



**Environmental  
Planning  
Commission**

**Agenda Number: 7**  
**Project Number: 1006950**  
**Case #: 08EPC 40010**  
**March 15, 2008**

**Staff Report**

<b>Agent</b>	DCA Enterprises
<b>Applicant</b>	Gina Schmidt, D/B/A Sierra West, LLC.
<b>Request(s)</b>	<b>Zone Map Amendment</b>
<b>Legal Description</b>	Parcel B-13-QCD, New Mexico Department of Transportation Subdivision, as described in the Quitclaim Deed filed on October 10, 2007, as Document Number 2007150906 (to be known as Tract A, Land of Sierra West LLC)
<b>Location</b>	Wyoming BLVD, between I-40 freeway NE, Mountain RD, NE, and Jaffa Road
<b>Size</b>	Approximately 1.2 acres
<b>Existing Zoning</b>	R-1
<b>Proposed Zoning</b>	C-2

**Staff Recommendation**

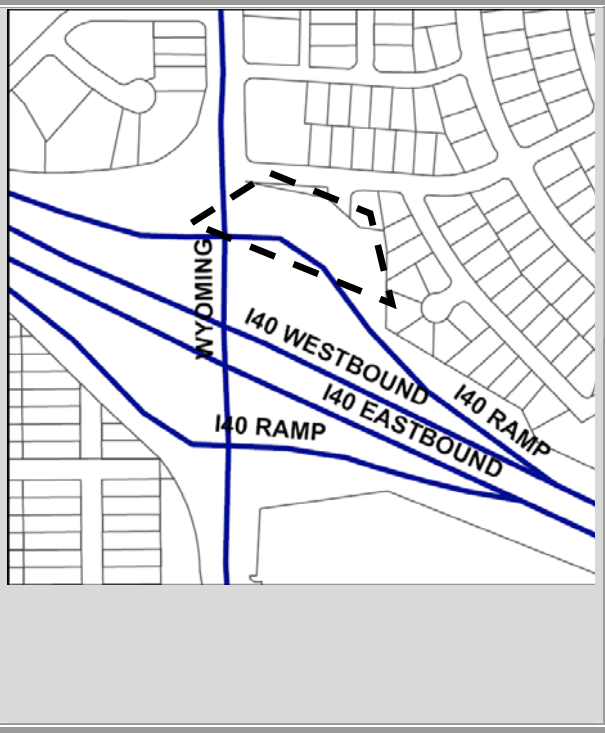
**DEFERRAL for 60 days, of 08EPC 40010, based on the findings on pages 11-13.**

**Staff Planner**  
**Jennifer Donofrio, Associate Planner**

**Summary of Analysis**

This is a request for a zone map amendment for Parcel B-13-QCD, located on the Wyoming Boulevard westbound off-ramp of Interstate 40. This site was once owned by the New Mexico Department of Transportation, and as a result was not platted or zoned by the City. The default zoning for the site is R-1. The applicant is proposing to rezone the property to C-2.

The applicant has partially justified this request per the requirements of R-270-1980 and has cited a preponderance of adopted City policies that are partially furthered by this request. The applicant has noted a change in conditions in the 1950s as justification for the zone change request. Staff recommends a 60 day deferral to allow the applicant and Staff to work together to develop a more appropriate zoning category that protects values, integrity, and safety of the residents abutting and adjacent to the subject site.



City Departments and other interested agencies reviewed this application from 02/11/2008 to 2/27/2008  
 Agency comments were used in the preparation of this report and begin on page 14.

