



**Environmental  
Planning  
Commission**

*Agenda Number: 8  
Project Number: 1003565  
Case #'s: 08EPC 40093/40094  
September 18, 2008*

**Staff Report**

<b>Agent</b>	Josh Skarsgard
<b>Applicant</b>	Art Gardenschwartz
<b>Request(s)</b>	<b>Zone Map Amendment Site Development Plan for Subdivision</b>
<b>Legal Description</b>	Lots 1, Block 8, Miramontes Park Unit 1
<b>Location</b>	San Mateo Blvd. NE between Claremont Ave. NE & Phoenix Ave. NE
<b>Size</b>	Approximately 2.5 acres
<b>Existing Zoning</b>	C-1 & C-2
<b>Proposed Zoning</b>	SU-1 C-2 Uses & Warehouse

**Staff Recommendation**

*APPROVAL of 08EPC 40093, based on the findings on page 10, and subject to the conditions of approval on page 12.*

*APPROVAL of 08EPC 40094, based on the findings on page 12, and subject to the conditions of approval on page 13.*

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

**Summary of Analysis**

This is a request for a zone map amendment from C-1 & C-2 to SU-1 C-2 Uses & Warehouse and a site development plan for subdivision on a 2.5 acre parcel of land located on San Mateo Boulevard NE, between Claremont Avenue NE and Phoenix Avenue NE. The site comprises Lot 1, Block 8, Miramontes Park Unit 1. The applicant is requesting this action in order to eliminate a non-conforming use and to line up the zoning lines with the lot lines consistent with the retail building and warehouse on the property. The proposed action will subdivide Lot 1 into Lot 1-A (1.4720 acres) and Lot 1-B (1.0319). The proposed Lot 1-A will contain the existing Big 5 store, while the proposed Lot 1-B will contain the existing warehouse. The zone change is only to proposed Lot 1-B. Proposed Lot 1-A will retain the existing zoning.

The applicant has adequately justified both the request for the zone map amendment from C-1 & C-2 to SU-1 C-2 Uses & Warehouse, as well as a site development plan for subdivision, base on applicable policies found in the Comprehensive 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 8/11/2008 to 8/27/2008. Agency comments were used in the preparation of this report and begin on page 15.

**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>	C-1, C-2	Established Urban	Commercial, Office
<i>North</i>	C-1, R-1	Established Urban	Office, Single-Family
<i>South</i>	C-2	Established Urban	Commercial
<i>East</i>	SU-1 Church & Related Facility	Established Urban	Public Facility
<i>West</i>	C-1	Established Urban	Commercial

**Background**

This is a request for a zone map amendment from C-1 & C-2 to SU-1 C-2 Uses & Warehouse and a site development plan for subdivision on a 2.5 acre parcel of land located on San Mateo Boulevard NE, between Claremont Avenue NE and Phoenix Avenue NE. The site comprises Lot 1, Block 8, Miramontes Park Unit 1. The applicant is requesting this action in order to make a non-conforming use legal and to line up the zoning lines with lot lines that are consistent with the retail building and warehouse on the property. The proposed action will subdivide Lot 1 into Lot 1-A (1.4720 acres) and Lot 1-B (1.0319). The proposed Lot 1-A will contain the existing Big 5 store, while the proposed Lot 1-B will contain the existing warehouse. The zone change is only to proposed Lot 1-B. Proposed Lot 1-A will retain its existing zoning.

**History**

On January 16, 1956 the zoning for the south one-half of Block 8, Miramontes Park No. 1, located north of Phoenix Avenue NE, between San Mateo Boulevard NE and Madeira Drive NE was changed by the Planning Commission from C-1 to C-2 (Z-308). On July 2, 1956 the Planning Commission denied the zone change from C-1 to R-1 on the north half of block 8 of the Miramontes Park Addition, located on the south side of Claremont Avenue NE between San Mateo Boulevard NE and Madeira Drive NE (Z-353). On February 17, 1988 the expansion of a building non-conforming as to use on Block 8, Miramontes Park Unit 1, and a variance to the 25 percent expansion limitation to allow construction of a 4,900 square foot warehouse were both approved (ZA-88-53).

