T, R-2). Residents near the subject site may choose to utilize the proposed household storage facilities. The subject site will be accessed via Corona Dr., Miami Rd. and Atrisco Dr. which do not provide any direct access to the nearest existing residential uses approximately 600 ft. east of the subject site. The future proposed development on the subject site

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may also buffer traffic noise emanating from Coors Blvd. onto residential uses east of the subject site.

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

The request furthers Policy II.B.5.k. because the subject site is adjacent to Coors Blvd. which is a designated Regional Principal Arterial street and the proposed uses for the subject site will not have a negative effect on traffic along this roadway or on the surrounding area as evidenced by the Traffic Impact Study Form which states that a traffic impact study was completed in 2007 and the threshold requiring an updated traffic study was not met. Additionally, the subject site will be accessed via Corona Dr., Miami Rd. and Atrisco Dr. which do not provide any direct access to the nearest existing residential uses approximately 600 ft. east of the subject site.

- E. Policy II.B.4.a.: Noise considerations shall be integrated into the planning process so that future noise/land use conflicts are prevented.

The request furthers Policy II.B.4.a. because noise considerations have been integrated into the planning process via a portion of the proposed household storage uses being located indoors. The proposed use will also be located within an existing commercially zoned area preventing any substantial noise/land use conflicts.

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

- G. Policy II.D.6.b.: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The request furthers Policy II.D.6.b. because the requested zone change will allow the subject site to be developed with service uses in an existing commercially zoned area by an out of state business enterprise.

15. The request partially furthers the following applicable policies of the Comprehensive Plan:

- A. Policy II.C.8.a.: The natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.

The request partially furthers Policy II.C.8.a. because while the subject site is located within an existing commercially zoned area and is not subject to the view preservation regulations of the Coors Corridor Plan, the illustrative site development plan for subdivision indicates that the applicant may propose a 40' high building on the subject site which would not be allowed per the current underlying O-1 zoning or the proposed C-2 zoning which limits building height to 26' unless the applicant can demonstrate that they can meet the angle plane requirements of the Zoning Code that allows for additional building height. It is unclear to staff at this time what impacts a 40' high building would have on views west of the subject site.

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16. The request does not further the following applicable policies of the Comprehensive Plan:

A. Policy II.D.8.c.: Development's negative effects upon individuals and neighborhoods shall be minimized.

The request does not further Policy II.D.8.c. because the applicant has not demonstrated what the negative effect that the proposed zone change will have on individuals and neighborhoods, nor how the negative effect will be minimized per a change of land uses or the per design via the site plan for subdivision submitted with the zone change request.

17. The request furthers the following applicable portions of policies of the West Side Strategic Plan:

A. B.1. Neighborhoods and Clusters

WSSP Policy 1.3: Strip commercial development 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 except where area schools are at or over design capacity. In cases where schools are at or over design capacity, zone changes from non-residential to residential uses should be denied unless the applicant demonstrates that the proposed development will create no net expense in enrollment for area schools. 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.

The request furthers the following portions of WSSP Policy 1.3 because approval of the request would result in commercial development in a concentrated cluster area, would not result in strip commercial development, but is not located within a designated Neighborhood or Community Center. Albuquerque Public Schools submitted agency comments stating that the proposed zone change will have no adverse effects to the APS district.

18. The request partially furthers the following applicable policies of the West Side Strategic Plan:

A. WSSP Policy 3.25: Proposals for new development and re-zonings in this area should be carefully analyzed to avoid negative impacts on the National Monument and other surroundings properties. Review of proposed projects should consider the design and site layout implications of any new development on surrounding properties.

The request partially furthers WSSP Policy 3.25 because it is not located near the National Monument, and the proposed commercial uses on the subject site are located within an existing commercially zoned area. However, while the design and site layout of the proposed site development plan for subdivision shows adequate setbacks and floor area ratio, the applicant may propose a 40' high building on the subject site which would not be allowed per the current underlying O-1 zoning or the proposed C-2 zoning which limits building height to 26' unless the applicant can demonstrate that they can meet the angle plane requirements of the Zoning Code that allows for additional building height.