**AREA CHARACTERISTICS AND ZONING HISTORY**

*Surrounding zoning, plan designations, and land uses:*

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</i>	<i>Land Use</i>
<i>Site</i>	R-1	Established Urban	Vacant
<i>North</i>	C-2, R-1	Established Urban	Commercial and Single-Family Residential
<i>South</i>	C-2	Established Urban	Commercial
<i>East</i>	R-1	Established Urban	Single-Family Residential
<i>West</i>	C-2	Established Urban	Office

**Background**

This request is for a zone map amendment for Parcel B-13-QCD, as described in the Quitclaim Deed filed on October 10, 2007, as Document Number 2007150906 (to be known as Tract A, Land of Sierra West LLC) within the New Mexico State Highway Right-of-way, an approximately 1.2 acre vacant site located at the Interstate 40, Wyoming Boulevard NE exit near Mountain Road. The subject site includes the small platted triangle zoned R-1 to the north of the site. The subject site is currently zoned R-1. The applicant is proposing to rezone the property to C-2. This request is for a straight zone change. As a result, upon approval of the zone change respect by the EPC, the applicant would not have to bring back a site development plan for building permit for EPC review.

The subject site was once owned by the New Mexico Department of Transportation and served as part of the Interstate 40 right-of-way. The site is located adjacent to the I-40 westbound off-ramp. Access to the site would be from Mountain Road, a local residential street. There is an existing sound barrier wall along the I-40 interstate (south side of the site) blocking views of the site from the off-ramp. There is a chain link fence on the north, east and west sides of the site. There is a twenty foot public water easement on the northern boundary of the site (see metes and bounds survey).

The vacant subject site is located within the Established Urban Area as designated by the Comprehensive Plan. This site is not located within the boundaries of any sector plans.

**Context**

The Mesa Village residential neighborhood exists east and north of the subject site. Access to the site would be from within the Mesa Village neighborhood. The neighborhood consists of a single-family residential development, which is zoned R-1. Six residential properties abut the subject site. In addition, single family houses exist across Mountain Road. Along Wyoming Boulevard, to the west, north and south of the subject site are various office and commercial uses. Most of these commercial and office uses gain access from Wyoming Boulevard. In

addition, commercial uses on Wyoming are separated from residential within the Mesa Village neighborhood by an alley.

#### *Nearby Zone Change*

In January 2002 the EPC approved a zone change from Parking Zone to C-2 (Project # 1001141) on the corner of Wyoming Boulevard and Summer Avenue NE and Mountain Avenue NE (the existing gas station to the north of the subject site). The commercial site abuts residential uses on the east side. A facilitated meeting was held and three people attended. The facilitated report stated that there was “enthusiastic support” of this project because it would eliminate cut-through traffic and use of the vacant site for unauthorized vending. At the EPC hearing one person spoke in support of the zone change and no one spoke in opposition of the request.

#### *History*

Staff believes the subject site was owned by the New Mexico Department of Transportation from the 1950s (the development of Interstate 40) until 2007. Staff nor the applicant, could not find any information about the zoning of the site prior to the 1950s. Since the site was owned by the New Mexico Department of Transportation the site was not platted or zoned by the City. As a result, the current zoning is based on Zoning Code Regulation §14-16-4-9, whenever the zone map does not name the zoning of an area within the city, the area is zoned R-1. Therefore, by default the site is zoned R-1.

In 2007, the applicant purchased the subject site, which was defined as excess right-of-way property by the New Mexico Department of Transportation. In December 2007, the applicant submitted an application for a sketch plat to the Development Review Board (DRB). The sketch grouped the original six parcels (B-13-13, B-13-14, B-13-9, B-13-10, B-13-11, and B-13-12) into one parcel (B-13-QCD). In January 2008, the applicant executed a metes and bounds survey of the subject site. In March 2008, the applicant was concurrently going through the DRB process to plat the site. The DRB submittal included a change in the name of the parcel from B-13-QCD to Tract A, Land of Sierra West LLC (Survey of the site label Tract A is attached). The platting action was scheduled for the March 12, 2008 DRB hearing (see attached DRB agenda). DRB approved the final platting action on March 12, 2008.

#### *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 Interstate 40 as an Existing Urban Interstate.

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

No bike paths, trails, or routes exist or are proposed to connect to the subject site.

ABQ Ride Routes 31 and 98 exist on Wyoming Boulevard. In addition, ABQ Ride Route 11, on Lomas Boulevard is located south of the subject site and ABQ Ride Route 766 from ABQ

Uptown is located to the west of the subject site. There are no bus routes that directly serve the site.

