



**Environmental
Planning
Commission**

**Agenda Number: 5
Project Number: 1007008
Case #: 07EPC 40104
February 21, 2008**

Staff Report

Agent	Ellen Concini
Applicant	Randy Kaufman
Request(s)	Zone Map Amendment
Legal Description	Lots 25 and Tract X, Block 2, Graceland Acres Addition
Location	Candelaria Road NE between Commercial St. and Arno St.
Size	Approximately 0.56 acres
Existing Zoning	R-1 (Residential)
Proposed Zoning	C-2 (Community Commercial)

Staff Recommendation

APPROVAL of 07EPC 40104, based on the findings on page 20.

Staff Planner
Carol Toffaleti, Planner

Summary of Analysis

The request is for a zone change from R-1 to C-2 for Lots 25 and Tract X, Block 2, Graceland Acres Addition, a site of approximately 0.56 acres located at the northwest corner of Candelaria Road NE and Arno Street. The applicant wishes to relocate his existing commercial vehicle sales business from the site directly across Arno to the subject site.

The site is in the Central Urban and the Established Urban Areas of the Comprehensive Plan and within the North Valley Area Plan. The applicant adequately justified the zone change from R-1 to C-2 by demonstrating that it is more advantageous and furthers a preponderance of applicable City plans and policies. The applicant provided convincing evidence that the existing zoning is inappropriate because the site has remained vacant for decades and its location on a busy arterial, surrounded by commercial uses, has not attracted residential development.

The adjoining residential property-owner and affected neighborhood association are opposed to the request due to potential adverse impacts from permissive uses. Staff finds that their concerns are mitigated by the small size of the site and protections for residential environments built into zoning regulations, and are outweighed by the benefits of the request.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 01/7/2008 to 01/23/2008. Agency comments were used in the preparation of this report and begin on page 20.

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>	R-1	Central Urban Area and Established Urban Area; North Valley Area Plan	vacant
<i>North</i>	R-1	same	residential (single family)
<i>South</i>	R-1	same	residential (single family)
<i>East</i>	C-2 (County land)	same	commercial
<i>West</i>	M-1 (County land)	same	manufacturing

Background

The request is for a zone change from R-1 (Residential) to C-2 (Community Commercial) for Lots 25 and Tract X, Block 2, Graceland Acres Addition, a site of approximately 0.56 acres located on the north side of Candelaria Road NE between Commercial and Arno Streets. The applicant wishes to relocate his existing commercial vehicle sales business from the site to the east, which he leases, to the subject site, which he has purchased. The site to the east also currently contains an electric contracting business and a used car dealership.

The subject site is in the Central Urban Area and the Established Urban Area of the Comprehensive Plan and within the boundaries of the North Valley Area Plan.

History

Subject site

In 1967, the subject site and the adjoining parcel to the north, Lot 24, were annexed into the City and zoned R-1 (Att: AX-123, Z-1704, 5/8/1967). The purpose of the request was to provide City water service for Lot 24. Part of the subject site contained a City well.

In 1995, a request was submitted to the City to rezone the subject site from R-1 to C-2, but it was deferred indefinitely “to allow the applicant to pursue uses which would be more compatible with the adjacent uses” (Att: Z-95-118, 12/21/95). By that time, the City well and associated structures had been removed and the subject site was vacant.

In 1996, a request for the same zone change was denied by the EPC (Att: Z-95-118, 3/21/96). The decision was appealed by the applicant (Att: AC-96-09, 6/7/1996). The City Council’s Land Use, Planning and Zoning Committee recommended that the case not be heard, which the City Council accepted. The applicant appealed the decision to District Court, who remanded it to be heard by City Council. City Council denied the appeal in 1997 (Att: AC-96-09(a), 6/20/1997). The main arguments for EPC denial were that the requested zone would have no substantial community benefit and could negatively affect the abutting residential neighborhood. It would also have turned the

adjoining residential property into a spot R-1 zone. The zone change to C-2 was supported by the affected neighborhood association, the Stronghurst Improvement Association.

Surrounding area

The subject site is in an area known as the Graceland Addition, bounded by Candelaria on the south, large lots zoned M-1 on the north, Edith Boulevard on the east and the BN&SF railroad on the west. At the time the subject site was annexed into the City, the Graceland Addition had been platted as residential lots but did not have zoning. The first official County Zoning Map was established in 1973 (Exhibit A) and shows a mix of zoning in the area. Lots accessed from Arno and Franciscan Streets were zoned R-1. Lots fronting onto Edith were zoned C-1. Lots to the west, accessed from Commercial Street and next to the railroad tracks, were zoned M-1. The Stronghurst Addition to the south of Candelaria Rd. and within the City limits was R-1. In 1973 commercial zoning in the County was limited to two zones, C-N Neighborhood Commercial and C-1 Commercial.

