



**Environmental
Planning
Commission**

*Agenda Number: 7
Project Number: 1007157
Case #'s: 08EPC 40027
April 17, 2008*

Staff Report

Applicant	Olivio Dallagiacom, Elm St. Properties- K.Adams, Habitation Inc., 1 st United Presbyterian Church, Aysha Gergay-Sprinkle, John Stoller & Marguerite Stoller Trust – see Attachment 1
Request(s)	Sector Development Plan Zone Map Amendment
Legal Description	Lots 1, 2, 3, Block 44 and Lots 3, 4, 5, 6, Block 1
Location	Elm Street NE, between Central & Copper NE
Size	Approximately 1.09 acres
Existing Zoning	SU-2 MR
Proposed Zoning	SU-2 RO

Staff Recommendation

APPROVAL of 08 EPC 40027, based on the findings on page 10.

Staff Planner
Randall Falkner, Planner

Summary of Analysis

This is a request to amend the Huning Highland Sector Development Plan zone map from SU-2 MR to SU-2 RO for all or a portion of lots 1, 2, 3 on block 44, and lots 3, 4, 5, and 6, on block 1, located on Elm Street NE between Copper Avenue NE and Central Avenue. The purpose of the request is to improve the affected properties by making them more attractive to economic development, improving neighborhood safety, and allowing the properties to more closely align with surrounding zoning. The applicant has adequately justified the zone change per the requirements of R-270-1980, and based on applicable policies found in the Comprehensive Plan and the Huning Highland Sector Development Plan. There is no known opposition to the request and staff recommends approval.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 3/10/2008 to 3/26/2008. Agency comments were used in the preparation of this report and begin on page 13.

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	SU-2 MR	Central Urban Area Huning Highland Sector Development Plan	Single-Family & Multi-Family
<i>North</i>	SU-2 RO	same	Public Facility
<i>South</i>	SU-2 CRZ	same	Commercial & Office
<i>East</i>	SU-2 CRZ	same	Office
<i>West</i>	SU-2 CRZ	same	Office

Background

This proposal is a request to amend the Huning Highland Sector Development Plan zone map from SU-2 MR to SU-2 RO for all or a portion of lots 1, 2, 3 on block 44, and lots 3, 4, 5, and 6, on block 1, located on Elm Street NE between Copper Avenue NE and Central Avenue. The purpose of the request is to improve the affected properties by making them more attractive to economic development, improving neighborhood safety, and allowing the properties to more closely align with surrounding zoning.

History

Huning’s Highland Addition was platted in 1880, the first of the new railroad-era subdivisions. The area quickly became one of Albuquerque’s most popular residential areas and remained a solid and attractive neighborhood through the 1930s. It was during this time between 1880 and 1920, that the majority of the historic buildings in the district were constructed. The Huning Highland section of Central began to change after World War I to a retail and institutional strip. Many neighborhood-oriented stores moved in, including drug stores, beauty and barber shops, grocery stores, cafes and various other commercial uses. During the Depression and World War II years residents began to leave the area for new homes in the Heights, and many homes were divided into rental units. Stores on Central gradually changed to businesses oriented to tourist or citywide markets such as contractors’ supply stores and gas stations.

After World War II, the growing demands of the City hastened the neighborhood’s decline. The development of Lead and Coal as major one-way arterials divided the area in the south. I-25 was constructed in the early 1960s along the neighborhood’s eastern edge, which divided it from the residential areas to the east and encouraged construction of motels on Central Avenue. Pedestrian access to downtown from the neighborhood was also hindered by the re-construction of the railroad underpass on Central Avenue in the 1960s.

