

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

February 8, 2018

Hotsy Equipment Company
Attn: Robert Reed
2211 Candelaria Rd NE
ABQ, NM 87102

Project# 1000936
17EPC-40069 Zone Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Lot 4, Paradise Plaza, zoned SU-1 for Mixed Use Development-C-1 Permissive Uses, excluding automobile related retail and service uses and drive-up facilities including package liquor sales ancillary to a retail grocery of 20,000 square feet minimum and restaurant with alcoholic drink sales for on-premise consumption (maximum 4.5 acres) to C-1, located on the east side of Unser Blvd. NW between Crown Rd. NW and Summer Ridge Rd. NW, containing approximately 2 acres. (A-11)

Staff Planner: Cheryl Somerfeldt

PO Box 1293

Albuquerque

On February 8, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project NM 87103 1000936, 17EPC-40069, a Zone Map Amendment (Zone Change), based on the following findings.

FINDINGS:

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1. This is a request for a Zone Map Amendment (zone change) for Tract 4, Paradise Plaza, located on the east side of Unser Boulevard NW between Crown Road NW and Summer Ridge Road NW, north of McMahon Boulevard NW and containing approximately 2 acres.
2. The subject site is zoned SU-1 for Mixed Uses detailed in Project #1000936, which is SU-1 for Mixed Use Development C-1 Permissive Uses, excluding automobile related retail and service uses and drive-up facilities including package liquor sales ancillary to a retail grocery of 20,000 square feet minimum and restaurant with alcoholic drink sales for on-premise consumption (maximum 4.5 acres). Automobile related retail and service uses, such as a car wash, are excluded and are not allowed by the subject site's zoning.
3. The request is to change the zoning to the SU-1 for C-1 with auto-related uses controlled by project 1000936. Site Development Plan for Subdivision will control auto-related uses and changes of use to auto-related uses and drive up service windows by requiring EPC review and approval.
4. The Site Development Plan for Subdivision shall create two separate lots and will be delegated to planning staff for approval.

OFFICIAL NOTICE OF DECISION

Project #1000936

February 8, 2018

Page 2 of 6

5. The Site Development Plan for Subdivision will have the following note: “The Site Development Plan for Subdivision Amendment shall be delegated to planning staff. Future Site Development Plans for Building Permit shall be delegated to planning staff with the exception of Site Development Plans for auto-related uses and changes of use to auto-related uses and drive up service windows, which shall require EPC review and approval.”
6. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan, the Unser Boulevard Design Overlay Zone, the Unser/McMahon Site Development Plan for Subdivision Design Standards and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The subject site is designated an Area of Change within the 2017 Albuquerque/Bernalillo County Comprehensive Plan. The following goals and policies apply:
 - The request generally furthers Policy 4.1.1. While the request will continue the auto-oriented character in the immediate area, the objective of this policy is to consider the distinct character of the nearby residential communities as well. The Design Standards of the existing Site Development Plan for Subdivision is expected to provide additional standards for site plan, architectural design, and landscape buffers that encourage quality development consistent with the distinct character of the larger community.
 - Policy 4.2.2 is generally furthered because the applicant notified the public as required and the agent has spoken with adjacent property owners as mentioned above. A facilitation meeting was not conducted; therefore neighborhood association and community comments are not a part of the written record. Staff has received no written or spoken comments in support or opposition to the request.
 - Policies 5.1.12 a) and 5.1.12 b) are furthered because auto-oriented development will be permitted on a Commuter Corridor with higher speed and higher traffic volume for people crossing town. The request maintains the existing Site Development Plan for Subdivision which requires a 10-foot landscape buffer between commercial and residential uses. In addition, the process of EPC Site Plan review for auto-oriented uses, including the intended car wash, will require EPC review and the option to suggest additional controls such as building orientation to shield the adjacent townhome owners.
 - Policy 5.2.1 is furthered because the request will encourage commercial development located in an existing commercial zone and on Unser Boulevard NE which is a designated commuter corridor. In addition, use of this vacant lot will offer an additional local conveniently accessible commercial service that should assist to minimize trips outside of the neighborhood. This development is considered infill on an under-utilized lot because most of the surrounding properties in this community are developed, and annexation occurred long ago.
 - Because the request is for the SU-1 for C-1 zone, the Design Standards will encourage quality commercial development and compatibility of the architecture and site plan in form and scale to the immediately surrounding development for this visible property located on a commuter corridor. The request will encourage infill development with complementary commercial uses.

