



# Environmental Planning Commission

Agenda Number: 03  
Project Number: 1009069  
Case #: 16EPC-40018  
May 12, 2016

## Staff Report

<b>Agent</b>	Consensus Planning, Inc.
<b>Applicant</b>	Guadalquivir LLC & Sheilah P. Garcia
<b>Request</b>	<b>Zone Map Amendment (Zone Change)</b>
<b>Legal Description</b>	Lot 18 A-1-A and Lots 19-24, Blocks 24 and 25, East End Addition
<b>Location</b>	On Utah St. NE between Marble Ave. NE and Lomas Blvd. NE
<b>Size</b>	Approximately 2.78 acres
<b>Existing Zoning</b>	R-2 and P
<b>Proposed Zoning</b>	C-2 (Community Commercial)

**Staff Recommendation**  
*APPROVAL of Case # 16EPC-40018 based on the Findings beginning on Page # 12.*

**Staff Planner**  
*Vicente M. Quevedo, Planner*

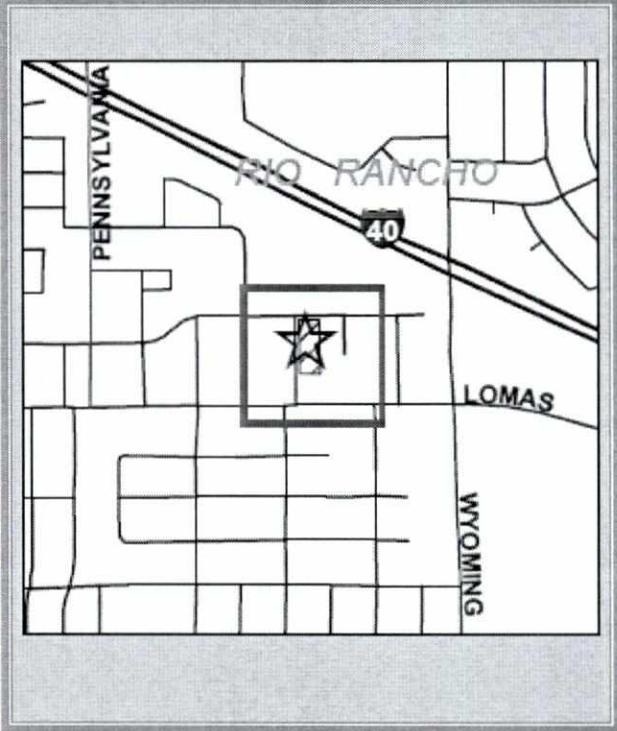
**Summary of Analysis**

This is a request for a Zone Map Amendment (Zone Change) from R-2 (Residential) and P (Parking) to C-2 (Community Commercial). The requested zone change would consolidate the zoning and permissive uses for the subject site with the existing C-2 uses to the south and allow for the expansion of the existing car dealership located south of the subject site.

The subject site is located within the Established Urban Area of the Comprehensive Plan and is not located within any Area Plan or Sector Development Plan boundary.

There is no known neighborhood opposition to this request. The applicant has generally justified the request pursuant to the requirements of R270-1980 and demonstrated that changed community conditions exist.

Staff is recommending approval of the requested Zone Map Amendment subject to the findings contained within the staff report



City Departments and other interested agencies reviewed this application from 04/01/2016 to 04/15/2016  
Agency comments used in the preparation of this report begin on Page # 17.





# LAND USE MAP

Note: Grey shading indicates County.

## KEY to Land Use Abbreviations

- AGRI Agriculture
- COMM Commercial - Retail
- CMSV Commercial - Service
- DRNG Drainage
- MFG Manufacturing
- MULT Multi-Family or Group Home
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned Buildings
- WH Warehousing & Storage



1 inch = 125 feet

**Project Number:**  
1009069  
**Hearing Date:**  
05/12/2016  
**Zone Map Page: J-19**  
**Additional Case Numbers:**  
16EPC-40018



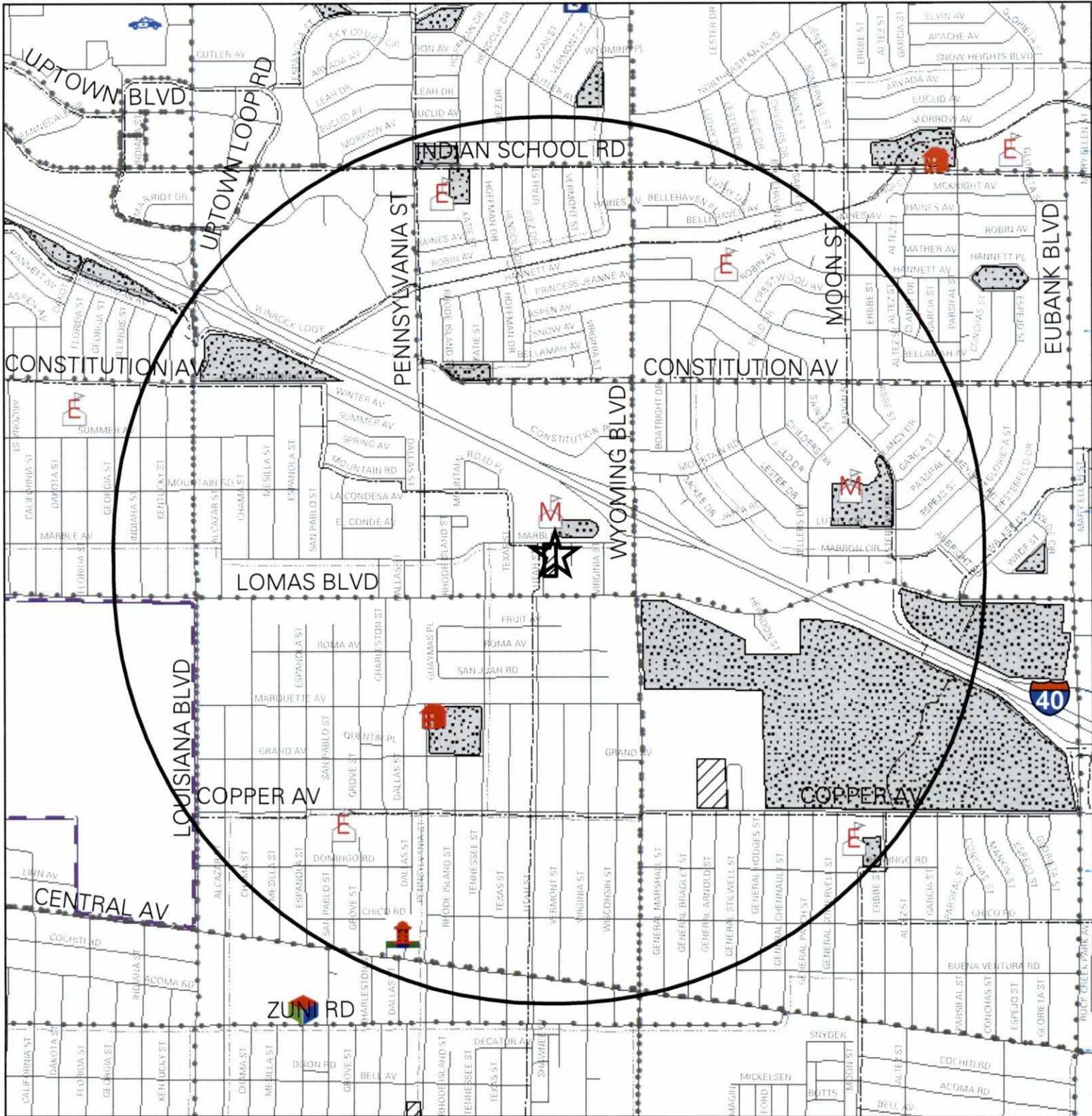
### HISTORY MAP

Note: Grey shading indicates County.



1 inch = 125 feet

Project Number:  
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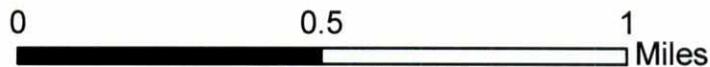


## Public Facilities Map with One-Mile Buffer

- |   |   |  |   |
|---|---|--|---|
|  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: 1009069



**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>	P and R-2	Established Urban Area	Parking, Commercial Retail, Multi-Family Residential
<b>North</b>	Public R.O.W., R-1	Same	Public / Institutional (Hayes Middle School)
<b>South</b>	Public R.O.W., C-2	Same	Commercial Retail
<b>East</b>	R-1, SU-1 for Auto Sales & Storage	Same	Single-Family Residential
<b>West</b>	Public R.O.W., R-2, P, C-2	Same	Commercial Retail / Service, Multi-Family Residential

**II. INTRODUCTION**

**Proposal**

This request is for a Zone Map Amendment (Zone Change) for an approximately 1.36 acre site located on Utah St. NE between Marble Ave. NE and Lomas Blvd. NE. More specifically, the subject site associated with the Zone Change request is comprised of a P zoned portion of Lot 18 A-1-A (.33 acres) and Lots 19-24 which are zoned R-2 (1.03 acres). The remaining portion Lot 18 A-1-A is zoned C-2 and is not part of the zone change request.

The request for the subject site is C-2 zoning that would consolidate the zoning and permissive uses for the subject site with the existing C-2 uses to the south as well as allow for expansion of the existing car dealership located south of the subject site. Conditional uses within the C-2 zone would be permitted only if the requested zoning is approved and subsequently requested by the owner and then granted through the Zoning Hearing Examiner process.

**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: §14-16-4-1, 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 parcels associated with the requested action are zoned R-2 and P. The zoning for the P portion of the subject site (northern portion of Lot 18 A-1-A) was established per an EPC

approved zone change request on July 24, 1969 (Z-69-51, Amended) for the stated purpose of providing needed parking for the adjoining shallow commercial strip to the south.

The zoning for the R-2 portion of the subject site (Lots 19-24) was established per an EPC approved zone change request on October 20, 1975 (Z-75-75) for the stated purpose of constructing four-plex apartments on each of the six lots associated with the subject site.

### ***Context***

The subject site is in the Established Urban Area of the Comprehensive Plan and currently contains four-plex apartments on the north end, a parcel zoned for parking in the center and an existing car dealership on the south end of the site. The subject site's R-2 and P designations are surrounded by an APS public school to the north, commercial retail uses to the south, single-family residential to the east and commercial retail / service and multi-family residential uses to the west.

### ***Transportation System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The LRRS designates Lomas Blvd. as a Regional Principal Arterial.

The LRRS designates Utah St. & Marble Ave. as Local Streets.

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

Lomas Blvd. and Wyoming Blvd. are designated as Enhanced Transit Corridors which are designed to improve transit and pedestrian opportunities for residents, businesses and other users nearby. The goal is to provide transit service competitive with the car, and develop adjacent land uses and intensities that promote the use of transit.

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

Utah St. contains a bicycle route running north to south on the west side of the subject site.

Pennsylvania St. contains a bicycle lane running south to north that ends at Marble Ave. and is located approximately three blocks to the northwest of the subject site.

