



**Environmental  
Planning  
Commission**

*Agenda Number: 2  
Project Number: 1007095  
Case #'s: 08EPC 40011/0013  
March 20, 2008*

**Staff Report**

<b>Agent</b>	DAC Enterprises, Inc.
<b>Applicant</b>	Robert T. Bogan
<b>Request(s)</b>	<b>Site Development Building Permit Amend Sector Development Plan Map</b>
<b>Legal Description</b>	Lot 1, Lands of L.W. Barrett
<b>Location</b>	San Ygnacio SW between 86 <sup>th</sup> St. SW & Suneast SW
<b>Size</b>	Approximately 0.5 acres
<b>Existing Zoning</b>	SU-2/RD 9 du/ac
<b>Proposed Zoning</b>	SU-2/SU-1 for Day Care Center

**Staff Recommendation**

*APPROVAL of 08 EPC 40013, based on the findings on page 14, and subject to the conditions of approval on page 16.*

*APPROVAL of 08 EPC 40011, based on the findings on page 16, and subject to the conditions of approval on page 18.*

**Staff Planner**  
*Randall Falkner, Planner*

**Summary of Analysis**

This proposal is a request to amend the Tower/Unser Sector Development Plan map from SU-2/RD 9 du/ac to SU-2/SU-1 for Day Care Center, as well as a site development plan for building permit. The request is for a vacant property of 0.5 acres on the southwest corner of SanYgnacio Road SW and 86<sup>th</sup> Street SW. The applicant intends to build a 16,051 square foot day care center on the property.

The applicant has adequately justified both the request to amend the Tower/Unser Sector Development Plan map, as well as the site development plan for building permit, based on applicable policies found in the Comprehensive Plan, the West Side Strategic Plan, and the Tower/Unser Sector Development Plan. There is no known opposition to the request, and staff recommends approval with conditions.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 2/11/2008 to 2/27/2008. Agency comments were used in the preparation of this report and begin on page 21.

**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>	SU-2/RD 9 du/ac	Developing Urban Westside Strategic Plan Tower/Unser Sector Development Plan	Vacant
<i>North</i>	RD/R-1	same	Vacant
<i>South</i>	SU-2/RD 9 du/ac	same	Single Family
<i>East</i>	RD	same	Single Family
<i>West</i>	SU-2/RD 9 du/ac	same	Single Family

**Background**

This proposal is a request to amend the Tower/Unser Sector Development Plan map, as well as a site development plan for building permit. The request is for a vacant property of 0.5 acres on the southwest corner of SanYgnacio Road SW and 86<sup>th</sup> Street SW. The applicant intends to build a 16,051 square foot day care center on the property.

**History**

The land in the Tower/Unser Sector Development Plan area was originally subdivided in 1944 as part of the Town of Atrisco Grant. The Tower/Unser area has historically been a mix of both City and County land. In fact, when the Tower/Unser Sector Development Plan (TUSDP) was adopted in 1989 approximately 50 percent of the plan area was outside the City limits. The first annexation within the plan area occurred in 1960 when land along 98<sup>th</sup> Street was annexed. This annexation included the Westgate Heights area south of Sage Road. Properties contiguous to existing City property along 98<sup>th</sup> Street on the east and west have been annexed on a case by case basis since that time. Annexation of property to the east of 98<sup>th</sup> Street has expanded along Sage Road and extends to Unser Boulevard (p.9 TUSDP). When the TUSDP was adopted in 1989 the subject site was located just outside the City limits; however, now the subject site is within the City limits.

**Context**

The subject site is located on the southwest corner of SanYgnacio Road SW and 86<sup>th</sup> Street SW. The site is currently vacant as is the property across the street to the north. To the south, east, and west are single family residential homes.

### ***Long Range Roadway System***

The Long Range Roadway System designates 86<sup>th</sup> Street SW as a Collector street, with a right-of-way of 68'.

San Ygnacio Road SW is a local street.

There are no bicycle lanes or routes that go directly in front of the subject site; however, there is an exiting bicycle lane on 86<sup>th</sup> Street to the north that ends at San Ygnacio. The bicycle lane along 86<sup>th</sup> Street is proposed to extend past the subject site in the future.

There are currently no bus routes that directly serve the subject site. The closest bus route (Route 54) is approximately 1,170 feet away on Tower Road.

### ***Public Facilities/Community Services***

A ten acre park, Tower Park is just northeast of the site. Edward Gonzales Elementary is located a block north of the subject site at Tower and 86<sup>th</sup> Street.