OFFICIAL NOTICE OF DECISION

Project #1000936

February 8, 2018

Page 3 of 6

- Policy 5.3.1 is furthered because the request will maximize the utility of the existing infrastructure and public facilities, and efficiently use the land by permitting auto-oriented uses on a commuter corridor intended for high vehicular use.
 - Policy 5.6.4 is generally furthered because although the SU-1 for C-1 zone would permit an auto-related use which is different in intensity from residential, the Site Plan for Subdivision Design Standards and the Zoning Code will require setbacks and buffering; and Site Plan review will encourage a layout to protect the character and integrity of the existing residential area abutting the subject site to the east.
 - Policy 5.6.2 b), Policy 5.6.2 e), and Policy 5.6.2 g) are furthered because the property is located in an Area of Change and therefore, growth will occur in an area where expected and desired. The property is located on a commuter corridor where infrastructure and community services already exist or are currently being developed.
 - Policy 5.6.2 f) is partially furthered because potential auto-oriented uses such as a car wash could negatively impact the existing abutting residential uses on the eastern property line with respect to noise from sprayers, vacuums, etc. Since Site Plans for auto-oriented uses will be subject to EPC review and approval, Site Plan improvements could increase quality and minimize potential negative impacts.
 - Policy 5.6.4 is generally furthered because although the SU-1 for C-1 zone would permit an auto-related use, the Site Plan for Subdivision Design Standards and the Zoning Code will require setbacks and buffering; and Site Plan review will encourage a layout to protect the character and integrity of the existing residential area abutting the subject site to the east.
8. The subject site is within the Seven Bar Ranch Community of the West Side Strategic Plan (WSSP) and adjacent to the north of the McMahon / Unser Neighborhood Center. The following policy applies:
- The request furthers the WSSP Objective 8 (page 15) because it encourages job opportunities and business growth on the West Side.
 - The request furthers WSSP Policy 1.3 (page 39) because the subject site is not in a strip development and the request will keep commercial development along a commercial commuter corridor adjacent to a Neighborhood Center.
 - WSSP Policy 1.15 (page 41) does not apply because the subject site is not technically within the boundaries of the Neighborhood Center.
9. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
- A. The request is consistent with the health safety, morals, and general welfare of the City because it is generally consistent with the goals and policies of the Comprehensive Plan, which was created to protect the health, safety, morals, and general welfare of the City.

OFFICIAL NOTICE OF DECISION

Project #1000936

February 8, 2018

Page 4 of 6

- B. The request achieves land use stability because the project is on a vacant parcel in a location where the neighborhood expects commercial services. The location will assist with stabilizing the neighborhood by developing local services and jobs, and minimizing trips outside of the neighborhood. Unser Boulevard NW and McMahan Boulevard NW are Commuter Corridors as designated by the Comprehensive Plan. Unser Boulevard NW is planned to be a Premium Transit Corridor. Pedestrian friendliness should be considered for all development in this corridor in expectation of the planned transit system, and this can be implemented through the EPC site plan review for auto-oriented uses Site Plan for Building Permit.**
- C. The subject request is not in significant conflict with adopted elements of the Comprehensive Plan, the West Side Strategic Plan, the Unser Boulevard Design Overlay Zone, or the Unser/McMahon Village Center North Site Plan for Subdivision. Please refer to Findings 5 and 6 for further analysis of applicable policies.**
- D. The applicant stated that the existing zoning is inappropriate because the requested zone is more advantageous to the community. The existing zone was established in 1998 and the site has not been developed thus far according to the existing zone which excludes auto-oriented uses. Comprehensive Plan Policies support the development of parcels on commuter corridors with auto-oriented uses. Comprehensive Plan Policies also support developing vacant parcels on the West Side with commercial development over residential in order to provide more services and employment opportunities to existing residential neighborhoods. Furthermore, West Side neighborhoods are typically opposed to putting a further burden on schools and traffic with additional residential development. The SU-1 zone designation and Site Development Plan for Subdivision will apply Design Standards requiring buffers, landscaping, and architectural cohesiveness.**
- E. Permissive uses in the C-1 zone are low intensity and expected to provide commercial services at a neighborhood scale. The applicant has stated that C-1 zone uses were discussed with the surrounding property owners, and that the neighborhood supported the development showing that the requested zone change would not be harmful. Staff does not currently have a record of conversations with property owners or neighborhood associations because a facilitated meeting did not occur, and staff has not been contacted with comments in support or opposition. In this case, a public hearing does not appear to be a priority for the community.**

