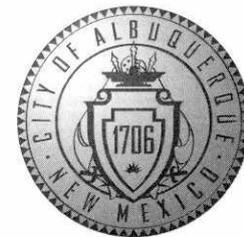


CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

October 13, 2017

Community Dental Services Inc
2116 Hinkle St SE
ABQ, NM 87102

Project# 1011247
17EPC-40014 Sector Development Plan Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above actions for all or a portion of Tracts 310, 307B, 308A, and 308B zoned SU-2 MR to SU-2 LCR located on the east side of Williams Street south of Thaxton Avenue SE and north of Gerald Avenue SE, containing approximately 1.4 acres. (L-14) Staff Planner: Cheryl Somerfeldt

On October 12, 2017 the Environmental Planning Commission (EPC) voted to APPROVE Project PO Box 1293 1011247/17EPC-40014, a Sector Development Plan Map Amendment (Zone Change), based on the following findings:

Albuquerque
FINDINGS:

Project # 1011247, Case # 17EPC- 40014, Sector Development Plan Map Amendment (Zone Change)

- NM 87103
- www.cabq.gov
1. This is a request for a Sector Development Plan Map Amendment (Zone Change) from SU-2 MR (Mixed Residential) to SU-2 LCR (Limited Commercial Residential) for all or a portion of Lots 307B, 308A, 308B, and 310 located at 2116 Hinkle Street SE just south of Thaxton Avenue SE between John Street SE to the east and William Street SE to the west and containing approximately 1.4 acres. The subject lots are vacant.
 2. The request was originally scheduled for the July 13, 2017 EPC hearing and was deferred to allow more time to further justify the request, to discuss the project with surrounding neighbors, and to hold a facilitated meeting with the neighborhood association.
 3. The applicant is the property owner for the subject lots zoned SU-2 MR (Mixed Residential), and for the adjacent lot, which was zoned SU-2 LCR (Limited Commercial Residential) upon the adoption of the South Broadway Neighborhoods Sector Development Plan in 1986. As such, the request would constitute an amendment to the South Broadway Neighborhoods Sector Development Plan.

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4. The request is for a zone change to SU-2 LCR (Limited Commercial Residential) which would permissively allow office, some retail, and multi-family housing up to 20 dwelling units per acre.
5. Office is not a permitted or conditional use in the existing SU-2 MR (Mixed Residential) zone, therefore, the applicant is requesting the zone change to operate existing parking lots, and to move access from Hinkle Street SE to William Street SE. The applicant currently has a shared access agreement (the subject of a legal dispute) with the adjacent residential property in order to access the subject lots.
6. The Comprehensive Plan , South Broadway Neighborhoods Sector Development Plan and Metropolitan Redevelopment Plan are incorporated herein and made a part of the record.
7. The subject lots are located in an Area of Consistency as designated by the Comprehensive. Plan. Areas of Consistency are intended to protect and enhance the character of existing single-family neighborhoods. Applicable policies include:
 - a. The request furthers Policy 5.2.1.a, because the zone change would facilitate the development of vacant properties and is conveniently accessible by car, transit, and bicycle on Broadway Boulevard. The proposed development for the subject properties is a dental clinic and should not be confused with a “mixed-use” development which combines residential and commercial uses on the same site and/or in the same building.
 - b. The request furthers Policy 5.2.1.e, because the Community Dental Clinic is accessible from surrounding neighborhoods. The property is in a convenient location within the existing South Broadway neighborhood. It is also accessible from other surrounding neighborhoods such as San Jose and Barelvas, providing a needed healthcare service which promotes a healthy community.
 - c. The request partially furthers Policy 5.2.1.n, because although the request will facilitate development of vacant lots, the applicant is proposing to continue the use of the surface parking lots, which is not the intention of this policy; although the lots could be developed in the future. The surface parking lots were not legally constructed, and therefore cannot be considered under-utilized in the justification. In addition, the Community Dental Clinic has not yet provided a buffer between their current parking lots and the adjacent residential properties.
 - d. The request furthers Policy 5.3.1 because rezoning the currently vacant subject lots would support infill growth in an older established neighborhood with existing infrastructure and public utilities.
 - e. The request partially furthers Policy 5.3.1.f, because the use is currently causing negative impacts to the existing residential community with the noise and traffic caused by clients waiting and parking on the adjacent residential streets; however, there is a potential that these issues could be alleviated with the proposed zone change which would permit access off of William Street SE instead of Hinkle Street SE.