### ***Transit***

Bus route 11 runs west to east along Lomas Blvd. and Bus routes 31 and 98 run along Wyoming Blvd. approximately two blocks east of the subject site.

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

Please refer to the Public Facilities Map in the packet for a complete listing of public facilities and community services located within one mile of the subject site.

### III. ANALYSIS

#### APPLICABLE ORDINANCES, PLANS AND POLICIES

##### *Albuquerque Comprehensive Zoning Code*

The subject site associated with the zone change request is currently zoned for R-2 and P uses. The R-2 Residential Zone provides suitable sites for houses, townhouses, and medium density apartments, and uses incidental thereto in the Established and Central Urban Areas. The P Parking Zone provides sites suitable for parking of automotive vehicles.

The proposed zoning for the subject site is C-2 Community Commercial which provides suitable sites for offices, for most service and commercial activities (including vehicle storage, sales and service) and for certain specified institutional uses.

The requested zoning designation would consolidate the zoning and permissive uses for the subject site as well as allow for expansion of the existing car dealership located south of the subject site that is zoned C-2. The proposed vehicle sales use is permissive per the C-2 zone, Section 14-16-2-17(A)(13)(b) of the Zoning Code.

In addition to the use being permissive, the C-2 zone does require increased front, side, and rear building setback of 5 – 15 feet for C-2 lots abutting residential zones. Special Buffer Landscaping of at least 10 feet in width and consisting primarily of trees is required per the Landscaping Regulations of the Zoning Code where a non-residential zone is developed for a non-residential purpose and the site abuts a residential zone. The vehicle storage use under the C-2 zone must also meet the requirements of an O-1 parking lot (Section 14-16-2-17(A)(13)(b)) which must be graded and surfaced with 2" of asphalt concrete, permeable pavement or permeable paving system and designated disabled parking spaces and pedestrian pathways must be paved 2" asphaltic pavement or equivalent. A solid wall or fence at least 6' high shall be erected on sides which abut land in a residential zone. Additionally, the Landscaping Regulations require a minimum 6 foot high opaque wall or fence where parking or vehicular circulation areas are adjacent to a required landscape buffer to visually screen the parking or circulation area from the adjacent residential zone.

##### *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:

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

*The request furthers Policy II.B.5.d. because the portion of the subject site affected by the requested action abuts an existing C-2 zone to the south, the area has seen a historical increase in zone changes to C-2, and the demolition of the existing four-plex apartments at the north end of the subject site may restore a view shed to the Sandia Mountains, and the applicant has provided a conceptual rendering showing that the re-zoned portion of the subject site will include a tall CMU wall surrounding the property with gated entrances that will serve to minimize the adverse effects traffic and safety of established neighborhoods.*

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.

*This policy citation does not apply to the requested action because the portion of the subject site affected by this request is not vacant land. The site will not remain vacant after the proposed demolition takes place, but will rather be re-developed as an extension of the existing car dealership to the south.*

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 development.

*The request partially furthers Policy II.B.5.i. because the while the proposed employment / service uses will be located near a residential area and the renderings provided by the applicant indicate that the re-zoned portion of the subject site will include a tall CMU wall and gated entrances to minimize the adverse effects of noise and traffic, the proposed wall prevents the re-zoned portion of the subject site from directly complementing the adjacent R-2 uses west of the subject site and the eastern abutting R-1 uses.*

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

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.

*The policy citation was not included by the applicant but is applicable to the request. The request does not further Policy II.B.5.j. because while new commercial development is proposed as a result of the requested change of zone, it is not intended to be a small neighborhood-oriented center with pedestrian and bicycle access within a reasonable distance*

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*of residential areas for walking and bicycling – the requested C-2 zone is a community commercial zone and the proposed use is a regional automobile sales and service business. The proposed change of zone would allow “area-wide shopping” uses not located at an intersection of arterial streets.*

Policy II.B.5.k.: 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 operation.

*The request partially furthers Policy II.B.5.k. because the portions of the subject site affected by the request are not adjacent to an arterial street. However, the applicant has provided a rendering showing that the re-zoned portions of the subject site will include a tall CMU wall surrounding the property with gated entrances that will serve to minimize the adverse effects traffic and safety of established neighborhoods.*

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

*The request partially furthers Policy II.B.5.l. because the area that the proposed C-2 uses will be located within already includes a large number of C-2 uses and car dealerships making the proposed uses appropriate to the plan area, however the renderings provided by the applicant show flat faced wall and building facades fronting Utah St. and do not include any innovative elements to break up the façade utilizing pedestrian scale articulation elements.*

#### II.D.6 Economic Development

The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

*The request partially furthers the Economic Development goal because while the request contributes to steady economic development, it is unclear how the expansion of an existing car dealership within an area that already contains a large amount of car dealerships contributes to achieving diversified economic development.*

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 request will contribute to the development of a local business enterprise.*

Policy II.D.6.g.: Concentrations of employment in Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel.

*The policy citation does not apply to the request because the subject site is not located within a designated Activity Center.*

II.D.8. Human Services

The Goal is to site human service facilities in locations that provide the greatest possible access to services, and to consider human rights and human service needs in development and redevelopment throughout the Plan area.

*The cited goal does not apply to the request because the requested action will not contribute to siting human service facilities anywhere within the Albuquerque City Limits.*

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

*The request furthers Policy II.D.8.c. because the conceptual site plan and renderings provided by the applicant indicate that the re-zoned portion of the subject site will include a tall CMU wall and gated entrances to minimize the adverse effects of noise and traffic.*

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

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

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

**Analysis of Applicant's Justification**

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

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

*The proposed zone change from R-2 and P to C-2 will not jeopardize the health, safety, morals, and general welfare of the City. The Firefox Apartments that will be demolished as part of this project have been deteriorating for some time. The redevelopment of the subject site would improve the general welfare of this region and the City.*

**Consistency with the City's health, safety, morals and general welfare is generally 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 generally demonstrated in the response to Section C.**

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

*The subject site currently houses the Firefox Apartments. These apartments abut and are nearby C-2 zoned properties and commercial uses. C-2 property is predominant along Lomas Boulevard running west of Wyoming and east of Carlisle Boulevard. The proposed Zone Change will provide stability of land use by unifying the adjacent C-2 zoned properties.*

***Stability of land use for the subject site will be achieved by consolidating the zoning and permissive uses for the R-2 and P portions of the subject site with the existing car dealership to the south.***

- 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 of Staff Report above on pages 3 – 5.***

- 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.

*While the subject property is not within a Metropolitan Redevelopment Area, the boundary of the Near Heights MRA Plan is a quarter of a mile south of the property. The Near Heights Metropolitan Redevelopment Plan was adopted by the City of Albuquerque in 2000. The Near Heights MRA Expansion Plan is a supplementary Document that was adopted by the City in 2008 to expand the original boundaries of the 1,010-acre MRA to encompass additional properties into the Plan boundary area. As noted by the Plan, factors that substantially impair and arrest the sound growth and economic health and well-being of the Near Heights MRA include deteriorated or deteriorating buildings. One of the redevelopment strategies cited by the Near Heights MRA Expansion Plan is to “help existing businesses to expand in the area and draw on existing residents’ special talents to help them create new businesses in the MRA.” The proposed zone change will allow an existing business to expand. In turn, this will provide new employment opportunities to the existing residents and overall community.*

*Furthermore, changed neighborhood and community conditions justify this request for zone change. This a neighborhood that has been in transition for many decades. Numerous zone map amendments, beginning in the 1970s have designated properties surrounding the subject site to their current C-2 zoning. According to the City’s GIS database, there have been 14 zone changes to C-2, SU-1, or O-1 zoning on property east of Texas Street, west of Vermont Street, south of Marble Avenue, and north of Lomas Boulevard. The history of zone changes in the area from residential to commercial (specifically auto related commercial uses) constitutes changed*

conditions. This pattern establishes support for the expansion of the commercial and auto dealership uses as part of the current request.

**The applicant states that the request is justified because of changed neighborhood or community conditions in the area. These changes have occurred with a series of zone/use changes from residential to commercial.**

- 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 proposed zone change will not include any permissive uses that would be harmful to adjacent property, the neighborhood, or the community. Furthermore, the surrounding residential neighbors are already adjacent to other C-2 zoned properties and uses. The requested zone change will allow uses that are already allowed for the existing C-2 and SU-1 zoned properties adjacent to and nearby the site.*

*There are provisions within the C-2 zone that protect existing residential development through, for example, required landscape buffers and solid walls. The sales of alcoholic drinks are limited to building area which is not within 500 feet of a residential zone. The permissive uses of the C-2 zone are compatible with the R-1 zoned property to the east and the adjacent R-2 zoned property to the west.*

**According to the Advanced Geographical Information Systems maps, the surrounding “residential neighbors (R-1 & R-2 zoned properties)” are adjacent to and buffered by SU-1, O-1 and P zoned parcels, not C-2 parcels. However, the C-2 zone does require increased front, side, and rear building setback of 5 – 15 feet for C-2 lots abutting residential zones. Special Buffer Landscaping of at least 10 feet in width and consisting primarily of trees is required per the Landscaping Regulations of the Zoning Code where a non-residential zone is developed for a non-residential purpose and the site abuts a residential zone. The vehicle storage use under the C-2 zone must also meet the requirements of an O-1 parking lot (Section 14-16-2-17(A)(13)(b)) which must be graded and surfaced with 2” of asphalt concrete, permeable pavement or permeable paving system and designated disabled parking spaces and pedestrian pathways must be paved 2” asphaltic pavement or equivalent. A solid wall or fence at least 6’ high shall be erected on sides which abut land in a residential zone. Additionally, the Landscaping Regulations require a minimum 6 foot high opaque wall or fence where parking or vehicular circulation areas are adjacent to a required landscape buffer to visually screen the parking or circulation area from the adjacent residential zone.**

- 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 proposed zone change will not require any major un-programmed capital expenditures by the City. Extension of any services required will be the responsibility of the owner.*

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***The request will not require any major and un-programmed capital expenditure by the city.***

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

*The cost of land or other economic considerations are not the determining factor for this zone change request. The request will allow the subject site to be upgraded to meet current development standards for the proposed zone at the sole expense of the owner. The productive use of this property will benefit the community.*

***While economics are always a factor when evaluating the expansion of an existing business enterprise, the cost of land or other economic considerations do not appear to be the determining factor for the change of zone. The request will result in the redevelopment of the re-zoned portions of the subject site and provide new employment opportunities to the existing residents and overall community.***

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

*The justification for this zone change request is not based primarily on its location on a collector or major roadway. The primary justification for this zone change request is property improvement, property redevelopment, and infill economic development.*

***The portions of the subject site affected by the zone change request are not located along Lomas Blvd. and the change of zone is not being justified based on the sites close proximity to a major street is not being utilized to justify the request.***

- 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 zone change request to C-2 is not spot zone. Many of the surrounding properties are zoned C-2. Changing the property in question to C-2 would unify it with the surrounding properties. While there are some adjacent properties along Marble Avenue that are zoned R-2, the P zoning for the lot adjacent to and directly north of the Garcia Honda property is an existing spot zone. Therefore, the C-2 zone would clean up the site and remove the spot zone status for the P zoned property.*

***The requested change of zone would not result in a spot zone because it would not give a zone different from surrounding zoning to one small area. The southern portion of Lot 18 A-1-A is already zoned C-2.***

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- 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 present zone change request is not considered “strip commercial zoning”.*

***The requested change of zone is commercial but will not result in strip commercial zoning because the request will not result in a strip of land along a street different from surrounding zoning.***

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

##### ***Reviewing Agencies***

Agencies reviewed this request from April 1, 2016 to April 15, 2016. The most significant comments were received from the Long Range Planning Division who stated “This area has a long history of residential uses being slowly subsumed by non-residential uses parcel by parcel over time. The integrity of the remaining residentially zoned parcels and residential uses may be adversely affected without adequate buffering and access controls to keep commercial traffic (including test drivers and dealership employees) out of the residential area. The site’s location adjacent to the middle school and the potential uses’ effects on pedestrian and student safety should be considered paramount, especially with the potential addition of a northern access point.”