Much of the neighborhood was zoned for office use in 1959 when planners foresaw the expansion of downtown to the east. Construction of new shopping malls in the northeast heights; however, slowed down expansion and the neighborhood's residential character remained, but continued to decline. In the 1970s high energy costs, Huning Highlands' proximity to downtown and new appreciation of historic older homes spurred interest in this and other older neighborhoods. In 1976, the Huning Highland Historic District was successfully nominated to the State of New Mexico Register of Cultural Properties, and was listed on the National Register of Historic Places in 1978. The District was listed because it is the City's largest and most intact turn-of-the-century neighborhood, with excellent examples of the architectural styles of the period, including Queen Anne, World's Fair Classic, period revival styles, and many scaled-down local builders' interpretation of these styles. In 1980, the nationally registered Huning Highlands Historic District was designated by the City Council as the first City Historic Overlay Zone, which protects the historic architecture and streetscape of the neighborhood, but does not control uses. The Historic Overlay Zone boundaries are the same as those of the registered Historic District, but are not the same as the Sector Plan boundaries. They extend beyond the Sector Plan boundaries on the south to include the south side of Iron Avenue and on the west to include the west side of Broadway Boulevard. Property owners in the Overlay Zone are required to obtain "Certificates of Appropriateness" from the Landmarks and Urban Conservation Commission (LUCC) or Commission staff for demolition, new construction, and additions.

The Huning Highland Sector Development Plan was first adopted in 1977, and later revised in 1988. When the Sector Plan was revised in 1988, it unwittingly created a "spot zone" with the creation of the SU-2 MR on Elm Street between Copper Avenue and Central Avenue. This zone was surrounded by SU-2 RO zoning to the north and by SU-2 NCR zoning to the south, east, and west, which ultimately became SU-2 CRZ zoning in 2005 per the East Downtown (EDO) Plan.

Context

The subject site is located along Elm Street and Copper Avenue, between Central and Copper Avenues. The subject site contains a mix of single and multi-family residences and a parking lot. To the north of the subject site on the opposite side of Copper Avenue and east of Elm Street is the 1st United Presbyterian Church, and on the west side of Elm street along Copper Avenue is a parking lot (these areas are zoned SU-2 R/O). To the south of the subject site are hotels and restaurants along Central. These include Milton's restaurant and the Stardust Motel. To the east is Econo Lodge, while to the west is the Imperial Motel. All the areas to the south, east, and west are zoned SU-2 CRZ.

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.

Both Elm Street and Copper Avenue are local streets.

There are currently not bicycle lanes or trails that are close to the site. The closest bicycle route runs north and south on Edith about 3 blocks to the west.

Two bus routes, #66 and #766 run east and west along Central Avenue. A bus stop along the north side of Central Avenue is approximately 150 feet away from the site.

Public Facilities/Community Services

Highland Park is on Elm between Gold and Silver. The A&T & SF Memorial Hospital Complex is on the block between Central and Gold and Elm and Locust. The 1st United Presbyterian Church is across the street at the corner of Elm and Copper. Longfellow Elementary School is northwest of the site at Martin Luther King Avenue and Walter Street. Martineztown Park is located at Roma Avenue and Walter Street. Roosevelt Park is located on Spruce Street between Coal Avenue and Hazeldine Avenue.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The existing zoning for the site is SU-2 MR. SU-2 is a Special Neighborhood Zone, which allows a mixture of uses controlled by a Sector Development Plan. SU-2 Zoning is appropriate for areas where other available zones do not promote conservation of special neighborhood characteristics, or where the land should develop with a mixture of uses which need careful control and coordination. The Huning Highland Sector development plan meets both of these criteria. SU-2 MR is the Mixed Residential zone that corresponds to the R-1 Residential Zone in the City Zoning Code, with exceptions to front yard setbacks, conditional uses, bed and breakfast establishments, parking lots, and signage (see Attachment 2).

The proposed zoning for the site is SU-2 RO, which corresponds to the R-2 zone in the City Zoning Code, with exceptions that are shown in Attachment 3. RO zoning in the Huning Highland Sector Development Plan was written to allow limited commercial use in existing residential dwellings and to encourage appropriate (defined as “does not alter the residential character of the neighborhood”) residential and office development.

