



**Environmental  
Planning  
Commission**

*Agenda Number: 3  
Project Number: 1007246  
Case #'s: 08EPC 40078  
August 21, 2008*

**Staff Report**

<b>Agent</b>	Community Sciences Corporation
<b>Applicant</b>	The Daniels Company LLC
<b>Request(s)</b>	<b>Zone Map Amendment</b>
<b>Legal Description</b>	Lester Tract B-1, Michaels Manor North
<b>Location</b>	Wyoming Blvd NE between Scotts Pl NE and San Francisco NE
<b>Size</b>	Approximately 0.66 acres
<b>Existing Zoning</b>	SU-1 Mortuary
<b>Proposed Zoning</b>	PR (Reserve Parking)

**Staff Recommendation**

*APPROVAL of 08EPC 40078, based on the findings on page 8, and subject to the conditions of approval on page 10.*

**Staff Planner**

**Randall Falkner, Planner**

**Summary of Analysis**

This is a request for zone map amendment from SU-1 Mortuary to PR (Reserve Parking) on a 0.6666 acre parcel of land located on Wyoming Boulevard NE between Scotts Pl NE and San Francisco Road NE. The site comprises the westerly 0.6666 acres of Lester Tract B-1 (proposed Tract B-1-A) Michaels Manor North. It is located within the Established Urban area of the Comprehensive Plan. The zone change request would be the first step in a three step process. If the zone change is approved by the EPC the applicant then intends to amend the existing site development plan for subdivision by subdividing Tract B-1 into two tracts and then selling the 0.6666 acre portion to the church across the street for continued use as a gravel parking lot. This would be done by administrative amendment. The third step would be to re-plat the site.

The applicant has adequately justified the request for the zone map amendment based on applicable policies found in the Comprehensive Plan. There is no known opposition to the request and staff recommends approval.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 7/7/2008 to 7/23/2008. Agency comments were used in the preparation of this report and begin on page 11.

**AREA CHARACTERISTICS AND ZONING HISTORY**

*Surrounding zoning, plan designations, and land uses:*

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	SU-1 Mortuary	Established Urban	Office
<b>North</b>	SU-1 Church & Related Facilities, SU-1 Switching Station	Established Urban	Public Facility, Office
<b>South</b>	R-1	Established Urban	Single Family
<b>East</b>	SU-1 PRD	Established Urban	Single Family
<b>West</b>	R-1	Established Urban	Single Family

**Background**

This is a request for zone map amendment from SU-1 Mortuary to PR (Reserve Parking) on a 0.6666 acre parcel of land located on Wyoming Boulevard NE between Scotts Pl NE and San Francisco Road NE. The site comprises the westerly 0.6666 acres of Lester Tract B-1 (proposed Tract B-1-A) Michaels Manor North. It is located within the Established Urban area of the Comprehensive Plan. The zone change request would be the first step in a three stop process. If the zone change is approved by the EPC the applicant then intends to amend the existing site development plan for subdivision by subdividing Tract B-1 into two tracts and then selling the 0.6666 acre portion to the church across the street for continued use as a gravel parking lot. This would be done by administrative amendment. The third step would be to re-plat the site.

**History**

In 1976 the EPC changed the zoning from SU-1 Cemetery to SU-1 Mortuary for the existing site (Lester Tract B-1), and in 1978 the site was approved as a site development plan. The development for the site development plan was for a mortuary/funeral home and that use has continued to the present. The westerly portion of the site has been used as a gravel parking lot serving overflow parking from the Risen Savior Catholic Community Church across Scotts Pl NE.

**Context**

The subject site on Wyoming Boulevard NE between Scotts Pl NE and San Francisco Road NE is bordered by a variety of different zoning and land uses. To the north is a church, and to the south, east and west are single family homes. The subject site is within the Established Urban Area of the Comprehensive Plan and along an Enhanced Transit Corridor (Wyoming Blvd.).

### ***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 Wyoming Blvd. NE as a Principal Arterial, with a right-of-way of 124' (Established & Developing Urban).

The Long Range Roadway System designates San Francisco Road NE as a Collector street, with a right-of-way of 68'.

Scotts Pl NE is a local road.

Currently there are no existing bicycle lanes or routes on this part of Wyoming Blvd. However, a bicycle lane is proposed along this portion of Wyoming Blvd. San Francisco Rd has a bicycle route, the Domingo Baca Arroyo (approximately 1,000 feet to the north) contains a multi-use trail, and Louisiana Blvd. NE contains a bicycle lane.

Bus route #31 (Wyoming) provides all day bus service, while bus route #98 (Wyoming Commuter) provides service during early morning and afternoon rush hour. There is a bus stop located on the east side of Wyoming (the other side of the street) across from Scotts Pl NE.

There is another bus stop on the west side of Wyoming approximately 500 feet from the subject site.