In 1987, the lot east of the subject site was rezoned from C-1 to C-2 by the Board of County Commissioners. The application was the result of a violation for operating an auto storage yard on the site, which was first permitted in the M-1 zone. The applicant proposed a rezoning to C-2 and limiting use of the site to a full service garage and an auto sales lot. The findings in the County Planning Commission's recommendation of approval included: commercial and manufacturing zoning and development are the rule in the area; and C-2 would not set an undesirable land use precedent. (Att: CZ-87-5, 2/17/1987). By that time, most of the residential area north of Candelaria Rd. had been rezoned to C-1. The C-1 area included five lots on Franciscan St. with a special use permit for a contractor's yard.

Special use permits on County land are different from special use zoning in the City. The County permits constitute an overlay for a specific use and are tied to a site development plan. They are good for the life of the permitted use and are not tied to the land. If the property changes hands, the new property-owner can perpetuate the use. If the special use lapses, the County can initiate removal of the permit and the uses revert to those of the underlying zoning, which is typically less intensive.

By 1988, the County Zoning Map indicates that commercial zoning had been split into three categories: C-N Neighborhood Commercial, C-1 also called Neighborhood Commercial and C-2 Community Commercial (Exhibit B).

In 1995, the zoning map accompanying the request to rezone the subject site indicates that Lots 21 and 22 on Franciscan Street had been rezoned to C-2 with a Special Use Permit for Diesel Tractor Repair and Maintenance (Exhibit C). The land use map shows a mix of residential and commercial uses and several vacant lots. Around half the lots on Arno St. and one quarter of the lots on Franciscan St. remained in residential use, with a majority of single family residential and two multi-family residential uses. The lot east of the subject site was single family residential and the lots to the west were commercial. Essentially, the land uses appeared to be a mix of non-conforming residential and conforming commercial uses, with special uses to allow more intensive activities.

Since 1995, a zone change and permit change have occurred on Franciscan Street resulting in more intensive commercial uses overall. Lots 21 and 22 reverted to C-1, i.e. a less intensive zoning.

However, Lots 6 – 11 that had a SU permit for a contractors’ yard were combined with the adjoining Lot A that adjoins Edith and are covered by a SU permit for auto repair, auto paint & body and auto and truck storage and welding shop.

Context

At present, the Graceland Addition is still County land with the exception of the subject site and the adjoining lot to its north. It is part of the Edith Blvd. Corridor, which is mostly industrial in character in the section between I-40 and Montano Rd. The exceptions are the established neighborhood of Stronghurst just south of Candelaria, a new housing subdivision to the southeast on Menaul and the area of Santa Barbara/Martinez Town north of I-40. The corridor is also mostly unincorporated County land and extends northward to the boundary of the Sandia Reservation.

The subject site is vacant. According to the applicant, over the years, the site has been put to temporary retail uses in violation of the City Code and has attracted dumping and transients. Along Arno St. north of the site is the single family residential property zoned City R-1 and a mix of commercial, non-conforming residential and vacant properties in the County, all zoned C-1. The manufacturing company zoned M-1 at the north end of Arno uses Arno for access. East of the site is a lot zoned County C-2 with electrical contracting and vehicle sales businesses, including the applicant’s. Adjoining the site to the west is a small cabinet manufacturing facility, zoned County M-1 like all other parcels on Commercial Street. M-1 zoning also extends beyond the railroad tracks to 2nd Street within the City.

Traffic flows on this stretch of Candelaria have decreased by approximately 36% over the past 15 years (since the North Valley Area Plan was adopted), primarily because Candelaria no longer has access to I-25. The most recent MRCOG map indicates that flows on Candelaria are now equivalent to those on Comanche (see table below).

Roadway	Average Weekday Traffic Flows *		Change
	1991	2006	
Candelaria (between 2 nd and Edith)	23,400	15,000	down 36%
Comanche (“)	10,500	14,300	up 36%
Menaul (“)	20,000	19,900	--
2 nd Street (north of Candelaria)	22,900	21,900	--
Edith (“)	12,200	10,700	down 12%

* Source: MRCOG

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 Candelaria Road as an Urban Principal Arterial, with a right-of-way of 124' (Established & Developing Urban).

Arno Street is a local street.

The Long Range Bicycle Plan designates a proposed bike lane on Candelaria Rd. between Rio Grande Blvd and I-25.

The Long Range Transit System designates 4th Street/2nd Street/BNSF Tracks as a High Capacity Transit Corridor.

2nd Street, approximately 0.3 miles from the site, is an existing Transit Express Corridor in the Comprehensive Plan.