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19. The request furthers the following applicable policies of the Coors Corridor Plan:

A. CCP Issue 3 - Land Use and Intensity of Development

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

The request furthers CCP Issue 3, Policy 5 because the intensity of development that would result from the requested uses will be compatible with the existing roadway function of Miami Rd. and Atrisco Dr. as evidenced by the Traffic Impact Study Form which states that a traffic impact study was completed in 2007 and the threshold requiring an updated traffic study was not met. Additionally, the requested commercial uses will be compatible with the existing commercial uses within the West Bluff Shopping Center to the north.

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

A. Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans, which the applicant has demonstrated with response to Section C.

B. The requested zone change will maintain the existing SU-1 Special Use designation and any development on the subject site will be subject to an EPC approved site development plan for building permit at a public hearing. Additionally, the proposed C-2 permissive uses will be located within an existing commercially zoned area. Therefore, stability of land use will be achieved.

C. Refer to Findings 14 – 19 above.

D. The Mid-Region Council of Government (MRCOG) Future Growth Pattern projections indicate that Bernalillo County as a whole is expected to grow by over 300,000 people by 2040 and this growth will be accommodated by one of three ways 1) aging neighborhoods will be repopulated with new residents and families, 2) infill and redevelopment opportunities will be seized on vacant parcels or through repurposing and/or demolishing existing buildings and 3) new growth will occur in master planned subdivisions and, to a lesser degree, low density development on land adjacent to populated areas (<http://www.mrcog-nm.gov/region-a-people/regional-forecast>). The MRCOG projections also indicate that the urban core of the metropolitan area will continue to decline in its overall share of population as the vast amount of new development occurs in areas with greater land availability. In addition to these projections, the applicant has shown that more storage facilities and moving services will more than likely be needed in light of recent single-family and multi-family developments on Albuquerque's west side. Therefore, development of an indoor storage facility that also offers moving services on the subject site will fulfill a demonstrated public need for existing residents and future projected Albuquerque population growth.

E. Additional permissive C-2 uses of the Zoning Code include but are not limited to items such as a clinic, institutions, offices, public utility structures, radio or television studio, outdoor circus or

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- carnival operation, and drive-in restaurants. The permissive uses of the C-2 zone will not be harmful to adjacent property because adjacent zoning includes lots zoned SU-1 for C-2, C-2, and SU-1 for IP Uses. The permissive uses of the C-2 zone will also not be harmful to the neighborhood or the community because the set of uses are intended to provide suitable sites for neighborhood oriented service and commercial activities.
- F. The request will not require major or un-programmed capital expenditures by the city.
 - G. The cost of land or other economic considerations are not the determining factor for the request. The determining factor for the change of zone is to fulfill a public need for storage and moving services for residents of the west side.
 - H. The requested zoning is for commercial zoning and the subject site is located adjacent to Coors Blvd. however, the subject site is adjacent to a major street is not being utilized to justify the zone change request. Additionally, the site does not have direct access from Coors Blvd.
 - I. The SU-1 zone creates a spot zone by definition; however, the applicant has demonstrated in the response to Section C that the proposed change furthers a preponderance of applicable Comprehensive Plan and other applicable city plan goals and policies. The zoning to the north and east of the subject site is also zoned SU-1 Special Use.
 - J. The request will not result in strip zoning because the subject site is not a strip of land along a street.
21. The West Bluff Neighborhood Association, S.R. Marmon Neighborhood Association, Los Volcanes Neighborhood Association, West Mesa Neighborhood Association, Vista Magnifica Neighborhood Association, South Valley Coalition of Neighborhood Associations, South West Alliance of Neighbors (SWAN), and Westside Coalition of Neighborhood Associations were all notified of this request, as well as property owners within 100 ft. of the subject site.
22. The Office of Neighborhood Coordination recommended this case for a facilitated meeting. A facilitated meeting occurred on Tuesday June 28, 2016. The specific issues raised by neighborhood association representatives focused on the EPC administrative process, proposed uses (whether additional storage facilities would meet a community need), traffic impacts and visual impacts on adjacent areas.
23. There is known neighborhood opposition to this request.

CONDITIONS:

- 1. The zone map amendment does not become effective until the accompanying site development plan is approved by the DRB, pursuant to §14-16-4-1(C)(16) of the Zoning Code. If such requirement is

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not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

2. A replat of the subject site is required at the Development Review Board (DRB). If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JULY 29, 2016**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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

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

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

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

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

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Sincerely,


for Suzanne Lubar
Planning Director

SL/MG

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