

# 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

May 13, 2016

Guadalquivir, LLC &  
Sheilah P. Garcia  
8301 Lomas Blvd NE  
ABQ, NM 87110

**Project# 1009069**  
16EPC-40018 Zone Map Amendment (Zone Change)

### LEGAL DESCRIPTION:

The above action for all or a portion of Lot 18 A-1-A and Lots 19-24, Blocks 24 and 25, East End Addition, zoned P, R-2 and C-2 to C-2, located on Utah St. NE, between Marble Ave. NE and Lomas Blvd. NE, containing approximately 2.78 acres. (J-19)  
Staff Planner: Vicente M. Quevedo

PO Box 1293  
On May 12, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project #1009069/16EPC-40018, a Zone Map Amendment (Zone Change), based on the following findings and conditions:

Albuquerque

### FINDINGS:

New Mexico 87103  
www.cabq.gov  
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.

OFFICIAL NOTICE OF DECISION

Project #1009069

May 12, 2016

Page 2 of 6

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.

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

**OFFICIAL NOTICE OF DECISION**

Project #1009069

May 12, 2016

Page 3 of 6

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.5.1.: 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.5.1. 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

**OFFICIAL NOTICE OF DECISION**

**Project #1009069**

**May 12, 2016**

**Page 4 of 6**

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.

**OFFICIAL NOTICE OF DECISION**

Project #1009069

May 12, 2016

Page 5 of 6

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MAY 27, 2016**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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

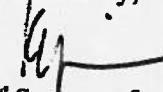
You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of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

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

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

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

Sincerely,

  
For Suzanne Lubar  
Planning Director

SL/VQ

**OFFICIAL NOTICE OF DECISION**

**Project #1009069**

**May 12, 2016**

**Page 6 of 6**

**cc: Guadalquivir, LLC & Sheilah P. Garcia, 8301 Lomas Blvd NE, ABQ, NM 87110**

**Consensus Planning, Inc., 302 Eighth St. NW, ABQ, NM 87102**

**Janice Arnold-Jones, Dist. 7 Coalition of NA's, 7713 Sierra Azul NE, ABQ, NM 87110**

**Rose Walker, 1033 Utah NE Apt D, ABQ, NM 87110**

**Sheilah & Ed Garcia, 8301 Lomas NE, ABQ, NM 87110**