



**Environmental  
Planning  
Commission**

**Agenda Number: 10  
Project Number: 1006950  
Case #'s: 08EPC 40010  
July 17, 2008**

**Staff Report**

<b>Agent</b>	DAC Enterprises
<b>Applicant</b>	Gina Schmidt, Sierra West LLC
<b>Request(s)</b>	<b>Zone Map Amendment</b>
<b>Legal Description</b>	Parcel B-13-QCD, New Mexico Department of Transportation Subdivision, as described in the Quitclaim Deed filed on October 10, 2007, as Document Number 2007150906 (to be known as Tract A, Land of Sierra West LLC)
<b>Location</b>	Wyoming BLVD, between I-40 freeway NE, Mountain RD, NE, and Jaffa Road
<b>Size</b>	Approximately # acres
<b>Existing Zoning</b>	R-1
<b>Proposed Zoning</b>	SU-1 for C-1 uses with restrictions

**Staff Recommendation**

**APPROVAL of 08 EPC 40010, based on the findings on page 11, and subject to the conditions of approval on page 14.**

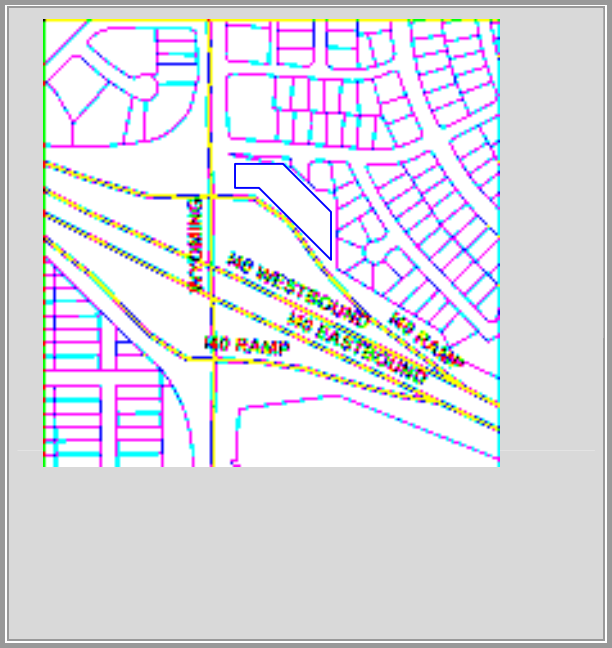
**Staff Planner**  
**Maggie Gould, Planner**

**Summary of Analysis**

This is a request for a zone map amendment for Parcel B-13-QCD, located on the Wyoming Boulevard westbound off-ramp of Interstate 40. This site was owned by the New Mexico Department of Transportation, and was not zoned by the City. The default zoning for the site is R-1. This proposal is to rezone the site to SU-1 for C-1 uses.

The case was originally submitted in March of 2008. Then the applicant was proposing a C-2 zone. There was neighborhood opposition to that request. The case was deferred to allow time to work out these issues. There is still opposition to this request.

The applicant justified this request per the requirements of R-270-1980 The new zone is more compatible with the existing residential development. Because the applicant is requesting an SU-1 zone, a site plan for subdivision is included. Staff recommends approval.



City Departments and other interested agencies reviewed this application from 06/09/2008 to 06/20/2008. Agency comments were used in the preparation of this report and begin on page 15.

**AREA CHARACTERISTICS AND ZONING HISTORY**

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

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	R-1	Established Urban	Vacant
<b>North</b>	C-2, R-1	Established Urban	Commercial and Single-Family Residential
<b>South</b>	C-2	Established Urban	Commercial
<b>East</b>	R-1	Established Urban	Single-Family Residential
<b>West</b>	C-2	Established Urban	Office

**Background**

This request is for a zone map amendment for Parcel B-13-QCD, as described in the Quitclaim Deed filed on October 10, 2007, as Document Number 2007150906 (to be known as Tract A, Land of Sierra West LLC) within the New Mexico State Highway Right-of-way, an approximately 1.2 acre vacant site located at the Interstate 40, Wyoming Boulevard NE exit near Mountain Road. The subject site includes the small platted triangle zoned R-1 to the north of the site. The applicant is proposing to rezone the property to SU-1 for C-1 Uses. If this zone is approved by the EPC, the applicant would have to bring back a site development plan for building permit for EPC review.

