

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

December 11, 2015

Miller Family Real Estate
Greg Flint
9350 South 150 East, Suite 1000
Sandy, UT 84070

Project# 1010649
15EPC-40065 Amendment to Zone Map (Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of lot 46A, block C, Summary Plat of Lots 45, 46, 47, portion of lot 49 & portion of 20 ft. alley vacated by V-81-2 2, Bosque Redondo Addition, zoned O-1, P to C-2, located on 909 Virginia Street NE, containing approximately 1 acre. (K-19)

Staff Planner: Vicente Quevedo

PO Box 1293

On December 10, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project #1010649/15EPC-40065, an Amendment to Zone Map (Zone Change), based on the following findings:

FINDINGS - 15EPC-40065 - Zone Map Amendment:

New Mexico 87103

www.cabq.gov

1. This is a request for a Zone Map Amendment for Lot 46A, block C, Summary Plat of Lots 45, 46, 47, portion of lot 49 & portion of 20 ft. alley vacated by V-81-2 2, Bosque Redondo Addition, located On Virginia St. between Lomas Blvd. and Roma Ave. and containing approximately 1 acre.
2. The requested zone change would allow all C-2 permissive uses on the subject site. The applicant's stated reason for the new zoning designation is to allow for the development of a vehicle parking/storage lot associated with the existing car dealership to the north and east of the subject site.
3. The 1963 City of Albuquerque Zone Atlas Map indicates that as of April 30, 1963, the subject site's existing O-1 zoning designation along with a public alley way on the site's western edge had already been established (No additional information is available in the Planning Department's records). The public alley along the western edge of the subject site was vacated in 1981 (V-81-22) and the existing office building was constructed in 1981.

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4. The Albuquerque/Bernalillo County Comprehensive Plan, La Mesa Sector Development Plan, Near Heights Metropolitan Redevelopment Area Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within the Established Urban Area of the Comprehensive Plan. The request furthers the following applicable policies of the Comprehensive Plan:

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

The subject site abuts an existing C-2 zoned parcel to the north and is adjacent to another existing C-2 zoned parcel to the east. The facilitated meeting report notes that residents in the area are not opposed to the proposed use of a vehicle parking / storage lot. The applicant states in their project narrative that they will be adding a landscape buffer along the access easement next to the residentially zoned parcels and that demolition of the existing office building will assist nearby residents with the opportunity to reclaim their view shed of the Sandia Mountains. Therefore, the request furthers Policy II.B.5.d.

- B. Policy II.B.5.i.: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

The proposed use will complement existing residential areas by reducing the adverse effects of noise by removing an office building and replacing it with a storage lot for vehicles. Vehicles stored on this lot will remain stationary for an extended period of time which may slightly reduce vehicle emissions in the area. Future lighting will include upgraded / energy efficient light fixtures that will conform to the area lighting regulations of the Zoning Code. The request furthers Policy II.B.5.i.

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

While the requested C-2 zone is a more intense zone than the existing O-1 & P zones, the proposed vehicle storage use for the subject site and demolition of the existing office building along with proposed site improvements such as adequate landscape buffers will reduce noise and any potential land use conflicts. Therefore, the request furthers Policy II.C.4.a.

- D. Policy II.C.4.b.: Construction of noise sensitive land uses near existing noise sources shall include strategies to minimize adverse noise effects.

There is an existing 6' high masonry wall and a 10' access easement between the subject site and adjacent residentially zoned parcels to the south and west. The applicant is proposing to enhance the existing buffer by widening it to include a 20' access easement with a 4' wide landscape area that includes trees at 20' on center. The request furthers Policy II.C.4.b.

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

The requested zone change for the subject site will allow for the additional development of an existing business enterprise in the area. The applicant states that this business expansion may lead to additional jobs in the area such as service technicians and sales associates. The request furthers Policy II.D.6.b.

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

- A. Policy II.C.1.c.: Traffic engineering techniques shall be improved to permit achievement and maintenance of smooth traffic flow at steady, moderate speeds.

While the applicant states that this policy is furthered by the requested zone change and proposed vacation of a portion of Virginia St., it is unclear to what degree a proposed street vacation would constitute a traffic engineering technique to permit smoother traffic flows. Staff does note that while the proposed street vacation may reduce any potential cut through traffic issues, the vacation request will not be heard by EPC and therefore cannot be considered as a justification for the zone change request. Therefore, the request partially furthers Policy II.C.1.c.

7. The request furthers the following applicable objectives of the Near Heights Metropolitan Redevelopment Area Plan (NHMRAP):

- A. Eliminates blight and prevents further deterioration.

The applicant proposes to remove a deteriorating office building and implement new site improvements such as upgraded LED lighting, security systems and upgraded landscaping. Therefore, the request furthers NHMRAP Objective 1.

- B. Stimulates public and non-profit / private investment in the area.

The requested rezone would stimulate private investment into the area via the aforementioned proposed subject site improvements and bring the subject site into conformance with current City of Albuquerque code requirements. Therefore, the request furthers NHMRAP Objective 2.

- C. Increases the number of jobs in the area and increases the patronage of local businesses.

The request will result in expansion of an existing car dealership within the La Mesa area. The applicant states that this expansion initiative will result in additional patronage of a local business as well as the need for additional jobs in the form of sales associates and service technicians for the expanding business. Therefore, the request furthers NHMRAP Objective 3.