The applicant has provided a conceptual site plan and renderings as part of the submittal packet which shows that the re-zoned portion of the subject site will contain a new service center and a tall CMU wall surrounding the property with gated entrances that will serve to minimize the adverse effects traffic and safety of established neighborhoods. Albuquerque Public Schools also submitted agency comments that the request will have no adverse impacts on the APS district.

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

The District 7 Coalition of Neighborhood Associations and property owners within 100 feet of the subject site were notified of this request as required. Staff did receive an inquiry from local residents via the Office of Neighborhood Coordination (ONC) on April 26, 2016. This correspondence indicates that ONC did recommend that the agent contact the La Mesa and District 6 Coalition of Neighborhood Associations regarding the requested action as a courtesy, however the only certified mail sent by the applicant went to the District 7 Coalition of

Neighborhood Associations. As of the writing of this report, there is no known neighborhood opposition to the request. A facilitated meeting was not recommended or held.

#### ***V. CONCLUSION***

This request is for a Zone Map Amendment (Zone Change) for an approximately 1.36 acre site located on Utah St. NE between Marble Ave. NE and Lomas Blvd. NE. More specifically, the subject site associated with the Zone Change request is comprised of a P zoned portion of Lot 18 A-1-A (.33 acres) and Lots 19-24 which are zoned R-2 (1.03 acres). The remaining portion Lot 18 A-1-A is zoned C-2 and is not part of the zone change request.

The subject site is in the Established Urban Area of the Comprehensive Plan and currently contains four-plex apartments on the north end, a parcel zoned for parking in the center and an existing car dealership on the south end of the site. The subject site's R-2 and P designations are surrounded by an APS public school to the north, commercial retail uses to the south, single-family residential to the east and commercial retail / service and multi-family residential uses to the west.

The request for the subject site is C-2 zoning that would consolidate the zoning and permissive uses for the subject site with the existing C-2 uses to the south as well as allow for expansion of the existing car dealership located south of the subject site. Conditional uses within the C-2 zone would be permitted only if the requested zoning is approved and subsequently requested by the owner and then granted through the Zoning Hearing Examiner process.

While the applicant has generally justified the requested zone change per the requirements of R270-1980 and generally demonstrated that changed community conditions exist following a series of historical zone changes to C-2 near the subject site, staff notes that several revisions were required by the applicant to address Planning Department feedback related to the justification narrative. A total of four drafts were required by the applicant and were submitted on 3/31/16, 4/19/16, and 4/20/16 (2 separate drafts).

The District 7 Coalition of Neighborhood Associations and property owners within 100 feet of the subject site were notified of this request as required. Staff did receive an inquiry from local residents via the Office of Neighborhood Coordination (ONC) on April 26, 2016. This correspondence indicates that ONC did recommend that the agent contact the La Mesa and District 6 Coalition of Neighborhood Associations regarding the requested action as a courtesy, however the only certified mail sent by the applicant went to the District 7 Coalition of Neighborhood Associations. As of the writing of this report, there is no known neighborhood opposition to the request. A facilitated meeting was not recommended or held.

Staff is recommending approval of the requested zone change request according to the findings outlined in the staff report.

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**FINDINGS - 16EPC-40018 – May 12, 2016 Zone Map Amendment**

1. This request is for a Zone Map Amendment (Zone Change) for an approximately 1.36 acre site located on Utah St. NE between Marble Ave. NE and Lomas Blvd. NE. More specifically, the subject site associated with the Zone Change request is comprised of a P zoned portion of Lot 18 A-1-A (.33 acres) and Lots 19-24 which are zoned R-2 (1.03 acres). The remaining portion Lot 18 A-1-A is zoned C-2 and is not part of the zone change request.
2. The parcels associated with the requested action are zoned R-2 and P. The zoning for the P portion of the subject site (northern portion of Lot 18 A-1-A) was established per an EPC approved zone change request on July 24, 1969 (Z-69-51, Amended) for the stated purpose of providing needed parking for the adjoining shallow commercial strip to the south.

The zoning for the R-2 portion of the subject site (Lots 19-24) was established per an EPC approved zone change request on October 20, 1975 (Z-75-75) for the stated purpose of constructing four-plex apartments on each of the six lots associated with the subject site. The Albuquerque/Bernalillo County Comprehensive 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 Established Urban Area of the Comprehensive Plan. The request furthers the following applicable goals and policies of the Comprehensive Plan:
  - A. Policy II.B.5.d.: The location, intensity, and design of new development shall respect existing neighborhood values, natural environment conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

*The request furthers Policy II.B.5.d. because the portion of the subject site affected by the requested action abuts an existing C-2 zone to the south, the area has seen a historical increase in zone changes to C-2, and the demolition of the existing four-plex apartments at the north end of the subject site may restore a view shed to the Sandia Mountains, and the applicant has provided a conceptual rendering showing that the re-zoned portion of the subject site will include a tall CMU wall surrounding the property with gated entrances that will serve to minimize the adverse effects traffic and safety of established neighborhoods.*

- B. 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 request will contribute to the development of a local business enterprise.*

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

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*The request furthers Policy II.D.8.c. because the conceptual site plan and renderings provided by the applicant indicate that the re-zoned portion of the subject site will include a tall CMU wall and gated entrances to minimize the adverse effects of noise and traffic.*

4. The request partially furthers the following applicable goals and policies of the Comprehensive Plan::

- A. 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 development.

*The request partially furthers Policy II.B.5.i. because the while the proposed employment / service uses will be located near a residential area and the renderings provided by the applicant indicate that the re-zoned portion of the subject site will include a tall CMU wall and gated entrances to minimize the adverse effects of noise and traffic, the proposed wall prevents the re-zoned portion of the subject site from directly complementing the adjacent R-2 uses west of the subject site and the eastern abutting R-1 uses.*

- B. Policy II.B.5.k.: 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 operation.

*The request partially furthers Policy II.B.5.k. because the portions of the subject site affected by the request are not adjacent to an arterial street. However, the applicant has provided a rendering showing that the re-zoned portions of the subject site will include a tall CMU wall surrounding the property with gated entrances that will serve to minimize the adverse effects traffic and safety of established neighborhoods.*

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

*The request partially furthers Policy II.B.5.l. because the area that the proposed C-2 uses will be located within already includes a large number of C-2 uses and car dealerships making the proposed uses appropriate to the plan area, however the renderings provided by the applicant show flat faced wall and building facades fronting Utah St. and do not include any innovative elements to break up the façade utilizing pedestrian scale articulation elements.*

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

*The request partially furthers the Economic Development goal because while the request contributes to steady economic development, it is unclear how the expansion of an existing car dealership within an area that already contains a large amount of car dealerships contributes to achieving diversified economic development.*

5. 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 generally 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 generally demonstrated in the response to Section C.
  - B. Stability of land use for the subject site will be achieved by consolidating the zoning and permissive uses for the R-2 and P portions of the subject site with the existing car dealership to the south.
  - C. See Findings 3 and 4 above for Comprehensive Plan policy analysis section.
  - D. The applicant states that the request is justified because of changed neighborhood or community conditions in the area. These changes have occurred with a series of zone/use changes from residential to commercial.
  - E. According to the Advanced Geographical Information Systems maps, the surrounding "residential neighbors (R-1 & R-2 zoned properties)" are adjacent to and buffered by SU-1, O-1 and P zoned parcels, not C-2 parcels. However, the C-2 zone does require increased front, side, and rear building setback of 5 – 15 feet for C-2 lots abutting residential zones. Special Buffer Landscaping of at least 10 feet in width and consisting primarily of trees is required per the Landscaping Regulations of the Zoning Code where a non-residential zone is developed for a non-residential purpose and the site abuts a residential zone. The vehicle storage use under the C-2 zone must also meet the requirements of an O-1 parking lot (Section 14-16-2-17(A)(13)(b)) which must be graded and surfaced with 2" of asphalt concrete, permeable pavement or permeable paving system and designated disabled parking spaces and pedestrian pathways must be paved 2" asphaltic pavement or equivalent. A solid wall or fence at least 6' high shall be erected on sides which abut land in a residential zone. Additionally, the Landscaping Regulations require a minimum 6 foot high opaque wall or fence where parking or vehicular circulation areas are adjacent to a required landscape buffer to visually screen the parking or circulation area from the adjacent residential zone.
  - F. The request will not require any major and un-programmed capital expenditure by the city.

- G. While economics are always a factor when evaluating the expansion of an existing business enterprise, the cost of land or other economic considerations do not appear to be the determining factor for the change of zone. The request will result in the redevelopment of the re-zoned portions of the subject site and provide new employment opportunities to the existing residents and overall community.
  - H. The portions of the subject site affected by the zone change request are not located along Lomas Blvd. and the change of zone is not being justified based on the sites close proximity to a major street is not being utilized to justify the request.
  - I. The requested change of zone would not result in a spot zone because it would not give a zone different from surrounding zoning to one small area. The southern portion of Lot 18 A-1-A is already zoned C-2.
  - J. The requested change of zone is commercial but will not result in strip commercial zoning because the request will not result in a strip of land along a street different from surrounding zoning.
- 6. Staff received an inquiry from local residents via the Office of Neighborhood Coordination (ONC) on April 26, 2016.
  - 7. This correspondence indicates that ONC recommended that the agent contact the La Mesa and District 6 Coalition of Neighborhood Associations regarding the requested action as a courtesy.
  - 8. The District 7 Coalition of Neighborhood Associations and property owners within 100 feet of the subject site were notified of this request as required. As of the writing of this report, there is no known neighborhood opposition to the request. A facilitated meeting was not recommended or held.