The subject site was once owned by the New Mexico Department of Transportation and served as part of the Interstate 40 right-of-way. The site is located adjacent to the I-40 westbound off-ramp. Access to the site would be from Mountain Road, a local residential street. There is an existing sound barrier wall along the I-40 interstate (south side of the site) blocking views of the site from the off-ramp. There is a chain link fence on the north, east and west sides of the site. There is a twenty foot public water easement on the northern boundary of the site (see metes and bounds survey).

The vacant subject site is located within the Established Urban Area as designated by the Comprehensive Plan. This site is not located within the boundaries of any sector plans.

**History**

Staff believes the subject site was owned by the New Mexico Department of Transportation from the 1950s (the development of Interstate 40) until 2007. Staff nor the applicant, could not find any information about the zoning of the site prior to the 1950s. Since the site was owned by the New Mexico Department of Transportation the site was not platted or zoned by the City. As a result, the current zoning is based on Zoning Code Regulation §14-16-4-9, whenever the zone map does not name the zoning of an area within the city, the area is zoned R-1. Therefore, by default the site is zoned R-1.

In 2007, the applicant purchased the subject site, which was defined as excess right-of-way property by the New Mexico Department of Transportation. In December 2007, the applicant submitted an application for a sketch plat to the Development Review Board (DRB). The sketch grouped the original six parcels (B-13-13, B-13-14, B-13-9, B-13-10, B-13-11, and B-13-12) into one parcel (B-13-QCD). In January 2008, the applicant executed a metes and bounds survey of the subject site. In March 2008, the applicant was concurrently going through the DRB process to plat the site. The DRB submittal included a change in the name of the parcel from B-13-QCD to Tract A, Land of Sierra West LLC. DRB approved the final platting action on March 12, 2008.

### ***Context***

The Mesa Village residential neighborhood exists east and north of the subject site. Access to the site would be from within the Mesa Village neighborhood. The neighborhood consists of a single-family residential development, which is zoned R-1. Six residential properties abut the subject site. In addition, single family houses exist across Mountain Road. Along Wyoming Boulevard, to the west, north and south of the subject site are various office and commercial uses. Most of these commercial and office uses gain access from Wyoming Boulevard. In addition, commercial uses on Wyoming are separated from residential within the Mesa Village neighborhood by an alley.

### ***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 Interstate 40 as an Existing Urban Interstate.

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

No bike paths, trails, or routes exist or are proposed to connect to the subject site.

ABQ Ride Routes 31 and 98 exist on Wyoming Boulevard. In addition, ABQ Ride Route 11, on Lomas Boulevard is located south of the subject site and ABQ Ride Route 766 from ABQ Uptown is located to the west of the subject site. There are no bus routes that directly serve the site.

Wyoming Boulevard is an Enhanced Transit Corridor per the Comprehensive Plan.

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

The subject site is located within one mile of two elementary schools, two middle schools, twelve developed parks, and two community centers.

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

**Albuquerque Comprehensive Zoning Code**

The subject site is currently zoned R-1, a zone that “provides suitable sites for houses and uses incidental thereto in the Established Urban and Central Urban areas” (§14-16-2-6). This zone does not allow commercial or retail uses except for business activities conducted within a house.

The proposed zone, SU-1 for C-1 uses will allow both the permissive and conditional uses of the C-1 zone permissively. The C-1 zone allows a variety of office, commercial and personal service uses. Some conditional uses may not be compatible with existing residential development. Staff received a phone call from one neighbor, Mr. Brenn, who is very concerned about traffic and noise. Staff would hope that some restrictions would make the proposal more compatible with the existing neighborhood.

Staff would suggest the restriction of the following uses:

**Kennel**

The noise and odor from this use may not be compatible with the existing residential development.

**Auto, truck and trailer rental sales and storage**

This use will generate more traffic and noise than will be compatible with the existing residential development.

**Mortuary**

The mortuary may generate traffic that will be out of scale with the existing residential development.

The site plan shows a drive-through restaurant, this is a conditional use in the C-1 zone.

**Lighting: Zoning Code § 14-16-3-9 (D).**

For sites less than five acres, the maximum height of a light pole measured from the finished grade to the top of the pole, shall be twenty feet. Within 100 feet of a residential zone, the maximum height of a light pole measured from finished grade to the top of the pole shall be 16 feet.

