



**Environmental
Planning
Commission**

*Agenda Number: 5
Project Number: 1007008
Case #s: 07EPC 40104, 08EPC 40086
September 18, 2008*

Staff Report

| | |
|--------------------------|--|
| Agent | DAC Enterprises |
| Applicant | Randy Kaufman |
| Request(s) | Zone Map Amendment Site Development Plan for Building Permit |
| Legal Description | Lot 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 | SU-1 for limited C-1 (Neighborhood Commercial) permissive uses and vehicle sales |

Staff Recommendation

APPROVAL of 07EPC 40104, based on the findings on page 22 and the conditions on page 25.

APPROVAL of 08EPC 40086, based on the findings on page 26 and the conditions on page 28.

Staff Planner
Carol Toffaleti, Planner

Summary of Analysis

The dual request is a zone change from R-1 to SU-1 for limited C-1 permissive uses and auto sales, and an SDP for Building Permit for Lot 25 and Tract X, Block 2, Graceland Acres Addition, a site of approximately 0.56 acres located on Candelaria Road NE at Arno Street. The applicant wishes to relocate the existing vehicle sales business from across Arno to the subject site.

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

A request for C-2 zoning was approved by the EPC in Feb. 2008, appealed by the adjoining resident and remanded by City Council to the EPC for consideration of SU-1 for limited C-2 uses. The proposed zone is more restrictive. The applicant has adequately justified the zone change by demonstrating that it is more advantageous to the community than R-1 and furthers a preponderance of applicable City plans and policies. The site development plan is generally acceptable but should be improved to strengthen compliance and address some remaining concerns of the adjacent property-owner and residential neighborhood association. The local business association supports the dual request.

This report should be read in conjunction with the report for the Feb. 21, 2008 EPC hearing (see att.)

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 8/11/2008 to 8/22/2008. Agency comments were used in the preparation of this report and begin on page 33.

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 | Candelaria Rd; residential (single family) |
| <i>East</i> | C-2 (County land) | same | Arno St.; commercial |
| <i>West</i> | M-1 (County land) | same | manufacturing |

Background

This is a dual request for a zone change from R-1 (Residential) to SU-1 for limited C-1 (Neighborhood Commercial) permissive uses and vehicle sales, and a site development plan for building permit. The subject site consists of Lot 25 and Tract X, Block 2, Graceland Acres Addition, with a total area of approximately 0.56 acres, located at the northwest corner of Candelaria Road NE and Arno Streets. The applicant wishes to relocate his vehicle sales business from the site to the east, which he leases, to the subject site, which he owns. The vehicles are small trucks and vans used by contractors. The two lots would be combined into a single parcel under one zoning designation. Development would occur in two phases. In phase I, the site would be used as a sales lot for the vehicles and as off-street parking for customers and employees and the perimeter would be landscaped. The applicant would continue to use the office across Arno Street. In phase II, a one-story office building and enclosed garage and storage area would be built with a total footprint of 2,160 s.f., which would replace some of the vehicle display area.

The subject site is in the Central Urban and the Established Urban Areas 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 (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” (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, another request for a zone change from R-1 to C-2 was denied by the EPC (Z-95-118, 3/21/96) and 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 in 1997 (AC-96-09(a), 6/20/1997). The main arguments for the 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 site remained vacant. It has been used on occasion for retail uses in violation of the City Code and has attracted dumping and transients.

In February of 2008, the EPC approved a zone change from R-1 to C-2 (#1007008, 07EPC 40104, 2/21/08 att.) and the adjoining residential property-owners appealed the decision. The City Council heard the case on appeal on April 21, 2008 and remanded it to the EPC for consideration of alternative zoning, including SU-1 for C-2, excluding drive-throughs, truck idling or liquor sales (AC-08-04, 4/23/08 att.).

After consulting with the Planning Department on several occasions, the applicant adjusted the requested zoning and added a site development plan to the request. Subsequent to a facilitated meeting with area residents, the proposed zoning was amended to further limit the commercial uses allowed on the site. Revisions were also made to the site development plan in response to neighbors' concerns and staff and agency comments.

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.

When the subject site and the adjoining lot were annexed into the City in 1967, the Graceland Addition was platted into residential lots but did not have zoning. The first official County Zoning Map was established in 1973 and shows a mix of zoning in the area with lots on Arno Street and Franciscan Street zoned R-1 and lots on Edith Blvd. and Commercial Street zoned M-1.

The Stronghurst Addition to the south of Candelaria Rd. is a long-established residential neighborhood in the City, zoned R-1.

By 1987, most of the residential properties north of Candelaria Rd. had been rezoned to County C-1. The C-1 area included five lots on Franciscan St. with a Special Use (SU) permit for a contractor's yard.

[SU 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 may perpetuate the use, but 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.]

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. The applicant proposed rezoning to C-2 and limiting use of the site to a full service garage

and an auto sales lot. The County Planning Commission found that the commercial and manufacturing zoning and development were the rule in the area and that C-2 would not set an undesirable land use precedent. (CZ-87-5, 2/17/1987). The following year, Lots 21 and 22 on Franciscan were also rezoned C-2 (CZ-88-32).

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. The land use map shows a mix of non-conforming residential uses, conforming commercial uses, several SU permits to allow more intensive activities and several vacant lots.

Since 1995, a permit change has occurred on Franciscan Street resulting in more intensive commercial uses. Lots 6 – 11 that had a Special Use permit for a contractors' yard were combined with the adjoining Lot A abutting Edith and now have a SU permit for auto repair, auto paint & body and auto and truck storage and welding shop.

In summary, the commercial character of the County area north of Candelaria has intensified over the past 20 years, but some non-conforming residential uses persist.

Context

North of the site on Arno St. is the single family residential property also 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 this street for access. East of the site is a lot zoned County C-2 with electrical contracting and a used car sales lot, in addition to the applicant's business.

Adjoining the site to the west is a small manufacturing facility on Commercial Street, zoned County M-1. M-1 zoning also extends beyond the railroad tracks to 2nd Street within the City limits.

Graceland Addition is part of the Edith Blvd. Corridor, which is mostly industrial in the section between I-40 and Montano Rd. The exceptions are the established neighborhood of Stronghurst south of Candelaria, a new housing subdivision to the southeast on Menaul and the section of Santa Barbara/Martinez Town which lies north of I-40. The Edith Corridor extends northward to the boundary of the Sandia Reservation and is mostly unincorporated County land.