***RECOMMENDATION - 16EPC-40018 – May 12, 2016***

**APPROVAL of 16EPC-40018, a request for Zone Map Amendment from P & R-2 to C-2 for Lot 18 A-1-A and Lots 19-24, Blocks 24 and 25, East End Addition, based on the preceding Findings.**



***Vicente M. Quevedo***  
***Planner***

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

Consensus Planning Inc., 302 8<sup>th</sup> Street NW, Albuquerque, NM 87102  
Guadalquivir LLC & Sheilah P. Garcia, 8301 Lomas Blvd. NE, Albuquerque, NM 87110  
Janice Arnold Jones, 7713 Sierra Azul NE, Albuquerque, NM 87110  
Lynne Martin, 1531 Espejo NE, Albuquerque, NM 87112

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

### ***PLANNING DEPARTMENT***

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

Reviewed, no adverse comments.

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

No NA/HOA's, District 7 Coalition of NA's

4/14/16 – Proof provided in packet that Agent/Applicant did contact ONC for their Inquiry Letter on 3/16/16 – siw

4/14/16 – Proof provided in packet that Agent/Applicant did send out certified mail to the NA's on 3/31/16 - siw

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

This area has a long history of residential uses being slowly subsumed by non-residential uses parcel by parcel over time. The integrity of the remaining residentially zoned parcels and residential uses may be adversely affected without adequate buffering and access controls to keep commercial traffic (including test drivers and dealership employees) out of the residential area.

The site's location adjacent to the middle school and the potential uses' effects on pedestrian and student safety should be considered paramount, especially with the potential addition of a northern access point.

#### ***Metropolitan Redevelopment Agency***

No comments received.

### ***CITY ENGINEER***

Reviewed, no adverse comments.

### ***NM DOT***

Reviewed, no adverse comments.

#### ***Hydrology Development***

Prior to Site Plan approval, Revised grading and drainage plan is to be submitted to Hydrology.

### ***DEPARTMENT of MUNICIPAL DEVELOPMENT***

#### ***Project #1009069 Zone Map Amendment***

##### ***Transportation Section:***

Per MRCOG's 2040 Long Range Bikeway System Map, Utah St. is an existing Bicycle Route and a proposed Bicycle Blvd. across the subject property's frontage.

**WATER UTILITY AUTHORITY**

**Utility Services**

1. 16EPC-40018 Zone Map Amendment
  - a. Request an availability statement online at the following link:  
[http://www.abcwua.org/Availability\\_Statements.aspx](http://www.abcwua.org/Availability_Statements.aspx). Requests shall include fire marshal requirements. An executed statement must be obtained prior to service.

**ENVIRONMENTAL HEALTH DEPARTMENT**

No comments received.

**PARKS AND RECREATION**

**Planning and Design**

Reviewed, no adverse comments.

**Open Space Division**

No comments received.

**City Forester**

No comments received.

**POLICE DEPARTMENT/Planning**

Reviewed, no adverse comments.

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

Reviewed, no adverse comments.

**FIRE DEPARTMENT/Planning**

No comments received.

**TRANSIT DEPARTMENT**

Reviewed, no adverse comments.

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

No comments received.

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

P#1009069    Garcia Honda Campus, (J-19)  
16EPC-40018 - Reviewed. No comment.

***ALBUQUERQUE PUBLIC SCHOOLS***

Reviewed, this will have no adverse impacts to the APS district.

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

No comments received.

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

No comments received.

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

**Conditions for Approval for Project #1009069 Zone Change (Expansion including new service shop for Garcia Honda car dealership at Utah and Marble NE north of Lomas, west of Wyoming) 16EPC-40018**

1. An existing private area light is located on the east side of Utah NE at the subject property and an existing overhead distribution line is located on the south side of Marble NE at the subject property. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project and to discuss the private area lighting. Contact:

Mike Moyer  
PNM Service Center  
4201 Edith Boulevard NE  
Albuquerque, NM 87107  
Phone: (505) 241-3697

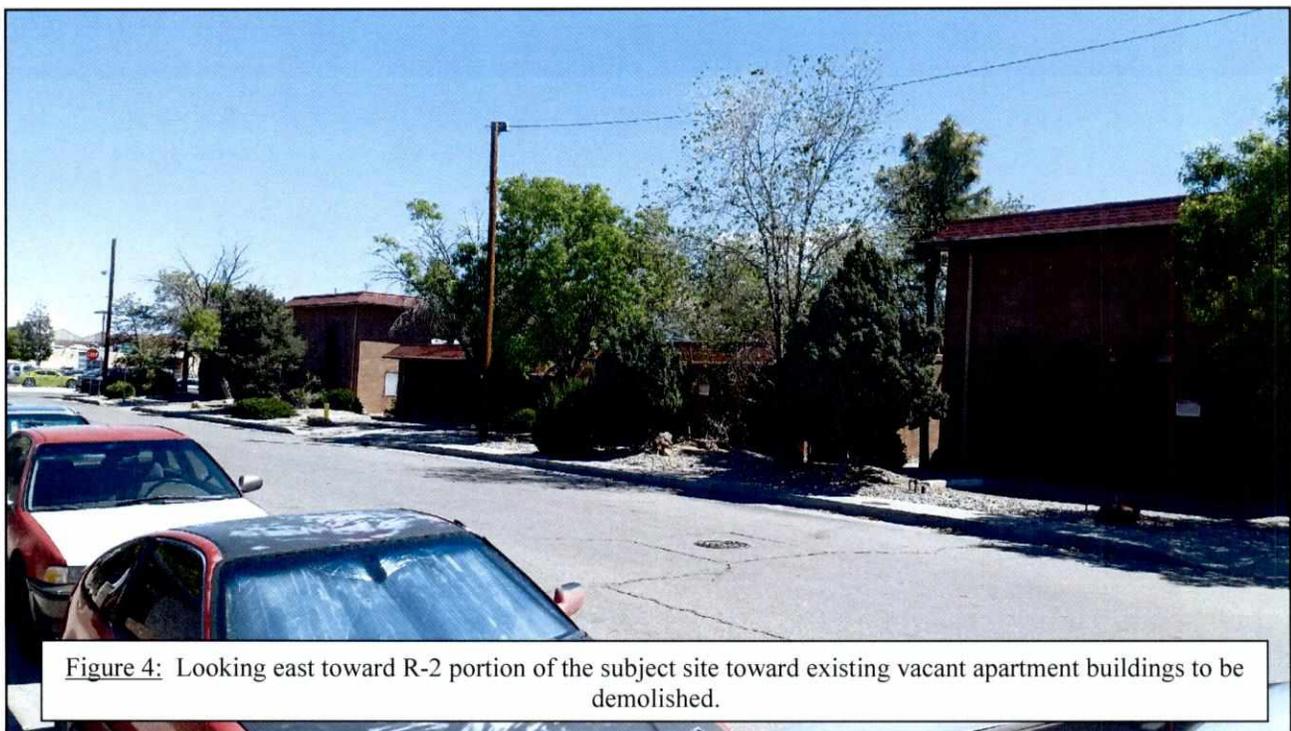
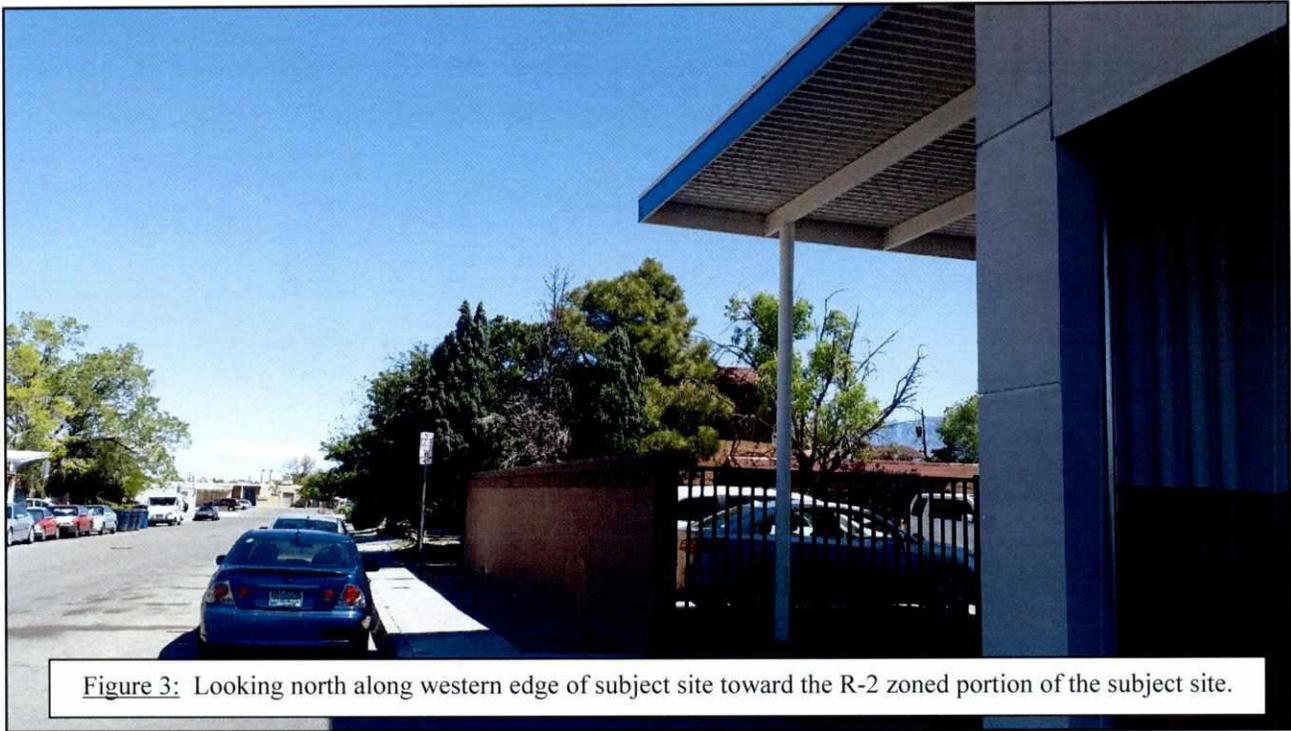
2. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at [www.pnm.com](http://www.pnm.com) for specifications.



Figure 1: Main entrance of Honda dealership south of the subject site near Lomas Blvd.



Figure 2: Looking northwest toward P zoned portion of the subject site.



R-270-1980

Policies for Zone Map Change Applications

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

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

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

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

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

(1) There was an error when the existing zone map pattern was created; or

(2) Changed neighborhood or community conditions justify the change; or

(3) A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

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

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

(1) Denied due to lack of capital funds; or

(2) Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

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

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

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

(1) The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or

(2) The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

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

(1) The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and

(2) The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

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

## HISTORY

Date: July 30, 1969  
File: Z-69-51 Amended

Mr. K. E. Ashcraft  
907 Pennsylvania NE  
City 87108

The Planning Commission made this recommendation at its meeting of July 24, 1969

BE IT RESOLVED THAT Z-69-51 Amended as amended to include only Lots 16 thru 18, Block 24, East End Addition, be recommended to the City Commission for approval, subject to installation of adequate barriers to protect the walls of the adjacent R-1 property, because it will provide needed parking for the adjoining shallow commercial strip.

Should you wish to appeal this decision, you may do so by the manner described below:

c. Appeals—Appeal of any denial by the Planning Commission may be submitted in writing to the City Commission...