The applicant is requesting the zone change to improve the affected properties by making them more attractive to economic development, improving neighborhood safety, and allowing the properties to more closely align with surrounding zoning. The proposed SU-2 RO zoning corresponds to R-2 zoning and maintains the residential character of the site while allowing for limited supplementary uses as conditional. Offices, day care centers, and artists’ studios which do not generate high levels of traffic, noise, and litter, are allowed conditionally provided that structurally sound main buildings will be rehabilitated and maintained in a manner which will protect, preserve and enhance their existing architectural character (see Attachment 3, SU-2 RO B. Conditional Uses, 3 & 4). As a result, the proposed zoning (SU-2 RO) would also allow more than just the home occupation that is allowed in the R-1 zone. A conditional use permit, along with a site development plan, would allow all the uses described in Attachment 3. The SU-2 RO zone requires a site development plan be presented and approved by the Zoning Hearing Examiner (ZHE) with any application for a conditional use (see Attachment 3).

The proposed zoning will help to improve conditions by making the neighborhood safer and more attractive to economic development. The applicant states that two of the properties (115 and 119 Elm NE, Lots 3 and 2, Block 44 respectively) have been vacant for years and have attracted both the homeless and drug users. 119 Elm (Lot 2, Block 44) NE will begin restoration if it receives approval from the Landmarks and Urban Conservation Commission (LUCC) in April and the State Historic Preservations Office (SHPO) in June. This property has been plagued by homeless sleeping on the property and drug use. The applicant also claims that 115 Elm (Lot 3, Block 44) has been beset by numerous break-ins. 115 Elm is presently for sale and the majority of the inquiries are from businesses wishing to be close to the hospitals and/or EDO. 120 Elm NE (Lots 4-6, Block 1) and 804 Copper NE (Lot 3, Block 1) are vacant lots owned by the First Presbyterian Church and are used as parking areas. The SU-2 MR and SU-2 RO zones both permit parking lots as conditional uses if they meet specific criteria (see Attachments 2 and 3). The applicant claims that the zone change would allow First Presbyterian Church to expand their offices to the house at 120 Elm NE as a conditional use. If the zone change request were approved by the Environmental Planning Commission (EPC) then the applicant would still need to get approval of a conditional use permit from the ZHE for a parking lot. Any application for a conditional use also requires a site development plan be presented and approved by the ZHE (see Attachment 3).

Future businesses could also benefit from reduced signage regulations. Currently, the SU-2 MR zone conditionally allows one non-illuminated free-standing or wall sign not to exceed six square feet in area (see Attachment 2). The SU-2 RO zone states that "Signs erected after the adoption of the 1987 Huning Highland Sector Development Plan shall be controlled as under the Residential Commercial (RC) zone in the Comprehensive City Zoning Code" (see Attachment 3). The signage regulations for RC zone have no limit on the number of wall signs, permits one canopy sign per entrance or exit, allows sign areas that shall not exceed 7.5 % of the area of the façade to which it is related, and refers to the general sign regulations for height, illumination, and motion (see Section 14-16-2-13, Residential /Commercial zone).

The proposed zoning would allow properties to more closely align with the surrounding zoning. The properties are surrounded on three sides (south, east, and west) by the SU-2 CRZ zone, (Huning Highland Edo Urban Conservation Overlay Zone). This Zone was adopted in 2005 and replaced the SU-2 NCR (Neighborhood Commercial/Residential) Zone. The properties are also bordered by an existing SU-2 RO zone to the north. The proposed zoning would also eliminate the existing "spot zone" that consists of the current properties in the SU-2 MR zone.

Two of the properties on the east side of Elm (121 Elm NE and 114 Elm NE) are presently rental properties that are currently bordered by the rear of the Stardust Inn to the south (zoned SU-2 CRZ) and a parking lot to the north (zoned SU-2 RO). According to the applicant, this condition is adverse to residential properties. The applicant goes on to suggest that both owners agree that the potential of businesses rather than residential units will create a more stable tenant situation, and that some limited revenue stream created by an office use would be helpful in placing the vacant buildings into productive use and assist in the long-term stability of the others. The applicant believes that a flexible zoning designation would strengthen the neighborhood, and provide some economic incentive for owners to invest in their properties. According to the

applicant, economic opportunities afforded by SU-2 RO zoning can make the difference in the viability of these properties.