The owner of the warehouse also owns the sporting goods store. The sporting goods store is in the 13<sup>th</sup> year of a 25 year lease. The warehouse is currently being leased to Baillio's (which is approximately one block south along Menaul Boulevard). Baillio's may not renew the lease which expires in October 2008, because they have been sold and apparently the new owners would like a different type of warehouse in a different location. The ownership of the warehouse will pass to The Jewish Federation of Greater Albuquerque through the estate of the owner.

***Context***

The subject site is located on San Mateo Boulevard NE between Claremont Avenue NE and Phoenix Avenue NE. To the north of the site are various offices and single family homes, which are zoned C-1 and R-1. To the east is the Queen of Heaven Catholic Church and the Queen of Heaven Catholic School (Pre-K to 8<sup>th</sup>), which is zoned SU-1 Church and Related Facility. To the south on Lot 2 is an insurance office and a Credit Union, while across Phoenix Avenue to the south are various businesses, which are zoned C-2. To the west across San Mateo Boulevard are various businesses, which are zoned C-1.

***Long Range Roadway System***

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

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

Both Claremont Avenue NE and Phoenix Avenue NE are local streets.

There is an existing bicycle route along Claremont Avenue NE. There are no existing bicycle routes, lanes or trails along San Mateo Boulevard NE.

The bus route along San Mateo Boulevard is #140/141 – San Mateo, which provides weekday, Saturday, and Sunday service. Bus route #8 – Menaul, which also provides weekday, Saturday, and Sunday service is approximately 720 feet away to the south. Bus route #7 – Candelaria Commuter, which is approximately 1,400 feet away to the north provides service in the early morning and afternoon during rush hour.

San Mateo Boulevard is an Enhanced Transit Corridor.

***Public Facilities/Community Services***

Public facilities and/or community services in the area include the following: Kiva Park, Village Park, Montgomery Park, Bel Air Park, Quigley Park, Worker's Memorial Park, Alvarado Park, Freedom High School & New Futures School, Queen of Heaven Catholic School, Zuni Elementary School, Bel-Air Elementary School, McKinley Middle School, Palo Duro Senior Center, and Erme Ferguson Branch Library.

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

***Albuquerque Comprehensive Zoning Code***

The existing zoning for the site is C-1 & C-2. The C-1 zone provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential

areas. The C-2 zone provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses. The northern portion of lot 1 is currently zoned C-1, while the southern portion of lot 1 is currently zoned C-2.

The proposed zoning for the site is SU-1 C-2 Uses & Warehouse. The SU-1 zone 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 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 for subdivision, which is sufficient for an SU-1 zone change request, but is not sufficient for enforcement purposes. An “as-built” site plan for building permit will be necessary for this special site. The zone change is only to proposed Lot 1-B. Proposed Lot 1-A will retain the existing zoning.

### **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 Established Urban by the *Comprehensive Plan* with a Goal to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.” Applicable policies include:

Policy II.B.5d: The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

***The applicant states that the location and shopping opportunity provided by the existing sports retail store and warehouse has been a part of the neighborhood for over 20 years, and that the design and capacity are consistent with the surrounding retail uses located on San Mateo Blvd. The zoning request respects existing neighborhood values, environmental conditions, carrying capacities, and scenic resources. The request furthers Policy II.B.5d.***

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 employment (sporting goods retail store) and warehouse services will be located adjacent to residential neighborhoods and situated such that it will minimize the adverse effects on the residences, and that the sports retail store (open 10am-9pm Mon-Fri, 9am – 9pm Sat 10am -7pm Sun) and warehouse (open 9am-5pm) take precautions to operate at reasonable hours to eliminate noise, pollution, and traffic concerns. The permissive uses of the C-2 zone and warehouse will be compatible with surrounding uses and employment at this location and will have no adverse effects on the surrounding***

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*neighborhoods. The request will not alter the layout, architecture, grading and drainage, or vehicular or pedestrian access of either the existing warehouse or the sporting goods store. The request furthers 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.

*The applicant states that the existing retail sports store and warehouse are located with pedestrian and bicycle access within a reasonable distance of the surrounding residential homes located within the Quigley Park Neighborhood Association and that it is very convenient for local residents to access these land uses. Although no new commercial development is actually occurring in this request, staff agrees with applicant that the existing store and warehouse are close to bicycle and pedestrian access. There is an existing bicycle route along Claremont Avenue and the site has sidewalks on all sides providing pedestrian access. The request furthers Policy II.B.5j.*

#### **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. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

*The applicant states that the request for a zone change is consistent with the general health, safety, morals, and welfare of the public because elimination of a non-conforming use promotes public welfare. Staff agrees that the proposed zone change is consistent with the health, safety, morals, and general welfare of the City because the proposed zone reflects an existing benign use.*

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- B. Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not the City to show why the change should not be made.