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

### ***Albuquerque Comprehensive Zoning Code***

The applicant is proposing to change the zoning from SU-2/RD 9 du/ac to SU-1 for Day Care Center. RD 9 du/ac zoning is used on land parcels in the Developing Urban area which are appropriate for densities up to the allowed 9 du/net acre adopted in the Southwest Area Plan. This zone category is recommended to accommodate the existing approved County Special Use Permits. Most of these Special Use Permits are industrial-type uses in locations where residential zoning is appropriate. The RD 9 du/ac zoning refers to R-T regulations. Uses permissive and conditional and as regulated by the RT zone with the following exceptions: the density of any residential development shall not exceed 9 du/net acre, upon annexation, any business which exists under an approved County Special Use Permit, shall be allowed to remain for a period of ten years from the date of annexation: nine years of conforming use and one year of legal non-conforming use, and Special Open Space Requirements Apply for the RD zone (p. 65 TUSDP). The RD/14 zoning does allow a day care center as a conditional use; however, that zoning category would also allow higher density residential zoning, which is not supported by the neighborhood.

The SU-1 designation refers to the Special Use zone. The SU-1 zone (see Zoning Code 14-16-2-22) provides suitable sites for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. Development of on an SU-1 zone may “only occur in conformance with an approved site development plan” that is subject to Environmental Planning Commission (EPC) review. The applicant has provided an accompanying site development plan that proposes SU-2/SU-1 for Day Care Center. The SU-1 zone includes all uses in the underlying zone, both permissive and conditional. The proposed

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zone, SU-1 for Day Care Center, is to accommodate the proposed day care center, Parkside Child Development Center.

The definition of a day care center is “(1) any place other than an occupied residence which received children for day care; or (2) an occupied residence which receives more than 12 children for day care” (Zoning Code 14-16-1-5).

### **Albuquerque / Bernalillo County Comprehensive Plan**

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

The subject site is located in the area designated Developing 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:

#### *Land Use-*

Policy II.B.5a: The Established and Developing 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.

***The applicant states that this is an area with limited commercial development allowing up to nine dwelling units per acre, and that a day care center is a much desired use in this predominantly residential area. Staff agrees that the zone change request of adding a day care center would increase land use variety in a neighborhood that is predominantly residential. Policy II.B.5a is furthered by the proposal.***

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, or recreational concern.

***The applicant asserts that a day care is a needed service in this area that will provide for social interaction among residents and as a recreational and social facility for neighborhood children. In addition to being a social gathering place for area residents, the proximity to the neighborhood will eliminate long travel commutes. This proposal furthers Policy II.B.5d.***

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.

***The applicant points out that the infill development is contiguous to all urban facilities including transit and a proposed bike path, and is supported by the Westgate Heights neighborhood. Staff agrees that full urban services are available to this site and that the***

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*integrity of existing neighborhoods can be ensured under the proposed zoning. Policy II.B.5e is furthered by the proposal.*

Policy II.B.5i: 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 applicant states that the proposed day care would be an important neighborhood use which may provide employment opportunities to nearby residents, and that noise, lighting, pollution and traffic would not have any negative impacts on the surrounding area. Staff finds that the proposed zoning would complement the surrounding residential area and that any adverse effects would be mitigated by the site design. The proposal further Policy II.B.5i.*

Policy II.B.5j: 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 applicant points out that the zone change request does not further the intent of the Comprehensive Plan to locate new commercial development in commercially zoned areas. The applicant also questions whether a day care center is really a good fit in a commercially zoned neighborhood, because of the attendant uses which may have a negative impact on the day care center. The proposal partially complies with Policy II.B.5j of the Comprehensive Plan for Developing and Established Urban Areas by locating new commercial development in a location within reasonable distance of residential areas for walking and biking.*

Policy II.B.5l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.

Policy II.B.5m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

*The applicant states that both of these policies may be furthered through the approved site plan. The site plan is generally appropriate to the plan area and helps to improve the quality of the visual environment. This is a quality design which is appropriate to the plan area, and which maintains the quality of the visual environment. The proposal furthers Policies II.B.5l and II.B.5m.*

*Economic Development-*

The applicant did not mention goals or policies associated with economic development in the Comprehensive Plan, but staff believes the following goal and policy apply.

The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

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

**The zone change request for a day care center would help to develop a local business and help to expand the existing employment base. The surrounding neighborhood is all residential and could benefit by diversifying with some small scale economic development. Both the Economic Development Goal and Policy II.D.6b are furthered by the proposal.**

**West Side Strategic Plan (WSSP) (Rank II)**

The West Side Strategic Plan (WSSP) was first adopted in 1997 and recently amended in 2002 to help promote development of Neighborhood and Community Activity Centers. The WSSP identifies 13 communities, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is currently located in the Bridge/Westgate Community. The applicable goals and policies, followed by staff analysis include:

Policy 1.3: Strip commercial developments shall not be approved on the West Side. Commercial development shall occur in concentrated clustered areas rather than new strip developments. Zone changes to commercial, industrial, or office uses for areas outside the centers are strongly discouraged, in order to reinforce the Neighborhood and Community centers. Changes of commercial and office zoning outside the centers to residential use is encouraged. This policy is meant to impact the design and layout of commercial areas and their connections to adjacent development and to encourage clustering of commercial and office uses in activity centers. It is not intended to rezone allowed commercial uses.

