



**Environmental
Planning
Commission**

**Agenda Number: 2
Project Number: 1006971
Case #'s: 07EPC 40089
January 17, 2008**

Staff Report

Agent	Jerome R. Eckstein
Applicant	Frank L. Barela
Request	Zone Map Amendment
Legal Description	Lot 1, Alta Vista
Location	806 Old Coors Dr. between Gallegos Road SW and Bohemio Court SW
Size	Approximately 0.64 acres
Existing Zoning	R-1
Proposed Zoning	C-3

Staff Recommendation

APPROVAL of 07EPC 40089, based on the findings on page 15.

Staff Planner
Carol Toffaleti, Planner

Summary of Analysis

The request is for a zone map amendment for the eastern portion of Lot 1, Alta Vista, a site of approximately 0.64 acres located at 806 Old Coors Dr. between Gallegos Rd. and Bohemio Ct., from R-1 (Residential) to C-3 (Heavy Commercial). The subject site is one lot with two zoning designations, C-3 and R-1. The applicant requests that the part designated R-1 be rezoned C-3 to match the rest of the site, thereby enabling its redevelopment for commercial purposes.

The site is in the Established Urban Area of the Comprehensive Plan and within the boundaries of the Southwest Area Plan.

The applicant has provided an adequate justification for the zone change per Resolution 270-1980.

The adjoining residential property-owner and the Alamosa Neighborhood Association support the request. There is no known opposition.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 12/10/2007 to 12/26/2007. 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 & III Plans</i>	<i>Land Use</i>
<i>Site</i>	C-3 and R-1	Established Urban Area; Southwest Area Plan (Rank II)	self-serve car wash
<i>North</i>	C-3 and R-2	same	commercial retail (across Gallegos Rd.)
<i>South</i>	C-3 (and R-1 across Bohemio Ct.)	same	single family residential (across Bohemio Ct.)
<i>East</i>	R-1	same	single family residential
<i>West</i>	C-3 (Heavy Commercial)	same	commercial service (across Old Coors Dr.)

Background

This is a request for a zone map amendment for the eastern portion of Lot 1, Alta Vista, a site of approximately 0.64 acres located at 806 Old Coors Dr., from R-1 (Residential) to C-3 (Heavy Commercial). The subject site is one lot with two zoning designations, C-3 and R-1. The applicant requests that the eastern part that is currently R-1 be rezoned C-3 to match the rest of the site and thereby facilitate its redevelopment for commercial purposes. Its existing use is a self-serve car wash, which straddles both zones. The applicant has attached a site development plan for building permit to the zone change application for informational purposes only, indicating seven small commercial units with associated off-street parking and landscaping. The applicant stated in a supplementary letter that all the units will be utilized as retail spaces, although three are labeled for warehouse use.

The site is in the Established Urban Area of the Comprehensive Plan and within the boundaries of the Southwest Area Plan. It is within the boundaries of the West Central Metropolitan Redevelopment Area, but the City does not have an active redevelopment program in this part of the MRA.

History

The current zoning was established in 1959 by the City’s first Zoning Map. Several other lots along Old Coors Dr. were treated in a similar fashion to the subject site, i.e. split between two zoning designations (see attached zoning map and Exhibit A). The majority have split zoning to this day. These include 5535 Salvador (the property at the northeast corner of Salvador and Old Coors), 730 and 706 Old Coors Dr. north of the subject site. One exception is 914 Old Coors Dr (Lot 31) on the east side of the road, which was rezoned C-3 between 1963 and 1965 to make the zoning conform to the lot boundary.

Some of the C-3 zoning is adjacent to R-2 zoning, presumably as a transition for the adjoining R-1 zoning. However, other C-3 zoned properties in the area are immediately adjacent to R-1 uses and/or zoning, including 771, 777 and 914 and Old Coors and 1010 Old Coors Dr.

Context

The pattern of C-3 commercial zoning along Old Coors Dr., with residential neighborhoods to the rear (mostly single family homes), is well established and is not showing signs of change. To the north of the subject site is Gallegos Rd. and a retail use fronting Old Coors Dr. To the south, is another commercial use and Bohemio Ct., a residential street. To the east is an adjoining residential property that extends from Gallegos Rd. to Bohemio Ct. To the west, across Old Coors Dr. is another commercial operation covering three narrow lots.