Traffic flows on this stretch of Candelaria have decreased significantly since the North Valley Area Plan was adopted in 1991, primarily because Candelaria no longer has direct access to I-25. Traffic flows on Comanche, which does have direct access to the freeway, have shown a corresponding increase over the same period. Average weekday traffic flows of 14,900 flows on Candelaria are almost equivalent to the 14,100 flows on Comanche. Flows on other streets in the area have not changed (Menaul and 2nd Street) or have decreased (Edith Blvd., by 12%). (See MRCOG website, 1991 and 2007 Traffic Flow maps)

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 routes #7 Candelaria and #13 Comanche operate on weekdays and Route #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 (per 14-16-2-6).

The proposed zoning is SU-1 for limited C-1 permissive uses and vehicle sales. The proposed uses fall under §14-16-2-22 (B)(35), i.e. "use combinations not adequately allowed and controlled in other zones, relative to a specific site. Signs as permitted and regulated by the Planning Commission." The Special Use zoning was specifically recommended by City Council in its recent decision and is considered appropriate for the site. The zone change request is accompanied by a site development plan for building permit that complies with the SU-1 regulations (§14-16-2-22 (A)(1)). Note that the EPC has discretion in this case over both signage and off-street parking.

The requested zoning refers to the C-1 Neighborhood Commercial zone, which provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas (per §14-16-2-16 (A), see att.). The applicant proposes several exclusions to the permissive uses in this zone, specifically:

- Antenna (1)
- Institution (2)

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- Retail sales of gasoline, oil, liquefied petroleum gas, including outside sales. (8)(k)
 - Radio and television station (9)
 - Drive-in bank (10)(b)
 - Car washing (10)(d)
 - Dry cleaning (10)(d)
 - Games, electronic and pinball (10)(g)
 - Taxidermy (10)(r)
 - Off-premise signs (11)
 - Wireless Telecommunication Facilities (15)

The requested zoning includes the addition of vehicle sales, which is first permitted in the C-2 Community Commercial zone under vehicle sales, rental, service, repair and storage (see §14-16-2-17 (A)(13)(b), see att.). The sales use is allowed, provided:

1. The outdoor activity areas (display ... of stock in trade) meet all the specifications for a parking lot, as regulated in the O-1 zone

...

The O-1 regulations for parking lots cover paving, screening, traffic impact on residential streets and landscaping (§14-16-2-15 (A)(12) see att.).

The applicant's proposed zoning is less intensive than the alternative zoning recommended by the City Council and therefore more than fulfills their remand to the EPC. Zoning Services recommends that the term "auto" shown on the site development plan be replaced with "vehicle" to accord with terminology used in the Zoning Code.

Albuquerque / Bernalillo County Comprehensive Plan

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

The subject site and the surrounding County 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 under the proposed zoning. However, the zone change facilitates neighborhood-oriented development of a site that has been vacant for decades and is prominently located on an urban arterial. The proposed vehicle sales lot will be partially screened with street

trees and landscaped buffers and a building will be added in Phase II, which overall will upgrade the character of the neighborhood. The dual request mostly furthers this goal and policy II.B.6.b

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 zone would allow more intensive development in the long term than the current R-1 zone, in terms of both developed area and activity. However, the proposed use for vehicle sales means that, in the short term, a considerable area of the site will be used to display vehicles and not contain buildings. The dual request partially furthers this section of the policy.

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 perpetuates the character of the Graceland Addition as a predominantly commercial/light industrial area, while respecting the site’s proximity to residential properties. The special use zoning encourages a visually pleasing built environment through site development plan review, which provides greater control over the design of the development than a “straight” zone and alleviates the visual impact of the proposed use for vehicle sales. The zone change furthers the Goal.

The vehicle display area will not contribute to the aesthetics of the area. However the site development plan calls for landscaping around the perimeter of the site, which will screen the vehicles from the adjoining residential property and, partially, from the public ROWS. A contemporary stucco building in Phase II will strengthen buffering for the residence and improve the appearance of the site. The site development plan partially furthers the Goal.

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 commercial zone would reduce the residential zone in the Graceland Addition from approximately 1 acre to 1/3 acre, which would not significantly affect residential density in the Established Urban Area. The zone change does not conflict with this policy.

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 respects the mixed character of the area surrounding the site, by limiting commercial uses to those acceptable to the residential neighborhood. It will not significantly affect existing conditions, capacities and resources, given the small size of the subject site. The zone change furthers this policy.

Residents are concerned about specific aspects of the site design, including signage. The site development plan partially furthers this policy.

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 will be a catalyst for development on vacant land in an area with existing infrastructure. The proposed zoning and use does not conflict with the predominantly commercial and industrial character of the Graceland Addition and is separated from the Stronghurst residential neighborhood by a five-lane arterial. The zone change furthers this policy.

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.

Apart from vehicle sales, the proposed uses are limited to a sub-set of permissive uses of the C-1 zone, a commercial zone specifically designed to complement residential areas and provide for the day-to-day needs of residents. The proposed commercial zoning adjoins a residential property, and is therefore not sited to minimize potential adverse effects on this particular property. However, the special use zoning requires site plan review and allows input from neighboring residents on the design of development. The current site development plan includes mitigation measures, such as landscaped buffers and a screen wall.

Other residents on Arno St. are somewhat removed from the site, as well as the Stronghurst neighborhood, as it is separated from the site by a five-lane arterial. In addition, most of the residences in Stronghurst that abut Candelaria face internal streets and/or are screened with walls and fences.

Traffic generated by the proposed zoning and development will not significantly affect the existing neighborhood on Arno Street as the subject site is small and located at the end closest to Candelaria. The pattern of mixed residential and commercial uses on Arno is already well established and the street already provides access to a manufacturing use north of the Graceland Addition. Traffic generated by the development will mostly use Arno, Candelaria, Edith and 2nd Streets, and is unlikely to use residential streets in the Stronghurst neighborhood on a regular basis.

The dual request mostly furthers this policy.

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 dual request will enable 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. The request does not conflict with this policy.

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 proposed zoning allows uses that are less sensitive to the potentially harmful effects of traffic on Candelaria than the current residential designation. The site development plan includes street trees, landscaped buffers and a building that screen and buffer the adjoining residential property from Candelaria. The landscaping will improve the appearance of the street frontage across from the established Stronghurst neighborhood. No vehicular access to the site is proposed on Candelaria, which prevents vehicle movements across the arterial for ingress and egress, and fosters highway safety. The dual request further this policy.

Policy II.B.5.m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

The proposed vehicle sales lot is not, by definition, a visually pleasing use, but the perimeter landscaping and the Phase II building will compensate for the use and improve the appearance of the site. The height and size of the free-standing sign on Arno will dominate the streetscape as viewed from Candelaria. The site development plan partially furthers this policy.

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

The dual request further the policy by developing a site in an older commercial neighborhood that has been vacant for several decades.