The site is located in the Huning Highland Historic Overlay Zone. The Overlay Zone has guidelines that are intended to define the nature of the District; provide tools whereby the Landmarks and Urban Conservation Commission can make workable decisions to enhance and protect the environment, and indicate to the public requirements necessary to conform to the design principles adopted to protect the district. They do not govern land use questions, nor do they require that any previously existing structure be altered against the owners' wishes. The guidelines are concerned with the relationship of buildings and spaces to one another, and with encouraging the preservation and enhancement of the visually positive in the District. The Overlay Zone protects the historic and architectural characteristics of the individual buildings. The Landmarks and Urban Conservation Commission (LUCC) retains jurisdiction over the exterior appearance of the buildings within the Historic Overlay Zone, both contributing and non-contributing buildings, residential and non-residential. The design guidelines are administered by the LUCC, and include direction on such issues as building height, massing, proportion and scale, use of materials in new and existing buildings, relationship between buildings, landscaping, roadways, sidewalks, etc.

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 Central Urban by the Comprehensive Plan with a Goal "to promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City." The Central Urban Area is within a portion of the Established Urban Area and as such is subject to policies of section II.B.5 as well. Development intensities in the Central Urban Area should generally be higher than in other portions of Established Urban. The Goal of the Developing and Established Urban Areas is "to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities with 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 proposed zoning (SU-2 RO) would allow a full range of urban land uses by allowing both residential and office uses. The flexibility of the proposed zoning would allow the properties to develop economically while improving the neighborhood. The zoning request furthers Policy II.B.5a.

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 location and intensity of proposed zoning would respect existing neighborhood values and environmental conditions. All of the proposed office uses would need a conditional use permit and a site development plan approved by the ZHE. The existing neighborhood is surrounded by commercial properties, and the SU-2 CRZ zone that was approved in 2005 has significantly altered the character of the surrounding properties, making them ripe for more intensive urban development. The proposed zoning would help to improve properties that are currently vacant and blighted, and improve neighborhood values through occupancy and renovation. The zoning request 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 and can be ensured.

Full urban services are currently available to the properties in the proposed zone change area and the integrity of existing neighborhoods would be ensured by adding uses that would complement residential areas and improve the neighborhood. Improving the safety of the area by getting rid of vacant and blighted sites and the crime that often accompanies abandoned locations would also help to ensure the integrity of the neighborhood. The zoning request furthers Policy II.B.5e.

Policy II.B.5o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The Huning Highland neighborhood is an older neighborhood that would be strengthened by the change in zoning from SU-2 MR to SU-2 RO. The change to SU-2 RO would allow the properties to more closely align with the surrounding commercial zoning. The SU-CRZ zone created by the City in 2005 is a more intense zone for urban development. The change to SU-2 RO zoning would allow the properties to serve as a buffer between the intense commercial properties, such as the hotels, and the properties to the north. The residential properties that are proposed for a zone change are isolated from the rest of the residential neighborhood because they are surrounded by commercial and institutional uses. The proposed zone change to SU-2 RO would allow more flexibility and would strengthen the neighborhood by allowing these properties to be better utilized. The zoning request furthers Policy II.B.5o.

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 more intense zone (SU-2 RO) would help to develop local businesses, as well as expand the local employment base. The SU-2 CRZ zone that borders the properties on three different sides makes the properties and the neighborhood ripe for more intensive urban development. Policy II.D.6b is furthered by the request

Huning Highland Sector Development Plan (Rank III)

The Huning Highland Sector Development Plan was first adopted in 1977, and revised in 1988. The Plan generally encompasses properties between Martin Luther King Boulevard and Coal Avenue and Broadway Boulevard and Locust Avenue; specific boundaries are shown on Map 2 on page 4 in the Plan. The applicable Sector Development Plan objectives, found on page 6 of the plan, are as follows:

- To protect and enhance the unique residential character of the area.
- To encourage and support appropriate commercial development.
- To encourage and support local employment and local business development.
- To encourage appropriate neighborhood-oriented use of vacant lands and buildings.
- To represent fairly all interests in the Huning Highland Sector Plan area.