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 Old Coors Dr. as an Urban Minor Arterial, with a right-of-way of 86'.

Bohemio Court and Gallegos are local streets.

The Long Range Bicycle Plan designates an exiting bike lane on Old Coors Dr.

There is no transit route in the immediate vicinity of the site. The closest ABQ Ride route is three blocks south on Old Coors Dr. and Bridge Blvd.

There is no Corridor designated by the Comprehensive Plan in the vicinity of the site.

Public Facilities/Community Services

The Atrisco municipal landfill is located northeast of the site, but the site is not within its buffer area, and the landfill has been closed since 1969.

A cluster of community facilities are at a distance of approximately 0.5 – 0.75 miles west of the site: the Alamosa Library, Multi-Service Center and Tennis Courts and the APS Alamosa Elementary School.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The eastern portion of the subject site is currently zoned R-1 Residential, which provides suitable sites for houses and associated incidental uses (Section 14-16-2-6).

The proposed zoning is C-3 Heavy Commercial, which provides suitable sites for C-2 (Community Commercial) uses, wholesale commercial uses and some light industrial uses “which cause no vibration discernible beyond the premises” (Section 14-16-2-18).

The request is for a zone map amendment, which, in this case, the EPC has final authority to approve.

Albuquerque / Bernalillo County Comprehensive Plan

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.”

The proposed zone change is compatible with the character of the established neighborhoods on either side of Old Coors Dr., Crestview Bluff and Alamosa, and is consistent with the existing commercial use on the subject site. It will also help deliver new development with the potential to create greater variety and choice in work areas and to improve the visual quality of the built environment.

Applicable policies include:

Policy II.B.5.d: 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 proposed zone change respects existing neighborhood values as it is consistent with existing zoning of the rest of the site and of other properties on Old Coors Dr. in the area, and is supported by the owner of the adjoining residential property and by the Alamosa NA. The applicant also stated that the planned development will be attractive to small retailers, who will have low car traffic, and will comply with up-to-date landscaping requirements, including lower water use plants, and with up-to-date sidewalk requirements that will improve pedestrian safety. While a zone change does not guarantee the planned development, it will facilitate redevelopment of the site to modern landscaping and transportation requirements.

Policy II.B.5.i: 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 proposed zone change will not conflict with the existing commercial use of the land and will have the added benefit of facilitating redevelopment of the site under current zoning regulations, which require protection of residential environments from noise, lighting, pollution and traffic. The applicant has specified that such protection will include: a solid 8' wall, for privacy and noise reduction; updating of area lighting that will reduce light pollution; elimination of existing through-traffic between Bohemio Ct. and Old Coors Dr. and Gallegos, as only a separate parking will be accessible from Bohemio Ct.

Policy II.B.5.j: 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 free-standing retailing and contiguous storefronts along streets in older neighborhoods.

The proposed C-3 zoning will be located in an area that is already designated for commercial use and is within walking distance of established residential neighborhoods. The applicant states that the zone change will facilitate redevelopment of the site. The intent is to build units for small-scale retail services that will benefit this older neighborhood and sidewalks will be upgraded to current code requirements making the site more pedestrian friendly.

Policy II.B.5.k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

The R-1 zoned land is part of a lot that is accessed from Old Coors Dr., a minor arterial, as well as from Gallegos Rd. and Bohemio Ct., which are local streets. Rezoning the lot under a single commercial zone facilitates redevelopment that will be reviewed by the City for compliance with current regulations, including transportation requirements that ensure safety of residential neighborhoods. Extending the C-3 zoning could create traffic impacts on Bohemio, as the applicant is proposing to access one area of off-street parking for the new development from this street. However, unlike the current site layout, the illustrative site development plan does not include a through drive from Bohemio to the main area of off-street parking accessed from Old Coors Dr. and Gallegos.