Public Facilities/Community Services

There are no facilities within close proximity of the site. A senior center and middle school are located west of 4th Street and an elementary school is north of Griegos Rd.

Three ABQ Ride services operate within 0.5 mile of the site: Commuter #7 Candelaria and #13 Comanche operate on weekdays and #10 North 4th Street operates seven days a week. The #7 route is two blocks from the site, as it runs on Candelaria east of Edith.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The site is currently zoned R-1 Residential which provides suitable sites for houses and associated incidental uses (Att: permissive uses, 14-16-2-6).

The proposed zoning is C-2 Community Commercial, which provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses. Vehicle sales including outdoor storage, which is the applicant's intended use of the site, is allowed with some restrictions (Att.: permissive uses, 14-16-2-17, and parking regulations in the O-1 zone).

Bernalillo County Comprehensive Zoning Ordinance

The majority of the properties on Arno and Franciscan Street are zoned C-1 Neighborhood Commercial. The designation is somewhat confusing because a less intensive zone, C-N, is also called Neighborhood Commercial. The table below compares certain permissive uses in the County C-1 and C-2 zones and the proposed City C-2 zone. The uses were selected because they are relevant to the applicant's business, the particulars of this site or because they are opposed by neighborhood residents:

Selected permissive uses	Bernalillo County C-1	Bernalillo County C-2	Albuquerque C-2
Auto sales	Prohibited	Allowed	Allowed

Outdoor storage of vehicles	Allowed for not more than 5 vehicles, when associated w/ repair	Allowed, w/ limits on vehicle size and lot coverage	Allowed, if not principal business
Banking and loaning money	Allowed	Allowed	Allowed [incl. pawn shops]
Drive-in restaurant	Drive-in restaurant prohibited, but various drive-thru facilities allowed	Allowed, w/ protections for residential	Allowed [city does not differentiate between drive-in and -thru]
Dry-cleaning	Allowed	Allowed	Allowed
Package liquor store	Allowed	Allowed	Allowed, if not within 500' of a residential zone etc.
Off-premise signs (billboards)	Allowed, if not w/in 100' of occupied residential zone	Allowed, if not w/in 100' of occupied residential zone	Allowed, if not w/in 150' of conforming residential
Free-standing on-premise signs	One, 16' maximum height	Two, 26' maximum height	Two, 26' maximum height

Sources: Bernalillo County website (@1/29/08); City of Albuquerque Zoning Code (Oct. 2007)

The comparison indicates that the City C-2 zoning is more restrictive in relation to package liquor sales and off-premise signs than both the County C-1 and C-2 zoning, but is similar in other respects to County C-2 zoning. A distinction critical to both the applicant and the neighborhood association is that auto sales are permissive in C-2 zones, but not in C-1 zones in both the City and County.

Albuquerque / Bernalillo County Comprehensive Plan

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

The subject site and the surrounding Count land are located in the area designated Central Urban by the *Comprehensive Plan*. The 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 applicable policy is:

Policy II.B.6.b: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

Very few arts, cultural and public facilities promoted in the Central Urban area could be accommodated on this small site if it were rezoned to C-2. However, the request would further policy II.B.6.b by facilitating development of the site, which has been vacant for decades and is prominently located on an urban arterial. Development would help upgrade the area.

The section includes a footnote that is also applicable:

“...Development intensities in the Central Urban Area should generally be higher than in other portions of the Established Urban.”

The proposed C-2 zone would allow more intensive development than the current R-1 zone, in terms of both developed area and activity.

The subject site is also located in the area designated Established Urban by the *Comprehensive Plan*. The Goal is “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 zoning would help fill a gap on the north frontage of Candelaria and perpetuate the character of the Graceland Addition as a predominantly commercial/light industrial area.

Applicable policies include:

Policy II.B.5.a: The Developing Urban and Established 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 C-2 zone would reduce the area zoned R-1 in the Graceland Addition from approximately 1 acre to 1/3 acre, which would not significantly affect overall gross density.

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 intensity of uses allowed in a C-2 zone on the subject site is opposed by the affected neighborhood association and by the adjoining residential property-owner. In that sense the request does not respect values of the residential neighborhood. Otherwise, given the small size of the site, the request does not significantly affect existing conditions and resources.

Policy II.B.5.e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The rezoning would be a catalyst for new development on vacant land in an area with existing infrastructure. The traffic and other adverse impacts caused by C-2 uses would not significantly affect the existing neighborhood on Arno Street as the subject site is small and located at one end of the street, and the pattern of mixed residential and commercial uses on Arno St. is already well established. There are currently a dozen parcels in residential use on Arno St., which are interspersed with properties in office and commercial use. The street also provides access to a manufacturing use north of the Graceland Addition. The site has frontage on Candelaria, but is not readily visible from the Stronghurst neighborhood because most of the residences abutting Candelaria face internal streets and/or are screened with walls and fences. The design of future C-2 development will not significantly affect the views from this residential neighborhood.