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- f. The request furthers Policy 5.3.1.g, because adequate infrastructure exists and community services exist for infill development.
8. The subject site is located within the South Broadway Neighborhoods Sector Development Plan boundaries. Applicable goals include:
 - a. Goal 1 of the South Broadway Neighborhoods SDP is generally furthered by the request. The requested SU-2 LCR (Limited Commercial Residential) zone will permit more options in the development of long vacant properties. In addition, the existing parking lots will be considered new, and the location of the intended improvements will be required per Zoning Code regulations, including requirements for a buffer between the residential and non-residential properties.
 - b. Goal 2 of the South Broadway Neighborhoods SDP is furthered by the request, because it would assist with the development of vacant lots, which can be a blighting influence.
9. The zone change request has been justified pursuant to *R-270-1980* as follows:
 - A. Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans. This zone change request:
 - Furthers Comprehensive Policy 5.2.1.a, 5.2.1.e, 5.3.1, 5.3.1.g, and South Broadway Neighborhoods SDP Goal 2.
 - Partially furthers Comprehensive Plan Policies 5.3.1.f, 5.2.1.n and South Broadway Neighborhoods SDP Goal 1.
 - B. Stability of land use is supported by the zone change because the Community Dental Clinic property was zoned SU-2 LCR by the South Broadway Neighborhoods SDP when it was adopted in 1986, and the subject lots are adjacent to this property. These lots have remained vacant since that time. It is expected that the subject lots will be utilized as an extension of the applicant's properties. The San Jose Neighborhood Association has expressed concern over higher density multi-family use, however, multi-family is not typically a conflicting use in residential neighborhoods. Furthermore, the Zoning Hearing Examiner found that apartments would not be injurious to the neighborhood, in a Conditional Use Permit case for adjacent properties.
 - C. The request is consistent with and furthers adopted plans and policies, including the Comprehensive Plan and the South Broadway Neighborhoods Sector Development Plan as summarized in Findings 7 through 10.
 - D. The existing zoning is inappropriate because the subject lots have been vacant for a long period of time and are currently not being utilized. The proposed zone change would allow for the expansion of the existing Community Dental Clinic which is a more advantageous use because it will further applicable policies and goals and develop vacant lots at an infill location.

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- E. Permissive uses in the SU-2 LCR (Limited Commercial Residential) zone would not be harmful to adjacent property, the neighborhood, or the community because in a previous Conditional Use Case on the adjacent properties, the Zoning Hearing Examiner found that multi-family would not be injurious to the surrounding neighborhood. Since the neighborhood appealed the recent Conditional Use Permit for an apartment complex on the adjacent property, potential projects with multi-family housing could be controversial; but are not typically considered harmful.
 - F. Approval of the requested amendment will not require any capital improvements because the site is located in an area that already has infrastructure, and the planned access driveway would be the applicant's responsibility.
 - G. Although economic considerations for the Community Dental Clinic's parking and access is a factor, other factors include utilizing long vacant lots in an infill location to benefit the surrounding community.
 - H. The subject lots does not front directly onto any major street.
 - I. The request is not for a spot zone; because although the properties are owned by one owner and all of the lots may become one premise if the zone change is approved, the subject request is for only four of the five lots and these four lots are adjacent to the existing SU-2 LCR zone, making it a continuation of the existing zone rather than a spot zone.
 - J. The request is not for a commercial strip of land along a street, so it does not constitute strip zoning.
- 10. Per Zoning Code section 14-16-3-10 (E) (8), a 10-foot wide landscape buffer and a 6-foot high opaque wall or fence along a property boundary separating commercial from residential zoning will be required.
 - 11. The San Jose Neighborhood Association was notified as required and a facilitated meeting was requested, which occurred on September 25, 2017. The San Jose Neighborhood Association expressed opposition to the request due to concerns over access, parking, and future plans.
 - 12. Property owners within 100 feet of the subject lots were also notified as required. Staff received verbal comments of concern from three residents. Staff received written comments from two neighboring property owners.
 - 13. Development of parking and any new or revised access to the site will require a traffic circulation layout (TCL) to be reviewed and approved by Transportation Development.
 - 14. The applicant is willing to gate vehicular access points to control after-hours access to the parking lot.

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APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **OCTOBER 27, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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

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

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

Sincerely,


for Suzanne Lubar
Planning Director

SL/CS

cc: Community Dental Services INC, 2216 Hinkle St SE, ABQ, NM 87102
Garcia/Kramer & Associates, 600 1st St NW, Suite 211, ABQ, NM 87102
San Jose NA, Olivia M. Greathouse, 408 Bethel Dr SE, ABQ, NM 87102
San Jose NA, Bobby Brown, 2200 William SE, ABQ, NM 87102
Anthony J. Garcia, 2111 Hinkle SE, ABQ, NM 87102
Ruth Aubert, 2200 William St SE, ABQ, NM 87102
Danny Espinosa, 308 Thaxton SE, ABQ, NM 87102
Emily Martinez, 2206 Willaim SE, ABQ, NM 87102
Robert Brown, 2200 William St SE #B, ABQ, NM 87102
Olivia M. Price, 408 Bethel Dr. SE, ABQ, NM 87102