**Landscaping: Zoning Code § 14-16-3-10 (E)4.**

Where nonresidential and residential zones abut, a special buffer landscaping is required to minimize noise impact of the non-residential activities in the area. There shall be a buffer landscaping strip of at least 10 feet wide located along the residential/ nonresidential boundaries. The buffer landscaping shall consist primarily of trees, which shall be at least eight high at the time of planting and reach a at least 25 feet at maturity. Spacing of the trees shall be equal to 75% of the mature canopy diameter of the trees. At least 50% of the required trees shall be deciduous canopy-type shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet. Where parking or vehicle circulation areas are adjacent to the landscaping strip, a minimum six foot high opaque wall or fence shall be required to visually screen the parking or circulation area from the adjacent residential zone. A chain link fence with slats shall not constitute acceptable screening.

All landscaping areas 36 square feet or greater in size shall be covered with living, vegetative material, such as grasses, vines, spreading shrubs, or flowers over at least 75% of the required landscape area.

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The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Established Urban. The Comprehensive Plan goal of Developing and Established Urban Areas 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.” Applicable policies include:

*Land Use Policies*

Policy 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 SU-1 for C-1 uses zone will allow commercial development at a less intense level than C-2 development along Wyoming. The SU-1 zone provides protection for the neighborhood and the surrounding development by providing a public process to allow for input regarding the design and layout of the site.***

Policy 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.

***Staff finds that this policy is furthered. Staff agrees with the applicant that this is an infill site. The site has access to a full range of exiting services. The SU-1 zone will allow public review of this project and will give the neighborhood an opportunity for input.***

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

***This policy is furthered by this request. The proposed uses could compliment residential areas by allowing for pedestrians and bicyclist from within the Mesa Village neighborhood to use local residential streets to access the site. In addition, Staff agrees that the request would require landscaping buffers to minimize adverse affects on the residential neighborhood.***

***With regards to noise and pollution, the applicant proposes that the freeway already causes noise and pollution and that the SU-1 for C-1 use would not cause any noise greater than what already exists. Staff agrees that adding a SU-1 for C-1 use to the site would not significantly impact the existing decibel level; however, the noise created by the proposed development may become more of a nuisance to the abutting and adjacent neighbors. In addition, different uses create different types and volumes of noise. Staff also notes that some plants are more sensitive to pollution and are not appropriate near interstates. Staff believes that a review of proposed landscaping by the EPC would help mitigate pollution-plant conflicts.***

Policy j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

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- 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 provide` with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.
  - In freestanding retailing and contiguous storefronts along streets in older neighborhoods.

*The subject site is located in an older residential neighborhood and along a principal arterial. The applicant is proposing a SU-1 C-1 use, which is intended to be consistent with existing uses along the Wyoming Boulevard commercial corridor. The applicant states that a new commercial zone is appropriate in this area. Staff agrees with this analysis. Staff agrees that R-1 zoning is not appropriate for this site because of its proximity to the Interstate and Wyoming Boulevard. Staff notes that the existing C-2 uses on Wyoming Boulevard have access from the principal arterial (Wyoming Boulevard) to their properties. This site would be accessed from Mountain Road a local residential street. The site is not connected to the Wyoming Boulevard commercial corridor. This makes the SU-1 Zone a logical fit for this site.*

*Economic Development Policies.*

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

**The site plan for subdivision shows a proposed mix of office, retail and restaurant use. If these uses develop on this site then policy a is fulfilled by this request.**

#### **Water Conservation/Green Principles**

*The site plan for subdivision does not contain any special design principals. When the applicant returns for site development plan for building permit, these principles will be encouraged.*

#### **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. The applicant states that because of the size of the site there would not be a substantial impact on the health, safety, morals, and welfare of the City.

The applicant also states that the traffic impact on the neighborhood will not be significant because it is not practical for traffic to travel through the neighborhood to left or gain access to constitution Staff agrees that the left turn traffic is not a concern but t there may be an increase in cut through traffic on Marron from people trying to access Constitution

In addition, Staff agrees with the applicant that the zone change request would not have a substantial adverse effect on public facilities and services, roadways, schools, parks, fire and police facilities, and drainage.

B. Staff agrees that single-family housing is not appropriate abutting an interstate off-ramp. The applicant argues that the proposed zoning is compatible with adjacent land uses and is therefore more beneficial. Since access to the site is from within the Mesa Village neighborhood, Staff agrees that SU-1 for C-1 uses zone would be compatible with adjacent zoning and land use.