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 subject site is at the northwest corner of Candelaria Rd. and Arno Street, adjoining a residential property to the north, which does not minimize effects on this property. Other residents on Arno St. are somewhat removed from the site and will be less affected. The location is more complementary to the Stronghurst residential neighborhood, because Candelaria Rd. is a 5 lane arterial that provides a clear separation between areas to the north and south.

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 request would allow commercial development on a site that has existing residential zoning, but is within an area that is otherwise zoned for commercial and light-manufacturing uses.

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 subject site is exposed to the potentially harmful effects of traffic on Candelaria, a principal arterial. The proposed zoning would allow less sensitive uses than the existing residential designation. Future development would also screen the adjoining residential property from the noise, pollution and visual impacts of traffic, with a structure and a minimum of one landscaped buffer on the north boundary of the site.

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

The current residential zoning is a major factor in the subject site remaining vacant for decades. The proposed rezoning is motivated by the applicant's desire to develop the site, which would help improve this older commercial neighborhood.

Policy II.B.5.p: Cost-effective redevelopment techniques shall be developed and utilized.

The zone change would facilitate redevelopment of the site by the applicant, a private owner/developer, at minimal cost to the City.

Economic Development

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

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

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

A zone change to commercial use would remove an obstacle to economic development in the area and allow an expansion of economic activities, albeit on a relatively minor scale given the small area of the site. The specific zone requested is opposed by the affected neighborhood association. In that sense, the proposal does not strike an acceptable balance with the environmental goals of the nearby residential community.

North Valley Area Plan (Rank II)

The North Valley Area Plan was adopted in 1993. The Plan generally encompasses properties South of the Bernalillo/Sandoval County line, North of Interstate Highway 40, West of Interstate Highway 25 and East of the Rio Grande. The area addressed by the Plan is 28.5 square miles. Of that total area, 4.01 square miles are within the corporate limits of the Village of Los Ranchos de Albuquerque and not subject to the Plan. Of the remaining area, 14.38 square miles are within the City of Albuquerque, and 10.15 square miles are within unincorporated Bernalillo County. Specific boundaries are shown on page 24 of the Plan.

The plan sets out Scenario Descriptions for alternative futures for the valley. The Preferred Scenario is the scenario of choice—the alternative that City, County, and other officials may adopt and endorse. The subject site falls within the Subject Area for Rank III Planning Efforts: Area of present mix of heavy commercial/industrial and housing (see map p. 37). The discussion of Housing mentions that this area has an unstable mix of housing, and heavy commercial and industrial uses that warrants further planning efforts aimed at non-conforming uses, retention and provision of affordable housing and application of Village Center principles. Under Commercial Uses, the plan promotes new smaller, neighborhood scale businesses in the valley. Existing small scale commercial uses would be revitalized to provide pedestrian and bicycle amenities, shared parking, promotion and landscaping. Larger scale community or regional commercial uses would be directed to the North I-25 Corridor.

Further detail is set out in Appendices 1 – 6 for the Edith Corridor area of the plan and Sub-area 3. Griegos Road to I-40, where the subject site is located. In the early '90s, 77% of the land in the sub-area was zoned industrial and warehousing, but only 24% of the land was used as such. The Graceland Addition had a mix of uses. Relative to the subject site and this request, the plan states that the land use pattern should reflect the present zoning and that mixed commercial uses are appropriate along Edith Boulevard and west to the railroad tracks.

Applicable goals and policies are:

General Goals

Goal 6: To encourage quality commercial/industrial development and redevelopment in response to area needs in already developed/established commercial industrial zones and areas. To discourage future commercial/industrial developments on lots not already zoned commercial/industrial.

The proposed zone would facilitate commercial development in an area that is already predominantly commercial and light industrial. However, the site itself and the lot to the north are zoned residential and several properties along Arno St. remain in (non-conforming) residential use. In this particular case, the two parts of the Goal are irreconcilable.

Goal 11: To locate commercial and industrial development within the I-25 corridor, and selected areas along the I-40 corridor, especially as an alternative to extensive lower valley commercial/industrial development.

The subject site is not in either of the preferred locations for commercial and industrial development specified in this Goal. However, other sections of the plan are more nuanced on this issue. The Preferred Scenario talks about both new and existing smaller-scale businesses being appropriate in the valley, with amenities for pedestrians and cyclists, shared parking and landscaping. The Appendix pages that focus on this sub-area of the Edith Corridor state that the land use pattern should reflect the present zoning and that mixed commercial uses are appropriate along Edith Boulevard and west to the railroad tracks.