If a written protest is signed by the owners of twenty per cent (20%) or more either of the area of the lots or lands included in such proposed change, or of those immediately adjacent within one hundred (100) feet of the area proposed for change, disregarding public ways, such change to the Zone Map shall require the concurring vote of at least four (4) members of the City Commission.

(1) Written notice of appeal shall be filed with the Planning Director.

(2) Public notice of any appeal shall be given by legal advertisement in the manner prescribed for a change to the text of this ordinance. The Planning Director shall give written notice of any appeal together with notice of hearing date to the applicant, a representative of opponents, if any, and the appellant. The appeal shall be presented to the City Commission within three (3) months after the date of filing. Once the appeal is presented to the City Commission any request for delay in hearing the appeal shall be acted upon at a regular City Commission meeting.

If the application has been recommended for approval, it will be heard by the City Commission after proper advertisement, Monday, August 25, 1969 at City Hall, 400 Marquette, N.W.

GLC:new

cc: Leonard Franklin, 1011 Vermont NE  
87110

Mrs. Hosie Adams, 1009 Vermont NE  
87110

Yours sincerely,

RUBEN D. RAMIREZ  
Planning Director

By: *George L. Carruthers*  
George L. Carruthers, Chief  
Current Planning Division

# OFFICIAL NOTICE

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
Box 1293, Albuquerque, NM 87103

Date October 20, 1975

## NOTIFICATION OF DECISION

Mrs. Mary Ann Kramer  
3204 Comanche N.E., #3  
Albuquerque, N.M. 87107

File: 7-75-75  
Location: Lots 19 thru 24, Block 24, East  
End Addition

On October 16, 1975 the Environmental Planning Commission Land Controls Board approved the above-mentioned request, thereby changing the zoning to R-2, subject to submission of a drainage plan satisfactory to the City Engineer and AMAFCA.

If you wish to appeal this decision, you may do so by 10-31-75 in the manner described below. A filing fee of \$25 is required.

- A. Appeal to Planning Commission. Any person aggrieved with any determination of the City staff acting under the Subdivision Ordinance may appeal to the Planning Commission by submitting written application to the Planning Department within 15 days after the date of the staff'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. Such appeal shall be heard and decided by the Planning Commission within 60 days of its filing.
- B. Appeal to City Council. Any person aggrieved with any determination of the Planning Commission acting under this ordinance may file an appeal to the City Council by submitting written application to the Planning Department within 15 days of the Planning Commission's decision (such 15 day period to be determined as in A. above). The City Council may decline to hear the appeal if it finds that all City plans, policies, and ordinances have been properly followed. If it decides that all City plans, policies, and ordinances have been properly followed, it shall hear the appeal. Such appeal if heard, shall be heard within 60 days of its filing.

You will receive notice if another person files an appeal. If there is no appeal you can receive building permits 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).

Sincerely,



Jill Danforth  
EPC LCB Recording Secretary

cc: Mr. & Mrs. A. B. Carter, 1015 Vermont NE; 87110

Letter of  
Advice

## ZONING

Refer to Section 14-16-2-11 of the Comprehensive Zoning Code for specifics regarding the R-2 (Residential Zone) and Section 14-16-2-26 for specifics regarding the P (Parking) Zone and Section 14-16-2-17 for specifics regarding the C-2 (Community Commercial) Zone.

APPLICATION INFORMATION



Supplemental Form (SF)

<b>SUBDIVISION</b>	<b>S</b>	<b>Z</b>	<b>ZONING &amp; PLANNING</b>
<input type="checkbox"/> Major subdivision action			<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor subdivision action			
<input type="checkbox"/> Vacation	<b>V</b>	<input checked="" type="checkbox"/>	<b>X</b> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
<input type="checkbox"/> Variance (Non-Zoning)			
<b>SITE DEVELOPMENT PLAN</b>	<b>P</b>		<input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar
<input type="checkbox"/> for Subdivision			<input type="checkbox"/> Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
<input type="checkbox"/> for Building Permit			
<input type="checkbox"/> Administrative Amendment (AA)			
<input type="checkbox"/> Administrative Approval (DRT, URT, etc.)			
<input type="checkbox"/> IP Master Development Plan	<b>D</b>		<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<b>L</b>	<b>A</b>	<b>APPEAL / PROTEST of...</b>
<b>STORM DRAINAGE (Form D)</b>			<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other
<input type="checkbox"/> Storm Drainage Cost Allocation Plan			

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICATION INFORMATION:**

Professional/Agent (if any): Consensus Planning, Inc. PHONE: (505) 764-9801  
 ADDRESS: 302 Eighth Street NW FAX: (505) 842-5495  
 CITY: Albuquerque STATE NM ZIP 87102 E-MAIL: cp@consensusplanning.com  
 APPLICANT: Guadalquivir, LLC and Sheilah P. Garcia PHONE: 505-260-5000  
 ADDRESS: 8301 Lomas Boulevard NE FAX: \_\_\_\_\_  
 CITY: Albuquerque STATE NM ZIP 87110 E-MAIL: EGarcia@garciacars.com  
 Proprietary interest in site: Owner List all owners: \_\_\_\_\_

**DESCRIPTION OF REQUEST:** Zone Map Amendment

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

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

Lot or Tract No. A portion of lot 18 A-1-A, Lots 19, 20, 21, 22, 23, and 24 Block: 24 and 25 Unit: \_\_\_\_\_  
 Subdiv/Addn/TBKA: East End Addition  
 Existing Zoning: P and R-2 Proposed zoning: C-2 MRGCD Map No \_\_\_\_\_  
 Zone Atlas page(s): J-19-Z UPC Code: 101905840501840420; 101905843803540517; 10190584380404516; 10190584380450515; 10190584380504051; 101905843805540513; 101905843806040512

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.): Project # 1000190; 1009069;

**CASE INFORMATION:**

Within city limits?  Yes Within 1000FT of a landfill? No  
 No. of existing lots: 7 No. of proposed lots: 1 Total site area (acres): 1.3  
 LOCATION OF PROPERTY BY STREETS: On or Near: Utah Street  
 Between: Marble Avenue NE and Lomas Boulevard NE

Check if project was previously reviewed by: Sketch Plat/Plan  or Pre-application Review Team(PRT)  Review Date: 12-15-2015

**SIGNATURE**

[Signature] DATE March 31, 2016  
 (Print Name) James K. Strozier Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 11/2014

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>110EPC - 40018</u>	<u>AZM</u>		<u>\$ 295.00</u>
<input checked="" type="checkbox"/> All fees have been collected		<u>ADV</u>		<u>\$ 75.00</u>
<input checked="" type="checkbox"/> All case #s are assigned		<u>CMF</u>		<u>\$ 50.00</u>
<input checked="" type="checkbox"/> AGIS copy has been sent				\$ _____
<input checked="" type="checkbox"/> Case history #s are listed				\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill				\$ _____
<input type="checkbox"/> F.H.D.P. density bonus				\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate				\$ _____
	Hearing date <u>May 12, 2016</u>			Total <u>\$ 420.00</u>

[Signature] 3-31-16 Project # 1009069  
 Staff signature & Date

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

**ANNEXATION (EPC08)**

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

- SDP PHASE I - DRB CONCEPTUAL PLAN REVIEW (DRBPH1)** (Unadvertised)
  - SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14)** (Public Hearing)
  - SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2)** (Unadvertised)
  - Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
  - Proposed Sector Plan (30 copies for EPC, 6 copies for DRB)
  - Zone Atlas map with the entire plan area clearly outlined and indicated
  - Letter describing, explaining, and justifying the request
  - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for EPC public hearing only)
  - Traffic Impact Study (TIS) form (for EPC public hearing only)
  - Fee for EPC final approval only (see schedule)
  - List any original and/or related file numbers on the cover application
- Refer to the schedules for the dates, times and places of DRB and EPC hearings.* Your attendance is required.

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

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

**AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)**

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

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

**AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)**

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

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

James K. Strazier, AICP  
Applicant name (print)

[Signature] 3-31-16  
Applicant signature & Date

Revised: June 2011



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

Application case numbers  
16EPC - 40018

[Signature] 3-31-16  
Staff signature & Date  
Project # 10091069

# CITY OF ALBUQUERQUE

## TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Guadalquivir, LLC. DATE OF REQUEST: 12/ 7 / 15 ZONE ATLAS PAGE(S): J-19-Z

**CURRENT:**

ZONING P and R-2  
PARCEL SIZE (AC/SQ. FT.) 1.3 acres

**LEGAL DESCRIPTION:**

Lots 18 A-1-A, 19, 20, 21, 22, 23, and 24  
LOT OR TRACT # \_\_\_\_\_ BLOCK # 24 and 25  
SUBDIVISION NAME East End Addition

**REQUESTED CITY ACTION(S):**

ANNEXATION [ ]  
ZONE CHANGE [ X]: From P and R-2 To C-2  
SECTOR, AREA, FAC, COMP PLAN [ ]  
AMENDMENT (Map/Text) [ ]

**SITE DEVELOPMENT PLAN:**

SUBDIVISION\* [ ] AMENDMENT [ ]  
BUILDING PERMIT [ ] ACCESS PERMIT [ ]  
BUILDING PURPOSES [ ] OTHER [ ]

\*includes platting actions

**PROPOSED DEVELOPMENT:**

NO CONSTRUCTION/DEVELOPMENT [ X]  
NEW CONSTRUCTION [ ]  
EXPANSION OF EXISTING DEVELOPMENT [ X]

**GENERAL DESCRIPTION OF ACTION:**

# OF UNITS: NA  
BUILDING SIZE: NA (sq. ft.)

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

APPLICANT OR REPRESENTATIVE 

DATE 3-29-16

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

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

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

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

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

  
TRAFFIC ENGINEER

3.29.16  
DATE

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

TIS -SUBMITTED    /   /    \_\_\_\_\_ DATE  
-FINALIZED    /   /    TRAFFIC ENGINEER



March 31, 2016

Ms. Karen Hudson, Chair  
Environmental Planning Commission  
City of Albuquerque  
600 Second Street NW  
Albuquerque, New Mexico 87102

Dear Chairperson Hudson:

As the legal owners and tenant of the properties described below, we authorize Consensus Planning, Inc. to represent us in all matters regarding the Zone Map Amendment application, processing, and representation before the Environmental Planning Commission for property located on Utah Street NE in Albuquerque. This authorization includes any subsequent related action through DRB.

The properties are legally described as:

Lots 19, 20, 21, 22, 23, and 24 (19-24), Block 24, East End Addition, Albuquerque, Bernalillo County, New Mexico. (Guadalquivir, LLC, legal owner; Garcia Imports Inc., dba Garcia Honda, Tenant).

And

The northwesterly portion of Lot 18 A-1-A, Blocks 24 and 25, East End Addition, Albuquerque, Bernalillo County, New Mexico which is approximately .35 acre currently zoned "P". (Sheilah P. Garcia, legal owner; Garcia Imports Inc., dba Garcia Honda, Tenant).

Thank you.