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

The dual request would implement redevelopment of the site by the applicant, a private owner/developer, at minimal cost to the City. The request further this policy.

Air Quality

Goal: is to improve air quality to safeguard public health and enhance the quality of life.

Policy II.C.1.b: Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services.

The proposed zoning is primarily for neighborhood commercial uses that nearby residents and workers can easily access. The vehicle sales use does not serve a day-to-day need, but the addition

of this use enables an existing business to remain in the same neighborhood. The rezoning mostly furthers this policy.

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 support the development of a local business enterprise. As a catalyst for developing a long vacant site, it would remove an obstacle to economic development in the area and allow an expansion of economic activities, albeit on a relatively small scale. The dual request further the Goal and policies.

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 plan applies to 14.38 square miles within the City of Albuquerque and 10.15 square miles 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.

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 and the rezoning does not further 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 requested commercial zone further the intent for this sub-area of the Edith Corridor.

The following *Zoning & Land Use* policies are applicable (p. 61-63):

Policy 2: The City and County shall stabilize residential zoning and land uses in the North Valley area.

- d: Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.

Under the existing R-1 zone, the site has not attracted residential development since it was annexed in 1967. Most of the surrounding area north of Candelaria is zoned and used for commercial or light industrial purposes. The removal of R-1 is unlikely to destabilize residential zoning in this case. The alternative SU-1 zoning provides EPC review and neighborhood input to maximize the development's compatibility with the character of the area, which should help stabilize land uses. The proposed site development plan includes buffering to protect the adjoining residential property. The dual request furthers this policy.

Policy 3. The City and County shall limit new strip commercial development and associated signage on valley arterials.

- d: Adopt and promote Village Center Principles for new and redeveloped commercial properties.

The site development plan includes a stand-alone building in Phase II, rather than strip commercial development. Two illuminated free-standing pole signs and building-mounted signs

are visible from the arterial. Although they comply with the C-1 zoning regulations, they do not constitute “limited” signage, given the site’s proximity to residential zones and the leafy character of the Arno streetscape visible from Candelaria. The proposed development partially furthers this policy. [For the analysis of conformance with Village Center Principles, see below.]

The following *Transportation* policy is applicable to the request (p. 112-113):

Policy 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 and the specific use proposed. The site layout will minimize disruption of traffic flow, as there is no direct vehicular access on the arterial. The site development furthers this policy.

The following *Housing* policy is applicable (p. 130):

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

Although the proposal reduces the area zoned for housing, the removal of R-1 will not actually destabilize residential zoning as there has been no residential use of the land since it was annexed over 40 years ago and it has remained vacant. The request does not conflict with this policy.

The following *Village Center* Policy is applicable (p. 142):

Policy 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.

- a. Evaluate proposed development ...using Village Center Principles and the following guidelines.
 - i. Within 300 ft. of intersections, building setbacks should not exceed 10 ft. from the public right-of-way.

The building is within 300’ of the intersection of Candelaria and Arno, and is setback approximately 75’ i.e. more than 10’ from the two ROWs. The proposal does not conform with this guideline.

- ii. Within 100 ft. of intersections, sidewalks should be unobstructed by curb cuts or driveways.

The sidewalk on Candelaria will remain unobstructed. (No sidewalk on Arno exists or is proposed.) The proposal conforms with this guideline.

- iii. Main entrances should be visible to the pedestrian and directly accessible.

The entrance to the Phase II building is visible and accessible to pedestrians from Candelaria. The proposal conforms with this guideline.

The following *Village Center Principles* apply to the project (p. 134 -137):

- Pedestrian Attraction and Accessibility:

Specific enhancements include providing *unobstructed walkways*; ...*visible entrances directly accessible to the pedestrian.*

New development should reinforce the streetwall ...Limiting building setbacks from the public right-of-way...placing off-street parking to the side of buildings;...

Plazas and other landscaped public spaces...

Other amenities include pedestrian scale lighting, outdoor seating.... accessible to bicyclists...convenient bike racks provided.

The proposed use does not lend itself to a pedestrian-oriented site layout and pedestrian amenities. The site development plan maximizes the area for displaying vehicles and their visibility from Candelaria by placing the Phase II building approximately 80' from the street frontage. However, a pedestrian connection is provided from Candelaria; the building entrance is visible from street; and there is a shaded walkway in front of the building. A bike rack is also conveniently located near the building entrance. The site development plan partially furthers these principles.

- Mixed Use Development

New ...development that incorporates *more than one type of use, including housing*;

Examples of a mix of uses includes apartments above shops or offices...

The requested zone does not incorporate a mix of housing and commercial uses, but the C-1 zone (and the C-2 zone) would not permit residential uses on a site of less than 5 acres anyway. The request does not conflict with these principles.

- Scale and Character:

Breaking up building mass and parking into smaller parts...by use of portals, windows and vertical elements...by placing parking in smaller lots separated by ...landscaped areas. The use of crusher fines instead of asphalt in parking lots can reduce the “sea of parking” and result in lower area temperatures and healthier landscapes;

Development should relate to the surrounding *context of the site* and special attention should be given to *existing area character*...large signs...are in conflict with the Village Center Principles. The valley is most appropriate for businesses that can locate on existing small lots...;

The proposed Phase II building has a portal and windows that break up the façade. Vehicle display, which is similar to parking, takes up most of the site area, but will be covered with crusher fines. The actual off-street parking is small, and in Phase II will include two spaces inside the building. There are no landscaped beds within the site.

The context of the site is a mix of small commercial and industrial buildings and service yards, some houses along Arno and the established residential neighborhood of Stronghurst to the south with mostly southwestern architecture. The proposed one-story

contemporary stucco building is in keeping with the scale and style of other structures in the area. One of two free-standing pole signs would be on Arno. With a height of 22' and sign face area of 100 sf, it would be out of place on this leafy, dead-end street that has no other large business signage. The applicant proposes to keep his local business in the same neighborhood by relocating it to this site from across Arno.

The site development plan partially furthers these 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's justification addresses the City Council's remand to the EPC, which referred to the "alternate findings for denial" distributed at the February EPC hearing (see att.) and R-270-1980 (att.). The applicant also provided a letter dated August 31, 2008 to supplement their application. Note that the requested zoning designation has shifted from SU-1 for limited C-2 uses in the application to SU-1 for limited C-1 permissive uses and auto sales in the supplementary letter. More recently, the applicant has proposed further exclusions from C-1.

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

The applicant refers to the EPC's findings for approval from the February hearing and to the alternate findings for denial used in the City Council's remand. The finding states that the zone change 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.

Staff agrees that the revised zone change is 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 on the city to show why the change should not be made.