Wyoming Blvd. is listed as an Enhanced Transit Corridor.

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

Public facilities and/or community services in the area include Loma Del Norte Park, Rancho De Palomas Park, Domingo Baca Arroyo, N. Pino Arroyo, Dennis Chavez Elementary, Edmund G. Ross Elementary, Cherry Hills Branch Library, and a fire station. Albuquerque Academy (a private school) is located in the area. Shopping centers in the area include La Cueva Town Center, Paseo Village, and Del Norte Center. The FAA Air Traffic Control is also located ne of the subject site.

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

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

The applicant proposes to change the zoning from SU-1 Mortuary to PR (Reserve Parking). The SU-1 designation refers to the Special Use zone. The SU-1 zone (see Zoning Coder Sec. 14-16-2-22) provides suitable uses for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. The PR (Reserve Parking) zone designates lots reserved for off-street parking required by Sec. 14-16-3-1 of the Zoning Code with regard to use on another lot. All regulations of the P (Parking) zone apply.

### Albuquerque / Bernalillo County Comprehensive Plan

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

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

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

***The request will respect existing neighborhood values by allowing vehicles to park in a designated parking lot instead of on a residential street in front of homes. The parking lot is already used by the church across the street for overflow parking. The parking lot is not expanding, but will remain the same size and will be appropriately zoned for the current use. The request further Policy II.B.5d.***

Policy II.B.5i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

***The proposed zone complements residential areas by removing harmful parking congestion from quiet local streets and minimizes the adverse effects of noise, and traffic on residential environments. The request furthers Policy II.B.5i.***

#### *Air Quality*

The Goal is “to improve air quality to safeguard public health and enhance the quality of life.”

Policy II.C.1d: Air quality shall be protected by providing a balanced circulation system that encourages mass transit use and alternative means of transportation while providing sufficient roadway capacity to meet mobility and access needs.

***Although not mentioned by the applicant, staff believes Policy II.C.1d applies. The subject site is adjacent to Wyoming Boulevard, an Enhanced Transit Corridor that has bus service from two routes, #31 (Wyoming) and #98 (Wyoming Commuter). There is a bus stop located on the east side of Wyoming (the other side of the street) across from Scotts Pl NE, and another bus stop on the west side of Wyoming approximately 500 feet south from the subject site. There are sidewalks along both sides of Wyoming Boulevard and a sidewalk on the north side of the street along Scotts Pl NE. A balanced circulation system is provided that encourages mass***

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*transit use and alternative means of transportation, while also providing sufficient roadway capacity to meet mobility and access needs. The request furthers Policy II.C.1d.*

*Noise*

The goal is “to protect the public health and welfare and enhance the quality of life by reducing noise and by preventing new land use/noise conflicts.

Policy II.C.4a: Noise conflicts shall be integrated into the planning process so that future noise/land use conflicts are prevented.

*Although not mentioned by the applicant, staff believes Policy II.C.4a applies. Noise conflicts with the neighborhood will be prevented by limiting the noise to a single parking lot instead of up and down the local streets that would be directly in front of neighboring homes. The request further Policy II.C.4a.*

**Resolution 270-1980 (Policies for Zone Map Change Applications)**

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

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

*The applicant states that the subject site has been used for years as overflow parking for the Risen Savior Catholic Community Church, and that this use would protect the health, safety, and general welfare of the public by keeping large numbers of parked cars off local residential streets and concentrated in an area dedicated to parking. Staff finds the proposed zone change to be consistent with the health, safety, morals, and general welfare of the City.*

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

*The applicant states that the proposed zoning would be more appropriate and would better serve the existing and future needs for parking, and is compatible with the Special Use zoning*

*of the church. Staff finds that the applicant has provided an acceptable justification for the zone change.*

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

***The applicant cited applicable policies of the Comprehensive Plan. The request would respect existing neighborhood values by removing harmful parking congestion from quiet local streets and minimizing the adverse effects of noise and traffic on residential environments. Staff agrees with the applicant and believes that sufficient justification has been provided. All of the policies cited by the applicant are furthered by the zone change request.***

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

***3. The applicant points out that the existing zone is inappropriate because a change in zone is more advantageous to the community and the existing zone does not reflect the use that has existed for years and has been accepted by the local community. The applicant has shown that the proposed zoning furthers applicable policies in the Comprehensive Plan. These policies were cited in the applicants review of Policy C.***

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

***The applicant claims that the permissive uses in the requested zone change are exactly in line with the existing use of the property and are beneficial for the reasons stated in the review of Policy C. Staff agrees that none of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.***

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

***There will be no capital expenditures of any kind by the City for this project.***

- 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 considerations are not the determining factor for this request.***

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

*Although the funeral home is located on Wyoming, a principal arterial, the gravel parking lot is located on the far west side of the property, which is along Scotts Pl. Scott Pl is a local street.*

I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:

- (1) The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or
- (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone.