The following Zoning & Land Use Policy is applicable:

3. The City and County shall limit new strip commercial development and associated signage on valley arterials (p. 8).
 - Subpolicy c: Promote commercial development and redevelopment of existing commercially zoned properties (p. 9).

The request does not create new strip commercial development, but would allow more commercial signage on an arterial, and the site is not currently zoned for commercial use.

The following Transportation Policies are applicable to the request (p. 112-113):

1. The City and County shall encourage the smooth flow of traffic on arterials.
By increasing the area zoned for commercial uses, the request has the potential to generate more traffic on Candelaria, a principal arterial. However, the increase would be limited by the small area of the site.

The following Housing Policy is applicable (p. 130):

1. The City and County shall stabilize land use to protect affordable housing and land presently zoned for housing.

The request conflicts with this policy by decreasing the area zoned for housing, albeit the area in question is relatively small.

The plan states that Village Center Principles may be applied throughout the valley in all commercial development and redevelopment (p. 134). The following Village Center Policy is applicable

1. The City and County shall encourage new development and redevelopment that incorporates Village Center Principles including pedestrian attraction and accessibility, mixed use development and valley scale and character (p. 142).

The proposed community commercial zoning is not generally suitable for the types of uses that attract pedestrian traffic. However the site is relatively small and can only accommodate a small

business, which is in keeping with the village scale and character promoted by the Village Center Principles.

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.

The applicant submitted a supplementary letter dated February 4, 2008 that provided new information and incorporated information and arguments from the original submittal.

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

The applicant claims that the proposed zone change will facilitate development of the land that has been vacant for nearly 20 years, that has been neglected and cited for illegal uses. The proposed C-2 zoning would be in keeping with the mixed use character of the area bounded by Candelaria, the railroad and Edith, where the majority of uses are heavy commercial. The applicant's business has been operating on leased land across Arno Street from the subject site for 7 years without generating complaints. The business consists of selling used vehicles to small contractors, usually on a special order basis.

Staff agrees that the proposed zone change to C-2 is consistent with the health, safety, morals, and general welfare of the city as it will facilitate redevelopment of a site that has been a nuisance for the city and is compatible with commercial and light industrial zoning and uses in the area.

- 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 claims that the proposed zone change to C-2 would be consistent with the existing pattern of manufacturing, commercial and retail zoning and uses along Candelaria Rd. NE between I-25 and 4th Street, and maintain the area's character. Candelaria Rd. is described as the dividing line for mainly commercial development to the north and residential to the south.

Staff agrees with the applicant's characterization of the area between I-25 and Fourth Street as a mix of uses and zoning, with a preponderance of manufacturing, commercial and retail development to the north of Candelaria. The proposed C-2 zoning would be compatible with

the existing pattern of uses and smaller lots, and not destabilize the area's land use and zoning.

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

The applicant addressed policies in the Comprehensive Plan for the Central Urban and Established Urban Areas in this section, and goals and policies of the North Valley Area Plan here and in sections D and H.

Staff considers that the applicant has adequately demonstrated that the proposed change will not conflict with the majority of applicable goals and policies. These include addressing Policy II.B.5.d, that refers to respecting neighborhood values. This policy is significant due to opposition from the neighboring residential property-owner and the Stronghurst Improvement Association (the affected neighborhood association.) The applicant pointed out that, because the site adjoins residentially zoned property, some potentially offensive uses like adult entertainment and alcohol sales would be prohibited and that zoning regulations require additional screening and buffering. Also, because the site is small, it would be challenging to accommodate some uses on it (such as a drive-thru facility). The applicant explained that they are requesting C-2 rather than C-1 zoning only because their business includes vehicle sales, which are not allowed either permissively or conditionally in the C-1 zone. The applicant expressed their willingness to discuss site design with the neighborhood association and nearby residents in an effort to make their intended development more palatable to them.

The applicant claims that the proposal furthers Zoning and Land Use Policy 2.d in the North Valley Area Plan, which requires landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas, and with Policy 3. Staff agrees that it furthers the intent of Policy 2.d and accepts that it does not conflict with Policy 3, as it would not be a strip commercial development.