*The applicant states that the proposed zoning will bring the existing building out of non-conforming status and line up the building with the correct zoning. The proposed zone change will make no changes to the site or the building except for bringing them into compliance with the City zoning code. The applicant has provided an acceptable justification for the zone change.*

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.

*The applicant states that the zone map amendment is not in significant conflict with adopted elements of the Comprehensive Plan, and in fact is supported by policies in the Comprehensive Plan. The applicant cited applicable policies of the Comprehensive Plan, including policies d, i, and j of the Established Urban Area. All of the policies cited by the applicant are furthered by the zone change request.*

- D. The applicant must demonstrate that the existing zoning is inappropriate because:

- (1) there was an error when the existing zoning map pattern was created, or
- (2) changed neighborhood or community conditions justify the change, or
- (3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) or (2) above do not apply.

*The applicant states that the present zoning for the subject area is perceived to be incorrect because it has a warehouse straddling two zoning classifications. The applicant also points out that the proposed zone change is more advantageous to the community as it furthers policies of the Comprehensive Plan, including policies d, i, and j of the Established Urban Area. The applicant has shown that the proposed zoning furthers applicable policies in the Comprehensive Plan.*

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.

*The applicant claims that none of the uses permitted under the new zoning will be harmful to adjacent property, the neighborhood or the community, and in fact will remain status quo with the uses currently utilized on the property. None of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community. The site is already zoned C-1 on the northern portion and C-2 on the southern portion of the property. The proposed zone change and re-plat will bring the property into compliance with the Zoning Code.*

- F. A proposed zone change which, to be utilized through land development, requires major and un-programmed capital expenditures by the City may be:
- (1) denied due to lack of capital funds, or
  - (2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.

***The applicant states that the subsequent development shall not require major, non-programmed capital expenditures by the City.***

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

***Economic hardship is not the primary determinant for approval of the zone change request.***

- H. Location on a major street is not in itself sufficient justification of apartment, office or commercial zoning.

***Site location on or near a designated major thoroughfare is not the primary determinant for approval of the zone change request.***

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
- (1) The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or
  - (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone.

***The zone request does create a spot zone; however, the applicant cites policies in the Comprehensive Plan that support the request for a zone change. The applicant also states that the proposed zone change can function as a suitable transition between adjacent zones because Warehouse is not a harmful use adjacent to residential properties because it has low traffic, noise, and light pollution and is generally a good buffer to residential uses.***

- J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:
- (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan,
  - (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not

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suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

*The request does not constitute a strip zone.*

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

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

The subject site is approximately 2.5 acres in size and is identified as Lot 1, Block 8, Miramontes Park Unit 1. The request is to eliminate a non-conforming use by changing the zoning from C-1 & C-2 to SU-1 C-2 Uses & Warehouse, and by adjusting the lot lines so that the warehouse is entirely situated within a separate lot (proposed lot 1-B) from the existing Big 5 sporting goods store (which would be in proposed lot 1-A). The subject site is compatible with the surrounding neighborhood, which has a variety of different land uses, including commercial, office, public facility, and single family. The proposed zone change will make no changes to the site or the building except for bringing them into compliance with the City zoning code.

The existing sporting goods store faces San Mateo Boulevard (on existing Lot 1, proposed Lot 1-A) and has parking on the north, west, and south sides of the building. No changes will be made to the existing sporting goods store. The existing warehouse is on the south side of the property (on existing Lot 1, proposed Lot 1-B), and has a carport (north of the warehouse) that has room for 2 vehicles. The sporting goods store is 26 feet high, while the warehouse is just over 18 feet high at its highest point.

The scale on the site plan for subdivision of 1" = 80' is incorrect. The scale needs to be corrected on the site plan for subdivision. The floor area ratio on the site plan for subdivision shall be shown as 0.24 instead of 24% for the sporting goods store, and 0.39 instead of 39% for the warehouse.

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

There is a chain link fence along the northeastern portion of the property, and another chain link fence just south of the warehouse that are shown on the site plan for subdivision. There are a couple of chain link fences that are not shown on the site plan for subdivision, including one that runs east and west along the far south side of the property in front of the warehouse along Phoenix Avenue, and another that runs north and south from the south end of the property up to the warehouse. All chain link fences shall be shown on the site plan for subdivision.