Very truly yours,

Edward T. Garcia, Managing Member  
Guadalquivir, LLC  
Owner with respect to Lots 19-24, Block 24, East End Addition

Sheilah P. Garcia  
Owner with respect to Lot 18 A-1-A, Blocks 24 and 25, East End Addition

Edward T. Garcia, Vice President  
Garcia Imports, Inc. dba Garcia Honda  
Tenant with respect to above properties

April 20, 2016

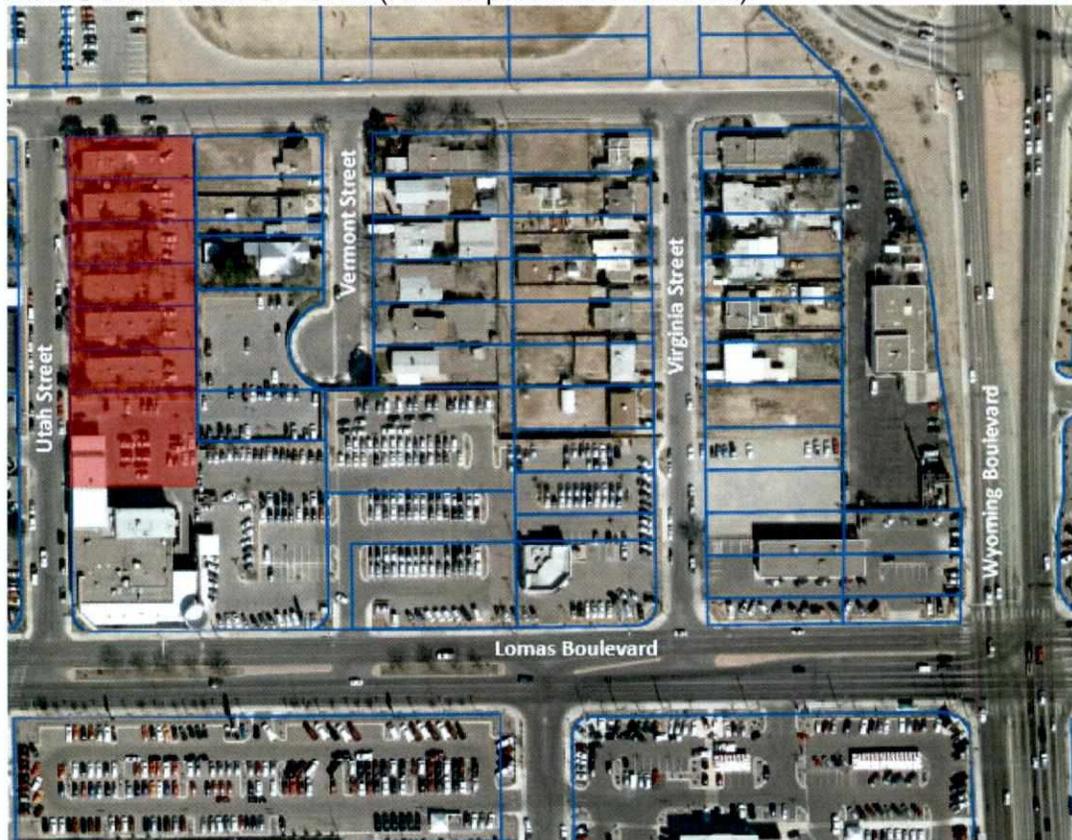
Karen Hudson, Chair  
Environmental Planning Commission  
City of Albuquerque  
600 Second Street NW  
Albuquerque, NM 87102

**Re: Zone Map Amendment**

Dear Chairperson Hudson and Commissioners:

This is a request for a Zone Map Amendment for property located on Utah Street NE, between Marble Avenue NE and Lomas Boulevard NE. The applicants are Guadalquivir, LLC, Sheilah Garcia, and Garcia Honda. The subject property primarily consists of six contiguous lots on the east side of Utah currently zoned R-2 and owned by Guadalquivir, LLC, which is an affiliated entity of Sheilah Garcia and Garcia Honda. These six contiguous lots are currently occupied by nearly vacant apartments. The subject property also includes an additional .35 acre parcel on the east side of Utah which is currently zoned "P" for vehicle parking and is part of a larger parcel also fronting Lomas, already in use by Garcia Honda, and owned by Sheilah Garcia. The entire rezone parcel is approximately 1.3 acres, and is legally described as lots 19 through 24, Block 24, East End Addition (the apartment lots), and a northwesterly portion of lot 18 A-1-A, Blocks 24 and 25, East End Addition (the "P" lot). The subject site is located within the Established Urban Area of the City of Albuquerque/Bernalillo County Comprehensive Plan.

BIRDS EYE VIEW OF SITE (rezone parcel shown in red):





As noted, the subject property is adjacent to, and the "P" zoned portion is already part of, the C-2 Garcia Honda Dealership which has been located along Lomas Boulevard NE for decades. The proposed Zone Map Amendment will allow the subject property to be rezoned in order to expand the C-2 use of the Garcia Honda Dealership. The expansion will facilitate the construction of a new service shop, as well as vehicle parking and circulation, to provide greater service and convenience for customers. The rezone provides an opportunity to expand an existing business into semi-blighted adjacent property, to provide for higher and better use, new investment, and appropriate economic development and growth within a neighborhood which is already in transition, and is already heavily populated by similar C-2 and auto dealership uses. The six contiguous R-2 lots are currently the site of the "Firefox Apartments," which is an older apartment complex in some degree of disrepair. All of the apartment units should be vacant within the next several months. The applicant intends to demolish the apartments and redevelop the R-2 lots after (and contingent upon) rezoning, in order to expand the Garcia Honda Dealership operation onto the subject site. The previous owner of the Firefox Apartments approached the Garcia family about 18 months ago to inquire about a possible sale to the Garcia family for such purpose. Ultimately, terms were agreed upon and the complex was purchased by Guadalquivir, LLC, an affiliated entity of the Garcia family. The apartment units were in need of considerable repair, which the former owner felt was of doubtful economic justification due to rents, the age of the complex, demand, and need for revitalization in the area in order to support higher rents and additional investment. Garcia Honda has applied and received approval from American Honda Motor Company, its franchisor, for a major renovation to the existing Honda building and to construct a new service workshop with additional parts department. This project would provide an opportunity to improve the area with new investment and the expansion of an existing use, and without deleterious effects upon adjacent property owners or the neighborhood. The proposed use is adjacent to and nearby many other commercial properties utilized for automobile sales, including Quality Mazda and GMC, Larry H. Miller Dodge, Garcia Subaru and Garcia Uptown Volkswagen.

The following is a further description and visual illustration of this request:

**Zone Map Amendment** – The proposal is to change the zoning from P and R-2 to C-2 to match the existing zoning for the Garcia Honda Dealership.

**ADJACENT ZONING AND LAND USE**

DIRECTION	ZONING	LAND USE
North	R-1	Hayes Middle School
South	C-2	Garcia Honda Dealership
East	R-1 and SU-1 for Auto Sales and Storage	Single Family Residential and Honda Automobile Sales and Storage
West	R-2, P, and C-2	Garcia Uptown Volkswagen Dealership, Automobile Sales and Storage, and Multifamily Residential



## POLICY ANALYSIS

The following section justifies the Zone Map Amendment request. *Policy language is italicized*; applicant's responses are in normal text.

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

This property is within the Established Urban Area as designated by the Albuquerque/ Bernalillo County Comprehensive Plan. Applicable policies from the Comprehensive Plan are provided below:

#### **II.B.5. Established Urban Area**

*The Goal is 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.*

**Applicant's Response:** The current proposal is located in an area that is in transition and has in general been deteriorating for some time. The area is in need of new investment and revitalization. This project will provide an extension of a longstanding and compatible existing use (car dealership and directly related operations), in an area that supports many similar car dealership uses. The property is adjacent to and nearby many other existing automobile sales and service uses, as well as other uses that complement this proposed land use. Automobile dealership related uses are the primary economic driver in the area. The proposed project would not generate activity that is not compatible with the existing land uses. Arguably, the proposed use will reduce traffic due to elimination of multi-family



apartments currently in disrepair. The proposed use is nearby an existing middle school and a few other multi-family apartments. The site is contiguous to the existing Garcia Honda Dealership. Expansion of the dealership campus will provide new investment and economic development in an area that needs revitalization. The site is just south of I-40 and appropriately located near two principle arterials, Lomas Boulevard and Wyoming Boulevard, and is therefore appropriate for and can handle additional C-2 development. The existing Garcia Honda Dealership has been located along Lomas Boulevard for decades, and provides the principal frontage for the expanded commercial use proposed by this request. Note that Garcia Honda already has authorized commercial entrance from Utah Street for service customers. Please note that many other auto dealerships in the area already have C-2 auto dealership uses which run all the way between Lomas and Marble (the same distance along which this rezone request is being sought).

***Policy d:*** *The location, intensity, and design of new development shall respect existing neighborhood values, natural environment conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.*

**Applicant's Response:** The subject site abuts an existing C-2 zoned parcel to the south and another existing C-2 zone to the west. In addition, the neighborhood itself is in transition, as it has been for 10 years or more, and the rezone request is directly compatible with the direction of transition of the neighborhood. The proposed use and demolition of the existing apartments will allow for new investment in a property that is currently semi-blighted. Incidentally, demolition of the existing Apartments will also restore a view shed of the Sandia Mountains for the occupants of some nearby properties to the west.

***Policy 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.*

**Applicant's Response:** A portion of the rezone property is already currently zoned for and used for surface parking which serves the existing Garcia Honda Dealership, and the remainder of the rezone property is an existing semi-blighted apartment complex which is being vacated and is proposed to be demolished, thereby rendering the entire rezone parcel "vacant" thereafter. The property sits on and is adjacent to existing City infrastructure and services, and is adjacent to other existing non-residential development.

***Policy 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 development.*

**Applicant's Response:** The proposed use will complement existing C-2 uses without imposing deleterious impacts on existing residential neighbors, who are already surrounded by similar C-2 uses (but without some of the buffering and other amenities proposed by the applicant for this proposed use). The proposed zone change will allow for the expansion of a thriving existing auto dealership business which employs many persons in a variety of positions and skill levels. Such employment is entirely compatible with surrounding residential areas. And the proposed expansion would likely generate less noise and traffic than the existing



apartment complex. (Any additional vehicle circulation after destination will be primarily within the existing dealership campus.) The existing Firefox Apartments contain 24 apartment units. Apartments generate approximately 6.7 trips per unit. This equates to an average of 160.8 trips per day. The proposed zone change should not substantially increase existing commercial traffic related to auto dealership operations, but will make traffic entry, exit and circulation for vehicle service much easier on customers and dealership personnel as well as more safe.