The zone change request would help to further the objectives in the Huning Highland Sector Development Plan by enhancing the unique residential character of the area, supporting commercial development, local employment, business development, and encouraging appropriate use of vacant lands and buildings. The SU2-RO zone protects the residential character of the historic buildings while conditionally allowing limited commercial uses. Historic houses are protected by the City's Landmarks and Urban Conservation Ordinance; however, only zoning can help with finding a new economic use. A zone change to SU-2 RO would help to encourage local business development for the affected properties, and would assist vacant lands by offering more economic opportunities than if the zone were to remain SU-2 MR. When the Huning Highland Sector Development Plan was adopted, a "spot zone" was created with the SU-2 MR zoning in between the SU-2 RO zone and the SU-2 NCR (which in 2005 became the SU-2 CRZ zone). These residential properties have deteriorated over the years, resulting in properties that have been declared substandard, vacant, and blighted. Vacancies in these properties have attracted both the homeless and drug users. The economic opportunities offered by the SU-2 RO zone could greatly improve the properties, as well as the

neighboring properties. The five objectives stated above would all be furthered by the proposed zone change.

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 claims that the request would contribute to the health, safety, and welfare of the neighborhood by respecting existing neighborhood values and by making the properties occupied and vital. The properties are currently surrounded by motel properties in the SU-2 CRZ zone, by an institutional use (First Presbyterian Church) and a parking lot. These properties are isolated from the other residences in the neighborhood and would benefit from a zone that has more flexibility and offers more opportunities for economic development.*
- B. The applicant claims that the proposed zone change will contribute to the stabilization of the area by changing to a zone that is more compatible with the surrounding neighborhood. The surrounding neighborhood to the south, east, and west is zoned SU-2 CRZ, while the property to the north is zoned SU-2 RO. The proposed zoning will be more compatible with adjacent zoning and land uses than the existing zoning. The existing zoning (SU-2 MR) corresponds to the R-1 zone in the Zoning Code, acts as a “spot zone” and does not give these properties much of a chance to succeed economically. The proposed zoning (SU-2 RO) corresponds to the R-2 zone in the Zoning Code, which would allow the properties the versatility they need to succeed, while also getting rid of the existing “spot zone”.*
- C. The applicant has cited a number of applicable goals and policies of the Comprehensive Plan, as well as the Huning Highland Sector Development Plan. Staff believes that sufficient justification has been provided to warrant a zone change. The policies cited by the applicant are furthered by the zone change request.*
- D. The applicant justified the change based on changed neighborhood or community conditions (2) and the change in zoning being more advantageous to the community as articulated in the Comprehensive Plan and the Huning Highland Sector Development Plan (3). The applicant explains that the establishment of the SU-2 CRZ (Huning Highland EDo Urban Conservation Overlay Zone) significantly altered the character of*

the surrounding properties and made them ripe for intensive urban development. Allowing the SU-2 RO zoning would allow the properties to more closely align with the surrounding commercial zoning, but in a less intensive manner. The applicant has shown how the proposed change in zoning would be more advantageous to the community in multiple policies in both the Comprehensive Plan and the Sector Plan.

- E. The permissive uses in the proposed SU-2 RO zone will not likely be harmful to adjacent property, the neighborhood or the community. The property to the north is already zoned SU-2 RO, and the property to the south, east, and west is zoned SU-2 CRZ, which is a more intensive commercial zone. A change to a SU-2 RO zone would fit in well with the surrounding area.*
- F. The property is in a central urban area and does not require any capital expenditure by the City.*
- G. Neither the cost of land nor other economic considerations are the determining factor for this zone change.*
- H. The affected properties are not located on a major street.*
- I. The request will not create a spot zone.*
- J. The request does not constitute a strip zone.*

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

City Departments and other interested agencies reviewed this application from 3/10/2008 to 3/26/2008. No adverse comments were received. Agency comments begin on page 13.