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

Vehicular access to the warehouse is provided through a driveway on the south side of the property along Phoenix Avenue. This driveway allows vehicles to deliver goods to the warehouse. There is another driveway on the south side of the property along Phoenix Avenue that allows vehicles to access the area between the warehouse and the existing Credit Union and leads to the south side of the sporting goods store. There are also two driveways along Claremont Avenue on the north side of the property, and another driveway along San Mateo



Boulevard on the west side of the property that allow vehicles to access both the sporting goods store and the warehouse.

The Off-Street Parking Regulations (Sec. 14-16-3-1) require a warehouse to have one space per 2,000 sf of leasable area, which with 17,660 square feet would require 8 spaces. The warehouse currently has a carport that has room for 2 vehicles. The site plan for subdivision shows the existing sporting goods store as having 84 parking spaces, while 76 are required. However, there is more parking along the east side of the sporting goods store, north of the warehouse that is not shown on the site plan for subdivision. There may also be additional parking south of the sporting goods store and west of the warehouse that is also not shown on the site plan for subdivision. All parking for Lot 1 shall be shown on the site plan for subdivision.

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

There is an existing sidewalk along the east side of the warehouse along Madeira Drive that runs all the way from Phoenix Avenue to Claremont Avenue. The sporting goods store has sidewalks directly in front of the store and also along San Mateo Boulevard and Claremont Avenue.

There is an existing bicycle route along Claremont Avenue NE. There are no existing bicycle routes, lanes or trails along San Mateo Boulevard NE.

The bus route along San Mateo Boulevard is #140/141 – San Mateo, which provides weekday, Saturday, and Sunday service. Bus route #8 – Menaul, which also provides weekday, Saturday, and Sunday service is approximately 720 feet away to the south. Bus route #7 – Candelaria Commuter, which is approximately 1,400 feet away to the north provides service in the early morning and afternoon during rush hour. The closest bus stop is along San Mateo in front of the existing Credit Union (approximately 150 feet away from the warehouse). San Mateo Boulevard is an Enhanced Transit Corridor.

***Lighting and Security***

There is one street light along Madeira Drive just east of the warehouse. There are several street lights along San Mateo Boulevard between Phoenix Avenue and Claremont Avenue, and another street light at the far northeast end of the property along Claremont Avenue. Apparently the light at the San Mateo entrance to the sporting goods store is out. The warehouse also has several exterior lights that are mounted along the west side of the building. At the facilitated meeting of August 21, 2008, the applicant and neighbors expressed concerns about repairs and upkeep of the warehouse. The applicant agreed to handle all upkeep within 40 days.

***Landscaping***

There is existing landscaping on the east side of the warehouse along Madeira Drive, which is shown on the site plan for subdivision. There is also landscaping inside the small triangle of concrete curb just north of the warehouse and the carport. This landscaping is not noted on the site plan for subdivision. The applicant shall show that there is landscaping inside the small triangle of concrete curb just north of the warehouse and the carport on the site plan for subdivision.

***Public Outdoor Space***

There is no public outdoor space for the existing warehouse.

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

Neither utility plans nor grading and drainage plans are required for a site development plan for subdivision. This would be required with a submittal for a site plan for building permit, which will be required within 6 months of approval of a site plan for subdivision.

***Architecture***

The existing warehouse building is a 1 story concrete block building. The site plan for subdivision will make no physical changes to the building.

***Signage***

There are no existing or proposed signs for the warehouse.

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

City Departments and other interested agencies reviewed this application from 8/11/2008 to 8/27/2008. Agency comments can be found on page 15.

***NEIGHBORHOOD/PUBLIC CONCERNS***

Bel-Air NA and Quigley Park NA are the recognized Neighborhood Associations in this area. Both Association were notified concerning the proposed zone change and site plan for subdivision.

A facilitated meeting was requested and held on August 19, 2008 at the McKinley Community Center. There were concerns about repairs and upkeep of the warehouse. The applicant agreed to handle all upkeep concerns within 40 days. Staff has received no letters of opposition concerning the proposed development.