Wyoming Boulevard is an Enhanced Transit Corridor per the Comprehensive Plan.

***Public Facilities/Community Services***

The subject site is located within one mile of two elementary schools, two middle schools, twelve developed parks, and two community centers.

***ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES***

**ALBUQUERQUE COMPREHENSIVE ZONING CODE**

The subject site is currently zoned R-1, a zone that “provides suitable sites for houses and uses incidental thereto in the Established Urban and Central Urban areas” (§14-16-2-6). This zone does not allow commercial or retail uses except for business activities conducted within a house.

The applicant is proposing C-2 zoning for the entire site. C-2 is the Community Commercial Zone, which “provides suitable sites for offices, most commercial service and commercial activities, and for certain specified institutional uses” (§14-16-2-17). Examples of permissive uses are: antenna up to 65 feet in height; clinic; copy, blueprinting; day care center; office; park and ride temporary facility; retailing of any consumer product and provision of any customer, personal, or business service, except adult amusement establishments; vehicle sales, rental, service, and storage; banking and pawn shops; dry cleaning and laundry; flowers and plant sales; gasoline sales; drive-in restaurant; restaurant with outdoor seating; secondhand store; and hospital for animals.

In addition to the uses allowed on the subject site, below is a description of other Zoning Code regulations which affect the site.

**Landscaping: Zoning Code § 14-16-3-10 (E)4.**

Where nonresidential and residential zones abut, a special buffer landscaping is required to minimize noise impact of the non-residential activities in the area. There shall be a buffer landscaping strip of at least 10 feet wide located along the residential/ nonresidential boundaries. The buffer landscaping shall consist primarily of trees, which shall be at least eight high at the time of planting and reach a at least 25 feet at maturity. Spacing of the trees shall be equal to 75% of the mature canopy diameter of the trees. At least 50% of the required trees shall be deciduous canopy-type shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet. Where parking or vehicle circulation areas are adjacent to the landscaping strip, a minimum six foot high opaque wall or fence shall be required to visually screen the parking or circulation area from the adjacent residential zone. A chain link fence with slats shall not constitute acceptable screening.

All landscaping areas 36 square feet or greater in size shall be covered with living, vegetative material, such as grasses, vines, spreading shrubs, or flowers over at least 75% of the required landscape area.

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**Lighting: Zoning Code § 14-16-3-9 (D).**

For sites less than five acres, the maximum height of a light pole measured from the finished grade to the top of the pole, shall be twenty feet. Within 100 feet of a residential zone, the maximum height of a light pole measured from finished grade to the top of the pole shall be 16 feet.

**C-2 Signage: Zoning Code §14-16-2-17(10).**

The maximum height of a free-standing on-premise sign would be 26 feet. One free-standing sign shall be permitted for each street frontage which has at least 100 feet of street frontage or one per 300 feet of total street frontage. Free-standing signs which abut local streets (Mountain Road) shall not exceed seventy-five square feet. In addition, because the site is within two hundred feet of a principal arterial (Wyoming Boulevard) the site could have a free-standing sign not exceeding two hundred and fifty square feet.

**C-2 Building Height and Setbacks: Zoning Code §14-16-2-17(19)C and (E).**

The C-2 building height and setback regulations refer to the O-1 zone. The O-1 zone states that a structure height up to 26 feet is permitted at any legal location. With regards to setbacks, there shall be a front or corner side setback of not less than ten feet where the lot is across the street from the front lot line of a facing lot in a residential zone. In addition, there shall be a side yard setback of not less than 15 feet where the site abuts the rear of a lot in a residential zone.