Staff considers that the request also furthers the following applicable goals and policies:

- *Central Urban policy, II.B.6.b - by facilitating development of a long vacant site and therefore continuing to upgrade the area.*
- *Goal for the Established Urban Area – by filling a gap in the frontage of an important arterial and reinforcing the image and character of the area as predominantly commercial and light industrial.*
- *Policy II.B.5.p – by facilitating cost-effective redevelopment of a vacant site.*
- *Economic Development Policies II.D.6.b and f – by allowing the expansion of economic activity in the community.*

Staff also noted that the following applicable goals and policies of the North Valley Area Plan are partially furthered:

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- *General Goal 11 and Housing Policy 1 – Although these seek to protect land presently zoned for housing, the Appendix states that the area between Edith Boulevard and the railroad tracks, where the site is located, is more suitable for mixed commercial uses.*
 - *Village Center Principles, Policy 1 – the proposed community commercial zoning includes several uses that favor vehicular rather than pedestrian access, but the size of the site can only accommodate a small business, which is in keeping with the scale promoted by the plan.*

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 has justified the zone change under D.3, by referring to the goals and policies addressed under C. and reiterating that the proposed zoning is consistent with existing patterns of development along Candelaria and promotes infill development. The applicant also submitted a letter from a real estate company stating that residential use is inappropriate on the site.

Staff considers that the applicant has adequately demonstrated that the current R-1 zoning is inappropriate because the site has remained vacant for decades, to the point of being blighted, and the amount of traffic on Candelaria, although less than in 1993, is still not conducive to residential development. The applicant also demonstrated why the proposed rezoning is more advantageous to the community: because it is consistent with the commercial and manufacturing zoning and uses of the majority of other properties in the Graceland Addition and will facilitate viable development on an infill site.

In addition, staff notes that land uses have changed along Arno and Franciscan Streets since the previous request for a zone change from R-1 to C-2 was denied. According to the AGIS maps, seven parcels that were vacant in 1996 have been developed. Of these seven, four are now used for manufacturing, two for office and one for residential purposes. The data indicate that the area has become more commercial in character, making the proposed zone change consistent with this trend.

The applicant has not directly addressed the fact that a similar request for a zone change from R-1 to C-2 was denied and upheld on appeal in 1996. According to the Planning Department, the primary reasons for the EPC's decision were their aversion to the permissive uses in the C-2 zone at this location and the opposition of the residential property-owner to the north. The applicant has however pointed out that, unlike now, the neighborhood association supported the zone change and that the lot is still vacant under the current zoning.

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 acknowledges that some permissive uses in the C-2 could be a detriment to the community and neighborhood, but that the Zoning Code has built-in protections for nearby residential zones and that the size of the site restricts other uses. This issue was actually addressed in more detail under C.

The applicant did not specifically address all the permissive uses that the neighborhood association considered harmful, such as antenna, 26' high free-standing signs and pawn shops. Overall, staff considers the applicant's response adequate.

- 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 explained that all necessary infrastructure is already in place.

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

The applicant stated that it is not applicable, i.e. not the determining factor for the request.

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

The applicant's response does not address this section but rather the potential impact of commercial traffic on residents. The fact that commercial and industrial businesses are well-established in the neighborhood and have been accessing Candelaria all along from Arno Street is used to justify that the rezoning would not significantly affect the residents who access Candelaria via Arno St.

Staff agrees and also points out, relative to H., that the applicant has not used the site's location on a major street as the primary justification for the requested 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.

- 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.

The applicant explains that the request does not constitute a spot or strip zone because the majority of parcels along Candelaria are already zoned for commercial activity.

Staff agrees that the requested zone is neither a spot nor a strip zone, given that land in the Graceland Addition is zoned predominantly County C-1, C-2 and M-1.

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

City Department and Agency comments begin on page 20. The comments pertain to the applicant’s original submittal only. There are no significant comments.

NEIGHBORHOOD/PUBLIC CONCERNS

Property-owners within 100’ of the site and the affected neighborhood association, Stronghurst Improvement Association (SIA), were notified of the proposal.

A facilitated meeting took place on November 19, 2007 prior to submittal of the application (Att: report). The SIA expressed their opposition to straight C-2 zoning and the proposed use for auto sales. The applicant offered to work with the neighborhood on fencing and appearance issues. The facilitator followed up with the applicant and NA contacts. The neighborhood association did not request a further meeting (Att: non-meeting report) and the President submitted a letter of opposition to the request dated February 6, 2008 on behalf of the Board. The SIA is concerned that permissive uses in the C-2 zone on the lot will adversely impact their quality of life and hamper their efforts to continue improving the Candelaria corridor, and the area generally, and to promote a more walkable community. They are also concerned that the intended uses will reinforce the trend toward auto-related businesses in the Graceland Addition and along Candelaria in particular, for aesthetic reasons primarily. The Board concludes by offering alternatives they would consider acceptable: a live/work building or a special use zone that would allow vehicle sales with strict design guidelines.

The adjoining residential property-owners also submitted a letter of opposition dated February 5, 2008. They object to the intended use, which they associate with increased traffic (including diesel trucks) and crime, and to the addition of another business in their neighborhood.