***CONCLUSIONS***

This is a request for a zone map amendment from C-1 & C-2 to SU-1 C-2 Uses & Warehouse and a site development plan for subdivision on a 2.5 acre parcel of land located on San Mateo Boulevard NE, between Claremont Avenue NE and Phoenix Avenue NE. The site comprises Lot 1, Block 8, Miramontes Park Unit 1. The applicant is requesting this action in order to eliminate a non-conforming use and to line up the zoning lines with the lot lines consistent with the retail building and warehouse on the property. The proposed action will subdivide Lot 1 into Lot 1-A (1.4720 acres) and Lot 1-B (1.0319). The proposed Lot 1-A will contain the existing Big 5 store, while the proposed Lot 1-B will contain the existing warehouse. The zone change is only to proposed Lot 1-B. Proposed Lot 1-A will retain the existing zoning.

The applicant has adequately justified both the request for the zone map amendment from C-1 & C-2 to SU-1 C-2 Uses & Warehouse, as well as a site development plan for subdivision, based on applicable policies found in the Comprehensive Plan. A site development plan for building permit is necessary for this existing use in an SU-1 zone, especially for future enforcement purposes on a site with non-standard setbacks and an unusual configuration. There is no known opposition to the request and staff recommends approval with conditions.

***FINDINGS – 08EPC 40093, 9/18/08, Zone Map Amendment***

1. This is a request for a zone map amendment for the southern portion (1.0319 acres) of Lot 1 (proposed Lot 1-B), Block 8, Miramontes Park Unit 1, from C-1 & C-2 to SU-1 C-2 Uses & Warehouse, located on San Mateo Boulevard NE, between Claremont Avenue NE and Phoenix Avenue NE.
2. The subject site within the area designated Established Urban by the Comprehensive Plan.
3. The following Comprehensive Plan policies for Developing and Established Urban Areas are supported by the proposal:
  - a. Policy II.B.5d – The location and shopping opportunity provided by the existing sports retail store and warehouse has been a part of the neighborhood for over 20 years, and the design and capacity are consistent with the surrounding retail uses located on San Mateo Blvd. The zoning request respects existing neighborhood values, environmental conditions, carrying capacities, and scenic resources.
  - b. Policy II.B.5i – The permissive uses of the C-2 zone and warehouse will be compatible with surrounding uses and employment at this location and will have no adverse effects on the surrounding neighborhoods. The request will not alter the layout, architecture, grading and drainage, or vehicular or pedestrian access of either the existing warehouse or the sporting goods store.
  - c. Policy II.B.5j – The proposed zoning will be located in an existing commercially zoned area that provides pedestrian and bicycle access within reasonable distance of residential areas. There is an existing bicycle route along Claremont Avenue and the site has sidewalks on all sides providing pedestrian access.
4. The applicant has adequately justified the zone change request pursuant to Resolution 270-1980:
  - a. The request would be consistent with the health, safety, morals, and general welfare of the City and would make a non-conforming use legal. (Section 1A)
  - b. The proposed zoning will bring the existing building out of non-conforming status and line up the building with the correct zoning. The proposed zone change will make no changes to the site or the building except for bringing them into compliance with the City zoning code. (Section 1B)
  - c. The zone map amendment is not in significant conflict with adopted elements of the Comprehensive Plan, but is rather supported by policies in the Comprehensive Plan. The applicant cited applicable policies of the Comprehensive Plan. (Section 1C)

- d. The present zoning for the subject area is perceived to be incorrect because it has a warehouse straddling two zoning classifications. The applicant has shown that the proposed zoning furthers applicable policies in the Comprehensive Plan. (Section 1D)
  - e. None of the uses permitted under the new zoning will be harmful to adjacent property, the neighborhood or the community, and in fact will remain status quo with the uses currently utilized on the property. The proposed zone change and re-plat will bring the property into compliance with the Zoning Code. (Section 1E)
  - f. The request shall not require major, non-programmed capital expenditures by the City. (Section 1F)
  - g. Economic hardship is not the primary determinant for approval of the zone change request. (Section 1G)
  - h. Site location on or near a designated major thoroughfare is not the primary determinant for approval of the zone change request. (Section 1H)
  - i. The zone request does create a spot zone; however, the applicant cites policies in the Comprehensive Plan that support the request for a zone change. The applicant also states that the proposed zone change can function as a suitable transition between adjacent zones because Warehouse is not a harmful use adjacent to residential properties because it has low traffic, noise, and light pollution and is generally a good buffer to residential uses. (Section 1I)
  - j. The request does not constitute a strip zone. (Section 1J)
5. A facilitated meeting was requested and held on August 19, 2008 at the McKinley Community Center. There were concerns about repairs and upkeep of the warehouse. The applicant agreed to handle all upkeep concerns within 40 days. Staff has received no letters of opposition concerning the proposed development.
6. A site development plan for building permit is necessary for this existing use in an SU-1 zone, especially for future enforcement purposes on a site with non-standard setbacks and an unusual configuration.