- D. Promotes the image of a safer environment.

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The applicant states that the additional security will be implemented on the subject site including improved lighting, security cameras and fencing. The implementation of these measures not only promotes the image of a safer environment, but contributes to a safer environment for the adjacent residential parcels to the west. Therefore, the request furthers NHRAP Objective 4.

8. The request furthers the following applicable long term objective of the La Mesa Sector Development Plan (LMSDP):

- A. Elimination of conditions which are detrimental to the public health, safety and welfare.

The applicant states that the requested zone change in conjunction with the proposed Virginia Street vacation would reduce the amount of traffic near the intersections of Lomas Blvd. and Virginia St. as well as Roma and Virginia Street. The EPC can only consider the requested zone change and does not have jurisdiction over the Virginia Street vacation as that item will be heard by the Development Review Board and City Council. However, the applicant has also cited increased security measures such as increased lighting, security cameras and fencing. Therefore, the request furthers the LMSDP Long Term Objective 2.

9. The request partially furthers the following applicable long term objective of the La Mesa Sector Development Plan (LMSDP):

- A. Elimination of Blight and prevention of blighting influences.

The applicant states that the existing office building on the subject site is deteriorating and in need of repairs. However, no specific evidence has been provided by the applicant with regard to the extent of the deterioration of the existing office building. Upon a site visit conducted by Planning staff on December 1, 2015, the office building appeared to be almost completely occupied by tenants. The applicant also intends to ensure that the subject site meet all current code requirements with the redevelopment of the lot as a vehicle storage site to include safety and security measures. Therefore, the request partially furthers the LMSDP Long Term Objective 1.

10. The request does not further the following applicable long term objective of the La Mesa Sector Development Plan (LMSDP):

- A. Enhancement of the area as a primarily residential area with strips of commercial uses on the north, east and southern portion of the area.

The applicant states that based on preliminary traffic counts, Virginia Street is being utilized as a north / south bypass between Lomas and Wyoming Blvd. As previously stated, the EPC will not hear the Virginia St. vacation request. Based on the applicant's justification, it is unclear how the zone change request alone will remove this bypass and

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enhance the area as a primarily residential area. Therefore, the request does not further the LMSDP Long Term Objective 3.

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

- A. Staff agrees that the applicant has sufficiently demonstrated that the zone change request is consistent with the health, safety, morals and general welfare of the city as articulated per the Comprehensive Plan and Section C of the project narrative.
- B. The proposed unification of the adjacent C-2 zoned property to the north will create a more consistent, predictable development pattern. Additionally, the applicant proposes to enhance the existing buffer by widening it to include a 20' access easement with a 4' wide landscape area including a series of trees at 20' on center.
- C. See Findings 5 – 9 above for policy analysis justification.
- D. Section I. of R270-1980 discourages spot zoning. According to a 2014 published article in the Business Outlook section of the Albuquerque Journal, office vacancy in the Albuquerque metro area spiked from 18.4 percent to 20.9 percent in just the first 2 quarters of 2014. One of the key goals of an area designated as an MRA is to correct conditions in neighborhoods within a municipality which “substantially inflict or arrest the sound and orderly development” within the City, this in turn demonstrates a public need for redevelopment of the subject site thus making it more advantageous to the community. Therefore, staff agrees that the applicant has justified the zone change by demonstrating a changed community condition and that a different use category is more advantageous to the community.
- E. Staff agrees that due to the already existing adjacent C-2 zoned lots north of the existing residential lots west of the subject site, the permissive and proposed use on the subject site will not be harmful to adjacent property or the surrounding community.
- F. Staff agrees that the requested zone change does not include any un-programmed capital expenditures by the City.
- G. While economic considerations are always a factor to be considered, they are not the sole determining factor for the requested zone change.
- H. Staff agrees that the subject site is not located along a major roadway.
- I. Staff agrees that the requested zone change will unify the subject site’s zoning with other existing surrounding C-2 zoned sites and remove its current status as a spot zone.
- J. The requested zone change in and of itself does not constitute strip zoning as the requested zoning for the subject site would not give a zone different from surrounding C-2 zoning to a strip of land along a street.

12. The La Mesa Community Improvement Association, District 6 Coalition of Neighborhood Associations and property owners within 100 feet of the subject were all notified of this request.

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The Office of Neighborhood Coordination recommended this case for a facilitated meeting. The facilitated meeting was held on November 18, 2015.

13. The report indicates that neighbors did not express opposition to the proposed use, but did express interest in limiting the zone change request to prevent unwanted future uses if the property were ever sold.
14. The report does not specifically list the permissive uses within the C-2 zone that would be considered unwanted to surrounding community members.
15. The applicant has stated that they will attend the next neighborhood association meeting to follow up with neighborhood residents regarding their additional concerns.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **DECEMBER 28, 2015**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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

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

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

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project

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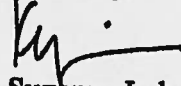
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proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

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

Sincerely,



for Suzanne Lubar
Planning Director

SL/VQ

cc: Miller Family Real Estate, Greg Flint, 9350 South 150 East, Suite 1000, Sandy, UT 84070
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