



**Environmental
Planning
Commission**

**Agenda Number: 7
Project Number: 1006825
Case #: 07EPC 40057
October 18, 2007**

Staff Report

Agent	Edward Fitzgerald Architects
Applicant	Urban Assets LLC
Request	Zone Map Amendment
Legal Description	Tract B1, Block 3, New Year Addition
Location	Northeast corner of Lomas and Jefferson NE
Size	Approximately 0.618 acres
Existing Zoning	P
Proposed Zoning	C-2

Staff Recommendation

APPROVAL of 07EPC 40057, based on the findings on pages 7-8.

Staff Planner

Anna DiMambro, Planner

Summary of Analysis

This is a request for a zone map amendment for Tract B1, Block 3, New Year Addition, located on the northeast corner of Lomas Boulevard NE and Jefferson. The site currently contains two zoning designations – the majority of the site is zoned C-2, while the northern approximately 0.17 acre portion of the site is zoned P. The applicant is proposing to rezone the northern portion of the property to C-2.

The applicant has adequately justified this request per the requirements of R-270-1980 and has cited a preponderance of adopted City policies that are furthered by this request. The applicant has also noted a shift in urban planning philosophy that warrants removal of the existing P zone. Staff recommends approval of this request.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 9/10/2007 to 9/21/2007. Agency comments were used in the preparation of this report and begin on page 9.

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	P, C-2	Established Urban	Commercial (vacant building)
<i>North</i>	R-2	Established Urban	Single-family residential
<i>South</i>	C-1	Established Urban	Manufacturing, Office, Commercial
<i>East</i>	P, C-2	Established Urban	Commercial
<i>West</i>	R-2, C-2	Established Urban	Office, Single-family residential

Background, History and Context

This is a request for a zone map amendment for Tract B1, Block 3, New Year Addition, located on the northeast corner of Lomas Boulevard NE and Jefferson. The site currently contains two zoning designations – the majority of the site is zoned C-2, while the northern approximately 0.17 acre portion of the site is zoned P. The applicant is proposing to rezone the northern portion of the property to C-2.

The subject site currently contains a vacant single-story commercial building and an associated parking lot. The neighborhood to the north, although zoned R-2, contains single-family residential homes. Along the Lomas corridor, to the east, west, and south of the subject site are various office, commercial, and manufacturing uses.

Several attempts have been made over the past 50 years to change the zoning of the northern portion of the subject site, which was originally zoned R-2. Requests for zone changes from R-2 to C-2 were made in 1957 and in 1963 (Z-481 and Z-1304). These requests were denied to prevent encroachment of commercial zoning into a residential area. In 1968, an applicant was successful in a zone map amendment request for the subject site from R-2 to P-2 (Z-68-103). However, the P-2 zoning was void after a year had passed and the applicant had not fulfilled conditions of approval. Finally, in 1979, an applicant requested C-2 zoning for the subject site (Z-79-125). The Planning Commission and the applicant agreed on a P zone instead. This is the origin of the current P zone on the subject site.

On April 30, 2007 the Zoning Hearing Examiner approved a conditional use (07ZHE 00313) for the subject site to allow for “4 dwellings (live/work townhouses) in a C-2 zone on all or a portion of Lot B1, Block 3, New Year Addition, zoned C-2....” At that time, the applicant and the Zoning Hearing Examiner were under the impression that the entire site was zoned C-2. It was later discovered that a portion of the site is zoned P. Should the applicant secure the requested C-2 zoning for the entire parcel, the proposed development will be able to go forward with the

conditional use. Although residential uses are no longer conditional in a C-2 zone, the applicant is able to proceed with this request because the process was initiated before residential was removed from the list of C-2 conditional uses.

Long Range Roadway System

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

The Long Range Roadway System designates Lomas Boulevard NE as a Principal Arterial, with a right-of-way of 124' (Established & Developing Urban) or 156' (elsewhere).

The Long Range Roadway System designates Washington Street NE as a Collector street, with a right-of-way of 68'.