***Policy k:*** 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 operation.

***Applicant's Response:*** Please also see Response to Policy i above. While the subject property itself does not front the immediate arterial street, Lomas, the southern portion of the subject property already has commercial entrance and exit from Utah Street, with immediate access to Lomas, and the existing Garcia Honda Dealership which will be fully contiguous with the subject property when the project is complete fronts Lomas for an entire block. The future redevelopment of this site will actually improve traffic circulation as well as ensure minimal harmful effects on traffic in general, livability, and safety (safety will probably be improved due to reduced congestion). This will be accomplished by maintaining existing primary access to the dealership off of Lomas Boulevard (an arterial street), and existing secondary service access driveways along the southern portion of Utah Street (with the potential for an additional access point to the north). Access to the dealership from Virginia Street will remain as is, approximately 230 feet from the R-2 uses to the east of the subject property. (There are no additional ingress and egress points along Virginia Street being planned.) The majority of traffic to and from the dealership and the subject property will be off of Lomas Boulevard, which will not impact a majority of the nearby neighborhood.

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

***Applicant's Response:*** The proposed use will extend the existing operations of the Garcia Honda Dealership to the north in a very attractive manner, including modern facility design and buffers. The operations will be situated so that they will be gated and self-contained. The proposed use will actually complement adjacent non-residential uses, and "clean-up" and improve the appearance of the area. The nearby neighboring residential uses are already sited within an area that is heavily C-2 zoned. Additionally, appropriate buffers will be provided for the R-2 uses to the east. The existing Garcia dealerships in this area have used quality modern design to meet rigorous factory image requirements, including decorating walls and landscaping, which will be continued here. Moreover, Garcia Honda will be undertaking a Lomas Blvd. median improvement project, along a corresponding portion of Lomas, as part of the improvements anticipated by this rezone request.

#### ***II.D.6 Economic Development***

*The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.*



**Applicant's Response:** New employment opportunities will be provided on the subject site as the proposed zone change will allow the expansion of the existing Garcia Honda Dealership, including parts and service operations. The proposed zone change will provide new employment opportunities in the immediate area, as well as within the City of Albuquerque. Eventual addition of as many as 20 employees is a likely result, together with assured additional revenue generation along with gross receipts and excise tax revenue, at a locally owned business which has demonstrated itself to be an important part of the Albuquerque community for decades.

**Policy b:** *Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.*

**Applicant's Response:** Garcia Honda is a locally owned family business. It is an important contributor to many civic endeavors. It is attempting to expand a business with infill and redevelopment. It is important for the City to facilitate and promote just this kind of development.

**Policy g:** *Concentrations of employment in Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel.*

**Applicant's Response:** Although the proposed development is not within an official designated "Activity Center," it is **situated in the heart of the unofficial "Auto Row" on Lomas Boulevard NE, which, as a major east-west thoroughfare, has been the unofficial auto retailing "Activity Center" on the east side of Albuquerque for more than 50 years.** The proposed development reasonably expands C-2 uses in a neighborhood that is already integrated with such uses, and in a neighborhood which is in further transition to such uses, thereby promoting additional economic activity and employment which is highly appropriate for the area. The site is located along Bus Route 11, with a stop along Lomas Boulevard immediately in front of the existing Garcia Honda Dealership. A bike lane is provided along Utah Street that will allow for other transportation options to the site.

The proposed additional development will support additional retail growth in an area of the City that is highly compatible with this very use. The expansion of the existing dealership will promote employment, redevelopment of semi-blighted property, and other economic development objectives such as Gross Receipts Tax growth.

#### **II. D. 8. Human Services**

*The Goal is to site human service facilities in locations that provide the greatest possible access to services, and to consider human rights and human service needs in development and redevelopment throughout the Plan area.*

**Applicant's Response:** This point does not appear to have direct applicability, but keeping local businesses in the area by facilitating their expansion and maintaining and creating substantial employment opportunities, as the auto dealership business does, would seem to be an arguable human rights issues in this general area of town where some properties located south of Lomas and approaching Central might be considered seriously blighted and problematic for residents and the City.



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**Policy c:** *Development's negative effects upon individuals and neighborhoods shall be minimized.*

**Applicant's Response:** The proposed development will minimize negative effects upon the surrounding neighborhood. Access to and from the subject property will remain primarily along Lomas Boulevard and will have little new impact Utah Street. (Please see all of the points above for further analysis.)

### **RESPONSE TO THE CITY OF ALBUQUERQUE RESOLUTION 270-1980**

This zone change request is in compliance with Resolution 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.*

**Applicant's Response:** The proposed zone change from R-2 and P to C-2 will not jeopardize the health, safety, morals, and general welfare of the City. The proposed zoning will facilitate redevelopment of a semi-blighted property. The proposed project will extend an appropriate existing car dealership use. The proposed zone change will foster the growth of an existing business by allowing that business to expand its operations into adjacent property. The Firefox Apartments that will be demolished as part of this project have been deteriorating for some time. The redevelopment of the subject site would improve the general welfare of this region and the City. The requested zone change for the P-zoned parcel immediately to the north of the existing Garcia Honda Dealership will allow for uniform C-2 zoning for the entire property. The requested zone change will unify the zoning of this area.

- 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 Response:** The subject site currently houses the Firefox Apartments. These apartments abut and are nearby C-2 zoned properties and commercial uses. C-2 property is predominant along Lomas Boulevard running west of Wyoming and east of Carlisle Boulevard. The proposed Zone Change will provide stability of land use by unifying the adjacent C-2 zoned properties. Unifying the zones in this area will create a more consistent, predictable development pattern. Many other existing auto dealerships in the area already have C-2 zoning for auto dealership uses which run all the way between Lomas and Marble (the same distance along which this rezone request is being sought).

- C. *A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto including privately developed area plans which have been adopted by the City.*

**Applicant's Response:** The proposed change is not in conflict with adopted elements of the Comprehensive Plan rather it furthers several goals and policies related to the Established Urban area as discussed above.

- 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 (D1) or (D2) do not apply.*

**Applicant's Response:** For this semi-blighted property, it is clear that revitalization and redevelopment will be more advantageous to the community. Per NM Stat § 3-60A-4 (2013) Definitions as listed under the Metropolitan Redevelopment Code, "blighted area" is defined as

*"an area within the area of operation other than a slum area that, because of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or lack of adequate housing facilities in the area or obsolete or impractical planning and platting or an area where a significant number of commercial or mercantile businesses have closed or significantly reduced their operations due to the economic losses or loss of profit due to operating in the area, low levels of commercial or industrial activity or redevelopment or any combination of such factors, substantially impairs or arrests the sound growth and economic health and well-being of a municipality or locale within a municipality or an area that retards the provisions of housing accommodations or constitutes an economic or social burden and is a menace to the public health, safety, morals or welfare in its present condition and use; "*

*Based on this definition, the Firefox Apartments constitute as a **semi-blighted property**. The apartment are deteriorating, require improvements, and impair the economic health and well-being of the area in which they are located. The owner of the apartments wishes to sell the property. This provides the opportunity to improve the present condition of the property through a new use that will upgrade the economic and social stability of the property and surrounding uses.*

While the subject property is not within a Metropolitan Redevelopment Area, the boundary of the Near Heights MRA Plan is a quarter of a mile south of the property. The Near Heights Metropolitan Redevelopment Plan was adopted by the City of Albuquerque in 2000. The Near Heights MRA Expansion Plan is a supplementary Document that was adopted by the City in 2008 to expand the original boundaries of the 1,010-acre MRA to encompass additional properties into the Plan boundary area. As noted by the Plan, factors that substantially impair and arrest the sound growth and economic health and well-being of the Near Heights MRA include

deteriorated or deteriorating buildings. One of the redevelopment strategies cited by the Near Heights MRA Expansion Plan is to “help existing businesses to expand in the area and draw on existing residents’ special talents to help them create new businesses in the MRA.” The proposed zone change will allow an existing business to expand. In turn, this will provide new employment opportunities to the existing residents and overall community.

The property is appropriately sited in an area that is served by surrounding C-2 uses and would allow the continued use and expansion of existing automobile dealership operations. The site has excellent access to existing utilities, the roadway network, goods and services, and transit. The zone change will facilitate well-known economic redevelopment and employment objectives within the community and the City.

Furthermore, changed neighborhood and community conditions justify this request for zone change. This a neighborhood that has been in transition for many decades. Numerous zone map amendments, beginning in the 1970s, have designated properties surrounding the subject site to their current C-2 zoning. According to the City’s GIS database, there have been 14 zone changes to C-2, SU-1, or O-1 zoning on property east of Texas Street, west of Vermont Street, south of Marble Avenue, and north of Lomas Boulevard. The history of zone changes in the area from residential to commercial (specifically auto related commercial uses) constitutes changed conditions. This pattern establishes support for the expansion of the commercial and auto dealership uses as part of the current request.

Recognition of this property as one that is within an area that has experienced changed neighborhood conditions is imperative when reviewing the context of this property and the stability of the surrounding neighborhood as a whole. The request for C-2 zoning is compatible with the area’s character due to the site’s proximity to existing automobile related commercial uses that are zoned C-2. Conversely, maintaining the R-2 and P zoning of the subject property is a disadvantage to the community as this dated zoning fails to reflect the changed conditions of the surrounding community and commercial activities.

- 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 Response:** The proposed zone change will not include any permissive uses that would be harmful to adjacent property, the neighborhood, or the community. Furthermore, the surrounding residential neighbors are already adjacent to other C-2 zoned properties and uses. The requested zone change will allow uses that are already allowed for the existing C-2 and SU-1 zoned properties adjacent to and nearby the site. The proposed zone change would allow the integration of an adjacent property into an existing use.

As indicated on graphic provided on page 3 of this letter, single family uses exist east of the subject property along Vermont Street. While we have

noted the reasoning for this zone change request is to accommodate the expansion of the existing car dealership, we are aware of all permissive uses allowed by the C-2 zone. In addition to vehicle sales and storage, these include institutional, office, R-3 residential uses, banking, restaurant, and retailing. The proposed C-2 zone is compatible with the residential uses that remain in the area. There are provisions within the C-2 zone that protect existing residential development through, for example, required landscape buffers and solid walls. The sales of alcoholic drinks are limited to building area which is not within 500 feet of a residential zone. The permissive uses of the C-2 zone are compatible with the R-1 zoned property to the east and the adjacent R-2 zoned property to the west. Redevelopment through C-2 uses will promote economic viability and improve the health, safety, and wellbeing of the surrounding residential community. The proposed C-2 zoning and revitalization of this property be advantageous to the existing residents by providing services that they can walk to while respecting privacy through the regulation of buffers.

The remaining residential uses in this area have been impacted by the transition of the surrounding built environment to Neighborhood Commercial uses for many years. The applicant has a long standing commitment of working with the adjacent single family neighbors to minimize any adverse effects of the expanding commercial uses.

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

**Applicant's Response:** The proposed zone change will not require any major un-programmed capital expenditures by the City. This is an infill/redevelopment property with adequate existing infrastructure, including roadways, water, sewer, and storm water facilities already exist to serve the project. Extension of any services required will be the responsibility of the owner.

- 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 Response:** The cost of land or other economic considerations are not the determining factor for this zone change request. The request will allow the subject site to be upgraded to meet current development standards for the proposed zone at the sole expense of the owner. The productive use of this property will benefit the community.

