



**Environmental
Planning
Commission**

**Agenda Number: 8
Project Number: 1006950
Case #: 08EPC 40010
May 15, 2008**

Supplemental Staff Report

Agent	DCA Enterprises
Applicant	Gina Schmidt, D/B/A Sierra West, LLC.
Request(s)	Zone Map Amendment
Legal Description	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)
Location	Wyoming BLVD, between I-40 freeway NE, Mountain RD, NE, and Jaffa Road
Size	Approximately 1.2 acres
Existing Zoning	R-1
Proposed Zoning	C-2

Staff Recommendation

DEFERRAL for 60 days, of 08EPC 40010, based on the findings on pages 1-3.

Staff Planner

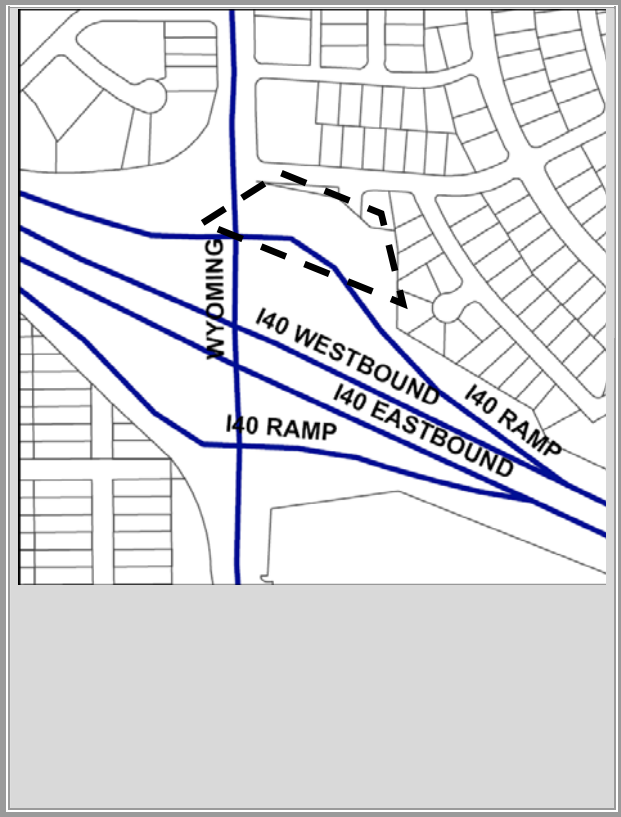
Jennifer Donofrio, Associate Planner

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 was proposing to rezone the property to C-2; However, after Staff review and neighborhood concerns the applicant is now proposing SU-1 zoning; however, no application reflecting this change has been received by the City.

At the March 20, 2008 hearing Staff recommended a 60 day deferral to allow the applicant and Staff time 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. The applicant has not provided Staff with any new information.

As a result, Staff is recommending another 60 day deferral to give the applicant time to finish creating a site development plan for building permit and site development plan for subdivision for the site and to allow for agency comments.



FINDINGS – 08EPC 40010, May 15, 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. This request was deferred from the March 20, 2008 EPC hearing.
4. Staff has received no new information about this proposal.
5. 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).
6. 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, May 15, 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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Associate Planner

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