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Staff notes that the SU-1 Use Zone is suitable for uses which are special because of infrequent occurrence, effect on surrounding property, safety hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

**ALBUQUERQUE / BERNALILLO COUNTY COMPREHENSIVE PLAN**

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Established Urban. The Comprehensive Plan goal of Developing and Established Urban Areas is “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:

*Land Use Policies*

Policy II.B.5d: 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 has provided renderings of the proposed commercial area. However, in evaluating this request, Staff must consider only the C-2 zoning. Staff finds that the proposed zone change partially further this policy. Staff finds that all C-2 permissive uses may not be appropriate for**

this site. Some C-2 uses would most likely not *respect neighborhood values*. Even though, there would be landscape buffers and walls placed on the site between the C-2 use and the residents the neighborhood would be negatively impacted. The proposed C-2 development would especially increase traffic within the neighborhood.

Policy II.B.5e: 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.

Staff finds that this policy is partially furthered. Staff agrees with the applicant that this is an infill site, but the sites access from within the Mesa Village neighborhood detaches the site from the contiguous existing urban facilities and services. Allowing all C-2 permissive uses on the site would most likely negatively impact the integrity of the existing neighborhood. Developing commercial uses abutting and adjacent to residents could impact property values and may create safety issues caused by increases in cut-through neighborhood traffic.

Staff recommends that development on this site, preserve or enhance the integrity of the existing neighborhood. Staff finds that the C-2 use is dependent on preserving or enhancing the integrity of the Mesa Village neighborhood. Staff suggests that the sites uses and layout be thoughtfully constructed to protect the integrity of the neighborhood. Contrastingly, the applicant believes that the existing Zoning Code regulations are restrictive enough to protect the interests if the residential neighborhood.

Policy II.B.5j: Employment and services 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 policy is partially furthered by this request. Dependent on the use, the site could compliment residential areas by allowing for pedestrians and bicyclist from within the Mesa Village neighborhood to use local residential streets to access the site. In addition, Staff agrees that the request would require landscaping buffers and walls to minimize adverse affects on the residential neighborhood.

With regards to noise and pollution, the applicant proposes that the freeway already causes noise and pollution and that the C-2 use would not cause any noise greater than what already exists. Staff agrees that adding a C-2 use to the site would not significantly impact the existing decibel level; however, the noise created by the proposed development may become more of a nuisance to the abutting and adjacent neighbors. In addition, different C-2 uses create different types and volumes of noise. Staff also notes that some plants are more sensitive to pollution and are not appropriate near interstates. Staff believes that a review of proposed landscaping by the EPC would help mitigate pollution-plant conflicts.

Policy II.B.5j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

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- 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 provide` 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 residential neighborhood and along a principal arterial. The applicant is proposing a C-2 use, which is intended to be consistent with existing C-2 uses along the Wyoming Boulevard commercial corridor. The applicant states that a new commercial zone is appropriate in this area. Staff partially agrees with this analysis. Staff agrees that R-1 zoning is not appropriate for this site because of its proximity to the Interstate and Wyoming Boulevard. When assessing a zoning map it seems as though C-2 use is the most appropriate for the site based on consistency with the zoning along Wyoming. However after further review, Staff notes that the existing C-2 uses on Wyoming Boulevard have access from the principal arterial (Wyoming Boulevard) to their properties. This site would be accessed from Mountain Road a local residential street. Therefore, Staff argues that the site is not connected to the Wyoming Boulevard commercial corridor.**

#### **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 because of the size of the site there would not be a substantial impact on the health, safety, morals, and welfare of the City. The applicant argues that the development would not generate any new trips on Wyoming Boulevard and traffic which is generated by the site would be minimal within the neighborhood. The applicant believes that all trips would be created by other uses and that the number of vehicles on Wyoming Boulevard would be the same regardless if the site is developed or not (trip-chaining). Staff finds that if vacant land is developed, fundamentally trips will be created. Staff believes that a trip generation study should be conducted to justify the applicant's position. Staff also notes that the applicant did not address traffic safety issues. The zone change request**

would increase the number of vehicles traveling within the Mesa Village neighborhood and potentially increase the number of vehicle-pedestrian conflicts within the community. In addition, the neighboring residents would be impacted by additional noise created by the site and other nuisances created by commercial development. Overall, the applicant has only partially met the burden of showing why the proposed zone change would not impact the health, safety, morals, and welfare of the City.