The applicant intends to add a statement to the Site Development Plan for Subdivision that Site Development Plans for auto-oriented uses and drive-up service windows shall require EPC review and approval. The SU-1 zone applies Design Standards which include a 10-foot landscape buffer between a change in uses as well as architectural and landscape cohesion, which will assist with minimizing harm to adjacent property, the neighborhood, or the community.

- F. The request will not require major or unprogrammed capital expenditures by the City.**
- G. While cost of land is typically a factor, it is not the determining factor for the proposal because the requested zone will be more advantageous to the community by generally furthering the preponderance of Comprehensive Plan and West Side Strategic Plan applicable goals, policies, and objectives.**

OFFICIAL NOTICE OF DECISION

Project #1000936

February 8, 2018

Page 5 of 6

- H. While location on commuter corridor supports the requested zone to include C-1 permissive auto-oriented uses, it is not the only justification. The request has also been shown to be more advantageous to the community in allowing the development of a vacant property and providing local services and jobs in accordance with Comprehensive Plan policies.
 - I. The request for SU-1 for C-1 zoning will create a spot zone. The applicant justifies the spot zone by demonstrating that the proposed zone change will clearly facilitate realization of applicable goals, policies, and objectives in the Comprehensive Plan and West Side Strategic Plan with regard to providing local commercial services and employment on the West Side and focusing auto-oriented uses on commuter corridors.
 - J. The subject site is of sufficient depth so that it is not a strip of land along a street and would not create strip zoning.
10. The affected homeowner's association, Villa De Villagio, and the affected neighborhood organization, the Westside Coalition of Neighborhood Associations, were notified as required as were property owners within 100-feet of the subject site. A facilitated meeting was not requested nor conducted. Staff has not received any comments in support or opposition.

CONDITIONS OF APPROVAL

- 11. Per email from the agent Consensus Planning, dated 01/31/2018, the following will be noted on the Site Development Plan for Subdivision:
"The Site Development Plan for Subdivision Amendment shall be delegated to planning staff. Future Site Development Plans for Building Permit shall be delegated to planning staff with the exception of Site Development Plans for auto-related uses and changes of use to auto-related uses and drive up service windows, which shall require EPC review and approval."
- 12. The applicant shall obtain final sign-off of the associated site development plan for building permit within six months of the zone change. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

OFFICIAL NOTICE OF DECISION

Project #1000936

February 8, 2018

Page 6 of 6

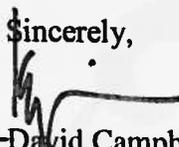
APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **FEBRUARY 23, 2018**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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

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

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 David Campbell
Planning Director

DC/CS

cc: Hotsy Equipment Compan, Attn: Robert Reed, 2211 Candelaria Rd NE, ABQ, NM 87107
Consensus Planning, Inc., 302 Eight St. NW, ABQ, NM 87102
Villa De Villagio HOA, James Morrow, 10848 Como Dr. NW, ABQ, NM 87114
Villa De Villagio HOA, Susie Sollien, P.O. Box 93488, ABQ, NM 87199
Westside Coalition of Neigh. Assoc., Harry Hendriksen, P.O. Box 6270, ABQ, NM 87197
Westside Coalition of Neigh. Assoc., Gerald Worrall, 1039 Pinatubo Pl. NW, ABQ, NM 87120