*The request does create a spot zone; however, the applicant cites policies in the Comprehensive Plan that support the request for a zone change. The applicant also states that the proposed zone change can function as a transition between adjacent zones by providing a necessary and beneficial use that both serves the parking needs of the SU-1 zone for a religious facility and protects the adjoining residentially zoned area from the harmful effects of excessive parking up and down the residential streets.*

J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called “strip zoning.” Strip commercial zoning will be approved only where;

- (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan,
- (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

*The request does not constitute a strip zone.*

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

Comments from City agencies begin on page 11. Zoning Code services included the following comment: “If approved, the motion that adopts the zone change from SU-1 for Mortuary to P-R

Reserve Parking Zone should specify the lots to which the off-street parking will be used- Per Section 14-16-2-27(B) of the Comprehensive City Zoning Code.”

***NEIGHBORHOOD/PUBLIC CONCERNS***

Palomas Park N.A., North Wyoming N.A., and Keystone Park Homeowners Association are the recognized Neighborhood and/or Homeowners Associations in this area. All of the Associations were notified concerning the proposed zone change. A letter was received from the Palomas Park N.A. stating that they have no concerns with the proposed zoning change, and that they support the project without reservation.

***CONCLUSIONS***

This is a request for zone map amendment from SU-1 Mortuary to PR (Reserve Parking) on a 0.6666 acre parcel of land located on Wyoming Boulevard NE between Scotts Pl NE and San Francisco Road NE. The site comprises the westerly 0.6666 acres of Lester Tract B-1 (proposed Tract B-1-A) Michaels Manor North. It is located within the Established Urban area of the Comprehensive Plan. The zone change request would be the first step in a three step process. If the zone change is approved by the EPC the applicant then intends to amend the existing site development plan for subdivision by subdividing Tract B-1 into two tracts and then selling the 0.6666 acre portion to the church across the street for continued use as a gravel parking lot. This would be done by administrative amendment. The third step would be to re-plat the site.

The applicant has adequately justified the request for the zone map amendment based on applicable policies found in the Comprehensive Plan. There is no known opposition to the request and staff recommends approval.



***FINDINGS – 08EPC 40078, 8/21/08, Zone Map Amendment***

1. This is a request for zone map amendment from SU-1 Mortuary to PR (Reserve Parking) on a 0.6666 acre parcel of land located on Wyoming Boulevard NE between Scotts PI NE and San Francisco Road NE. The site comprises the westerly 0.6666 acres of Lester Tract B-1 (proposed Tract B-1-A) Michaels Manor North.
2. The PR zoned site provides off-street parking for Lester Tract B-1 (proposed Tract B-1-A), Michaels Manor North on Wyoming Boulevard NE between Scotts PL NE and San Francisco Road NE.
3. The zone change request would be the first step in a three stop process. If the zone change is approved by the EPC the applicant then intends to amend the existing site development plan for subdivision by subdividing Tract B-1 into two tracts (proposed tracts B-1-A and B-1-B) and then selling the 0.6666 acre portion to the church across the street for continued use as a gravel parking lot. This would be done by administrative amendment. The third step would be to re-plat the site.
4. The request furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:
  - a. Policy II.B.5d – The request will respect existing neighborhood values by allowing vehicles to park in a designated parking lot instead of on a residential street in front of homes.
  - b. Policy II.B.5i – The proposed zone request complements residential areas by removing harmful parking congestion from quiet local streets and minimizes the adverse effects of noise and traffic on residential environments.
5. The request furthers Comprehensive Plan Air Quality policy II.C.1d. A balanced circulation system is provided that encourages mass transit use and alternative means of transportation while providing sufficient roadway capacity to meet mobility and access needs. The subject site is adjacent to Wyoming Boulevard, and Enhanced Transit Corridor that has bus service from two routes, #31 (Wyoming) and #38 (Wyoming Commuter).
6. The request furthers Comprehensive Plan Noise policy II.C.4a. Noise conflicts within the neighborhood will be prevented by limiting the noise to a single parking lot.
7. The applicant has adequately justified the zone change request pursuant to Resolution 270-1980.