CONCLUSIONS

With the exception of the adjoining parcel to the north also zoned R-1, the site is surrounded by land zoned for commercial and light industrial uses. There is a mix of residential, commercial and vacant properties on Arno Street, which is well-established, but commercial and industrial uses predominate in the Graceland Addition area as a whole. Candelaria, a five lane arterial, provides a clear separation between the Graceland Addition and the Stronghurst residential neighborhood to the south.

The applicant adequately justified the zone change from R-1 to C-2 by demonstrating that it is more advantageous and furthers a preponderance of applicable City plans and policies. The applicant also provided convincing evidence that the existing zoning is inappropriate because the site has remained vacant for decades and its location on a busy arterial, surrounded by commercial uses, has not attracted residential development.

Staff considers that the residential neighbors' concerns about unsightliness and adverse impacts would be substantially mitigated by zoning regulations that protect residential properties and by physical constraints due to the small size of the site. Staff feels that neighborhood concerns are not adequately substantiated, and are outweighed by the prospect of future infill development that is consistent with the existing pattern of zoning and land use in the Graceland Addition and is generally supported by policy. Staff recommends approval.

FINDINGS – 07EPC 40104, February 21, 2008, Zone Map Amendment

1. The request is for a zone change from R-1 (Residential) to C-2 (Community Commercial) for Lots 25 and Tract X, Block 2, Graceland Acres Addition, a site of approximately 0.56 acres located on the north side of Candelaria Road NE between Commercial and Arno Streets. The applicant wishes to relocate his existing commercial vehicle sales business from a portion of the lot to the east, which he leases, to the subject site, which he has purchased.
2. The subject site is in the Central Urban Area and the Established Urban Area of the Comprehensive Plan and within the boundaries of the Edith Corridor sub-area of the North Valley Area Plan.
3. In 1967, the subject site and the adjoining parcel to the north, Lot 24, were annexed into the City and zoned R-1 (Att: AX-123, Z-1704, 5/8/1967). The purpose of the request was to provide City water service for Lot 24. Part of the subject site contained a City well.
4. A similar request for a zone change from R-1 to C-2 was denied by the EPC in 1996 (Z-95-118, 3/21/96). The decision was appealed by the applicant (AC-96-09, 6/7/1996). The City Council's Land Use, Planning and Zoning Committee recommended that the case not be heard, which the City Council accepted. The applicant appealed the decision to District Court, who remanded it to be heard by City Council. City Council denied the appeal (AC-96-09(a), 6/20/1997). The main findings for denial were that the requested zone would have no substantial community benefit, could negatively affect the abutting residential neighborhood and would have turned the adjoining residential property into a spot R-1 zone. The request for the zone change was supported by the Stronghurst Improvement Association.
5. The subject site has been vacant since at least 1995, with its only recorded use since 1967 as a City well site. The adjoining parcel to the north is a single family residential property zoned R-1. South of the site and across Candelaria is the Stronghurst residential neighborhood zoned R-1. The rest of the area north of Candelaria between Edith Blvd. and the BNSF railroad tracks is within the County. Properties in the County that surround the site are a mix of C-1, C-2 and M-1 zoning and uses, with non-conforming residential uses on Arno St. and Franciscan St..
6. The proposed zone change furthers a preponderance of applicable goals and policies of the Comprehensive Plan:
 - a. Policies II.B.6.b, II.B.5.o and II.B.5.p, because it will facilitate cost-effective redevelopment and upgrading of the area.

- b. The Goal of the Established Urban Area and Policy II.B.5.e, because it will facilitate infill development on a vacant site that is contiguous to existing public facilities and services and is consistent with the predominantly commercial character of the surrounding neighborhood.
 - c. Economic Development Policies II.D.6.b and II.D.6.f, because the zone change will strengthen a local business and removes an obstacle to economic activity.
7. The proposed zone change is not in substantial conflict with applicable goals and policies of the North Valley Area Plan and is consistent with the scenario for the Edith Corridor sub-area in the Appendix.
 8. The applicant provided an adequate justification for the zone change by addressing Sections A-J of Resolution 270-1980:
 - A. The proposed zone change to C-2 is consistent with the health, safety, morals, and general welfare of the city as it affects a small site that will not burden public facilities and services and is in an area that is predominantly commercial and industrial.
 - B. The applicant has provided a sound justification for the change and convincing reasons why it would not destabilize land use and zoning in the Graceland Addition, as there is an established pattern of commercial and light industrial land uses and zoning in the area.
 - C. The applicant has cited a majority of the applicable goals and policies in the Comprehensive Plan and the North Valley Area Plan and explained how the proposed change is not in conflict with them.
 - D. The applicant has demonstrated under D.3. that the proposed zone change is more advantageous to the community than the existing zoning, as articulated in Comprehensive Plan policies, because it promotes infill development, the redevelopment of an older neighborhood and a viable economic activity. It is consistent with the pattern of mixed commercial zoning and uses envisaged for the Edith Corridor in the North Valley Area Plan.
 - E. The applicant acknowledges that some of the permissive uses in the proposed C-2 zone could be considered harmful to adjacent residential property and are objectionable to the neighborhood. However, the applicant points out that some of these, such as alcohol sales, are prohibited because of the site's proximity to residential zoning and others, such as drive-thru retail, are unlikely given the small area of the subject site. The small area also minimizes the amount of traffic and other adverse effects that may be caused by future commercial activities on the site. The applicant states that adjacent residential property will be protected through screening and buffering required by city regulations. On this site and in this location, the potential for harm from potential permissive uses is reduced.