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

The subject site is in an older neighborhood. The rezoning will support a new cohesive site development plan for the lot that will help rehabilitate the area.

Economic Development (Section II.D.6)

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

The zone change would slightly expand the area zoned for commercial purposes, allowing for commercial development across the entire site. It is unlikely to upset the balance of uses in the neighborhood as the existing use is already commercial and the area to be rezoned is small. The applicant also noted that the proposed C-3 zoning is consistent with existing commercial zoning along Old Coors.

Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The applicant explained that the request for a zone change is triggered by their intention to redevelop the site as a small commercial center, which will accommodate several businesses and will create new and better paying wages than the existing use and the split zoning of the site can achieve. The existing use serves a single purpose, a self-serve car wash with one part-time employee.

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

The applicant has stated their intent to recruit existing local businesses as well as entrepreneurs to start their own businesses, but there is no guarantee that this will occur.

Policy II.D.6.f: The City and the County should remove obstacles to sound growth management and economic development throughout the community.

Changing the zoning to C-3 would allow the existing commercial use on the site, including the eastern portion that is now R-1, and allow for cohesive redevelopment, thereby removing an obstacle to economic development.

In summary, the request does not conflict with and, in fact, furthers a preponderance of applicable policies of the Comprehensive Plan.

Southwest Area Sector Plan (Rank II)

The *Southwest Area Plan* was first adopted in 1988. The Plan generally encompasses properties between Central Avenue and Interstate 40 on the north, the Rio Puerco on the west, the Isleta Pueblo Boundary on the south and Interstate 25 south of Woodward Road and the Rio Grande north of Woodward Road on the east; specific boundaries are shown on page 3 in the Plan.

The *Southwest Area Plan* was amended in June 2002 (R-01-375) in relation to policies and background information and to give guidance on jurisdiction boundaries.

It sets forth the following goals and policies regarding land use that are applicable to the request.

Built Environment Policies (p. 57)

Quality of Life Statement: "...The plan seeks to promote equal connections between the different villages and their businesses, and to facilitate opportunities to establish a safe environment, and desirable living conditions. An equitable balance between the community, land use, physical development and natural environment shall be attained."

The proposed zone change would not conflict with the intent for a safe environment and for a balance between the community, land use and physical development, as it involves a small piece of land (approximately 0.3 acres), does not change the existing use of the land and is supported by the adjoining residential property-owner and the Alamo NA.

Applicable policies include:

Zoning and Land Use Policy 26: The residential densities contained in the “Residential Area Densities Map” shall be those controlling zoning in the Plan Area.

The subject site is located in Residential Area 5 of the SWAP (see map, p. 40). The Plan states in Action h) that up to 9 dwelling units per net acre are allowed in this area, when City sewer and water is available.

The proposed C-3 zone would reduce the amount of residential land and therefore the potential number of dwelling units in Residential Area 5. However, the area involved is small, approximately 0.3 acres, and the request would not have a significant impact on residential density in the area.

Economic Development Policies (p. 90)

Quality of Life Statement: “We want to stimulate economic development, which facilitates the expansion and creation of locally owned business, including agriculture, and by attracting environmentally safe industries. We want economic development, which creates jobs, diversifies the economic base, enhances and restores resources for generations.”

The proposed C-3 zoning is a necessary step toward construction of a small-scale commercial center envisaged by the applicant on the subject site. This represents environmentally safe economic development and would help diversify the economic base by accommodating several different businesses on the site. The applicant points out that the current use, a self-service car wash, serves a single purpose and only employs one part-time staff.

Policy 44: Promote small scale community commercial centers which foster a market place atmosphere; improve profit for small businesses; provide jobs; and circulate dollars within the Area economy to enhance a community environment and meet retail, recreational and service needs of Area plan residents.

Policy 45: Emphasize job creation and expansion of employment opportunities for the residents of the Southwest Area Plan.

The zone change would enable development of a commercial center that the applicant states will foster a market place atmosphere and will provide jobs. In addition, staff notes that the future retail businesses would meet the retail and service needs of area residents.

In summary, the request is not in significant conflict and, in fact, furthers a preponderance of applicable policies of the Southwest Area Plan.