***RECOMMENDATION - 08EPC 40093, 9/18/08, Zone Map Amendment***

**APPROVAL of 08EPC 40093, a zone map amendment from C1 & C-2 to SU-1 C-2 Uses & Warehouse, for the southern portion (1.0319 acres) of Lot 1 (proposed Lot 1-B), Block 8, Miramontes Park Unit 1, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - 08EPC 40093, 9/18/08, Zone Map Amendment***

1. Final sign-off of the accompanying site development plan for subdivision (08EPC 40094).
2. Replat Lot 1 into Lot 1-A and Lot 1-B.
3. Review and approval of a site development plan for building permit for the warehouse use on proposed Lot 1-B within 6 months.

***FINDINGS – 08EPC 40094, 9/18/08, Site Development Plan for Subdivision***

1. This is a request for a site development plan for subdivision for Lot 1, Block 8, Miramontes Park Unit 1, located on San Mateo Boulevard NE, between Claremont Avenue NE and Phoenix Avenue NE.
2. The subject site within the area designated Established Urban by the Comprehensive Plan.
3. The following Comprehensive Plan policies for Developing and Established Urban Areas are supported by the proposal:
  - a. Policy II.B.5d – The location and shopping opportunity provided by the existing sports retail store and warehouse has been a part of the neighborhood for over 20 years, and the design and capacity are consistent with the surrounding retail uses located on San Mateo Blvd. The request respects existing neighborhood values, environmental conditions, carrying capacities, and scenic resources.
  - b. Policy II.B.5i – The permissive uses of the C-2 zone and warehouse will be compatible with surrounding uses and employment at this location and will have no adverse effects on the surrounding neighborhoods. The request will not alter the layout, architecture, grading and drainage, or vehicular or pedestrian access of either the existing warehouse or the sporting goods store.
  - c. Policy II.B.5j – The subject site will be located in an existing commercially zoned area that provides pedestrian and bicycle access within reasonable distance of residential areas. There is an existing bicycle route along Claremont Avenue and the site has sidewalks on all sides providing pedestrian access.
4. A facilitated meeting was requested and held on August 19, 2008 at the McKinley Community Center. There were concerns about repairs and upkeep of the warehouse. The applicant agreed

to handle all upkeep concerns within 40 days. Staff has received no letters of opposition concerning the proposed development.

5. A site development plan for building permit is necessary for this existing use in an SU-1 zone, especially for future enforcement purposes on a site with non-standard setbacks and an unusual configuration.

***RECOMMENDATION - 08EPC 40094, 9/18/08, Site Development Plan for Subdivision***

**APPROVAL of 08EPC 40094, a site development plan for subdivision, for Lot 1, Block 8, Miramontes Park Unit 1, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - 08EPC 40094, 9/18/08, Site Development Plan for Subdivision***

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. The scale of 1" = 80' is wrong and needs to be corrected on the site plan for subdivision.
4. The floor area ratio on the site plan for subdivision shall be shown as 0.24 instead of 24% for the sporting goods store, and 0.39 instead of 39% for the warehouse.
5. All chain link fences on the site shall be shown on the site development plan for subdivision.
6. All parking for Lot 1 shall be shown on the site development plan for subdivision.

7. The applicant shall show that there is landscaping inside the small triangle of concrete curb just north of the warehouse and the carport on the site plan for subdivision.
  