In addition, Staff agrees with the applicant that the zone change request would not have a substantial adverse effect on public facilities and services, roadways, schools, parks, fire and police facilities, and drainage.

B. Staff agrees that single-family housing is not appropriate abutting an interstate off-ramp. The applicant argues that the proposed zoning is compatible with adjacent land uses and is therefore more beneficial. Staff finds that the applicant's argument about stability and compatible uses is based on the assumption that access to the site is gained from Wyoming Boulevard. Since access to the site is from within the Mesa Village neighborhood, Staff does not agree that all C-2 uses would be compatible with adjacent zoning and land use.

C. The applicant has cited a preponderance of Comprehensive Plan policies that are partially furthered by this request (land use policies, economic development policies, and air quality policies). Staff did not include economic development policies and air quality policies in its analysis because the policies are dependent on the use of the site. For example, air quality policies promoting the efficient placement of housing, employment and services may not be applicable if some C-2 uses are developed (Antenna, Wireless telecommunication facility, off-premise sign, etc.). The policies identified by Staff are designed to protect neighborhoods, Policy II.B.5d, Policy II.B.5e, Policy II.B.5i, and Policy II.B.5j.

Overall, Staff finds that the applicant's analysis to be weak. The applicant justifies the zone change request based on the following arguments (1) the Zoning Code is stringent enough to protect the interests of the residential neighborhood; (2) that the proposed zoning is consistent to existing zoning on Wyoming Boulevard; and (3) the size of the site influences possible uses. First, Staff does not agree that the Zoning Code is stringent enough. The Zoning Code categories (R-1, R-2, C-1, C-2, etc.) include general regulations which may not be appropriate on all sites. Some sites are more sensitive and therefore a special use zone may be more appropriate.

Staff also finds that residential and commercial uses located along Wyoming Boulevard, north of Summer Avenue are separated by an alley further buffering residents from the impacts of commercial. Therefore, the existing commercial/ residential conflicts are significantly less intense than those adjacent and abutting the proposed development.

Staff agrees that the location, size, and access to the site would potentially restrict some uses. The size and shape of the site, existing easements, access points, and C-2 zone required setbacks and buffers make development on the subject site challenging. However,



the uses which may be restricted by the site may not be appropriate within the neighborhood. For example, an antenna, wireless telecommunication facility, gas station, and food services (in some cases residents have complained about the smell of restaurants).

D. The applicant has three options to justify their zone change request, (1) there was an error when the existing zone map pattern was created, (2) changed neighborhood or community conditions, and (3) a different use category is more advantageous to the community. The applicant has justified this request based on changed community conditions and supports the request with Comprehensive Plan policies. The applicant states that a zone change request is appropriate based on changed conditions with regards to Interstate 40. The applicant provided background information to support the zone change request. According to the applicant, the residential neighborhood was constructed in the early 1950s and the interstate was constructed in the late 1950s. As a result, the New Mexico Department of Transportation condemned several houses and land in the Mesa Village neighborhood to build the interstate system. Over the years the Wyoming Boulevard off-ramp was created and then realigned. In addition, sound walls were added in the early 2000s.

According to R-270-1980 guidelines, a change in neighborhood conditions is based on changes in the character of the neighborhood since the establishment of the site's existing zoning. Staff, nor the applicant could locate a Zone Atlas from the 1950s to identify the zoning of the subject site prior to the development of the interstate. However, once the site was purchased by the New Mexico Department of Transportation in the 1950s, the site did not have a zoning designation.

Staff believes that the justification for the zone change request based on the creation and modifications to Interstate 40 appears to be an antiquated argument and has little merit. The applicant has not provided information explaining how the Mesa Village neighborhood's character has changed since the 1950s to justify the change in zoning request.