Public Facilities/Community Services

The subject site is located within one mile of an elementary school, a high school, a senior center, and several developed city parks. A transit route operates on Lomas Boulevard. Lomas is a designated Enhanced Transit Corridor. Marble Avenue is a proposed bike route. Washington has an existing bike lane north of Lomas, and a bike lane is proposed for south of Lomas.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Policy Citations are in Regular Text; ***Staff Analysis is in Bold Italics***

Albuquerque Comprehensive Zoning Code

The northerly portion of the subject site is currently zoned P, a zone that “provides sites suitable for parking of automotive vehicles.” This zone does not allow any structure to be built, except for a conditional use of “an additional structure which is reasonable and necessary for the function of the parking lot or for the convenience of patrons, such as attendant shelter, telephone booth, or rest rooms” (14-16-2-26).

The applicant is proposing C-2 zoning for the entire site. C-2 is the Community Commercial Zone, which “provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses” (14-16-2-17). Some examples of permissive uses are: antenna up to 65 feet in height; clinic; day care center; office; vehicle sales; drive-in restaurant; hospital for animals.

The applicant has requested and obtained a conditional use permit to allow dwelling units on the subject site. While this is a benign use in close proximity to a residential neighborhood, it is important to note that the applicant is not required to take advantage of the conditional use. Any permissive C-2 use may locate on the property if the zone map amendment is approved.

Albuquerque / Bernalillo County Comprehensive Plan

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:

Developing and Established Urban Areas

Policy a: The Developing and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

This request furthers this policy. The P zone is considered an obsolete zone and does not contribute to a full range of urban land uses, as its only permissive use is vehicular parking. The proposed C-2 zone will allow urban land uses to locate on the subject site.

Policy 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, recreational concern.

The applicant states that the proposed conditional residential use will serve as a transition between the commercial uses to the south and the R-2 zone to the north. Staff agrees that live/work townhouses could serve this purpose. However, in evaluating this request, staff must consider only the request for C-2 zoning. Approved conditional uses cannot be taken into consideration because the applicant is not required to develop a conditional use. Staff does find, though, that the proposed zone change respects existing neighborhood values. The applicant has correctly noted that the existing neighborhood has an established pattern of C-2 zoning abutting R-2 zoning. This proposal is in line with the way the remainder of the neighborhood has developed. This request furthers this policy.

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.

The subject site is contiguous to existing urban facilities and services. The integrity of existing neighborhoods can be ensured because this neighborhood has an established pattern of C-2 zoning abutting R-2 zoning. This request furthers this policy.

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 environments.

This request furthers this policy by locating employment and services uses to complement residential areas. Because this request involves only a zone map amendment and not a site plan, the remainder of the policy -- regarding noise, lighting, pollution, and traffic -- is not applicable.

Policy 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.
- In freestanding retailing and contiguous storefronts along streets in older neighborhoods.

The subject site is located in an older neighborhood. The applicant is proposing a freestanding retailing establishment. The applicant states that a new commercial zone is appropriate in this commercial area. Staff only partially agrees with this analysis but comes to the same conclusion that the new commercial zone is appropriate. The subject site, with both P and C-2 zoning, functioned as one commercial site although structures were limited to the C-2 portion of the site. Staff finds that this request meets the intent of this policy by allowing the development of new commercial uses in an existing commercial site in an older neighborhood.

Policy o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The applicant has not cited this policy, but staff finds it to be applicable. Approval of this request will continue and strengthen redevelopment and rehabilitation of an older neighborhood located in the Established Urban Area. A P zone is no longer considered a good use of land. Allowing structures to be built on the subject site will do more to redevelop and rehabilitate the neighborhood than will continuance of an obsolete zone. This request furthers this policy.

The applicant has also cited several policies that are not applicable to a zone map amendment request to C-2.

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.

A. The applicant states that the proposed zoning is consistent with the health, safety, morals, and general welfare of the City because a C-2 zone allows more variety in use to complement

the neighborhood. Also, the applicant has pointed out an existing pattern of C-2 abutting R-2 zoning in the surrounding neighborhood.

B. The applicant has met the burden of showing why the proposed zone change should be made. The applicant has also demonstrated that the proposed zoning will contribute to stability, as the existing P zone is somewhat of an anomaly in the neighborhood.