The applicant points out that the site has never been used for single family dwellings under the current R-1 zoning and is virtually surrounded by non-residential uses north of Candelaria. The proposed SU-1 zoning would allow for only commercial uses that are compatible with the character of land uses in the area.

Staff agrees that the proposed zoning would not destabilize the area's land use and zoning. The applicant has also stated that they are willing to entertain additional uses to exclude from the list of C-1 permissive uses in the zoning descriptor.

In addition, the SU-1 zoning provides for EPC review of the site layout and building design, with input from neighborhood residents and the adjacent property-owner.

- 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 goals and policies of the Comprehensive Plan (CP), concerning the Established Urban Area (II.B.5.a, d, e, i, m), Economic Development (II.D.6.a, e, f) and Air Quality (II.C.1.b and d).

The applicant explained that the limited uses allowed on the site, coupled with public review of the site development plan, assure that neighborhood values are addressed and that an acceptable balance can be struck between economic and environmental goals (CP Policy II.B.5.d., Economic Development Goal).

The applicant also discussed the proposal's conformance with goals and policies of the North Valley Area Plan (NVAP) (Goals 6 & 11, Zoning & Land Use policy 2, Transportation policy 1, Housing policy 1, and the Village Center Principles).

The applicant has demonstrated that the proposed change will not be in significant conflict with applicable goals and policies in the two City plans.

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 helping to upgrade the area.***
- ***Goal for the Established Urban Area – by filling a gap in the frontage of an important arterial with predominantly neighborhood-oriented uses.***
- ***Policies II.B.5.o and p – by facilitating cost-effective redevelopment of a vacant site in an older neighborhood.***
- ***Economic Development Policies II.D.6.b and f – by facilitating the expansion of economic activity in the community.***

The size of the site can only accommodate a small business, which is in keeping with the neighborhood commercial scale promoted in the Village Center Principles. Staff agrees that the principles are generally more relevant to the site development plan than the zone change.

Staff disagrees with two points made by the applicant: Staff finds that the effects of commercial development on the adjoining residential property-owner are at least as important a consideration as its effects on the residential subdivision to the south of Candelaria (CP II.B.5.i), given their proximity to the site; the CP Air Quality policy II.C.1.b is not relevant, because a zone change cannot "provide a balanced circulation system".

- 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 citing goals and policies that it furthers. The commercial aspect of the proposed zoning designation promotes infill development, redevelops a site in an older neighborhood, and supports a viable economic activity that is consistent with the mixed commercial zoning of the area. The special use nature of the zoning eliminates undesirable uses and provides additional protection for nearby residents through the site development plan review process. The applicant had earlier pointed out that R-1 is not appropriate at this location, given that the site has never been used for single family dwellings and is surrounded by predominantly non-residential uses.

Staff agrees with the applicant's arguments.

- 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 proposed use for a vehicle sales lot is minimally invasive in terms of noise, lighting, traffic and pollution and notes that City Council's remand did not request that it be eliminated from the alternative SU-1 zoning.

Apart from the vehicle sales lot, the SU-1 zoning would be restricted to permissive uses in the C-1 rather than the C-2 zone, which allows fewer and more benign uses. The applicant has also excluded several uses that are undesirable to the residential neighborhood in addition to those stipulated by City Council.

Staff agrees that the proposed zoning, including the vehicle sales lot, will not be harmful to residential neighbors or the wider community.

- 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 zone change requires no capital expenditure by the City.

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

The applicant makes no argument regarding economic factors.

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

The applicant makes no argument that street location is sufficient justification for the zone change, but acknowledges that it is a factor.

- 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 explained that although the SU-1 zoning is technically a spot zone, it will buffer the adjacent residential property from Candelaria Road and from M-1 and C-2 zones to the southwest and southeast.

Staff finds that restricting the SU-1 zoning to limited permissive uses of the C-1, rather than the C-2, zone will also makes it more complementary to the residential uses to the north and south of the site.

- 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 requested zone is not a strip zone.

ANALYSIS OF SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

The applicant submitted a revised site development plan on September 2, 2008 which is analyzed below.

Site Plan Layout / Configuration

The site development plan shows two phases. In the first phase, the property will be used to display vehicles for sale and for off-street parking. The applicant will continue to use an office off the site, across Arno St. The vehicle display area is located on the Candelaria frontage for

maximum visibility and will accommodate up to 55 vehicles. It will be of compacted crusher fines, which is encouraged by the North Valley Area Plan because it is a pervious material. Transportation Development recommends removing the striping shown on the site development plan to distinguish from off-street parking.

Landscaped buffers are provided around the perimeter of the site, including the 10' buffer along the north boundary adjacent to the residential property.

In phase two, part of the vehicle display area will be replaced by a 2,160 sf building, which is a sales office and attached garage/storage area. Viewed from Candelaria, the off-street parking is at the right side of the building. The building is setback from the street, which conflicts with the North Valley Area Plan, but because it adjoins the 10' landscape strip, it provides an additional buffer from Candelaria for the residence to the north.

The refuse enclosure is located right inside the vehicular drive, which is not attractive or safe, as noted by Transportation Development. Since the applicant will be using roll-out bins, there are no particular restrictions on the siting of the dumpster and Staff recommends it be moved closer to the building. The enclosure is made of ribbed tan metal to match the screen wall (see below) and has a wood gate painted to match. Depending on its final location, the dumpster should be screened with plantings and/or painted to match the building rather than the fence.

Walls/Fences

An existing 6' wire mesh fence encloses the site. A 6' high solid fence is proposed along the north boundary as a screen for the adjoining residential property. It is a ribbed tan metal, as detailed on Sheet A201. The adjoining residents have verbally requested that the solid fence be setback from the property line to maintain their view to the streets, which is recommended as a condition of approval.

Vehicular Access, Circulation and Parking

Vehicular access is from Arno Street. Although there is a wide gate on the Candelaria frontage that would accommodate a vehicular opening, there is no curb cut and no access is proposed on the arterial. The entrance on Arno Street leads into an area of off-street parking that will be asphalt or concrete. Access to the vehicle display area is to the left. Transportation Development calls for a landscaped island at the site drive, where the dumpster is currently shown, and a physical barrier between the parking and walkway near the location of the building, to prevent pedestrian and vehicular conflict and help direct vehicles to use the site drive that leads to the vehicle display area.

The site plan includes General Note G, stating that vehicles for sale are unloaded off site and driven to the site, and that no delivery trucks are allowed on the site. In addition to the limited C-1 zoning on the site, this addresses the City Council's request to prohibit truck idling on the site.