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.

Staff agrees that the zone change is consistent with the health, safety, morals and general welfare of the City as it will allow the site to be redeveloped as a commercial center with upgraded parking and landscaping, as illustrated on the site development plan which the applicant has already submitted to the City's Building Division. In addition, staff notes that the lot is an infill site served by existing public infrastructure and with existing access to a minor arterial and therefore the request will not result in a burden on the public purse.

- 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 on the city to show why the change should not be made.

Staff considers that the applicant has provided an adequate justification for the zone change based on the original submittal and a supplementary letter dated January 6, 2008. The proposed C-3 zone is consistent with C-3 zoning along Old Coors Dr.

- 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 explained how the request furthers several Comprehensive Plan policies for the Established Urban Area and for Economic Development, and the Economic Development policies of the Southwest Area Plan (see above). Staff agrees that it is not in significant conflict with applicable policies and in fact furthers a preponderance of them, as outlined in previous pages of this staff report.

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

1. There was an error when the existing zone 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 (D)(1) or (D)(2) above do not apply.

The applicant demonstrated that the existing R-1 zoning is inappropriate based on criteria 1 and 3, and has also referred to criterion 2.

1. *The subject site was already one parcel when the zoning was established in 1959. Staff agrees that this has created the awkward situation of one parcel with two separate zone classifications.*

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2. *The applicant states that there has been no change in neighborhood or community conditions and that this somehow justifies the change in zoning, contrary to wording in the resolution. Without further evidence and explanation, staff does not consider that the applicant has supported the zone change based on this criterion.*
 3. *Staff agrees that the proposed C-3 zoning is more advantageous as it is consistent with the existing zoning of the majority of the site and of other properties on Old Coors Dr. in the area. It will also facilitate cohesive redevelopment of an ageing commercial site to comply with current City requirements. The applicant has referred specifically to new structures, signage, landscaping and parking.*

Staff agrees with the applicant that the existing R-1 zone inhibits new development appropriate to the site. Staff would not consider that the reverse, a zone change to all R-1, would be appropriate, because the site is on a commercial corridor with established C-3 uses and zoning on both sides of the roadway.

- 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 states that the commercial use will not be harmful, that he has reviewed the C-3 permissive uses and, due to the limited size of the site, it would be most suitable for smaller retail stores. Staff is not entirely convinced by these statements, because permissive uses, such as warehousing, operative contractor's equipment repair, a kennel or off-premise signs, could be accommodated on the site under C-3 zoning. These could be considered harmful to adjoining residential uses due to traffic and noise or, in the case of off-premise signs, be detrimental to the appearance of the neighborhood. However, the applicant has also supplied more convincing arguments. The adjacent residential property-owner and Alamosa NA have submitted letters of support for the zone change that indicate a level of trust in the applicant's intentions to go through with a retail development, which would be more visually attractive and less harmful to residential uses than many of the existing, conforming C-3 uses. More objectively, the proposed C-3 zoning is consistent with existing zoning along Old Coors Dr. Therefore, staff considers that, on balance, the request meets Section E.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed 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 stated that this is not applicable as future development of the site under the proposed zoning would be a private project and not require City funds or capital improvements.

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

Per the applicant, the zone change is required for the function and layout of the applicant's proposed retail development, but this shall not be the determining factor for the change.

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

The land currently zoned R-1 is part of a lot that is located on Old Coors Dr., an Urban Minor Arterial, which makes the location attractive for commercial uses as acknowledged by the applicant. However, this is not the primary or only justification for the applicant's request for commercial zoning.

- 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 makes the site unsuitable for the uses allowed in any adjacent zone.

The applicant noted that the request for a rezoning to C-3 is not a spot zone as it is consistent with the zoning of the rest of the lot and of other properties fronting Old Coors Dr. in the area.

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

Not applicable.

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

Agency comments begin on page 15. There were supportive comments from Zoning Code Services and Advanced Planning. No adverse comments or recommended conditions of approval were received.

