



**Environmental
Planning
Commission**

*Agenda Number: 2
Project Number: 1000501
Case #: 12EPC 40080/12EPC 40081
February 14, 2013*

Staff Report

Agent	Thanh Nguyen
Applicant	New Mexico Vietnamese Buddhist Association
Requests	Sector Development Plan Zone Map Amendment; Site Development Plan for Subdivision
Legal Description	Lots 15 & 16, Block 8, Casas Serenas Addition
Location	Rhode Island Street SE, between Bell Avenue SE and Trumbull Avenue SE
Size	Approximately 0.30 acres
Existing Zoning	R-T
Proposed Zoning	SU-1 for Church & Related Uses

Staff Recommendation

APPROVAL of 12EPC 40080 based on the Findings beginning on Page 13, and subject to the Conditions of Approval beginning on Page 15.

APPROVAL of Case 12EPC 40081 based on the Findings beginning on Page 15, and subject to the Conditions of Approval beginning on Page 17.

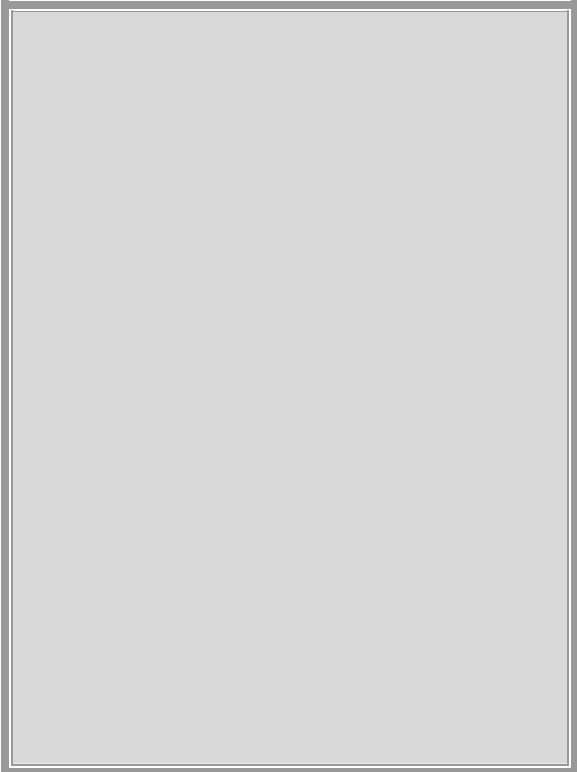
**Staff Planner
Randall Falkner, Planner**

Summary of Analysis

This is a two part request: A request for a sector development plan zone map amendment from R-T to SU-1 for Church & Related Uses and a site development plan for subdivision for Lots 15 & 16, Block 8, Casas Serenas Addition, a site of approximately 0.30 acres, located on Rhode Island Street SE, between Bell Avenue SE and Trumbull Avenue SE.

The applicant intends to combine Lots 15 and 16 with the existing Buddhist Temple to the north on Lot 5A. At some point in the future, the applicant intends to demolish the existing dwelling unit on Lot 15, and replace it with a new single story building for a modern meditation hall, Buddhism class, Vietnamese language class, and youth/senior citizen activities. The request will allow the existing Buddhist Temple on Lot 5A to the north to expand and accommodate growing meditation participants.

The applicant has adequately justified the request for the sector development plan zone map amendment from R-T to SU-1 for Church & Related Uses, and a site development plan for subdivision, based on a preponderance of applicable policies found in the Comprehensive Plan and the Trumbull Neighborhood Sector Development Plan. There is neighborhood support for the request. Staff is recommending approval with conditions.



City Departments and other interested agencies reviewed this application from 12/31/2012 to 1/11/2013
Agency comments used in the preparation of this report begin on Page 19.

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	R-T	Established Urban, Trumbull Neighborhood Sector Development Plan	Vacant, Single-Family Residential (unoccupied)
North	SU-1 for Church	”	Church (Buddhist Temple)
South	R-T	”	Single-Family Residential
East	R-T	”	Single-Family Residential
West	R-2	”	Single-Family Residential

II. INTRODUCTION

Proposal

This is a two part request: A request for a sector development plan zone map amendment from R-T to SU-1 for Church & Related Uses and a site development plan for subdivision for Lots 15 & 16, Block 8, Casas Serenas Addition, a site of approximately 0.30 acres, located on Rhode Island Street SE, between Bell Avenue SE and Trumbull Avenue SE.

The applicant intends to combine Lots 15 and 16 with the existing Buddhist Temple to the north on Lot 5A. At some point in the future, the applicant intends to demolish the existing dwelling unit on Lot 15, and replace it with a new single story building for a modern meditation hall, Buddhism class, Vietnamese language class, and youth/senior citizen activities. The request will allow the existing Buddhist Temple on Lot 5A to the north to expand and accommodate growing meditation participants.

EPC Role

The Environmental Planning Commission (EPC) is hearing the case because zone map amendments must receive approval from the EPC, and development of an SU-1 zone may only occur in conformance with an approved site development plan. The applicant has provided justification for the zone map amendment pursuant to R-270-1980 and has also provided an accompanying site development plan for subdivision.

The site is located in the Established Urban Area of the Comprehensive Plan and is within the boundaries of the Trumbull Neighborhood Sector Development Plan. The case is a quasi-judicial matter.

Context

The subject site is located in a residential neighborhood. To the north (Lot 5A) is the existing Buddhist Temple, while further north are a variety of single and multi-family residential uses. To the south are a variety of single and multi-family residential land uses. To the east is mostly single-family residential. To the west are a wide variety of uses, including single and multi-family residential, the Trumbull Community Center and Trumbull Park.