***The applicant concedes that this property is not within a Neighborhood or Community Center. The applicant also points out that the WSSP states “development should integrate with existing neighborhoods” and that a policy of more residential development is no longer applicable as the West Side has a surfeit of residential zoning and a lack of commercial facilities to serve the residential zoning. The applicant also questions whether a day care center is really a good fit in a commercially zoned Neighborhood or Community Center, because it is not as accessible and the attendant uses in the center may have a negative impact on the day care center. The property is not within a Neighborhood or Community Center; however the neighborhood is in favor of the project. A meeting on January 17, 2008 of the Westgate Neighborhood supported the project as proposed. The location of the subject site is not entirely surrounded by residential housing, as Tower Park is located immediately to the northeast. Edward Gonzales Elementary is also located just one block north of the subject***

*site. The proximity to the park and the elementary school creates a “de facto” activity center. A daycare center would add to the mix of land uses (Objective 1, WSSP) and encourage employment growth in the community (Policy 3.41). While the proposal furthers other WSSP policies it only partially furthers Policy 1.3.*

***Bridge/Westgate Community Area Description:***

The subject site is located with the Bridge/Westgate Community. This area includes the developed properties within Westgate Heights, the existing subdivisions and businesses south of Central Avenue and along Bridge Street, and the vacant land between and around these areas. The boundaries of the Community follow Central Avenue on the north, Coors Boulevard on the east, the 118<sup>th</sup> Street corridor on the west, and Blake Road on the south.

The Community includes approximately 4,900 acres and could someday include a population of 38,300. It is well located near the I-40, Central, Bridge and Rio Bravo crossings, and is fairly easily serviced by City utilities.

Community policy relevant to the subject site includes the following:

Policy 3.40: Urban Style services are appropriate in the Community. This area shall receive a high priority for public infrastructure spending.

***The applicant points out that as an area develops with residential uses, urban services such as day care become more important, and that the area is almost totally devoid of such urban style services. Staff agrees that a day care center is an urban style service that would be appropriate in the community. Policy 3.40 is furthered by the proposal.***

Policy 3.41: Study the potential means to achieve maximum leverage of public/private financing of new development in this Community, including incentives for new development, and cost-sharing between public and private facilities. Encourage employment growth in this Community.

***The zone change request for a proposed day care would encourage some employment growth in the Bridge/Westgate Community. The request helps to further Policy 3.41.***

The applicant did not mention goals or objectives found in the WSSP, but staff believes the following goals and objectives apply.

Goal 10: The Plan should create a framework to build a community where its citizens can live, work, shop, play, and learn together while protecting the unique quality of life and natural and cultural resources for West Side residents.

***The addition of a day care center would help to build a community by adding an important resource that would allow citizens in this area to live, work, and play together. The request furtheres Goal 10 of the WSSP.***

Objective 1: Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side.

*The zone change request for a day care center would help to provide for a complete mix of land uses in this West Side neighborhood, and while not a large-scale employer, it would offer some jobs and would help area residents from traveling further than necessary to find child care. The request further Objective 1 of the WSSP.*

Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

*The addition of a day care center would promote job opportunities and business growth in an area that is need of this kind of amenity. The request further Objective 8 of the WSSP.*

### ***Tower/Unser Sector Development Plan (Rank III)***

The Tower/Unser Sector Development Plan (TUSDP) was first adopted in 1989. The Plan generally encompasses properties between Sunset Road on the north, Sage Road on the south, the Powerline Channel on the west, and several lots east of Coors Boulevard on the east; specific boundaries are shown on Figure 1, Vicinity Map, in the Plan. Policies are limited in the TUSDP, but item the Executive Summary of the plan does have a development concept that applies to the project.

Executive Summary Development Concept #3: The plan area should have a mixture of land uses at a neighborhood scale, and high-density residential development should be limited.