The off-street parking in Phase I consists of 8 car spaces, including one handicap space, and 1 motorcycle space. The garage will provide two additional car spaces in Phase II for a total of 10 spaces. The numbers are off by one space, which should be corrected. Handicap and motorcycle

parking signs are detailed on Sheet A201. The parking calculations are based on the total square footage of the building, including the garage/storage area. However, given the low floor area ratio of the development, staff considers it acceptable. Note that parking provision in the SU-1 zone is at the EPC's discretion.

Pedestrian and Bicycle Access and Circulation, Transit Access

The right-of-way infrastructure, including a 6' sidewalk, is in place on Candelaria. A 6' wide pedestrian connection is proposed from the sidewalk on Candelaria into the site in Phase I and is conveniently located to access the future building. A new gate will be installed in the fence and remain open during business hours, per Note 13 on the site plan. Arno is a local dead-end street, almost wholly in the County. It does not have sidewalks and none will be installed in the foreseeable future. No sidewalk is proposed on Arno as part of the development. Staff considers the absence of a sidewalk acceptable, as long as it is acceptable to the City Engineer and the landscape strip along Arno has a physical edge to maintain the integrity of the plantings and mulch over time.

Lighting and Security

16' high area lighting is proposed which is the maximum allowed by the Zoning Code (14-16-3-9) within 100' of a residential property. The luminaires have full-cut off, "shoe box" fixtures, and bronze poles. General Note B also states more specific restrictions to protect residential premises. Seven poles are shown on the site plan, but the keyed note indicates the number and location will be field-verified. Transportation Development recommends that any lightpole in the center of the site be protected by a physical barrier. This could be a landscaped bed with curbing.

Landscaping

Landscaping is proposed on 21% of the site area. The landscaping consists of a buffer around the perimeter of the site that ranges from 6' next to the industrial zone on the west boundary to over 11' along Candelaria. Street trees and a grouping of shrubs at the pedestrian entrance are proposed on Candelaria. The 10' special landscaped buffer required by the Zoning Code is provided along the residential property. A row of Desert Willows is proposed in the buffer, with plants left branched to the ground to help meet the 75% minimum ground cover requirement. Although tree canopies are not normally allowed to satisfy the requirement, staff considers it acceptable where the base of the trees will be hidden by the future building. Staff does recommend the addition of shrubs in the west and east portions of this buffer. The species selected for the east side, where there will be no solid fence between the off-street parking and residential use, should be evergreen and reach a minimum height of 3' to screen cars. Trees and shrubs should be planted so as not to interfere with the proposed underground electrical line between the transformer and building. Staff also recommends the addition of shade trees along the pedestrian connection and a planter or bed near the southeast corner of the building with seating, as an outdoor amenity for customers and employees.

The plant palette consists of an attractive mix of low and medium water use species. The last species listed needs to be corrected, as the common and scientific names do not match.

The following adjustments to the landscape plan are also recommended, per the City Forester and staff:

- Set final grade in landscaped beds lower than vehicle display and parking areas, and make curb cuts to allow rainwater to infiltrate
- Design landscaped buffer on north side of site to use roof runoff from future building as a supplement to irrigation.
- Indicate height of Desert Willow at maturity as 15'. Minimum height at planting shall be 8' (per 14-16-3-10 (E)(4)(b)).
- In calculations for groundcover, insert "street" before "tree canopies", to differentiate these from the Desert Willow canopies that are being included.

Public Outdoor Space

A shaded 8' walkway is provided along the main façade of the building in Phase II and extended into a "patio" to the edge of the vehicle display area. Staff recommends that this interface between the off-street parking, the vehicle display area and the walkway be redesigned to provide a better amenity for customers and employees and to address comments from Transportation Development (see d., e.).

Grading, Drainage, Utility Plans

The site is essentially level but will be graded for runoff to flow to a new sidewalk inlet on Candelaria and down the site drive on Arno. Note that the City Forester has recommended that some runoff be allowed to infiltrate in the landscaped beds. "Phase 3" on the garage must be deleted.

A conceptual utility plan is provided.

Architecture

The building proposed for Phase II is a contemporary stucco office building with parapets and a storefront-type entrance under a portico. A two-car garage/storage area is attached at the west side. The parapet height is 21'6" at the sides and front of the building, with the parapet at the entrance rising to 24'. The roof slopes down along the north facade, i.e. next to the residential property, to a height of 12'. There are no windows or doors on this façade, which reduces impact on the residents. Note H on the site development plan and Note 3 on the elevations (Sheet A202) state that roof and ground-mounted equipment will be screened from view. Staff recommends that "from all sides" is added to clarify that it applies to view from the residential property to the north as well.

The color scheme is a spectrum of grays. Note that the screen wall, refuse enclosure and lightpoles are tan and bronze, i.e. warmer colors. Staff recommends that the hues be coordinated unless the contrast is intentional.

Signage

Two free-standing signs are proposed, one on each street frontage. Both are 22' high, mounted on stucco standards and have a sign face area of 100 sf. These dimensions conform to the C-1 regulations (14-16-2-16 (A)(12) that limit height to 26' and sign face area to 100 sf for sites on an arterial. However, the EPC has discretion over signage in the SU-1 zone and staff recommends that the sign on Arno be reduced in height and size to fit the scale and character of this local street. It should also not overhang the ROW more than 1'. Both would be internally lit cabinet-style signs. Due to their proximity to residential zones and uses, staff recommends that the sign on Arno not be illuminated. The sign on Candelaria should only be illuminated if the applicant can demonstrate that it does not face, or is visible from, property in a residential zone. For clarity, staff also recommends a note on the site development plan and elevations sheet stating that signage shall comply with 14-16-3-5(C) in the Zoning Code that applies to development within 40' of a residential zone.

The proposed wall-mounted signs are well within limits of the C-1 regulations (12.5% of façade area on Candelaria and 10% on Arno), but Notes A and 9 on the elevations sheet should refer to the C-1 not C-2 regulations. These signs are not illuminated.

Finally, the site plan should clarify whether the text shown on all the signs is exact or illustrative. If illustrative, the maximum size of the lettering should be called out. The colors of the background and lettering must also be provided.

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

City Department and Agency comments begin on page 32. Revised comments were received from Transportation Development. All other comments refer to the original submittal. Significant comments were received from Zoning Services, Transportation Development and the City Forester. Most of the zoning comments were addressed in the revised plan.

NEIGHBORHOOD/PUBLIC CONCERNS

Property-owners within 100' of the site and the affected neighborhood associations, Stronghurst Improvement Association (SIA) and the North Edith Corridor Assn. (NECA), were notified of the proposal. A facilitated meeting took place on August 26, 2008. Concerns were raised by some residents of the Stronghurst neighborhood and the adjoining property-owner about the zone change and the proposed use as a vehicle sales lot. The NECA, a local business association, supported the zone change in a fax received August 28th. Since the facilitated meeting, the applicant has had further discussions with neighbors, which resulted in a significant change to the zoning designation. A letter dated September 5th was also received from the SIA Board of Directors spelling out their position and outstanding issues:

- Signage: they request lower monument signs, no flags or tinsel and no illumination at night.