E. The applicant states permissive uses in a C-2 zone will not be harmful to adjacent residential properties because of the landscape buffer required in the C-2 zone. In addition, the applicant emphasizes that C-2 zoning exists along Wyoming Boulevard and that it would be incongruous to presume that C-2 permissive uses would be appropriate in every other case except this one. Staff believes that some C-2 uses may be harmful to the neighborhood and recommends a more restrictive zoning.

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 Wyoming Boulevard is the primary justification for this request.

I. This request will not create a spot zone.

J. This request does not constitute a strip zone.

**CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION**

Adverse comments were received by the Advanced Planning department. Advance Planning noted that some permissive C-2 uses would not be compatible near an R-1 zone including 75' high WTF, 65' high antenna, vehicle storage, or painting and major auto repair. In addition, Advance Planning stated that a more appropriate zoning for the parcel would be a Special Use zone with very limited specific uses.

In addition, the Transportation Planning staff stated that there would be no access to the site from Wyoming Boulevard.

**NEIGHBORHOOD/PUBLIC CONCERNS**

The Snow Heights Neighborhood Association and the Indian Moon Neighborhood Association were notified of this request. The site is not located within the boundaries of an official neighborhood association. A facilitated meeting was not recommended for this project. The applicant held a private meeting with the Snow Heights Neighborhood Association on February 27, 2008. Please note that in the letter from the agent dated February 28, 2008, erroneously states that the meeting on February 27, 2008 was held with the Inez Neighborhood Association.

Staff received a call from Mr. and Mrs. Bren located at 8517 Mountain Road, directly across from the subject site on February 28, 2008. Mr. Bren followed up the phone conversation with a letter explaining his concerns about the proposed zone change request. Issues in the attached letter include, traffic and noise, signage and lighting, access and deliveries, and parking.

Staff also received a call from Angela Andrews, the owner of a leased-out residential property located at 1117 Mckee. Staff received several calls from people asking about the location of the site, to find out if the site was on the west or east side of Wyoming Boulevard.

**Note:** Please see attached map illustrating the locations of the neighborhood associations and a map showing all those notified by the City. The maps are located in the Neighborhood Section of the Staff Report.

**CONCLUSIONS**

This is a request for a zone map amendment for Parcel B-13-QCD, New Mexico Department of Transportation Subdivision as described in the Quitclaim Deed filed on October 10, 2007, as Document Number 2007150906 (to be known as Tract A, Land of Sierra West LLC), located on the southeast corner of Wyoming Boulevard and Mountain Road off of the Interstate 40 westbound off-ramp in the Established Urban Area. The 1.2 acre site is currently zoned R-1. The applicant is proposing to rezone the property C-2.

The applicant has only partially justified this request per the requirements of R-270-1980 and has cited a preponderance of adopted City policies that are partially furthered by this request. The applicant has noted the development and modifications of Interstate 40 as justification for a

change in conditions warranting the zone change request. Staff finds that the Mesa Village neighborhood will be directly affected by this zone change request and residents are in opposition of this request.

Staff recommends a more appropriate zone change request to regulate the allowed uses and the design of the site. Staff proposes that a more restrictive zone with a site development plan would help preserve the neighborhood's values and integrity as well as protecting abutting and adjacent residents from impacts caused by commercial development. Staff suggests a 60 day deferral to allow the applicant and the Mesa Village resident's time to develop a zone which is more conducive to the neighborhood and to re-advertise the request with the new zone change designation. The applicant has passed the April application deadline March 6, 2008; therefore a 60 day deferral is necessary to allow for commenting agencies to review a new proposal.