*The applicant states that although RD/9 is not a high density zone, the TUSDP does not have any nearby zoning that would allow any neighborhood scale commercial development. Staff points out that the addition of a day care would also help to add to the mixture of land uses that is suggested in the TUSDP. Executive Summary Development Concept #3 is furthered by the request.*

### **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 makes the case that the day care will provide a safe place for children and working parents, and will promote the morals and general welfare of the City. The applicant also explains that a day care center is a common and complimentary neighborhood use and it does not generate excessive traffic, and parking is adequate for the use. The day care will not require additional public facilities, and a bicycle lane will be added to the 86<sup>th</sup> Street right-of-way to improve the public infrastructure. Staff agrees that the project would be consistent with the health, safety, morals and general welfare of the City, and that it would help to provide important connections and facilities to the surrounding neighborhood.*
- B. *The applicant cites numerous goals and policies of the Comprehensive Plan and the WSSP, as well as the TUSDP that support the zone change request. The surrounding land uses are primarily residential; however, there is also vacant land to the north, and a large park (Tower Park) to the northeast. The applicant also makes the argument that the current zoning of higher density multi-family development is no longer desirable in the area. Staff finds that the request will not destabilize the surrounding land and that the applicant has provided a sound justification for change.*
- C. *The proposed zone change furthers the majority of adopted elements in the Comprehensive Plan, WSSP, and the TUSDP. A preponderance of Comprehensive Plan goals and policies including II.B.5a, d, and i support the request, as well as policies 3.40 and 3.41 of the WSSP. The applicant admits that policy 1.3 in the WSSP is in conflict with the request, but also explains that the conflicts are not significant because of the changed conditions in the area which have added a large number of dwelling units, while not providing the necessary amenities to support the residential uses.*
- D. *The applicant believes that a supporting neighborhood commercial use is more appropriate for this area than more dwelling units. The applicant has already cited many goals and policies that support the zone change. The current zoning RD 9 du/ac does not allow a day care center, while RD 14 du/ac does allow a day care, but would also allow higher density residential zoning which is not supported by the neighborhood. Staff finds that the request for SU-2/SU-1 for Day Care Center has been justified by the applicant. This different use category will be more advantageous to the community by furthering multiple policies found in the Comprehensive Plan, WSSP, and the TUSDP.*
- E. *The applicant explains that the use of the property as a day care center will not be harmful to the neighborhood or the community, and that the adjacent property will be protected by the approved site plan to mitigate any noise or traffic issues that may result from the use.*

- F. The proposed zone change requires no major or unprogrammed capital expenditures on behalf of the City in order to be developed.*
- G. Neither the cost of land nor other economic considerations are the determining factor for this zone change.*
- H. San Ygnacio is a local street, and 86<sup>th</sup> Street is a Collector Street. The subject site's location on a collector street is not the determining factor for the zone change request.*
- I. While the request would be a spot zone because it is surrounded by residential uses and no other like uses, the applicant cites a myriad of policies in the Comprehensive Plan and the WSSP that support the request for SU-2/SU-1 for Day Care Center.*
- J. The request does not constitute a strip zone.*

#### **ANALYSIS OF SITE DEVELOPMENT PLAN FOR (SUBDIVISION) (BUILDING PERMIT)**

##### ***Site Plan Layout / Configuration***

The subject site is approximately 0.5 acres in size and is identified as Lot 1, Lands of L.W. Barrett. The site is currently vacant, and is located on San Ygnacio SW, between 86<sup>th</sup> Street SW and Suneast SW. The site development plan for building permit indicates that the one-story building is 16,051 square feet, with a leasable area of 12,366 s.f.

The subject site is surrounded by single family housing to the east, south, and west that is zoned RD 9 du/ac (the same as the subject site). To the north is a vacant site, and to the northwest is Tower Park, which are both zoned R-D/R-1.

The building will be oriented to face east towards 86<sup>th</sup> Street. The proposed day care center will have parking in front (east side) of the building, with a play area in front (east) and on the north side of the building. The dumpster will be located on the northeast side of the parking lot and will be shielded from the street by proposed landscaping. The Solid Waste Management Division (SWMD) offers the following comment: Approved on condition, will comply with all SWMD ordinances and requirements and have required recycle area.

The building is 18' 10" in height and meets all the required height and setback regulations.

##### ***Walls/Fences***

There is an existing six foot high CMU wall on the adjacent property that separates the subject site from the residential homes to the west. A new three foot high CMU wall will be added on the west and north sides of the lot. The wall on the west side of the lot will run parallel to the existing wall for approximately 120 feet long, while the wall on the north side will be approximately 80 feet long and run from the northwest corner to the proposed new driveway on the north side. Another new six foot high wall will be constructed on the south side of the property and will be approximately 192 feet long. This will separate the subject site from the adjacent property to the south.

A five foot wrought iron fence will enclose the play area in front (east) of the building. The play area north of the building will be enclosed by a five foot iron fence on the east and south sides, while the west side will be enclosed by the new three foot CMU wall, and paralleled by the existing six foot CMU wall. The north side of the play area will be enclosed by the new three foot CMU wall. This seems short for a wall protecting little children that runs along San Ygnacio Street. Increase wall height on north side from three feet to six feet.