Staff has recommended a smaller free-standing sign on Arno St that is not illuminated. A note on the site plan would also require compliance with the zoning regulations that control

signage within 40' of a residential zone, including their illumination. The signage implemented on the site must match the approved site development plan.

- Use of loudspeakers or intercom broadcast.

A condition is recommended to that effect.

- Procedures in the event of changes to land use or development design on the site:

A list of excluded uses from the permissive uses of the C-1 zone will be on the site development plan and in the EPC notice of decision. A change of use from vehicle sales to another permitted use of the zoning would return to the EPC if it requires a different site design than the accompanying site development plan and cannot meet written requirement of the EPC's approval of the dual request.

Under the SU-1 zoning, the standard procedure for handling "minor changes" to an approved site development plan or landscaping plan is through an administrative amendment rather than EPC review (see 14-16-2-22 att.). If it meets the other criteria of a minor change, but the approving official finds that a person may be substantially aggrieved by the change, adjacent property-owners and the registered neighborhood associations would be notified and could comment on the proposal.

Based on the above, Staff considers that the uses allowed on the site should be clarified prior to EPC action on the current request to provide stability to the zoning designation of the site. With regard to minor changes to an approved site development or landscaping plan on the site, staff recommends that notice be given as a matter of course to the affected property-owners and neighborhood associations.

The applicant submitted a response dated Sept. 9, 2008 to the SIA's letter, which is attached for the EPC's consideration but was not received in time for staff review.

CONCLUSIONS

The requested zoning is sensitive to the values of the affected residential neighborhood and is significantly more restrictive than the zoning in the City Council's remand.

The applicant adequately justified the proposed zone per R-270-1980 by demonstrating that it is more advantageous than the existing R-1 zoning as articulated in a preponderance of applicable City plans and policies. 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 site development plan is appropriate for the proposed use as a vehicle sales lot and, with minor changes, will provide adequate protection for the adjacent residential property. Staff recommends approval of the dual request with changes to further strengthen conformance with City policy and regulations and to address neighborhood and agency comments.

FINDINGS – 07EPC 40104, September 18, 2008, Zone Map Amendment

1. The request is for a zone change from R-1 (Residential) to SU-1 for limited C-1 permissive uses and vehicle sales, for Lot 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 intends 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 owns. Development consists of two phases: a vehicle display area and off-street parking in Phase I; the addition of a 2,160 s.f. building in Phase II, that will replace part of the vehicle display area.
2. The following C-1 permissive uses (per 14-16-2-16 (A)) are excluded from the zoning designation:
 - Antenna (1)
 - Institution (2, a - e)
 - Retail sales of gasoline, oil, liquefied petroleum gas, including outside sales. (8)(k)
 - Radio and television station (9)
 - Drive-in bank (10)(b)
 - Car washing (10)(d)
 - Dry cleaning (10)(d)
 - Games, electronic and pinball (10)(g)
 - Taxidermy (10)(r)
 - Off-premise signs (11)
 - Wireless Telecommunication Facilities (15)
3. The zone change request is accompanied by a site development plan for building permit (08EPC 40086) as required by the SU-1 zone.
4. The subject site is in the Central Urban Area and the Established Urban Area of the Comprehensive Plan and in the Edith Corridor sub-area of the North Valley Area Plan.
5. 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, which was subsequently

dismantled. The subject site has otherwise been vacant since annexation. Other properties in the Graceland Addition remain in the County of Bernalillo.

6. A request for a zone change from R-1 (Residential) to C-2 (Community Commercial) was approved by the EPC on February 21, 2008, appealed by the owner of the adjoining Lot 24, and remanded by City Council to the EPC on April 21, 2008 (AC-08-4). The remand was to consider alternative zoning including SU-1 for C-2 with no drive-throughs, truck idling or liquor sales.
7. The proposed zone change furthers a preponderance of applicable goals and policies of the Comprehensive Plan:
 - a. The Goal of the Established Urban Area and Policy II.B.5.d, because it respects the dual character of the surrounding neighborhood, which is both commercial and residential.
 - b. Policy II.B.5.e, because it will facilitate infill development on a vacant site that is contiguous to existing public facilities;
 - c. Policy II.B.5.k because the combination of special use and neighborhood commercial zoning is appropriate on an arterial in proximity to residential uses.
 - d. Policies II.B.5.o and II.B.5.p and Central Urban Policy II.B.6.b, because it will facilitate cost-effective redevelopment and upgrading of the area.
 - e. Economic Development Policies II.D.6.b and II.D.6.f, because the zone change will strengthen a local business and remove an obstacle to economic activity.
8. The proposed zone change is not in substantial conflict with applicable goals and policies of the North Valley Area Plan. The special use zone will help stabilize land uses in the area by fostering viable commercial development on a site that has been vacant for decades and by requiring site plan review that minimizes adverse impacts on residents of the area (Zoning and Land Use policy 2). Commercial uses are also consistent with the Preferred Scenario for the Edith Corridor sub-area.
9. The applicant provided an adequate justification for the zone change by addressing Sections A-J of Resolution 270-1980:

- A. The proposed zone change 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 and the neighborhood has input in the site design.
 - C. The applicant has cited applicable goals and policies in the Comprehensive Plan and the North Valley Area Plan and explained how the proposed change either furthers the goals and policies or is not in substantial 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, a viable economic activity and site design that respects the values of area residents. 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 requested zoning excludes permissive uses of the C-1 zone that City Council and area residents consider harmful. The additional use for vehicle sales has been accepted by the adjacent property-owner and the neighborhood, in conjunction with a site development plan that includes features to protect and enhance residents' quality of life.
 - 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 zoning.
 - I. The special use "spot zone" is justified to provide a transition or buffer between residential zones and the surrounding commercial and industrial zones.
 - J. The zone change request does not create a "strip zone".
10. A facilitated meeting was held on August 26, 2008. The adjoining residential property-owners expressed their opposition to the proposal at the meeting. The Stronghurst Improvement Association are not opposed to the zone change, but in a letter dated September 5, 2008 expressed their concerns about visual impacts of the proposed use and about the opportunity for continued neighborhood input into the uses and development of the site. The North Edith Corridor Association sent a letter of support. No other written comments have been received.