***FINDINGS – 08EPC 40010, March 20, 2008 -Zone Map Amendment***

1. This is a request for a zone map amendment from R-1 to C-2 for Parcel B-13-QCD, New Mexico Department of Transportation Subdivision, as described in the Quitclaim Deed filed on October 10, 2007, as Document Number 2007150906 (to be known as Tract A, Land of Sierra West LLC), located on the southeast corner of Wyoming Boulevard and Mountain Road off of the Interstate 40 westbound off-ramp, containing approximately 1.2 acres. .
2. The property was owned by the New Mexico Department of Transportation until 2007 when the site was deemed, excess right-of-way and sold to the highest bidder. The site was not zoned or platted. As a result, the default zone for the site is R-1, pursuant to Zoning Code regulation §14-16-4-9.
3. The applicant is concurrently going through the DRB process to plat the subject site.
4. The site is located within the Established Urban Area of the Comprehensive Plan. This request partially furthers the following Comprehensive Plan policies for Established Urban Areas:
  - a. All C-2 uses are not appropriate for this site. Some C-2 uses may not protect neighborhood values. (II.B.5.d).
  - b. The integrity of the neighborhood may be negatively impacted dependent of the C-2 use. The C-2 zone is not restrictive enough to ensure that development would not harm the residents abutting and adjacent to the subject site. (II.B.5e)
  - c. The noise and pollution of the existing interstate impacts the neighborhood. The zone change request would not significantly impact the existing decibel level. However, noise from the site may become a nuisance to the abutting and adjacent neighbors. (II.B5i).
  - d. This request allows the development of new commercial uses on a site that is partially connected to a commercial corridor. Access to the site would be from within the residential neighborhood. (II.B.5.j).
5. The applicant has partially justified this request per the requirements of R-270-1980.
  - A. The proposed zoning is not fully consistent with the health, safety, morals, and general welfare of the City because the zone change would increase the number of vehicular trips within

the Mesa Village neighborhood, create additional noise issues, and negatively impact residents abutting and adjacent to the subject site. The zone change request would not have a substantial adverse effect on public facilities and services, roadways, schools, parks, fire and police facilities, and drainage.

B. The applicant has not met the burden of showing why the proposed zone change should be recommended for approval. All C-2 uses are not appropriate or compatible with the neighborhood.

C. The request is in partial conflict with applicable goals and policies of the Comprehensive Plan.

D. The applicant cites a change in conditions in the 1950s to justify the zone change request. As stated in R-270-1980, the applicant has not addressed how the Mesa Village neighborhood character has changed to justify the change in zoning request.

E. Some permissive C-2 uses may be harmful to the residents abutting and adjacent to the subject site. The applicant has pointed out that this request would continue an existing pattern of C-2 and R-1 properties abutting one another. However, access to the subject site would be from within the residential neighborhood and therefore differentiating the subject site from the existing C-2 properties gaining access from Wyoming Boulevard.

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 Wyoming Boulevard is the primary justification for this request.

I. This request will not create a spot zone.

J. This request does not constitute a strip zone.

8. There is known neighborhood opposition. Staff received phone calls and a letter from Mr. and Mrs. Bren who apposed the zone change request based on traffic and noise, signage and lighting, access and deliveries, and parking.

***RECOMMENDATION – 08EPC 40010, March 20, 2008***

**DEFERRAL for 60 days of 08EPC 40010, a request for a zone map amendment from R-1 to C-2, for Parcel B-13-QCD, New Mexico Department of Transportation Subdivision, as described in the Quitclaim Deed filed on October 10, 2007, as Document Number 2007150906 (to be known as Tract A, Land of Sierra West LLC), based on the preceding Findings.**

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***Jennifer Donofrio  
Associate Planner***

cc: Gina Schmidt, Sierra West LLC, 6600 Briarcliff NE, Albuquerque, NM 87111  
DAC Enterprises Inc., P.O. Box 16658, Albuquerque, NM 87191  
Laura Heitman, Snow Heights NA, 8011 Princess Jeanne NE, Albuquerque, NM 87110  
Andrea Henderson, Snow Heights NA, 1317 Rhode Island NE, Albuquerque, NM 87110  
Lynne Martin, Indian Moon NA, 1531 Espejo NE, Albuquerque, NM 87112  
Mel Bernstein, Indian Moon NA, 1511 Clancy NE, Albuquerque, NM 87112

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Code Services***

Reviewed: If approved, a zone change from R-1 Residential Zone to C-2 Community Commercial Zone would allow all of the *permissive uses* of the C-2 Zone- refer to section 14-16-2-17(A), and if approved, *conditional uses*- refer to section 14-16-2-17(B)