C. The applicant has cited a preponderance of Comprehensive Plan policies that are furthered by this request enough.

Policy 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 applicant states that the proposed SU-1 For C-1 uses zone will further this policy by providing site plan review. Staff aggress that the site plan review offers a chance for neighborhood input and will help with issues of compatibility.*

Policy 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 applicant states that this policy is furthered because the site plan approval required by the SU-1 zone will insure that new development is in harmony with the existing neighborhood. Staff agrees that the site plan review process will give the neighborhood an opportunity to comment on the development.*

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

*The applicant states that the SU-1 zone will provide an extra measure of protection for the site. The review at EPC may lead to traffic or other mitigation beyond the requirements of a straight zone.*

Policy 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.

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- 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 applicant states that this project will be located in a small neighborhood oriented center and will be within walking and biking distance for local residents***

***Staff agrees.***

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

***The applicant states that the SU-1 zone and accompanying site plan review will insure quality development. Staff agrees this will increase the chance of a good development.***

***The applicant states that the property is located at the edge of a neighborhood and will be easily accessible by bike or on foot. The development of this site will not require crossing Wyoming. Staff agrees that the site is accessible by foot and bike from the adjacent neighborhood.***

**D. The applicant has three options to justify their zone change request, (1) there was an error when the existing zone map pattern was created, (2) changed neighborhood or community conditions, and (3) a different use category is more advantageous to the community. The applicant has justified this request based on benefit to the neighborhood and supports the request with Comprehensive Plan policies. The applicant states that a zone change request is appropriate based on changed conditions with regards to Interstate 40. The applicant provided background information to support the zone change request. According to the applicant, the residential neighborhood was constructed in the early 1950s and the interstate was constructed in the late 1950s. As a result, the New Mexico Department of Transportation condemned several houses and land in the Mesa Village neighborhood to build the interstate system. Over the years the Wyoming Boulevard off-ramp was created and then realigned. In addition, sound walls were added in the early 2000s. These changes make the existing zoning inappropriate and the site unique. The proposed zone will be more advantageous to the neighborhood because the SU-1 designation will require the property to return to EPC for future development.**

**According to R-270-1980 guidelines, a change in neighborhood conditions is based on changes in the character of the neighborhood since the establishment of the site's existing zoning. Staff, nor the applicant could locate a Zone Atlas from the 1950s to identify the zoning of the subject site prior to the development of the interstate. However, once the site was purchased by the New Mexico Department of Transportation in the 1950s, the site did not have a zoning designation.**

**E. The applicant states permissive uses in a SU-1 for C-1 uses zone will not be harmful to adjacent residential properties because C-1 zone provides "uses to satisfy the day to needs of residential areas."**

**F. This request does not require capital expenditures by the City.**



- G. Economic considerations have not been a determining factor in this analysis.**
- H. The subject site's location on Wyoming Boulevard is not the primary justification for this request.**
- I. This request will not create a spot zone.**
- J. This request does not constitute a strip zone.**

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

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

The applicant proposes a total of 49,00 square feet of office, retail and restaurant in two buildings. Occupancy "A" at the west end of the site will be an 1800 square foot drive-through restaurant with seating for 64 seats and 16 parking spaces. Occupancy "B" and "C" will be connected. Occupancy "B" will be a two story office building with 100 square feet on the ground floor and 3500 square feet on the second floor. Occupancy "C" will be 4,000 square feet of Service retail. The site is located adjacent to the I-40 westbound off-ramp. Access to the site would be from Mountain Road, a local residential street. There is an existing sound barrier wall along the I-40 interstate (south side of the site) blocking views of the site from the off-ramp. There is a chain link fence on the north, east and west sides of the site. There is a twenty foot public water easement on the northern boundary of the site.

The buildings are pushed closer to the freeway and away from the existing residential development.

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

The site plan for subdivision shows the existing sound wall along I-40, this is outside the subject property. There is an existing 6 foot high chain link fence that meets the sound wall on the east of site, also outside of the property line. There is an existing concrete block wall along the west side of the property, this wall is along the property line.

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

Access for the site is provided from Mountain road. No access will be available from Wyoming. Parking is distributed throughout the site.

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

A six foot wide sidewalk is shown along Mountain road.

A three space bike rack is shown at the front of Occupancy "B". Staff would like to add a bike rack in front of the other two buildings (condition 4).