NEIGHBORHOOD/PUBLIC CONCERNS

The Huning Highland Historic District Association and the Broadway Central Corridors Partnership, Inc. were notified of this request. No comments have been received concerning this request.

CONCLUSIONS

This is a request to amend the Huning Highland Sector Development Plan zone map from SU-2 MR to SU-2 RO for all or a portion of lots 1, 2, 3 on block 44, and lots 3, 4, 5, and 6, on block 1, located on Elm Street NE between Copper Avenue NE and Central Avenue. The purpose of the request is to improve the affected properties by making them more attractive to economic development, improving neighborhood safety, and allowing the properties to more closely align with surrounding zoning.

The applicant has adequately justified the zone change per the requirements of R-270-1980, and based on applicable policies found in the Comprehensive Plan and the Huning Highland Sector Development Plan. There is no known opposition to the request and staff recommends approval.

FINDINGS - 08EPC 40027, 4/17/2008, Sector Development Plan Zone Map Amendment

1. This request is for review and approval of a sector development plan zone map amendment from SU-2 MR to SU-2 RO for all or a portion of lots 1, 2, and 3 in block 44, and lots 3, 4, 5, and 6 in block 1 located on Elm Street NE between Central Avenue and Copper Avenue NE.
2. The site is within the area designated Central Urban and Established Urban by the Comprehensive Plan, and within the boundaries of the Huning Highland Sector Development Plan.
3. The request furthers the following land use policies for Central and Established Urban areas in the Comprehensive Plan:
 - a. Policy II.B.5a – The proposed zoning (SU-2 RO) would allow a full range of urban land uses by allowing both residential and office uses.
 - b. Policy II.B.5d – The location and intensity of proposed zoning would respect existing neighborhood values and environmental conditions. The proposed zoning would help to improve properties that are currently vacant and blighted, and improve neighborhood values through occupancy and renovation.
 - c. Policy II.B.5e – The affected properties are contiguous to existing urban facilities and services, and the integrity of the existing neighborhood can be ensured with the proposed zoning, which would require a conditional use permit and a site development plan that is approved by the ZHE.
 - d. Policy II.B.5o – The proposed zone change to SU-2 RO would allow more flexibility and would allow redevelopment of the older neighborhoods by allowing these properties to be better utilized.
4. The Comprehensive Plan policy II.D.6b for Economic Development would be furthered by the request. The zone change request for a more intense zone would help to develop local businesses, as well as expand the local employment base
5. The proposed zone map amendment is supported by the following policies in the Huning Highland Sector Development Plan:
 - a. To protect and enhance the unique residential character of the area.
 - b. To encourage and support appropriate commercial development.
 - c. To encourage and support local employment and local business development.
 - d. To encourage appropriate neighborhood-oriented use of vacant lands and buildings.
 - e. To represent fairly all interests in the Huning Highland Sector Plan area.

The zone change request would help to further the objectives in the Huning Highland Sector Development Plan by enhancing the unique residential character of the area, supporting commercial development, local employment, business development, encouraging appropriate use of vacant lands and buildings, and fairly representing all interests in the Sector Plan.