  8. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:
    - a. The Developer is subject to any permanent improvements to the transportation facilities adjacent to the proposed site development plan that have not been provided for. Those improvements could include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps. 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. Provide cross access and cross parking agreements that are not already in place. Specifically, between lots 2, 1-A and 1-B and for the private access easement from Phoenix Avenue to lots 2, 1-A and 1-B.
    - c. Label access points as existing.
    - d. It is suggested that the applicant close the curb cut on Claremont nearest to San Mateo or re-locate it at least 50' east from San Mateo.
    - e. Concurrent platting action required.
    - f. Site plan shall comply and be designed per DPM Standards where applicable.
- 
- 

***Randall Falkner  
Planner***

cc: Art Gardenschwartz, 6116 Buffalograss NE, Albuquerque, NM 87111  
Josh Skarsgard, 8220 San Pedro NE, #500, Albuquerque, NM 87113  
Barb Johnson, BelAir NA, 2700 Hermosa NE, Albuquerque, NM 87110  
Lee Julian, Bel Air NA, 2724 Monroe NE, Albuquerque, NM 87110  
Lisa Whalen, Quigley Park NA, 2713 Cardenas Dr. NE, Albuquerque, NM 87110  
Maria Young, Quigley Park NA, 2932 Madeira Dr. NE, Albuquerque, NM 87112

***Attachments***



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## CITY OF ALBUQUERQUE AGENCY COMMENTS

### PLANNING DEPARTMENT

#### Zoning Code Services

- The applicant has applied for a site development plan for building permit, which is not required in the C-2 zone.
- The applicant's letter specifies that the request is for SU- for C-2/Warehouse zone, however, the application only states C-2.
- If the applicant is proposing SU-1 zoning, a site development plan for building permit will need to be provided and further review will be required.
- 3.Application and letter conflict in request to zone change.

#### Office of Neighborhood Coordination

Bel-Air NA (R)

Quigley Park NA (R)

8/11/08 – Recommended for Facilitation – siw

8/11/08 – Assigned to Tonya Covington – siw

8/18/08 – Facilitated Meeting to be held on Tuesday, 8/19/08 at 5:30 p.m. at the McKinley Community Center - siw

#### Advanced Planning

### CITY ENGINEER

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

##### Comments

- To provide a more thorough review of the site plan, the applicant should have submitted an existing site plan that shows the existing lot line configuration and existing zone line information. In addition, if the applicant is going to provide detailed site plan information then they should provide all site plan information (i.e. all parking, not just select areas of the site, driveway dimensions, lighting, signing, etc.) and then submit a Site Development Plan for Building Permit. Also, the applicant should provide any information concerning shared access and parking agreements that may be in place.

##### Conditions

- The Developer is subject to any permanent improvements to the transportation facilities adjacent to the proposed site development plan that have not been provided for. Those improvements could include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps. 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).

- Provide cross access and cross parking agreements that are not already in place. Specifically, between lots 2, 1-A and 1-B and for the private access easement from Phoenix Avenue to lots 2, 1-A and 1-B.
- Label access points as existing.
- It is suggested that the applicant close the curb cut on Claremont nearest to San Mateo or re-locate it at least 50' east from San Mateo.
- Concurrent platting action required.
- Site plan shall comply and be designed per DPM Standards where applicable.

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

- The Hydrology Section has no objection to the zone change request. No adverse comments on Site Plan.

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

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

**Traffic Engineering Operations (Department of Municipal Development):**

- No comments received.

**Street Maintenance (Department of Municipal Development):**

- No comments received.

**New Mexico Department of Transportation (NMDOT):**

- No comments received.

**Conditions of approval on next page:**

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT**

**and NMDOT:**

Conditions of approval for the proposed Zone Map Amendment and Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

- a. The Developer is subject to any permanent improvements to the transportation facilities adjacent to the proposed site development plan that have not been provided for. Those improvements could include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps. 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).
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- e. Concurrent platting action required.
- f. Site plan shall comply and be designed per DPM Standards where applicable.

***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***

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

***Open Space Division***

Open Space has no adverse comments

***City Forester***

***POLICE DEPARTMENT/Planning***

***SOLID WASTE MANAGEMENT DEPARTMENT***

***Refuse Division***

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

***FIRE DEPARTMENT/Planning***

***TRANSIT DEPARTMENT***

***COMMENTS FROM OTHER AGENCIES***

***BERNALILLO COUNTY***

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

Reviewed, no comment.

***ALBUQUERQUE PUBLIC SCHOOLS***

**Miramonta Park Unit 1**, Lots 1 and 2 Block 8, is located on San Mateo Blvd NE between Claremont Ave NE and Phoenix Ave NE. The owner of the above property requests a Zone Map Amendment, Site Plan for Subdivision, and Site Plan for Building Permit for a development that consists of a warehouse and sporting goods store. 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.