### ***Lighting and Security***

The plan shows 16 foot tall light poles, these comply with zone code which requires a maximum 16 foot tall light pole within 100 feet of an residential area.

***Landscaping***

Ten foot landscape buffers are shown against the residential property to the east. A landscape island is also shown along the front of the property and in the parking areas. When the property returns to EPC the landscape plan will be provided.

***Public Outdoor Space***

An outdoor seating area is proposed in between Occupancy “B” and Occupancy “C”.

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

Specific grading and utility plans will come with the Site Development Plan for Building Permit.

***Architecture***

No specific architectural style is proposed.

***Signage***

One free standing is proposed. No dimensions are given. When this property returns to EPC for a Site Plan for Building permit, this will be clarified.

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

The traffic engineer recommends the vacation of Jaffa road. Staff agrees that this would make the entrance to the development more clear, however this will also impact the exiting residential development and therefore it will not be made a condition.

***NEIGHBORHOOD/PUBLIC CONCERNS***

The agent for this project, Doug Crandall, states that he has spoken to the surrounding neighbors. Staff spoke with Mr. Rudolph Brenn on July 2, Mr. Brenn lives at 8517 Mountain Road directly across from the subject site. He is opposed to any commercial development on the site. Mr Breen did acknowledge that he had spoken to Mr. Crandall.

Staff has not heard from any other neighbors.

The Snow Heights Neighborhood Association was notified. A facilitated meeting was recommended by the Office of Neighborhood Coordination. The Snow Heights Neighborhood Association declined the meeting because they had no concerns about this request. The Snow Heights Neighborhood Association boundaries are approximately Indian School to I-40 and Pennsylvania to Wyoming.

***CONCLUSIONS***

This is request for a zone map amendment from R-1 to SU-1 for C-1 uses. The accompanying site shows 49,000 square feet of office, retail and restaurant space.

Staff believes that the applicant has justified this request per R270-1980.

If this request is approved the applicant will have to return to EPC for a Site Plan for Building Permit before constructing on the site.

There is some neighborhood opposition to this request due to concerns about increased traffic and noise. Staff believes that the SU-1 zone is appropriate for this site and hopes that the applicant and the neighbors will be able to create a mutually agreeable development.

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**FINDINGS - APPROVAL 08EPC 40010, a request for a zone map amendment from R-1 to SU-1 for C-1 uses**

1. This is a request for a zone map amendment from R-1 to SU-1 for C1-uses.
2. The property was owned by the New Mexico Department of Transportation until 2007 when the site was deemed, excess right-of-way and sold to the highest bidder. The site was not zoned or platted. As a result, the default zone for the site is R-1, pursuant to Zoning Code regulation §14-16-4-9.
3. The site is located within the Established Urban Area of the Comprehensive Plan. This request furthers the following Comprehensive Plan policies for Established Urban Areas:

a. Land Use Policies

Policy d: Policy d is furthered because the SU-1 for C-1 zone will allow commercial development at a less intense level than C-2 development along Wyoming. The SU-1 zone provides protection for the neighborhood and the surrounding development by providing a public process to allow for input regarding the design and layout of the site.

Policy e: Staff finds that this policy is furthered. Staff agrees with the applicant that this is an infill site. The site has access to a full range of exiting services. The SU-1 zone will allow public review of this project and will give the neighborhood an opportunity for input.

Policy i This policy is furthered by this request. The proposed uses could compliment residential areas by allowing for pedestrians and bicyclists from within the Mesa Village neighborhood to use local residential streets to access the site. The landscaping requirements and site design will help buffer the residential area from the commercial use.

Policy j The subject site is located in an older residential neighborhood and along a principal arterial. The applicant is proposing a SU-1 C-1 use, which is intended to be consistent with existing uses along the Wyoming Boulevard commercial corridor.

b. Economic Development Policies

Policy a The site plan for subdivision shows a proposed mix of office, retail and restaurant use. If these uses develop on this site then policy a is fulfilled by this request.