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

**Applicant's Response:** The justification for this zone change request is not based primarily on its location on a collector or major roadway. While the subject property is not directly located on Lomas, the existing Garcia Honda Dealership of which the subject property will be a part is located along



Lomas, and the subject property already has access on Utah St. The primary justification for this zone change request is property improvement, property redevelopment, and infill economic development.

- 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.*
  - 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 the structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.*

**Applicant's Response:** The zone change request to C-2 is not spot zone. Many of the surrounding properties are zoned C-2. Changing the property in question to C-2 would unify it with the surrounding properties. While there are some adjacent properties along Marble Avenue that are zoned R-2, the P zoning for the lot adjacent to and directly north of the Garcia Honda property is an existing spot zone. Therefore, the C-2 zone would clean up the site and remove the spot zone status for the P zoned property.

- 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 Response:** The present zone change request is not considered "strip commercial zoning".



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## CONCLUSION

This project represents a unique opportunity to redevelop a deteriorating site with a quality commercial use that would allow an existing and locally owned business to grow and expand its operations into an adjacent infill property. The use will be beneficial to the community, as evidenced by the above points which address the goals and policies furthered by this project.

We respectfully request that the Environmental Planning Commission approve this request for this Zone Map Amendment. Thank you for your consideration.

Sincerely,

James K. Strozier, AICP  
Principal





RENDERING - GARCIA HONDA CAMPUS  
AFTER UTAH STREET REZONE  
LOOKING NORTHWEST FROM LOMAS



RENDERING - GARCIA HONDA CAMPUS  
AFTER UTAH STREET REZONE  
LOOKING SOUTHEAST FROM UTAH

NOTIFICATION &  
NEIGHBORHOOD INFORMATION

## Malak Hakim

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**From:** Winklepleck, Stephani I. <SWinklepleck@cabq.gov>  
**Sent:** Wednesday, March 16, 2016 4:33 PM  
**To:** Malak Hakim  
**Cc:** Jim Strozier; Carmona, Dalaina L.  
**Subject:** RE: Developer Inquiry  
**Attachments:** CONSENSUS PLANNING DEVELOPER INFO.doc

Malak and Jim,

Attached you will find the neighborhood information for your EPC Submittal.

Listed below are the names of the District 6 Coalition of NA's that I would do a "COURTESY" notification (first class mail) of this pending EPC Project (totally up to you - but not required). You are not required to "officially" notify them - but their northern boundary is Lomas Boulevard which is close to the proximity of the subject property.

### **DISTRICT 6 COALITION OF N.A.'S**

\***Nancy Bearce**, 600 San Pablo St. NE/87108 254-7841 (h)  
Ronald Halbgewachs, 3401 Monte Vista Blvd. NE/87106 268-1584 (h)

Any questions please feel free to contact me and have a good one.

Stephani

*Stephani Winklepleck*

Neighborhood Liaison  
Office of Neighborhood Coordination  
COA/Planning  
Phone: 505-924-3914 Fax: 505-924-3913  
E-mail: [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov)

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**From:** Malak Hakim [mailto:hakim@consensusplanning.com]  
**Sent:** Wednesday, March 16, 2016 2:49 PM  
**To:** Carmona, Dalaina L.; Winklepleck, Stephani I.  
**Cc:** Jim Strozier  
**Subject:** Developer Inquiry

Hi Stephani and Dalaina,

Attached is a developer inquiry for EPC. Please let me know if you need more information or have any questions.

Thanks,

Malak Hakim  
Consensus Planning, Inc.



**PLEASE NOTE:** The NA/HOA information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office.

## City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

March 16, 2016

Malak Hakim  
Consensus Planning  
302 8<sup>th</sup> Street NW/87102  
Phone: (505) 764-9801/Fax: 842-5495  
E-mail: [hakim@consensusplanning.com](mailto:hakim@consensusplanning.com)

Dear Malak:

Thank you for your inquiry of **March 16, 2016** requesting the names of **ALL Neighborhood and/or Homeowner Associations and Coalitions** who would be affected under the provisions of §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* by your proposed project at **(EPC SUBMITTAL) – LOTS 18 A-1-A, 19 20, 21,22, 23 AND 24, BLOCKS 24 AND 25, EAST END ADDITION, LOCATED ON UTAH STREET NE BETWEEN MARBLE AVENUE NE AND LOMAS BOULEVARD NE zone map J-19.**

Our records indicate that the **Neighborhood and/or Homeowner Associations and Coalitions** affected by this submittal and the contact names are as follows:

**SEE “ATTACHMENT A” FOR THE NAMES OF THE NA/HOA’S THAT NEED TO BE CONTACTED IN REGARDS TO THIS PLANNING SUBMITTAL – please attach this letter and “Attachment A” to your Application Packet ALONG with copies of the letters and certified mail receipts to the NA/HOA’s – siw.**

Please note that according to §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing (**please attach: 1) Copy of this letter; 2) Copy of letters sent to NA/HOA’s and 3) Copy of White Receipts showing proof that you sent certified mail.**) If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov) or by fax at (505) 924-3913.

Sincerely,

*Stephani Winklepleck*

Stephani Winklepleck  
Neighborhood Liaison  
OFFICE OF NEIGHBORHOOD COORDINATION  
Planning Department

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

# !!!Notice to Applicants!!!

## SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected neighborhood and/or homeowner associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

### WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
  - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
  - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describes the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.").
  - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
  - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

## Information from the Office of Neighborhood Coordination

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- ONC's "Official" Letter to the applicant (if there are associations/coalitions). A copy must be submitted with application packet -OR-**
- The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- Copies of Letters to Neighborhood and/or Homeowners Associations (if there are associations/coalitions). A copy must be submitted with application packet.**
- Copies of the certified receipts to Neighborhood and/or Homeowners Associations (if there are associations/coalitions). A copy must be submitted with application packet.**

**Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.**

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov).

Thank you for your cooperation on this matter.

\*\*\*\*\*  
(below this line for ONC use only)

Date of Inquiry: 03/16/16 Entered: 4:30 p.m. ONC Rep. Initials: siw

# **ATTACHMENT A**

**(EPC SUBMITTAL) – LOTS 18 A-1-A, 19 20, 21,22, 23 AND 24, BLOCKS 24 AND 25, EAST END ADDITION, LOCATED ON UTAH STREET NE BETWEEN MARBLE AVENUE NE AND LOMAS BOULEVARD NE zone map J-19 for Malak Hakim, Consensus Planning, Inc.**

**No Neighborhood and/or Homeowner Associations to notify – siw**

**DISTRICT 7 COALITION OF N.A.'S**

**\*Janice Arnold-Jones, 7713 Sierra Azul NE/87110 379-0902 (c)**

**Lynne Martin, 1531 Espejo NE/87112 294-0435 (h)**

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



CONSENSUS

March 31, 2016

Landscape Architecture  
Urban Design  
Planning Services

Ms. Janice Arnold-Jones  
7713 Sierra Azul NE  
Albuquerque, NM 87110

Ms. Lynne Martin  
1531 Espejo NE  
Albuquerque, NM 87112

302 Eighth St. NW  
Albuquerque, NM 87102

Re: Zone Map Amendment

(505) 764-9801  
Fax 842-5495  
cp@consensusplanning.com  
www.consensusplanning.com

Dear Ms. Arnold-Jones and Ms. Martin:

The purpose of this letter is to inform you and the District 7 Coalition of Neighborhood Associations that Consensus Planning has submitted a request for a Zone Map Amendment on behalf of Guadalquivi, LLC for property located on Utah Street NE, between Marble Avenue NE and Lomas Boulevard NE legally described as Lots 18 A-1-A, 19, 20, 21, 22, 23, and 24, Blocks 24 and 25, East End Addition. This request will be heard by the Environmental Planning Commission (EPC) on Thursday, February 11, 2016 at Plaza del Sol located at 600 Second Street NW. The hearing begins at 8:30 a.m.

The current zoning on the approximately 1.3 acre property is P and R-2. The applicant's request is to change the existing zoning of the property to C-2 to accommodate expansion of the existing Garcia Honda Dealership currently located to the south of the subject property.

Please do not hesitate to contact me at 764-9801 with any questions you may have regarding this request. We are happy to meet with you and your board at your earliest convenience.

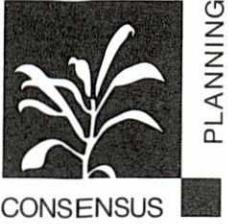
Sincerely,

James K. Strozier, AICP  
Principal

Att: Copy of the Zone Atlas Page J-19-Z

PRINCIPALS

James K. Strozier, AICP  
Christopher J. Green, PLA,  
ASLA, LEED AP  
Jacqueline Fishman, AICP  
Laurie Firor, PLA, ASLA



March 31, 2016

Ms. Nancy Bearce  
600 San Pablo St. NE  
Albuquerque, NM 87108

Mr. Ronald Halbgewachs  
3401 Monte Vista Blvd. NE  
Albuquerque, NM 87106

Re: Zone Map Amendment

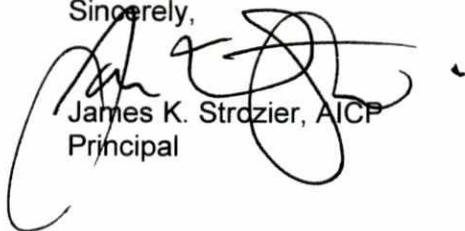
Dear Ms. Bearce and Mr. Halbgewachs:

The purpose of this letter is to inform you and the District 6 Coalition of Neighborhood Associations that Consensus Planning has submitted a request for a Zone Map Amendment on behalf of Guadalquivi, LLC for property located on Utah Street NE, between Marble Avenue NE and Lomas Boulevard NE legally described as Lots 18 A-1-A, 19, 20, 21, 22, 23, and 24, Blocks 24 and 25, East End Addition. This request will be heard by the Environmental Planning Commission (EPC) on Thursday, February 11, 2016 at Plaza del Sol located at 600 Second Street NW. The hearing begins at 8:30 a.m.

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Please do not hesitate to contact me at 764-9801 with any questions you may have regarding this request. We are happy to meet with you and your board at your earliest convenience.

Sincerely,



James K. Strozier, AICP  
Principal

Att: Copy of the Zone Atlas Page J-19-Z

PRINCIPALS

James K. Strozier, AICP  
Christopher J. Green, PLA,  
ASLA, LEED AP  
Jacqueline Fishman, AICP  
Laurie Firor, PLA, ASLA

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MAR 31 2016

03/31/2016

Sent To  
**Janice Arnold Jones**

Street, Apt. No.; or PO Box No. **7713 Sierra Azul NE**

City, State, ZIP+4 **Albuquerque, NM 87110**

PS Form 3800, August 2006 See Reverse for Instructions

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Restricted Delivery Fee (Endorsement Required)	\$0.00
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MAR 31 2016

03/31/2016

Sent To  
**Lynne Martin**

Street, Apt. No.; or PO Box No. **1531 Espejo NE**

City, State, ZIP+4 **Albuquerque, NM 87112**

PS Form 3800, August 2006 See Reverse for Instructions