RECOMMENDATION - 07EPC 40104, September 18, 2008

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

CONDITIONS OF APPROVAL - 07EPC 40104, September 18, 2008

1. The subject site shall be replatted into one lot with a single zoning designation.
2. DRB sign-off of the accompanying site development plan (08EPC-40086).
3. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:
Conditions of approval for the proposed Zone Map Amendment and Site Development Plan for Building Permit shall include
 - a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
 - b. Provide landscaped islands adjacent to site drives to separate parking from entering and exiting vehicles. Dumpster location, as shown on site plan, does not serve this purpose. It is however, an obstruction. Move dumpster to another location on site.
 - c. If gate on Candelaria, as shown on site plan, is existing then note it as such. If there is an existing curb cut, it will need to be closed. If gate is proposed, then note its purpose (i.e. for future site drive, etc.) and label it as such.
 - d. Provide physical barrier between parking and pedestrian walkway (i.e. landscaping, curbing, etc.). This barrier will also serve as a means to direct vehicles through the site using the proposed drive aisle.
 - e. Provide physical barriers around site lighting where needed.
 - f. It is not necessary to stripe parking areas for display vehicles. Label those areas on site plan, as display vehicle parking.
 - g. Concurrent platting action required.

FINDINGS - 08EPC 40086, September 18, 2008, Site Development Plan for Building Permit

1. The proposed development is on Lot 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, zoned SU-1 for limited C-1 permissive uses and vehicle sales. The applicant intends 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 owns. Development consists of two phases: a vehicle display area and off-street parking in Phase I; and the addition of a 2,160 s.f. building in Phase II, that will replace part of the vehicle display area and provide a sales office, two-car garage and storage area.
2. The site development plan is accompanied by a zone change request (07EPC 40104).
3. The subject site is in the Central Urban and the Established Urban Areas of the Comprehensive Plan and in the Edith Corridor sub-area of the North Valley Area Plan.
4. A request for a zone change from R-1 (Residential) to C-2 (Community Commercial) was approved by the EPC on February 21, 2008, appealed by the owner of the adjoining Lot 24, and remanded by City Council to the EPC on April 21, 2008 (AC-08-4). The remand was to consider alternative zoning including SU-1 for C-2 with no drive-throughs, truck idling or liquor sales.
5. The site development plan for building permit meets a requirement of the SU-1 zoning (14-16-2-22(A)(1)).
6. The proposed site development plan furthers the following applicable goals and policies of the Comprehensive Plan (CP) and North Valley Area Plan (NVAP):
 - a. CP Policies II.B.6.b, II.B.5.o, because the landscaping and office building will help upgrade an older neighborhood in the Central and Established Urban Area.
 - b. CP Policy II.B.5.k and NVAP Transportation Policy 1, because the development adds street trees, landscaped buffers and a building that buffer the adjoining residential property from traffic flows on Candelaria, an arterial, and improve the appearance of the street frontage. No vehicular access is proposed on Candelaria, which prevents disruptions to through-traffic and possible traffic hazards.

- c. NVAP Zoning & Land Use policy 2.d, because the site design incorporates a landscaped buffer, screen wall and building that protect the adjoining residential property from potential visual and noise impacts of the proposed vehicle sales lot.
 - d. NVAP Village Center Policy 1.a.ii. and iii, because the sidewalk on Candelaria is unobstructed by curb cuts or driveways and the entrance to the building is visible and accessible to pedestrians on Candelaria.
7. The proposed site development partially furthers the following goals and policies following applicable goals and policies of the Comprehensive Plan (CP) and North Valley Area Plan (NVAP):
- a. CP Policy II.B.5.m, because it will improve the visual quality of the proposed vehicle sales lot with street trees, landscaping and a contemporary office building.
 - b. NVAP Village Center Principles, because the building is scaled and designed to fit the context of the site and has a portal that provides shade and visual interest to the front facade.
8. Changes are recommended to the signage, landscape plan and internal circulation to strengthen compliance with the Village Center Principles and with regulations in the Zoning Code, which will make the development safer and more visually attractive, and address verbal concerns expressed by the adjoining resident and concerns of the Stronghurst Improvement Association.
9. A facilitated meeting was held on August 26, 2008. The adjoining residential property-owners expressed their opposition to the proposed use at the meeting. The Stronghurst Improvement Association, in a letter dated September 5, 2008, expressed their concerns about visual impacts of the proposed use and about the opportunity for continued neighborhood input into the uses and development of the site. The North Edith Corridor Association sent a letter of support for the proposal. No other written comments have been received.

RECOMMENDATION - 08EPC 40086, September 18, 2008

APPROVAL of 08EPC 40086, a Site Development Plan for Building Permit, for Lot 25 and Tract X, Block 2, Graceland Acres Addition, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 08EPC 40086, September 18, 2008, Site Development Plan for Building Permit

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. Replace text of General Note D. Zoning on the site development plan with: "SU-1 for limited C-1 permissive uses and vehicle sales. The excluded permissive uses are:
 - Antenna
 - Institution
 - Retail sales of gasoline, oil, liquefied petroleum gas, including outside sales.
 - Radio and television station
 - Drive-in bank
 - Car washing
 - Dry cleaning
 - Games, electronic and pinball
 - Taxidermy
 - Off-premise signs
 - Wireless Telecommunication Facilities"

4. A note shall be added to the site development plan prohibiting the use of loudspeakers or intercom broadcasts.

5. A note shall be added to the site development plan stating that property-owners within 100' of the site and the relevant registered neighborhood associations shall be notified in the event of changes to the proposed land use or approved site development plan, including minor changes.

6. All references to C-2 in the site development plan shall be changed to C-1.

7. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

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

- a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
 - b. Provide landscaped islands adjacent to site drives to separate parking from entering and exiting vehicles. Dumpster location, as shown on site plan, does not serve this purpose. It is however, an obstruction. Move dumpster to another location on site.
 - c. If gate on Candelaria, as shown on site plan, is existing then note it as such. If there is an existing curb cut, it will need to be closed. If gate is proposed, then note its purpose (i.e. for future site drive, etc.) and label it as such.
 - d. Provide physical barrier between parking and pedestrian walkway (i.e. landscaping, curbing, etc.). This barrier will also serve as a means to direct vehicles through the site using the proposed drive aisle.
 - e. Provide physical barriers around site lighting where needed.
 - f. It is not necessary to stripe parking areas for display vehicles. Label those areas on site plan, as display vehicle parking.
 - g. Concurrent platting action required.
 - h. Site plan shall comply and be designed per DPM Standards.
8. The 6' screen wall shall be setback from the property line on Arno Street to accommodate the adjoining residential property-owner.
 9. The number of parking spaces provided in Phase I and II shall be corrected.
 10. The following changes shall be made to the landscape plan:
 - a. If no curb and sidewalk are installed on Arno Street as part of the development, the landscape strip along Arno Street shall have an appropriately designed edging to ensure the integrity of the plantings and to prevent erosion.
 - b. Add shrubs in the east and west portions of the landscape buffer adjacent to the residential zone. The shrubs in the east portion shall be evergreen and have a minimum height of 2.5' at the time of planting, in order to screen parked cars.