4. The applicant has justified this request per the requirements of R-270-1980
- A. The applicant states that because of the size of the site there would not be a substantial impact on the health, safety, morals, and welfare of the City.**
- B. Staff agrees that single-family housing is not appropriate abutting an interstate off-ramp. The applicant argues that the proposed zoning is compatible with adjacent land uses and is therefore more beneficial. Since access to the site is from within the Mesa Village neighborhood, Staff agrees that SU-1 for C-1 uses zone would be compatible with adjacent zoning and land use.**
- C. The applicant has cited a preponderance of Comprehensive Plan policies that are furthered by this request enough.**
- Policy 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 applicant states that the proposed SU-1 For C-1 uses zone will further this policy by providing site plan review. Staff agrees that the site plan review offers a chance for neighborhood input and will help with issues of compatibility.*
- Policy 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 applicant states that this policy is furthered because the site plan approval required by the SU-1 zone will insure that new development is in harmony with the existing neighborhood. Staff agrees that the site plan review process will give the neighborhood an opportunity to comment on the development.*
- Policy I Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.
- The applicant states that the Su-1 zone will provide an extra measure of protection for the site. The review at EPC may lead to traffic or other mitigation beyond the requirements of a straight zone.*
- Policy 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.

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- 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 applicant states that this project will be located in a small neighborhood oriented center and will be within walking and biking distance for local residents***

***Staff agrees.***

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

***The applicant states that the SU-1 zone and accompanying site plan review will insure quality development. Staff agrees this will increase the chance of a good development.***

***The applicant states that the property is located at the edge of a neighborhood and will be easily accessible by bike or on foot. The development of this site will not require crossing Wyoming. Staff agrees that the site is accessible by foot and bike from the adjacent neighborhood.***

**D. The applicant states that there are changed conditions in the area in the form of new zoning across from the subject site and that the new zone is more advantageous to the neighborhood. The change in status from NMDOT ownership to private ownership is significant.**

**E. The applicant states permissive uses in a SU-1 for C-1 uses zone will not be harmful to adjacent residential properties because C-1 zone provides “uses to satisfy the day to needs of residential areas.” In addition the Site Plan approval at EPC will give residents input into the building design.**

**F. This request does not require capital expenditures by the City.**

**G. Economic considerations have not been a determining factor in this analysis.**

**H. The subject site’s location on Wyoming Boulevard is not the primary justification for this request.**

**I. This request will not create a spot zone.**

**J. This request does not constitute a strip zone**

5. The Snow Heights Neighborhood Association was notified and has no objection to this request. They declined a facilitated meeting on June 16, 2008.
6. The Mesa Village Neighborhood is not part of a Recognized Neighborhood Association. There is opposition from this neighborhood. They are concerned about noise and increased traffic.

**RECOMMENDATION - - APPROVAL of 08EPC 40010, a request for a zone map amendment from R-1 to SU-1 for C-1 uses for Parcel B-13-QCD, New Mexico Department of Transportation Subdivision, as described in the Quitclaim Deed filed on October 10, 2007, as Document Number 2007150906 (to be known as Tract A, Land of Sierra West LLC), based on the preceding Findings.**

**CONDITIONS OF APPROVAL - 08EPC 40010, July 17, 2008, zone map amendment from R-1 to SU-1 for C-1 uses**

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The site plan for subdivision lists the proposed zone as "SU-1 for C-1 with Restrictions. The Applicant will clarify the restrictions with specific uses that are not allowed.
4. A three space bike rack shall be required for occupancy "B" and occupancy "C".
5. The submittal shall require pedestrian connections from Mountain road to the proposed buildings.

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***Maggie Gould  
Planner***

cc:  
Attachments

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

### ***PLANNING DEPARTMENT***

#### **Zoning Code Services**

Reviewed: If approved, a zone change from R-1 Residential Zone to C-2 Community Commercial Zone would allow all of the *permissive uses* of the C-2 Zone- refer to section 14-16-2-17(A), and if approved, *conditional uses*- refer to section 14-16-2-17(B)

In addition to the general Landscaping requirements for non-residential use, the following Landscaping regulations would apply:

\*\*Note- section 14-16-3-10(E)(4) Special Buffer Landscaping/Screening Requirements for abutting R-1 Zone to North and East\*\*

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

#### **Snow Heights NA (R)**

*2/19/08 - FYI – the Indian Moon NA SHOULD HAVE NOT been notified of this project – siw*

*New Comments for 7/17/08*

#### **Snow Heights NA (R)**

*6/9/08 – Recommended for Facilitation – siw*

*6/11/08 – Assigned to Kathleen Oweegon - siw*

#### **Advanced Planning**

**EPC Comments for Parcel B-13-QCD, Wyoming Blvd. NE between I-40 Freeway NE and Mountain Rd NE., Project # 1006950, Zone Change Request from R-1 to C-2.**

General Comments:

1. Many permissive uses for C-2 on this parcel may be incompatible with the R-1 zoned adjacent parcels. Examples of incompatible permissive uses are: 75' high WTF, 65' high antenna, kennel, vehicle storage, or painting and major auto repair.
2. There is no alley to provide a buffer for adjacent R-1 zoned parcels.
3. A more appropriate zoning for the parcel is SU-1 with very limited specific uses.