### ***Vehicular Access, Circulation and Parking***

Vehicular access is provided through an existing 30 foot driveway on the east side of the property along 86<sup>th</sup> Street, and through a new 25 foot driveway to be built on the north side of the site along San Ygnacio Road. The driveway in front of the building (east side) will provide access from 86<sup>th</sup> Street and to the parking that is closest to the primary entrance. The driveway on the north side will provide access from San Ygnacio Road, and to the parking lot and dumpster on the northeast corner of the property. Drivers could access the site from either the north or the east and exit onto either street since the parking lot connects them both.

The site development plan for building permit requires 27 parking spaces, and provides 27 parking spaces. Two of the spaces are handicap spaces, which are the two spaces closest to the primary entrance. The site has eight compact spaces and two motorcycle spaces. While two motorcycle spaces are shown on the site development plan for building permit, the parking calculations show 1 space for required motorcycle parking, and one space for provided motorcycle parking. The parking calculations for the site development plan for building permit shall show 2 spaces for both required and provided motorcycle parking. The parking will be shielded from the road by landscaping along 86<sup>th</sup> Street and San Ygnacio Road.

### ***Pedestrian and Bicycle Access and Circulation, Transit Access***

A sidewalk will be built to allow pedestrian access to the entire building and to both 86<sup>th</sup> Street and San Ygnacio Road. The sidewalk on the north and east sides of the building will be at least six foot wide and will be wider in front of the primary entrance (ten feet) and in front of the play area (eight feet) in front of the building. The proposed sidewalk will connect to the existing four foot City sidewalk on the north side of the property and to the future four foot City sidewalk on the east side of the property. The proposed on-site sidewalk will also connect to a proposed four foot sidewalk in back of the building (the west and south sides). These sidewalks in back of the building will be used for employee access and for emergency fire egress. All sidewalks will be broom finished with a non-slip surface. A six foot sidewalk and crosswalk with permanent striping provides access from the parking lot and 86<sup>th</sup> Street to the primary entrance.

There is an existing bicycle lane on 86<sup>th</sup> Street just north of San Ygnacio Road. The bicycle lane will be extended south of San Ygnacio Road along 86<sup>th</sup> Street in front of the subject site as designated on the Long Range Bikeways System map. When completed, the bicycle lane will connect to the bicycle lane on 98<sup>th</sup> Street and to the multi-use trail and bicycle lane on Unser Boulevard. A bicycle rack is located close to the primary entrance in the 10 foot sidewalk area.

There are currently no bus routes that directly serve the subject site. The closest bus route (Route 54) is approximately 1,170 feet away on Tower Road.

### ***Lighting and Security***

The proposed site lighting will be wall mounted fixtures. The site lighting specifications shall add a number 4 to the notes under site lighting specifications that reads "All lighting shall comply with Section 14-16-3-9 of the Zoning Code."

### ***Landscaping***

The landscape schedule of the landscape plan generally complies with the City's Water Conservation Ordinance and Pollen Ordinance by emphasizing plants that do not use excessive amounts of water or that emit too much pollen. The landscape plan shall state that the design and provision of landscaping shall be in compliance with the City of Albuquerque Zoning Code, Pollen Ordinance, and the Water Conservation Landscaping and Waste Water Ordinance. Add two columns on the landscape schedule showing water use and allergenic potential. Replace Afghan Pine with an evergreen tree in the City Forester's list that has a bigger spread.

### ***Public Outdoor Space***

Two play areas will be provided for children in the day care. The play area in front of the building will be approximately 29'6" wide by 68 feet long. Approximately one quarter of the play area will contain either synthetic or real turf, and the rest of the play area will be covered in sand. The play area will be enclosed by a 5 foot wrought iron fence. The play area on the east side of the building will be partially shaded by two oak trees which reach an approximate height of 40 feet and an approximate spread of 40 feet. The play area on the north side of the building will be approximately 86 feet wide by 20 feet long at the shortest point and 28 feet long at the longest point. The site plan for building permit shall provide the square footage of both play areas. The play area on the north side of the building will be divided almost equally into sand and peagravel. The play area on the north side will be shaded by trees immediately to the north, east, and west.

### ***Grading, Drainage, Utility Plans***

The site slopes at approximately 4 percent to the southeast. All offsite flows are quantified on the plan and addressed in the calculations. The site is not within a designated FEMA floodplain zone. A detention pond with a capacity of 1,000 square feet is shown in the southeast corner of the property.

The Hydrology Section has no objection to the site plan. The utilities information is provided on the site development plan for building permit, indicating water, sewer lines and gas connections.

### ***Architecture***

The building will be L-shaped, with the long front side facing 86<sup>th</sup> Street, and the short sides facing north (San Ygnacio Road) and south. There are numerous doors and windows on all four sides of the building. However, the north side of the building does have two walls facing San Ygnacio Road that are devoid of any doors, windows, or articulation. The blank outer wall next to the doors is approximately 34 feet, and on the other side of the door is another wall that is blank for approximately 30 feet. The wall on the north side of the building needs some doors, windows, or articulation to break up the massing. A window would also allow for a view onto the outside play area on the north side of the building, which would improve safety and security for small children. All stucco will be tan, and all parapet caps, other metal trim, doors and door/window frames will be dark bronze. Colors, materials, and overall building design are appropriate for this West Side location.