C. The applicant has cited a preponderance of Comprehensive Plan policies that are furthered by this request.

D. The applicant justifies this request based on changed community conditions. The applicant cites a change in urban planning philosophy regarding single-use zoning that justifies the removal of a zone allowing only vehicular parking. Staff agrees with this analysis and also finds that adopted City policies and regulations reflect this shift in philosophy. Current regulations pertaining to parking and non-residential site design encourage the clustering of buildings and the segmenting of parking areas. The P zone is considered obsolete.

The applicant also states that a different land use category is more advantageous to the community as articulated in the Comprehensive Plan, and has cited a preponderance of policies that are furthered by this request (see policy analysis above).

E. The applicant states that permissive uses in a C-2 zone will not be harmful to adjacent property, the neighborhood, or the community. While some of the permissive uses in the C-2 zone are not ideal, none can be said to be harmful to a neighboring R-2 zoned property. The applicant also correctly points out that this request would continue an existing pattern of R-2 and C-2 properties abutting each other. Any harm arising from such arrangement would by now be apparent to the neighborhood. The applicant has obtained neighborhood support.

F. This request does not require capital expenditures by the City.

G. Economic considerations have not been a determining factor in this analysis.

H. The subject site's location on Lomas Boulevard is not the only justification for this request.

I. This request will not create a spot zone, and in fact eliminates an existing spot zone.

J. This request does not constitute a strip zone.

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

No adverse comments have been received.

NEIGHBORHOOD/PUBLIC CONCERNS

The Highland Business and Neighborhood Association was notified of this request and submitted a letter of support dated September 18, 2007. A facilitated meeting was not recommended for this project.

CONCLUSIONS

This is a request for a zone map amendment for Tract B1, Block 3, New Year Addition, located on the northeast corner of Lomas Boulevard NE and Jefferson. The site currently contains two zoning designations – the majority of the site is zoned C-2, while the northern approximately 0.17 acre portion of the site is zoned P. The applicant is proposing to rezone the northern portion of the property to C-2.

The applicant has adequately justified this request per the requirements of R-270-1980 and has cited a preponderance of adopted City policies that are furthered by this request. The applicant has also noted a shift in urban planning philosophy that warrants removal of the existing P zone. Staff recommends approval of this request.

FINDINGS – 07EPC 40057, October 18, 2007 – Zone Map Amendment

1. This is a request for a zone map amendment for Tract B1, Block 3, New Year Addition, located on the northeast corner of Lomas Boulevard NE and Jefferson in the Established Urban Area. The site currently contains two zoning designations – the majority of the site is zoned C-2, while the northern approximately 0.17 acre portion of the site is zoned P. The applicant is proposing to rezone the northern portion of the property to C-2.
2. In April 2007 the Zoning Hearing Examiner approved, based on the understanding that the entire property was zoned C-2, a conditional use for the subject site to allow four two-story townhouses (07ZHE 00313). The Highland Business and Neighborhood Association expressed unanimous support for the conditional use request.
3. This request furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:
 - a. The P zone does not contribute to a full range of urban land uses. The proposed C-2 zone will allow urban land uses to locate on the subject site (II.B.5.a).
 - b. The proposed zone change respects existing neighborhood values and continues an existing pattern of C-2 abutting R-2 zoning in the neighborhood (II.B.5.d).
 - c. The subject site is contiguous to existing urban facilities and services. The integrity of existing neighborhoods can be ensured because the affected neighborhood has an established pattern of C-2 abutting R-2 zoning (II.B.5.e).
 - d. This request will locate employment and service uses to complement residential areas (II.B.5.i).
 - e. This request allows the development of new commercial uses on a site that functioned as a single commercial site in an older neighborhood (II.B.5.j).
 - f. Approval of this request will continue and strengthen redevelopment and rehabilitation of an older neighborhood located in the Established Urban Area (II.B.5.o).
4. The applicant has adequately justified this request per the requirements of R-270-1980:
 - a. The proposed zoning is consistent with the health, safety, morals, and general welfare of the City because a C-2 zone allows more variety in use to complement the neighborhood. Also, there is a pattern of C-2 abutting R-2 zoning in the surrounding neighborhood (A).
 - b. The applicant has met the burden of showing why the proposed zone change should be made. The applicant has also demonstrated that the proposed zoning will contribute to stability, as the existing P zone is somewhat of an anomaly in the neighborhood (B).