### ***PUBLIC WORKS***

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

- Platting action required.
- Access to the property is limited to Mountain Road only. Access to Wyoming Boulevard would not meet DPM requirements for driveway spacing and would be located within the NMDOT access control zone for the I-40/Wyoming interchange.



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

- A concurrent platting action is required at DRB.

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

Information

- Because of access limitations at the intersection of Wyoming Boulevard and Mountain Road, some traffic from this site will likely be required to use the adjacent neighborhood streets in order to access this property.

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

- No comments received.

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

- No comments received.

**Utility Development (Water Authority):**

- No comments received.

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

- Comments sent directly to staff planner.

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

- No comments received.

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

**WATER AUTHORITY and NMDOT:**

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

- a. Platting action required.
- b. Access to the property is limited to Mountain Road only. Access to Wyoming Boulevard would not meet DPM requirements for driveway spacing and would be located within the NMDOT access control zone for the I-40/Wyoming interchange.

*New comments for 7/17/08*

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

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- 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).
  - A Traffic Impact Study (TIS) may be required. Provide trip generation to determine.
  - At a minimum, site drive design and location to meet DPM requirements. Queuing analysis may be required (depends on trip generation).
  - All two-way drive aisles to be 24' wide minimum.
  - A concurrent platting action is required at DRB. Jaffa Road should be vacated.
  - 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.

**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:**

Conditions of approval for the proposed Site Development Plan for Subdivision 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. A Traffic Impact Study (TIS) may be required. Provide trip generation to determine.
- c. At a minimum, site drive design and location to meet DPM requirements. Queuing analysis may be required (depends on trip generation).
- d. All two-way drive aisles to be 24' wide minimum.
- e. A concurrent platting action is required at DRB. Jaffa Road should be vacated.
- f. Site plan shall comply and be designed per DPM Standards.

***ENVIRONMENTAL HEALTH DEPARTMENT***

***Air Quality Division***

***Environmental Services Division***

***City Forester***

***PARKS AND RECREATION***

***Planning and Design***

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

***New Comments for 7/17/08***

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

***Open Space Division***

Open Space has no adverse comments

***POLICE DEPARTMENT/Planning***

Crime prevention /John Carrillo Substation

No Crime prevention or CPTED comments concerning the proposed zone change at this time due to incomplete information about proposed use.

*New Comments for 7/17/08*

John Carillo NE Substation

No Crime prevention or CPTED comments concerning the proposed zone change at this time. No comments concerning site development plan at this time due to incomplete information about proposed use.

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

No adverse comments.

*New Comments for 7/17/08*

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

**FIRE DEPARTMENT/Planning**

**TRANSIT DEPARTMENT**

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

Reviewed, no comment.

**ALBUQUERQUE PUBLIC SCHOOLS**

NM State Hwy ROW, Lot B-13-QCD, is located on Wyoming Blvd NE between I-40 Freeway Mountain Rd NE. The owner of the above property requests an Amendment to Zone Map to allow for a zone change from R-1 to C-2. This will have no adverse impacts on the APS district.

*New Comments for 7/17/08*

**Land of Sierra West LLC**, Tract A, is located on Wyoming Blvd NE between I-40 Freeway and Mountain Rd NE. The owner of the above property requests approval of a Site Development Plan for Subdivision, for a development that will consist of a drive through restaurant. This will have no adverse impacts to the APS district.

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

Both Wyoming Bd and I-40 are shown on the ITS Systems Map as having Fiber Optic Ring. In addition, I-40 is scheduled to have CCTV, Dynamic Message Signs, Remote Traffic Monitoring, and pavement sensors. Coordination with City representative on the ITS Subcommittee is recommended.

For information purposes, Wyoming Blvd has a functional classification of urban principal arterial.

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

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

No comment based on the information provided to date.

***New Comments for 7/17/08***

No comment based on the information provided to date.