- F. The proposed zone change will not require capital expenditures by the city.
 - G. Economic considerations pertaining to the applicant are not the determining factor for a change of zone.
 - H. The site's location on Candelaria, a principal arterial, is not the primary justification for the proposed commercial zoning. Alternatively, this location makes the site less suitable for its current residential zoning.
 - I. The zone change request does not create a "spot zone" because the majority of parcels in the area north of Candelaria are already zoned C-1, M-1 and C-2.
 - J. The zone change request does not create a "strip zone" because the majority of parcels in the area north of Candelaria are already zoned C-1, M-1 and C-2.
9. The adjoining residential property-owner to the north and the Stronghurst Improvement Association are opposed to the request because of potential adverse impacts on their property and the neighborhood from permissive uses in the C-2 zone, as per their written comments.

RECOMMENDATION - 07EPC 40104, February 21, 2008

APPROVAL of 07EPC 40104, a Zone Map Amendment, for Lots 25 and Tract X, Block 2, Graceland Acres Addition, from R-1 to C-2, based on the preceding Findings.

***Carol Toffaleti
Planner***

cc: Randy Kaufman, 325 Candelaria Rd. NE, Albuquerque, NM 87107
Ellen Concini, 1503 Avenida Cristo Rey NW, Albuquerque, NM 87107
Nasser Safaei, Stronghurst Improvement Assoc., Inc., 2907 Commercial St. NE, Albuquerque, NM 87107
Beth Brownell, Stronghurst Improvement Assoc., 2921 Arno NE, Albuquerque, NM 87107
Ruben and Bessie Romero, 3709 Arno St. NE, Albuquerque, NM 87107

Attachments

AX-123/Z-1704 (5/8/1967)

Z-95-118 (12/21/1995, 3/21/1996)

AC-96-09 (6/7/1996)

AC-96-09(a) (6/20/1997)

Exhibit A: County Zoning Map 1973

CZ-87-5 (2/17/1987)

Exhibit B: County Zoning Map 1988

Exhibit C: Zoning Map re. Z-95-118 (12/21/1995)

Exhibit D: Land Use Map re. Z-95-118 (12/21/1995)

Permissive uses in the C-2 zone (incl. relevant O-1 and WTF regulations)

R-270-1980

Photos taken by staff

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Reviewed: If approved, the proposed use of the property would be a permissive use in a C-2 zone. Development of the property would be subject to all regulations and *permissive* uses of the C-2 zone; and if approved by ZHE , *conditional uses* of the C-2 zone shall be allowed uses.

Office of Neighborhood Coordination

Stronghurst Improvement Assoc. (R)
1/7/08 – Recommended for facilitation – siw

1/8/08 – Assigned to Seth Cohen - siw

Advanced Planning

No Comments.

PUBLIC WORKS DEPARTMENT

Transportation Development Services

- Reviewed, no comments.

Utility Development

- No comments received.

Traffic Engineering Operations

- No comments received.

Street Maintenance (Department of Municipal Development)

- No comments received.

Hydrology

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

Transportation Planning

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

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 Zone Map Amendment 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

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

Open Space Division

Open Space has no adverse comments

POLICE DEPARTMENT/Planning

Valley Area command

No crime prevention or CPTED comments concerning the proposed zone change at this time based on lack of knowledge about proposed land use.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No adverse comments.

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

Graceland Acres Addition, Lot 25, Block 2, is located on Candelaria Rd NE between Arno St NE and Commercial St NE. The owner of the above property requests a zone change from R-1 to C-2 for an auto sales business. This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MPO ID # 809.0 is a City of Albuquerque project to construct bike lanes on Candelaria Rd. The termini are Rio Grande Bd to the west and I-25 to the east. This project is programmed for funding no sooner than 2014. Coordination with DMD is recommended to insure site development consistent with this project. [*Staff Note*: the section of Candelaria between 2nd Street and Edith has already been resurfaced and incorporates bike lanes, and medians at the railroad crossing.]

For information purposes, the functional classification of Candelaria Rd is an urban principal arterial.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

- No comments received.

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.