NEIGHBORHOOD/PUBLIC CONCERNS

Property owners within 100' and the affected neighborhood associations, Crestview Bluff, Alamosa and Westside Merchants Association, were notified of the proposal. A letter of support for the zone

change was received from the adjoining residential property-owner and the Alamosa NA. The neighborhood association expressed support on condition that future uses do not include packaged liquor sales or adult entertainment establishments of any type. Under permissive uses in the C-3 zone, neither would be allowed on the site as it is within 500' of a residential zone. (liquor, ref. 14-16-2-18(A)(1) refers to 14-16-2-17(A)(13)(a); adult entertainment, ref. 14-16-2-18(A)(2)(a)).

CONCLUSIONS

The request for a zone change from R-1 to C-3 has been adequately justified by the applicant. It is supported by the adjoining property-owner and the Alamosa NA. A small area of approximately 0.3 acres within the 0.64 acre subject site would be affected and the rezoning would give the parcel a single zoning classification. This would allow the existing commercial use and enable redevelopment of the site for the applicant's proposed retail uses, which in turn would increase business and job opportunities for area residents and improve the appearance of the neighborhood.

Staff recommends approval of the request.

FINDINGS - 07EPC 40089, January 17, 2008, Zone Map Amendment

1. This is a request for a zone map amendment for the eastern portion of Lot 1, Alta Vista, a site of approximately 0.64 acres located at 806 Old Coors Dr. between Gallegos Rd. and Bohemio Ct., from R-1 (Residential) to C-3 (Heavy Commercial). The subject site is one lot with two zoning designations, C-3 and R-1. The applicant requests that the part that is currently R-1, approximately 0.3 acres, be rezoned C-3 to match the rest of the site and thereby facilitate its redevelopment for commercial use.
2. Along with the zone change request, the applicant has submitted a site development plan for building permit for informational purposes only.
3. The subject site is in the Established Urban Area of the Comprehensive Plan and within the boundaries of the Southwest Area Plan. It is located on Old Coors Dr., an Urban Minor Arterial.
4. The applicant provided adequate justification for the request per Resolution 270-1980:

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

The requested C-3 zoning will allow the site to be redeveloped as a commercial center with upgraded parking and landscaping without substantial adverse effect on the environment, public facilities or infrastructure.

- 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 on the city to show why the change should not be made.

The applicant has provided an adequate justification for the zone change based on the original submittal and a supplementary letter dated January 6, 2008. The proposed C-3 zone is consistent with the current commercial use and with C-3 zoning along Old Coors Dr. and will not destabilize land use and zoning in the area.

- 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 proposed zone change furthers the following elements of the Comprehensive Plan:

The Goal for the Established Urban Area, because it is compatible with the character of the established neighborhoods on either side of Old Coors Dr., Crestview Bluff and Alamosa, and is consistent with current commercial use on the subject site. It will also help deliver new development with the potential to create greater variety and choice in work areas and to improve the visual quality of the built environment.

Policy II.B.5.d: because it respects existing neighborhood values as it is consistent with existing zoning of the rest of the site and other properties along Old Coors Dr. in the area and is supported by the owner of the adjoining residential property and the Alamosa Neighborhood Association.

Policies II.B.5.i, II.B.5.k: because it will enable redevelopment of the site, located on a minor arterial, under current City regulations, which require protection of residential environments from noise, lighting, pollution and traffic.

Policy II.B.5.j: because it will facilitate commercial redevelopment of the site, which the applicant intends to be a cluster of small retail units that will be accessible from the surrounding residential neighborhoods, including by pedestrians and cyclists.

Policy II.B.5.o because the rezoning will support a cohesive site development plan on the lot, that will help rehabilitate an older neighborhood of the City.

Economic Development Policy II.D.6.a: because it will allow new commercial development on the entire subject site and increase its potential to provide more employment opportunities than the existing split zoning can achieve.

Policy II.D.6.f: because changing the zoning to C-3 would allow the existing commercial use of the subject site and allow for a cohesive redevelopment, thereby removing an obstacle to economic development.

The request is not in significant conflict with Zoning and Land Use Policy 26 of the Southwest Area Plan, because it would not significantly reduce the housing potential of Residential Area 5 given the small area of the site.