### ***Signage***

There are two illuminated wall-mounted signs on the building. They are both 3 feet high and 8 feet wide. One of the signs is on the east side of the building next to the primary entrance and the other is on the north side facing San Ygnacio Road. Both signs are in compliance with signage regulations in the O-1 Office and Institution Zone. Signage requirements are not found within the SU-1 Zone regulations; however, a day care center is allowed in the O-1 Office and Institution Zone. There are also 4 recessed letters molded into the stucco just right of the primary entrance. These four letters (L-O-V-E) could be considered a sign since it is in reference to a service that is provided for those attending the daycare. Each letter is square shaped and approximately 3 feet wide by 3 feet high. The entire sign area is approximately 6'6" wide and by 6'6" high. This sign is also in compliance with City signage regulations.

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

City Departments and other interested agencies reviewed this application form 2/11/2008 to 2/27/2008. Agency comments begin on page 21.

### ***NEIGHBORHOOD/PUBLIC CONCERNS***

Westgate Heights NA is the Neighborhood Association in this area and no facilitated meeting was requested. There was a Westgate Neighborhood meeting on January 17, 2008 concerning the proposed daycare center. Those that attended the meeting were in support of the project as proposed.

**CONCLUSIONS**

This proposal is a request to amend the Tower/Unser Sector Development Plan map from SU-2/RD 9 du/ac to SU-2/SU-1 for Day Care Center, as well as a site development plan for building permit. The request is for a vacant property of 0.5 acres on the southwest corner of SanYgnacio Road SW and 86<sup>th</sup> Street SW. The applicant intends to build a 16,051 square foot day care center on the property.

The applicant has adequately justified both the request to amend the Tower/Unser Sector Development Plan map, as well as the site development plan for building permit, based on applicable policies found in the Comprehensive Plan, the West Side Strategic Plan, and the Tower/Unser Sector Development Plan. There is no known opposition to the request and staff recommends approval with conditions.

***FINDINGS – 08EPC 40013, 3/20/2008, Sector Development Plan Zone Map Amendment***

1. This request is for review and approval of a sector development plan map amendment for all or a portion of lot 1, Lands of L.W. Barrett, from SU-2/RD 9 du/ac to SU-2/SU-1 for Day Care Center.
2. The subject site is within the area designated Developing Urban by the Comprehensive Plan, and within the boundaries of the West Side Strategic Plan, and the Tower/Unser Sector Development Plan.
3. The request furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:
  - a. Policy II.B.5a – The proposed zoning for a day care would increase land use variety in a neighborhood that is predominantly residential.
  - b. Policy II.B.5d – The location and intensity of this zone request does respect existing neighborhood values and environmental conditions.
  - c. Policy II.B.5e – Full urban services are available to this site and the integrity of existing neighborhoods can be ensured under the proposed zoning.
  - d. Policy II.B.5i – The proposed zoning would help to provide employment opportunities to neighborhood residents.
4. The proposal partially complies with Policy II.B.5j of the Comprehensive Plan for Developing and Established Urban Areas by locating new commercial development in a location within reasonable distance of residential areas for walking and bicycling.
5. Both the Economic Development Goal and Policy II.D.6b are furthered by the proposal because the zone change request for a day care center would help to develop a local business and expand the existing employment base.
6. The proposal partially furthers Policy 1.3 of the West Side Strategic Plan (WSSP), which discourages zone changes to commercial, industrial, or office uses outside Neighborhood and Community centers. The WSSP encourages changing commercial and office zoning outside the centers to residential use. Even though the proposal only partially furthers this policy, a meeting of the Westgate neighborhood supported the project as proposed.
7. The request furthers the following West Side Strategic Plan policies:

- a. Policy 3.40 – A day care center is an appropriate urban style service for the Bridge/Westgate community.
  - b. Policy 3.41 – The proposed day care would encourage employment growth in the Bridge/Westgate Community
  - c. Goal 10 – The addition of a day care center would help to build a community by adding an important resource that would allow citizens in this area to live, work, and play together.
  - d. Objective 1 – The subject site would help provide a mix of land uses on the West Side, and would offer employment opportunities and minimize the needs for cross-metro trips.
  - e. Objective 8 – The addition of a day care center would promote job opportunities and business growth.
8. The zoning change proposal furthers executive summary development concept number 3 in the Tower/Unser Sector Development Plan (TUSDP) by adding to the mixture of land uses at a neighborhood scale.
9. The applicant has adequately justified the zone change request pursuant to Resolution 270-1980.
- a. The project would be consistent with the health, safety, morals, and general welfare of the City and would help to provide important connections and facilities to the surrounding neighborhood.
  - b. The applicant has shown that the proposed zoning will not destabilize the surrounding land and will contribute to the stability of land use and zoning.
  - c. The proposed zone change furthers the majority of adopted elements in the Comprehensive Plan, WSSP, and the TUSDP.
  - d. The applicant has shown that a different use category is more appropriate for this area than more dwelling units by furthering multiple policies found in the Comprehensive Plan, WSSP, and TUSDP.
  - e. The applicant makes the case that the use of the property as a day care center will not be harmful to the neighborhood or the community, and that the adjacent property will be protected by the approved site plan to mitigate any noise or traffic issues.
  - f. The proposed zone change requires no major or unprogrammed capital expenditures on behalf of the City in order to be developed.
  - g. Neither the cost of land nor other economic considerations are the determining factor for this zone change.



- h. The subject site's location on a Collector Street (86<sup>th</sup> Street) is not the determining factor for the zone change request.
- i. While the request would be a spot zone, because it is surrounded by residential uses and no other like uses, the applicant cites an abundance of policies in the Comprehensive Plan and the WSSP that support the request for SU-2/SU-1 Day Care Center.
- j. The request does not constitute a strip zone.

10. There is no known neighborhood or other opposition. The Westgate N.A. supports this request.

***RECOMMENDATION - 08EPC 40013, 3/20/2008, Sector Development Plan Zone Map Amendment***

**APPROVAL of 08EPC 40013, a sector development plan zone map amendment, from SU-2/RD 9 du/ac to SU-2/SU-1 for Day Care Center, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - 08EPC 40013, 3/20/2008, Sector Development Plan Zone Map Amendment***

1. The accompanying site development plan for building permit must receive final DRB sign off within 6 months of this EPC action (Section 14-16-4-1) (C)(10).

***FINDINGS – 08EPC 40011, 3/20/2008, Site Development Plan for Building Permit***

1. This request is for review and approval of a site development plan for building permit for all or a portion of lot 1, Lands of L.W. Barrett, located on the southwest corner of SanYgnacio Road SW and 86<sup>th</sup> Street SW.
2. The site development plan for building permit (08EPC 40011) is dependent upon the accompanying sector development plan zone map amendment request (08 EPC 40013), which is necessary to allow the proposed use. The sector development plan zone map amendment request is justified per Resolution 270-1980 and applicable Comprehensive Plan and Sector Plan policies.

3. The subject site is within the area designated Developing Urban by the Comprehensive Plan, and within the boundaries of the West Side Strategic Plan, and the Tower/Unser Sector Development Plan.
4. The request furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:
  - a. Policy II.B.5a – Adding a day care would increase land use variety in a neighborhood that is predominantly residential.
  - b. Policy II.B.5d – The location and intensity of this request does respect existing neighborhood values and environmental conditions.
  - c. Policy II.B.5e – Full urban services are available to this site and the integrity of existing neighborhoods can be ensured.
  - d. Policy II.B.5i – The project would be an important neighborhood use which may provide employment opportunities to neighborhood residents, and noise, lighting, pollution, and traffic would be mitigated by site design and would not have any negative impacts on the surrounding area.
  - e. Policy II.B.5l & Policy II.B.5m – This is a quality design which is appropriate to the plan area, and which maintains the quality of the visual environment.
5. The proposal partially complies with Policy II.B.5j of the Comprehensive Plan for Developing and Established Urban Areas by locating new commercial development in a location within reasonable distance of residential areas for walking and bicycling.
6. Both the Economic Development Goal and Policy II.D.6b are furthered by the proposal because it would help to develop a local business and expand the existing employment base.
7. The proposal partially furthers Policy 1.3 of the West Side Strategic Plan (WSSP), which discourages zone changes to commercial, industrial, or office uses outside Neighborhood and Community centers. The WSSP encourages changing commercial and office zoning outside the centers to residential use. Even though the proposal only partially furthers this policy, a meeting of the Westgate neighborhood supported the project as proposed.
8. The request furthers the following West Side Strategic Plan policies:
  - a. Policy 3.40 – A day care center is an appropriate urban style service for the Bridge/Westgate community.

- b. Policy 3.41 – The proposed day care would encourage employment growth in the Bridge/Westgate Community
  - c. Goal 10 – The addition of a day care center would help to build a community by adding an important resource that would allow citizens in this area to live, work, and play together.
  - d. Objective 1 – The subject site would help provide a mix of land uses on the West Side, and would offer employment opportunities and minimize the needs for cross-metro trips.
  - e. Objective 8 – The addition of a day care center would promote job opportunities and business growth.
9. The proposal furthers executive summary development concept number 3 in the Tower/Unser Sector Development Plan (TUSDP) by adding to the mixture of land uses at a neighborhood scale.
10. There is no known neighborhood or other opposition. The Westgate N.A. supports this request.