- c. Trees and shrubs in the north landscape buffer shall not interfere with the proposed underground electrical line between the transformer and building.
 - d. A minimum of one shade tree shall be planted along the pedestrian connection to the building.
 - e. A landscaped bed and seating shall be added near the southeast corner of the building to provide shade and amenity value to the patio. The landscaped bed may be combined with the shade tree (see 8.d) and measures required by Transportation Development (see Conditions 5.d. & e).
 - f. Correct the common or scientific name of the last species listed in the plant palette, and related information as appropriate.
 - g. Set final grade in landscaped beds lower than vehicle display and parking areas, and make curb cuts to allow rainwater to infiltrate
 - h. Design landscaped buffer on north side of site to use roof runoff from future building as a supplement to irrigation.
 - i. Indicate height of Desert Willow at maturity as 15'. Minimum height at planting shall be 8' (per 14-16-3-10 (E)(4)(b)).
 - j. In calculations for groundcover, insert "street" before "tree canopies", to differentiate them from the Desert Willow canopies that are being included.
11. On the Grading & Drainage plan, delete "Phase 3" from the garage.
12. Architecture:
- a. Insert "from all sides" at the end of Note H on the site development plan and Note 3 on the elevations (Sheet A202) concerning roof and ground-mounted equipment.

- b. Coordinate the colors of the building and accessory structures (wall, refuse enclosure, lightpoles, sign standards) in variations of gray or tan.

13. Signage:

- a. The free-standing sign on Arno shall be replaced with a pole-mounted or monument sign with a maximum height of 12' and maximum sign face area of 60 sf. The sign shall not be illuminated or overhang the right-of-way more than 1'.
 - b. Replace Note C on sheet C101 with: "At minimum, signage shall comply with 14-16-3-5(C) of the Zoning Code that applies to development within 40' of a residential zone. No portion of an illuminated sign shall face or be visible from a residential zone."
 - c. The site development plan shall clarify whether the text shown on all the signs is exact or illustrative. If illustrative, the maximum size of the lettering shall be called out. The colors of the background and lettering, and all signage materials shall be indicated. Signage design shall be consistent with the building and other structural elements on the site.
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***Carol Toffaleti
Planner***

cc: Randy Kaufman, 325 Candelaria Rd. NE, Albuquerque, NM 87107
DAC Enterprises
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

EPC notice of decision, dated February 22, 2008
City Council Decision, AC-08-4, dated April 23, 2008
§14-16-2-16 (A) Permissive uses in the C-1 zone
§14-16-2-17 (A)(13)(b) Vehicle sales etc, C-2 zone

§14-16-2-15 (A)(12) Parking lot, O-1 zone
Alternate findings for denial, EPC, February 22, 2008
R-270-1980
§14-16-2-22 SU-1 zoning

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

- The SDP should clearly identify what is to be located in the area of where the buildings are proposed during the 1st phase – natural vegetation, or landscaping.
- Six foot landscape buffer is required along the west property line.
- The handicap parking spaces is not clearly identified as part of phase 2.
- Off-street parking spaces in front of the proposed garage/storage area does not allow the site to meet the pedestrian walkway requirements specified in the Off-street parking regulations.
- Type of paving proposed is not allowed for off-street parking. Off-street parking shall be blacktop or equal. Provisions need to be provided for phase 2.
- Size of handicap sign is not provided
- Location of motorcycle space is not shown along with sign
- Bike rack is not clearly identified
- Fence does not meet the design regulations identified in the Zoning Code.

Office of Neighborhood Coordination

Stronghurst Improvement Assoc. (R)

North Edith Commercial Corridor

8/11/08 – Recommended for Facilitation – siw

8/11/08 – Assigned to Diane Grover – siw

8/18/08 – Facilitated Meeting to be held on Tuesday, 8/26/08 at 6:30 pm at Menaul School in Cafeteria - siw

Advanced Planning

No comments received.

PUBLIC WORKS DEPARTMENT

Transportation Development (City Engineer/Planning Department): (REVISED 9/5/08)

- The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
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 - It is not necessary to stripe parking areas for display vehicles. Label those areas on site plan, as display vehicle parking.
 - Site plan shall comply and be designed per DPM Standards.

Hydrology Development (City Engineer/Planning Department):

- The Hydrology Section has no objection to the zone change request. A conceptual grading and drainage plan is required prior to DRB. Concurrent platting action required.

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.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT
and NMDOT: (REVISED 9/5/08)**

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

- a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).

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- e. Provide physical barriers around site lighting where needed.
- f. It is not necessary to stripe parking areas for display vehicles. Label those areas on site plan, as display vehicle parking.
- g. Concurrent platting action required.
- h. Site plan shall comply and be designed per DPM Standards.

WATER UTILITY AUTHORITY

Utility Services

No comments received.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

No comments received.

Environmental Services Division

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

City Forester

- How will trees receive water after establishment? Small watering ring will be insufficient
 - Set final grade in islands lower and make curb cuts to provide rainwater
 - A Netafim or similar irrigation method can be used over a 6' diameter circle – installed in present or planned for future
 - Watering ring can be doubled in size or water provided over whole island as tree growth requires it

- How will water be delivered now?
- Be more specific than “Ash”. Indicate one species or possible options. No White Ash and selection must be at stated size or more trees may need to be placed
- Desert Willow will not reach 20x25’ in this situation. 15 feet at best.
 - Desert willow is included in ground cover calculations... is that allowed normally? If it is, I would only allow it when left branched to the ground
- Sidewalk is existing on Candelaria (according to aerial photo) but none on Arno. Sidewalk should be away from street and trees placed in 4 foot minimum planting strip continuous for length of sidewalk

POLICE DEPARTMENT/Planning

No comments received.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Disapproved, relocation of suggested enclosure location required for adequate truck access, call for details, 761-8142.

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, Lots 25 and 27 Block 2 Tract X, is located on Candelaria Rd NE between Arno St NE and Commercial St NE. The owner of the above property requests an Amendment to Zone for a zone change from R-1 to C-2, Approval of a Site Development Plan for Subdivision, and a Site Development Plan for Building Permit, for a development that will consist of car sales lot. This will have no adverse impacts to APS.

MID-REGION COUNCIL OF GOVERNMENTS

No comments received.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

No comment based on the information provided to date.