The request furthers the Economic Development Policies 44 and 45 of the Southwest Area Plan, because it would enable development of a commercial center that will provide jobs and help meet the retail and service needs of area residents.

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

1. There was an error when the existing zone map pattern was created;

The subject site was already one parcel when the current zoning was established in 1959, which created the awkward situation of one parcel with two separate zone classifications. The zone change would allow both the existing use and the proposed retail development.

2. Not applicable.

3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The proposed C-3 zoning is more advantageous as it is consistent with the existing zoning of other properties on Old Coors Dr. in the area and will facilitate cohesive redevelopment of an ageing commercial site to comply with current City requirements, including those pertaining to structures, signage, landscaping and parking.

Conversely, the existing R-1 zone inhibits new development appropriate to the site, which is on a major street with established C-3 uses and zoning lining both sides of the roadway.

- 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.

Some permissive C-3 uses could be considered harmful to adjoining residential uses due to traffic and noise or, in the case of off-premise signs, be detrimental to the appearance of the neighborhood. However, the proposed C-3 zoning is consistent with existing zoning along Old Coors Dr. and is supported by the adjacent residential property-owner and Alamosa NA. On balance, the request therefore meets the intent of Section E.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed 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.

Not applicable as future development of the site under the proposed zoning would be a private project and not require City funds or capital improvements.

- 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 consideration is not the determining factor.

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

The location of the site on a major street is not the primary or only justification for the requested commercial zoning.

- 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."

The request for a rezoning to C-3 is not a spot zone as it is consistent with the zoning of the rest of the lot and of other properties fronting Old Coors Dr. in the area.

- 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."

Not applicable.

5. Property owners within 100' and the affected neighborhood associations, Crestview Bluff, Alamosa and Westside Merchants Association, were notified of the proposal. A letter of support for the zone change was received from the owner of the adjoining residential property and the Alamosa NA.

6. If approved, the zone map amendment will not become official until a Certification of Zoning signed by the Planning Director is issued per Section 14-16-4-1 (C)(10).

RECOMMENDATION – 07EPC 40089, January 17, 2008

APPROVAL of 07EPC 40089, a Zone Map Amendment, for the eastern portion of Lot 1, Alta Vista Addition, from R-1 to C-3, based on the preceding Findings.

***Carol Toffaleti
Planner***

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Attachments

Exhibit A: map indicating lot numbers and numerical addresses
R-270-1980
C-3 zoning regulations

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Reviewed: If approved, a zone change from R-1 to C-3 would not only allow the existing uses and activities on the land, but would also allow the proposed development.

Office of Neighborhood Coordination

Crestview Bluff NA (R), Westside Merchants Assoc. (R), Alamosa NA (R)

Advanced Planning

The proposed zone change will allow the property to have a consistent zone. There is a clear pattern of commercial development along Coors, and although this extends the boundary of that development, it appears to be compatible with the surrounding land use.

The site is located within the Southwest Area Plan.

PUBLIC WORKS DEPARTMENT

Transportation Development Services

- Reviewed, no comments.

Utility Development

- No comments received.

Traffic Engineering Operations

- No comments received.

Hydrology

- No comments received.

Transportation Planning

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

Street Maintenance (Department of Municipal Development):

- No comments received.

Water Resources, Water Utilities and Wastewater Utilities (Water Authority):

- No comments received.

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 Amendment to Zone Map shall include:

- a. None.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

- No comments received.

Environmental Services Division

- No comments received.

City Forester

- No comments received.

PARKS AND RECREATION

Planning and Design

- No comments received.

Open Space Division

Open Space has no adverse comments

POLICE DEPARTMENT/Planning

- No comments received.

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

- No comments received.

TRANSIT DEPARTMENT

- No comments received.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

- No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

Alta Vista, Lot 1, is located on Old Coors Rd SW between Gallegos SW and Bohemio SW. The owner of the above property requests a Zone Map Amendment from R-1 to C-3 for a commercial center that will consist of retail and warehouse uses. This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

- No comments received.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

- No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

- No comments received.