***RECOMMENDATION - 08EPC 40011, 3/20/2008, Site Development Plan for Building Permit***

**APPROVAL of 08EPC 40011, a site development plan for building permit, for all or a portion of lot 1, Lands of L.W. Barrett, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - 08EPC 40011, 3/20/2008, Site Development Plan for Building Permit***

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. Increase wall height of new three foot CMU wall on north side of property that encloses play area to six feet.
4. The parking calculations for the site development plan for building permit shall show 2 spaces for both required and provided motorcycle parking.
5. The site lighting specifications shall add a number 4 to the notes under site lighting specifications that reads “All lighting shall comply with Section 14-16-3-9 of the Zoning Code”.
6. Landscaping:
  - a. The landscape plan shall state that the design and provision of landscaping shall be in compliance with the City of Albuquerque Zoning Code, Pollen Ordinance, and the Water Conservation Landscaping and Waste Water Ordinance.
  - b. Add two columns on the landscape schedule showing water use and allergenic potential.
  - c. Replace Afghan Pine with an evergreen tree in the City Forester’s list that has a bigger spread.
7. The site plan for building permit shall provide the square footage of both play areas.
8. The wall on the north side of the building shall have windows to break up the massing and to allow for a view onto the outside play area, which would improve safety and security for small children in the day care center.
9. Conditions of approval from the City Engineer, Municipal Development, Water Authority, and NMDOT for the proposed Site Development Plan are:
  - a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
  - b. Site plan shall comply and be designed per DPM Standards.
  - c. Construction of the on-street bicycle lane along 86<sup>th</sup> Street adjacent to the subject property as designated on Long Range Bikeways System map.

***Randall Falkner  
Planner***

cc: Robert Bogan, 86<sup>th</sup> LTD Partnership, 901 86<sup>th</sup> St. SW, Albuquerque, NM 87121  
DAC Enterprises, Inc., P.O. Box 16658, Albuquerque, NM 87191  
Matthew Archuleta, Westgate Heights NA, 1628 Summerfield SW, Albuquerque, NM 87121  
Libby McIntosh, Westgate Heights NA, 1316 Ladrones Ct. SW, Albuquerque, NM 87121

***Attachments***

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

### ***PLANNING DEPARTMENT***

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

Reviewed: No Comments

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

#### ***Westgate Heights NA (R)***

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

If neighborhood representatives are in favor of the zone map amendment, the use should be a good one for this neighborhood. The location of this use at an intersection across from a community park is better than if it were in the center of the neighborhood surrounded by houses.

It doesn't appear that the site plan is being approved through this request. When it is reviewed, the building should be relocated to be next to at least one public sidewalk and easily accessible by walking or bicycling. The site's walkways should lead directly from the sidewalk to the entrance without having to cross the parking lot. A parent should be able to cross the street at the intersection and easily walk to the building without vehicular conflict on-site.

Ask the applicant to think about pedestrian access from the neighborhood first and then design in the vehicular necessities.

It is not obvious where the outdoor children play areas are. If they are the two wrought iron areas next to the parking area and street, I don't think that is a healthy solution. The building seems an odd footprint for a childcare center.

### ***PUBLIC WORKS DEPARTMENT***

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

- The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
- Site plan shall comply and be designed per DPM Standards.

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

- The Hydrology Section has no objection to the site plan.

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

Findings

- 86<sup>th</sup> Street is proposed to contain on-street bicycle lanes as designated on the Long Range Bikeway System map.

Conditions

- Construction of the on-street bicycle lane along 86<sup>th</sup> Street adjacent to the subject property as designated on Long Range Bikeways System map.

**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 Sector Development Plan Amendment and Site Development Plan for Building Permit shall include:

- a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
- b. Site plan shall comply and be designed per DPM Standards.
- c. Construction of the on-street bicycle lane along 86<sup>th</sup> Street adjacent to the subject property as designated on Long Range Bikeways System map.

**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**

Westside Area Command

No action at present

**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***

**Lands of LW Barrett**, Lot 1, is located on San Ygnacio SW between 86<sup>th</sup> St SW and Suneast SW. The owner of the above property requests approval for a building permit and a zone map amendment from RD/9DU/A to SU-1 for a Day Care Center. This request will have no adverse impacts to the APS district.

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

MRCOG staff have no comment on this proposal. For information purposes, 86<sup>th</sup> St has a functional classification of urban collector.

Note: 08-EPC 40012 was referenced on the application but not the EPC agenda.

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

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

There is an overhead distribution line on the NW corner of the property. Any changes or realignment of the existing overhead distribution lines will be at the customer's expense.