



**Environmental
Planning
Commission**

*Agenda Number: 13
Project Number: 1007319
Case #'s: 08EPC 40065
July 17, 2008*

Staff Report

Agent	Ahmet Tiryaki
Applicant	Richard Saylor
Request(s)	Zone Map Amendment
Legal Description	Lots 7 and 8, and east 8 ft. of vacated alley, Block 26A, Elder Homestead Addition
Location	1116 and 1120 Arizona St. SE, between Gibson Blvd. and Eastern Ave. SE
Size	Approximately 0.33 acres
Existing Zoning	C-1
Proposed Zoning	R-2

Staff Recommendation

WITHDRAWAL at the request of the agent.

Staff Planner
Carol Toffaleti, Planner

Summary of Analysis

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 6/9/2008 to 6/25/2008.
Agency comments were used in the preparation of this report and begin on page #.

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	C-1	Established Urban Area	vacant
North	C-1	same	multi-family residential (apartments)
South	C-1	same	restaurant
East	R-1, C-1	same	single family residential, motel (extended stay)
West	O-1	same	restaurant (vacant building)

Background

Purpose of request...

History

Previous zoning or platting actions affecting site

The alley that runs north-south at the rear of the property was vacated in(Vac. Ord. 898).

Zoning actions in the surrounding area that affect the request

Context

The area and its surroundings...

non-conforming multi-family to north

Long Range Transportation System

The *Long Range Roadway System* (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG 6/30/2007), identifies the functional classifications of roadways.

The Long Range Roadway System designates Gibson Blvd. as a Limited-Access Principal arterial, with a right-of-way of 100' on this stretch of the roadway by resolution of the Metropolitan Transportation Board. Between San Mateo and Louisiana Blvd, full access is limited to approximately one quarter mile intervals, with right-in/right-out driveway access allowed and provision for emergency vehicle access where required. (Source: App. D. Addendum to the Long Range Roadway and Transit Systems, March 2004)

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

Arizona St. is a local street.

The *Long Range Bicycle Plan* designates a Bike Corridor on Gibson Blvd., an existing Bike Lane on San Pedro Dr. and an existing Bike Route on Eastern Ave.

The Comprehensive Plan Corridor designates Gibson Blvd. as an *Enhanced Transit Corridor*. Several ABQ Ride bus services operate in the vicinity of the site: the #16/18 The BUG (Broadway-University-Gibson) operates 7 days a week; #34 San Pedro Commuter; #3/157 Louisiana & Montano / Uptown-Cottonwood Mall serves the Gibson area on weekdays; #222 Rio Bravo-Sunport-Kirtland connects with the Rail Runner station; and #317 Downtown-Kirtland AFB Limited (Commuter).

Public Facilities/Community Services

Wilson Middle School and Wilson city pool are in close proximity to the site. There are numerous other public facilities and services within 0.75 mile of the site, including: three elementary schools (Emerson, Wherry and Whittier) and Van Buren middle school; Cesar Chavez community center; San Pedro library; Phil Chacon Memorial police substation; Fire Station 11 and two parks (Bullhead softball, Phil Chacon).

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The existing zoning of the site is C-1, which provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas (Section 14-16-2-16, att.).

The proposed zoning is R-2, which provides suitable sites for houses, townhouses and medium density apartments, and incidental uses thereto. The applicant intends to build apartments on the two lots, without replatting them. Each lot is approximately 50 ft. x 135 ft.

Table 1: Comparison of regulations in the existing and proposed zones (selected and summarized from sections 14-16-2-11 and 14-16-2-16)

<i>Regulated feature</i>	<i>C-1</i>	<i>R-2</i>
Height	26 ft. except as provided in 14-16-3-3 to preserve solar access of surrounding properties	26 ft.. Over 26 ft allowed if it falls within a 45° angle plane drawn from the northern site boundary and 60° from other boundaries. Apartment structures cannot exceed 26' within 85 ft of a lot zoned for houses [Lot 7 adjoins an R-1 zone]
Lot size	None	For apartments: minimum 6,000 s.f. area per lot; minimum 60 ft. lot width. For

		townhouses and houses, see R-T zone: 2,200 sf area/22 ft. width per d.u. for townhouses; 3,600 sf. area/36 ft. per d.u. for houses.
Setbacks	See O-1 zone:	
Front	5 ft; 11 ft from junction of driveway and sidewalk;	15 ft, minimum 20 ft for driveway
Side	None	5 ft.
Rear, near residential zone	15 ft.	15 ft.
Additional	N/A	10 ft. between apartments and off-street parking and circulation areas
Density	None	Maximum 0.5 FAR; maximum 30 d.u.'s per acre
Landscaping/Usable open space*	Landscaping: 15% of net lot area; minimum 10' special landscape buffer adjoining residential zone [at rear of Lot 7]	400 – 600 s.f. depending on the number of bedrooms.

* Usable open space includes landscaped areas, balconies, patios, walkways...(see 14-16-1-5 for full definition)

The applicant would need to apply for a variance from the Zoning Hearing Examiner to build apartments as the lot width is less than the required width. The significant differences between the zones are:

- The front yard setback is greater in the R-2 than in the C-1 zone.
- The density of development is regulated in the R-2 zone, unlike the C-1 zone.
- No landscape buffer is required at the rear of Lot 7 in the R-2 zone, which adjoins a residential zone.

Albuquerque / Bernalillo County Comprehensive Plan

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

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

Policy II.B.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.

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.

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.

Policy II.B.5.h: Higher density housing is most appropriate in the following situations:

- In designated Activity Centers.
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.