In addition to the general Landscaping requirements for non-residential use, the following Landscaping regulations would apply:

\*\*Note- section 14-16-3-10(E)(4) Special Buffer Landscaping/Screening Requirements for abutting R-1 Zone to North and East\*\*

#### ***Office of Neighborhood Coordination***

##### **Snow Heights NA (R)**

*2/19/08 - FYI – the Indian Moon NA SHOULD HAVE NOT been notified of this project - siw*

#### ***Advanced Planning***

**EPC Comments for Parcel B-13-QCD, Wyoming Blvd. NE between I-40 Freeway NE and Mountain Rd NE., Project # 1006950, Zone Change Request from R-1 to C-2.**

General Comments:

1. Many permissive uses for C-2 on this parcel may be incompatible with the R-1 zoned adjacent parcels. Examples of incompatible permissive uses are: 75' high WTF, 65' high antenna, kennel, vehicle storage, or painting and major auto repair.
2. There is no alley to provide a buffer for adjacent R-1 zoned parcels.
3. A more appropriate zoning for the parcel is SU-1 with very limited specific uses.

### ***PUBLIC WORKS***

#### **Consolidated Comments for EPC Agenda of March 20, 2008**

##### **08EPC – 40010 (J-20)**

Mountain / Wyoming Area [1.2 acres] TIS - N

**#1006950**

##### **Transportation Development (City Engineer/Planning Department):**

- Platting action required.
- Access to the property is limited to Mountain Road only. Access to Wyoming Boulevard would not meet DPM requirements for driveway spacing and would be located within the NMDOT access control zone for the I-40/Wyoming interchange.

**Hydrology Development (City Engineer/Planning Department):**

- A concurrent platting action is required at DRB.

**Transportation Planning (Department of Municipal Development):**

Information

- Because of access limitations at the intersection of Wyoming Boulevard and Mountain Road, some traffic from this site will likely be required to use the adjacent neighborhood streets in order to access this property.

**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):**

- Comments sent directly to staff planner.

**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. Platting action required.
- b. Access to the property is limited to Mountain Road only. Access to Wyoming Boulevard would not meet DPM requirements for driveway spacing and would be located within the NMDOT access control zone for the I-40/Wyoming interchange.



***ENVIRONMENTAL HEALTH DEPARTMENT***

***Air Quality Division***

***Environmental Services Division***

***City Forester***

***PARKS AND RECREATION***

***Planning and Design***

Reviewed, no objection. Request does not affect our facilities.

***Open Space Division***

***POLICE DEPARTMENT/Planning***

Crime prevention /John Carrillo Substation

No Crime prevention or CPTED comments concerning the proposed zone change at this time due to incomplete information about proposed use.

***SOLID WASTE MANAGEMENT DEPARTMENT***

***Refuse Division***

No adverse comments.

***FIRE DEPARTMENT/Planning***

***TRANSIT DEPARTMENT***

## ***COMMENTS FROM OTHER AGENCIES*** ***BERNALILLO COUNTY***

### ***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

Reviewed, no comment.

### ***ALBUQUERQUE PUBLIC SCHOOLS***

NM State Hwy ROW, Lot B-13-QCD, is located on Wyoming Blvd NE between I-40 Freeway Mountain Rd NE. The owner of the above property requests an Amendment to Zone Map to allow for a zone change from R-1 to C-2. This will have no adverse impacts on the APS district.

### ***MID-REGION COUNCIL OF GOVERNMENTS***

Both Wyoming Bd and I-40 are shown on the ITS Systems Map as having Fiber Optic Ring. In addition, I-40 is scheduled to have CCTV, Dynamic Message Signs, Remote Traffic Monitoring, and pavement sensors. Coordination with City representative on the ITS Subcommittee is recommended.

For information purposes, Wyoming Bd has a functional classification of urban principal arterial.

### ***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

### ***PUBLIC SERVICE COMPANY OF NEW MEXICO***

No comment based on the information provided to date.