- a. The request would be consistent with the health, safety, and general welfare of the City by keeping large numbers of parked cars off local residential streets and concentrated in an area dedicated to parking.
  - b. The applicant has shown that the proposed zoning will not destabilize the surrounding land. The applicant states that the proposed zoning would be more appropriate and would better serve the existing and future needs for parking, and is compatible with the Special Use zoning of the church. Staff finds that the applicant has provided an acceptable justification for the zone change.
  - c. The zone change is not in significant conflict with adopted elements of the Comprehensive Plan and the applicant has cited policies that support the proposal.
  - d. The applicant has demonstrated that a different use category is more advantageous to the community because the existing zone is inappropriate and does not reflect the use that has existed for years and has been accepted by the local community. The applicant has shown that the proposed zoning furthers applicable policies in the Comprehensive Plan.
  - e. None of the permissive uses would be harmful to adjacent property, the neighborhood, or the community.
  - f. There will be no capital expenditures of any kind by the City for this project.
  - g. Economic considerations are not the determining factor for this request.
  - h. Although the funeral home is located on Wyoming, a principal arterial, the gravel parking lot is located on the far west side of the property, which is along Scotts Pl, a local street.
  - i. The request does create a spot zone; however, the applicant cites applicable policies in the Comprehensive Plan that support the request for a zone change.
  - j. The request does not constitute a strip zone.
8. There is no known opposition from Palomas Park N.A., North Wyoming N.A., or Keystone Park Homeowners Association. All of the Associations were notified concerning the proposed zone change. A letter was received from the Palomas Park N.A. stating that they have no concerns with the proposed zoning change, and that they support the project without reservation.

***RECOMMENDATION - 08EPC 40078, 8/21/08, Zone Map Amendment***

**APPROVAL of 08EPC 40078, a zone map amendment from SU-1 Mortuary to PR (Reserve Parking), for Lester Tract B-1, Michaels Manor North, based on the preceding Findings, and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - 08EPC 40078, 8/21/08, Zone Map Amendment***

1. Administrative Amendment of existing site development plan for Lester Tract B-1, Michaels Manor North, to create proposed tract B-1-A of 0.6666 acres from the existing western portion of Tract B-1 (which will be used for off-street parking) and proposed tract B-1-B of 1.7489 acres on the eastern portion of Tract B-1.
  
  2. Re-plat to create lot line coincidental with zone line. Tract B-1-A will be used for off-street parking and will change from SU-1 Mortuary to PR (Reserve Parking). Tract B-1-B will continue as a funeral home and will remain SU-1 Mortuary.
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***Randall Falkner  
Planner***

cc: The Daniels Company LLC, 4310 Sarah Rd., Rio Rancho, NM 87124  
Community Sciences Corporation, P.O. Box 1328, Corrales, NM 87048  
Amy Wasko, North Wyoming NA, 7808 Callow NE, Albuquerque, NM 87109  
Nanci Carriveau, North Wyoming NA, 8309 Krim Dr. NE, Albuquerque, NM 87109  
John Ziegler, Paloma Park NA, 7805 Storrie Pl. NE, Albuquerque, NM 87109  
John Andrews Sr., Palomas Park NA, 7704 Palomas Park NE, Albuquerque, NM 87109  
Dee Watkins, Keystone Park, 8037 Classic Ave. NE, Albuquerque, NM 87109  
Nancy Parker, Keystone Park NA, 8013 Classic Ave. NE, Albuquerque, NM 87109

***Attachments***

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

### ***PLANNING DEPARTMENT***

#### **Zoning Code Services**

Reviewed: If approved, the motion that adopts the zone change from SU-1 for Mortuary to P-R Reserve Parking Zone should specify the lots to which the off-street parking will be used- Per Section 14-16-2-27(B) of the Comprehensive City Zoning Code.

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

**North Wyoming NA (R)**

**Palomas Park NA (R)**

**Keystone Park HOA**

#### **Advanced Planning**

### ***CITY ENGINEER***

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

- Reviewed, no comments.

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

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

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

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

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

- No comments received.

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

- No comments received.

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

- No comments received.

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

**and NMDOT:**

Conditions of approval for the proposed Zone Map Amendment shall include:

- a. None.

**DEPARTMENT of MUNICIPAL DEVELOPMENT**

**Transportation Planning**

**WATER UTILITY AUTHORITY**

**Utility Services**

**ENVIRONMENTAL HEALTH DEPARTMENT**

**Air Quality Division**

**Environmental Services Division**

**PARKS AND RECREATION**

**Planning and Design**

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

**Open Space Division**

Open Space has no adverse comments

**City Forester**

**POLICE DEPARTMENT/Planning**

***SOLID WASTE MANAGEMENT DEPARTMENT***

***Refuse Division***

***FIRE DEPARTMENT/Planning***

No adverse comments.

***TRANSIT DEPARTMENT***

***COMMENTS FROM OTHER AGENCIES***

***BERNALILLO COUNTY***

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

Reviewed, no comment.

***ALBUQUERQUE PUBLIC SCHOOLS***

**Lester Tract B-1**, Tract B-1-A, is located on Wyoming Blvd NE between Scotts Pl NE and San Francisco NE. The owner of the above property requests a zone change from Su-1 for Mortuary to P-R for Parking Reserve. This will have no adverse impacts to the APS district.

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

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

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

No comment based on the information provided to date.