...

In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas. (See also Policy 7.b relative to Activity Centers.)

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

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

Activity Centers

Goal: To expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.

Policy II.B.7.a: Existing and proposed Activity Centers are designated by the Comprehensive Plan map (Figure 20)* where appropriate to help shape the built environment in a sustainable development pattern, create mixed use concentrations of interrelated activities that promote transit and pedestrian access both to and within the Activity Center, and maximize cost-effectiveness of City services. Table 10 specifies policy objectives for each type of Activity Center. Policy objectives specific to this request are:

*Boundaries of Activity Centers shown on the Plan map are not official, but merely indicate where non-residential use and/or Zoning meet the edge of residential use and/or Zoning, and where interrelated activities exist within walking distance of one another.

Table 10: Policy a: Types of Activity Centers

Major Activity Center description:

Purpose: Provides the most highly concentrated locations of commercial, service and employment uses in conjunction with area-wide needs.

...

- Land Uses:

...

- Land uses typical in modern commercial, office, and technology centers, including medium to high density residential in sensitive relationship to employment
- Transition from intense core to surrounding residential neighborhoods
- Examples of typical uses: mid & high rise office, hotels, major cultural & entertainment uses, regional & corporate offices, retail & service uses, technology/light manufacturing, higher education facilities, public & quasi-public uses, medium to high density residential

- Scale:

- Mixed small and large parcels
- 3 story and higher; floor area ratios of 1.0 and larger; connections between buildings and to sidewalks; buildings close or touching in more urban of centers

...

Policy II.B.7.b: Net densities above 30 dwelling units per acre should generally be within Major Activity Centers; lower net densities in areas surrounding all types of Activity Centers will serve as a transition to residential neighborhoods.

Policy II.B.7.f: The most intense uses in Activity Centers shall be located away from nearby low-density residential development and shall be buffered from those residential uses by a transition area of less intensive development.

R-2 allows houses, townhouses and medium-density apartments. It is less intensive than the R-3 zoning further north on Arizona St. and represents a less intense neighbor to the established, well-maintained single family residential neighborhood to the northeast on California St.

Policy II.B.7.i: Multi-unit housing is an appropriate use in Neighborhood, Community and Major Activity Centers.

Housing

Goal: To increase the supply of affordable housing; conserve and improve the quality of housing; ameliorate the problems of homelessness, overcrowding, and displacement of low income residents; and assure against discrimination in the provision of housing.

Policy II.D.5a: The supply of affordable housing, shall be preserved and increased and the opportunity to obtain standard housing for a reasonable proportion of income assured.

Policy II.D.5d: Availability of a wide distribution of decent housing for all persons regardless of race, color, religion, sex, national origin, ancestry, or handicapped status shall be assured.

Transportation and Transit

Goal: To develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

Policy II.D.4.c: In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

(analysis)

Water Conservation/Green Principles

(analysis)

Near Heights Metropolitan Redevelopment Area

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

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

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

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

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments there, to, including privately developed area plans which have been adopted by the city.
- 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.
- 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.
- 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.
- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.
- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- 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.

(analysis)

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

NEIGHBORHOOD/PUBLIC CONCERNS

The Elder Homestead Neighborhood Association and property-owners within 100' of the subject site were notified of the proposal.

CONCLUSIONS

(text)

FINDINGS – 08EPC 40065, July 17, 2008, Zone Map Amendment

1. These “findings” and “conditions” paragraphs have been formatted to allow a three-line spacing between each paragraph. Copy & paste the entire section for cases with multiple sets of findings and recommendations.

2. (text)

3. (text) (continue as needed)

RECOMMENDATION - 08EPC 40065, July 17, 2008

APPROVAL DENIAL DEFERRAL of 08EPC 40065, a Zone Map Amendment, for Lots 7 and 8, and east 8 ft. of vacated alley, Block 26A, Elder Homestead Addition, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 08EPC 40065, July 17, 2008, Zone Map Amendment

1. (text) (continue as needed)
-
-

***Carol Toffaleti
Planner***

cc: Richard Saylor, 5565 Eakes Rd. NW, Albuquerque, NM 87107
Ahmet Tiryaki, 1815 Cagua Pl. NE, Albuquerque, NM 87110
Marian Jordan, Elder Homestead NA, 816 Arizona SE, Albuquerque, NM 87108
Sandra Perea, Elder Homestead NA, P.O. Box 4690, Albuquerque, NM 87196

Attachments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Office of Neighborhood Coordination

Elder Homestead NA (R)

Advance Planning

CITY ENGINEER

Transportation Development Services

Reviewed, no comments.

Traffic Engineering Operations

Hydrology

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

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

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

Traffic Engineering Operations

- No comments received.

Street Maintenance

- No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

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

None.

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

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

Open Space Division

Open Space has no adverse comments

City Forester

POLICE DEPARTMENT/Planning

Southeast Area Command

Phil Chacon Substation

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

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

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

Elder Homestead Addn, Lots 7 and 8, Block 26A, is located on Arizona SE between Gibson SE and Eastern SE. The owner of the above property requests a zone change from C-1 to R-2 for a development that will consist of 8 multi-family units. This will impact Emerson Elementary School, Wilson Middle School, and Highland High School. All three schools currently have capacity.

Loc No	School	2007-08 40th Day	2007-08 Capacity	Space Available
255	Emerson	454	544	90
470	Wilson	508	531	23
520	Highland	1,803	2,100	297

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

No comment based on the information provided to date.

New Mexico Department of Transportation (NMDOT)

No comments received.