- c. The applicant has cited a preponderance of Comprehensive Plan policies that are furthered by this request (C).
 - d. The applicant cites a change in urban planning philosophy regarding single-use zoning that justifies the removal of a zone allowing only vehicular parking. City policies and regulations reflect this shift in philosophy. The applicant also states that a different land use category is more advantageous to the community, and has cited a preponderance of policies that are furthered by this request (D).
 - e. While some of the permissive uses in the C-2 zone are not ideal, none can be said to be harmful to a neighboring R-2 zoned property. The applicant also correctly points out that this request would continue an existing pattern of R-2 and C-2 properties abutting each other (E).
 - f. This request does not require capital expenditures by the City (F).
 - g. Economic considerations have not been a determining factor in this analysis (G).
 - h. The subject site's location on Lomas Blvd. is not the only justification in this request (H).
 - i. This request will not create a spot zone, and in fact eliminates an existing spot zone (I).
 - j. This request does not constitute a strip zone (J).
5. The Highland Business and Neighborhood Association has submitted a letter of support for this request. There is no known neighborhood or other opposition.

RECOMMENDATION - 07EPC 40057, October 18, 2007

APPROVAL of 07EPC 40057, a request for a zone map amendment from P to C-2, for the northern approximately 0.17-acre portion of Tract B1, Block 3, New Year Addition, based on the preceding Findings.

***Anna DiMambro
Planner***

cc: Edward Fitzgerald, Arch., 121 Jefferson, Albuquerque, NM 87108
Claude Lewis, Highland Business & NA, 465 Jefferson NE, Albuquerque, NM 87108
Lee West, Highland Business & NA, 312 Monroe NE, Albuquerque, NM 87108

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Reviewed: If approved, a zone change would be consistent with the Zoning Hearing Examiner's conditional use approval.

Office of Neighborhood Coordination

Highland Business and NA (R)

Courtesy Notify Only – Pueblo Alto NA

Advanced Planning

The applicant requests a zone change of part of the property from C-2/P zone to straight C-2 to conform to the rest of the property in order for the "residential portion of the proposed development for the above mentioned property may conform with the applicable zoning.

The proposal of four Live/Work units on Lomas Boulevard and a highly used public transit bus route # 11 will mutually support each other.

PUBLIC WORKS DEPARTMENT

Transportation Development (City Engineer/Planning Department):

- Reviewed, no comments.

Hydrology Development (City Engineer/Planning Department):

- The Hydrology Section has no objection to the zone map amendment request.

Transportation Planning (Department of Municipal Development):

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

Utility Development (Water Authority):

- No comments received.

Water Resources, Water Utilities and Wastewater Utilities (Water Authority):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT,

WATER AUTHORITY and NMDOT:

Conditions of approval for the proposed Zone Map Amendment shall include:

- a. None.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

City Forester

PARKS AND RECREATION

Planning and Design

Open Space Division

Open Space has no adverse comments

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved on condition, will comply with all SWMD ordinances and requirements, and have required recycle area.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

New Year Addition, Tract B-1, Block 3, is located on Lomas Blvd NE between Jefferson St NE and Madison St NE. The property owner requests a zone change from C2-P to C-2 for the purpose of developing a live/work situation consisting of 4 townhomes and commercial structures. This will impact Zia Elementary School, Jefferson Middle School, and Albuquerque High School. All 3 of these schools will be nearing capacity as other development in the area continues.

Loc No	School	2007-08 Projections	2006-07 Capacity	Space Available
385	Zia	416	444	28
425	Jefferson	829	888	59
590	Albuquerque	1,888	2,100	212

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has gas facilities on the east and west sides of the development property and existing overhead along the south side of the property. PUE setbacks will need to be maintained as the property is developed.