6. The applicant has adequately justified the zone change request pursuant to Resolution 270-1980.
 - a. The request would contribute to the health, safety, and welfare of the neighborhood by respecting existing neighborhood values and by making the properties occupied and vital. Public facilities and services would not be impacted by the zone change.
 - 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 applicant has provided sufficient justification that the proposed zone change furthers the majority of adopted elements in the Comprehensive Plan and the Huning Highland Sector Development Plan.
 - d. The applicant has shown that SU-2 RO is a more appropriate zone for these properties than SU-2 MR, because of changed neighborhood conditions, and the zone change being more advantageous to the community in multiple policies of the Comprehensive Plan and the Huning Highland Sector Development Plan.
 - e. The permissive uses in the SU-2 RO zone would not be harmful to the adjacent property, the neighborhood or the community. The property to the north is already zoned SU-2 RO and the property to the south, east, and west is zoned SU-2 CRZ, which is an intensive commercial zone.
 - f. The property is in a central urban area and does not require any capital expenditure by the City.
 - g. Neither the cost of land nor other economic considerations are the determining factor for this zone change.
 - h. The affected properties are not located on a major street.
 - i. The request will not create a spot zone.
 - j. The request does not constitute a strip zone.
7. Some uses proposed by applicant under the SU-2 RO Zone will require ZHE approval of a conditional use permit and a site development plan.
8. There is no known neighborhood or other opposition.

RECOMMENDATION – 08EPC 40027, 4/17/2008, Sector Development Plan Zone Map Amendment

APPROVAL of 1007157, a sector development plan zone map amendment, from SU-2 MR to SU-2 RO for lots 1, 2, and 3, for block 44, and lots 3, 4, 5, and 6 for block 1 based on the preceding Findings.

***Randall Falkner
Planner***

cc: Kathelen Adams, Jerry Suith, Olivo Dallagiacomma, Holly Arroyo, Aysha Gergay-Sprinkle,
John/Margaret Stoller Trust, 816 Silver, Albuquerque, NM 87102
Steve Grant, Huning Highland Historic District Assoc., 209 High St. NE, Albuquerque, NM 87102
Kay Adams, Huning Highland District Assoc., 816 Silver Ave. SE, Albuquerque, NM 87102
Terry Keene, Broadway Central Corridors Partnership, Inc., 424 Central Ave. SE, Albuquerque, NM 87102
Rob Dickson, Broadway Central Corridors Partnership, Inc., 301 Central Ave NE, #313, Albuquerque, NM 87102

Attachments

1. Applicant/Property Owners
2. SU-2 MR zone category
3. SU-2 RO zone category

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Reviewed: If approved, a zone change from SU-2/MR to SU-2/RO would require any development to fully comply with the Huning Highland Sector Development Plan. Also, there are two errors found in the applicant's letter of request.

First, part B on page 1 of the letter states that "These lots are unpaved as the SU-2/MR zoning does not permit parking lots." A parking lot is an allowed use in the SU-2/MR zone of the Huning Highland Sector Development Plan. Specifically, it is listed as a conditional use in SU-2/MR Zone. (ref. Pg.32 B .5. of Huning Highland Sector Development Plan)

Second, part B on page 1 of the letter also states that "Under SU-2 /RO zoning, parking lots are permissible." This statement is inaccurate since a parking lot is not permissible but a conditional use w/ provisions a-d. (ref. Pg.33 B .2. of Huning Highland Sector Development Plan)

Office of Neighborhood Coordination

Huning Highland Historic District Assoc. (R)

Broadway Central Corridors Partnership (R)

Advanced Planning

The proposed zone will align these properties with the residential portion of the neighborhood. At this time the zone is incompatible. As more redevelopment occurs in the area the zone may not provide the appropriate density and use

CITY ENGINEER

Transportation Development (City Engineer/Planning Department):

- Reviewed, no comments.

Hydrology Development (City Engineer/Planning Department):

- Hydrology Section has no objection to the zone change request.

Transportation Planning (Department of Municipal Development):

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

Traffic Engineering Operations (Department of Municipal Development):

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

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT

and NMDOT:

Conditions of approval for the proposed Sector Development Plan Map Amendment shall include:

- a. None.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

Open Space has no adverse comments

City Forester

POLICE DEPARTMENT/Planning

Gerald Cline Valley Substation

No crime prevention or CPTED comments concerning the proposed zone change at this time.

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

This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

No comment based on the information provided to date. It is the applicant's obligation to determine if utility easements cross the property and to abide by any conditions or terms of those easements.