The main entrance to access the subject site (Lots 15 & 16) will be through Lot 5A, which contains the existing Buddhist Temple and parking lot. The driveway along Rhode Island Street SE will remain closed.

The existing Buddhist Temple is only active on weekends and special events. The existing temple site (located on Lot 5A) currently contains parking, landscaped areas, a 2,000 square foot single story structure containing a meditation hall, restroom, and a 6,000 square foot two story structure containing worship prayer rooms (second floor) and a religious education area and restroom (first floor).

History

The existing Buddhist Temple has been at the current location for 26 years. In 1987, the EPC approved a zone map amendment (Z-87-116) from R-2 to SU-1 for Church to allow the Buddhist Temple on Lots 5 and 6, Block 8, Casas Serenas Subdivision. In 1992, the EPC approved a site development plan amendment (Z-87-116-1) for the Buddhist Temple property. In August 2000, the EPC approved a zone map amendment from R-T to SU-1 for Church (00138-00000-01062), and a site development plan for subdivision (00138-00000-00869) for Lots 5, 6, 17 and 18. The Certificate of Zoning was issued in November 2001. However, the site plan was never signed off by the Development Review Board (DRB), and due to a time lapse of over a year the applicant was required to return to EPC in order to receive approval. In June 2003, the EPC approved a site development plan for subdivision (03EPC 00731) and a site development plan for building permit (03EPC 00707) for Lots 5, 6, 17 and 18. These lots have since been replatted into one Lot (Lot 5A).

Transportation System

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

Pennsylvania Street SE and Rhode Island SE are local streets.

There is a proposed bicycle route on Pennsylvania Street SE, and a proposed bicycle lane on Zuni Road SE. There is an existing bicycle route on Southern Avenue, approximately 860 feet south of the subject site.

There are existing bus routes fairly close to the subject site. They include the following: bus route 97 (Zuni) on Zuni Road; bus routes 31 (Wyoming) and 98 (Wyoming commuter) along Wyoming Blvd, and bus routes 3 (Louisiana) and 157 (Montano/Uptown/Kirtland) along Louisiana Blvd.

Public Facilities/Community Services

See attached Public Facilities Map for details.

III. ANALYSIS

Albuquerque Comprehensive Zoning Code

The current zoning is R-T. This zone provides suitable sites for houses, townhouses, and uses incidental thereto in the Established and Central Urban areas. The R-T zone allows multiple townhouses on a lot and up to eight dwelling units in a building. Single-family detached units are allowed permissively in the R-T zone, but apartments, other than townhouses, are not allowed.

The proposed zoning is SU-1 for Church and Related Uses. The SU-1 zone provides suitable sites for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. Development on an SU-1 zone may “only occur in conformance with an approved site development plan” that is subject to EPC review. Church is listed as a “Special Use” in the SU-1 zone, and the following language is found in the SU-1 portion of the Zoning Code: “Church or other place of worship, including incidental recreational and educational uses; such an incidental use must be operated by the church rather than a business entity and must continue to be operated by the church, unless the resolution governing the SU-1 zone specifically allows operation of a specified incidental use by an entity other than the church itself. Incidental uses allowed include but are not limited to an emergency shelter operated by the church on the church’s principal premises which is used regularly for public worship, notwithstanding special limitations elsewhere in this Zoning Code. Signs as permitted and regulated by the Planning Commission.” The applicant has provided a site development plan for subdivision to satisfy this requirement. The property to the north (5A) is zoned SU-1 for Church and will be combined with the subject site (Lots 15 & 16) as part of the Buddhist Temple complex.

APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; *Applicant’s Justification is in Italics; Staff Analysis is in Bold Italics*

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a goal to “create a quality urban environment which perpetuates the tradition of identifiable,

individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.”

Applicable policies include:

Policy II.B.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 applicant states that the zone change request will assure continuity of appropriate use that has been in use for 26 years. The request provides a social and cultural meeting place where members of the local community can experience philosophical and spiritual traditions. The applicant states that the request provides safety and fosters a trustworthy relationship and friendship with neighbors, as it has since 1986.

The zone change request would respect existing neighborhood values by allowing similar zoning (SU-1 for Church & Related Uses) to what is already allowed on the property (Lot 5A) to the north (SU-1 for Church). The property to the north has been zoned SU-1 for Church for 26 years. The request proposes to develop the site to be compatible with the surrounding neighborhood. The request would not increase traffic along Rhode Island, since the driveway to Rhode Island will remain closed and traffic will continue to access the site from Pennsylvania. The request furthers Policy II.B.5d.

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

The applicant states that the existing temple is operational on weekends and occasional holiday functions, and will not have a negative impact on traffic. The driveway on Rhode Island will remain closed as there will only be one entrance to the facility, which is located on Pennsylvania.

The request will complement residential areas and will have minimal effect on noise, lighting, pollution, and traffic on residential environments. Access will only be available from Pennsylvania, as the driveway to Rhode Island will remain closed. The applicant has stated on the site plan for subdivision that future light poles will be no more than 16 feet in height, future landscaping will be similar to the temple side landscaping, off-street parking shall not dominate the street frontage, and the future architectural theme and style will be compatible with surroundings. The request furthers Policy II.B.5i.

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 and planning operation.

The existing temple to the north on Lot 5A is only operational on the weekends and occasional holiday functions. The driveway to Rhode Island will remain closed as there will be only one access into the temple, which is on Pennsylvania. As a result, traffic would not increase along Rhode Island. The request also would not conflict with the Trumbull Community Center, which is across the street on Pennsylvania, since the Community Center is open on weekdays.

The request has been planned to minimize harmful effects of traffic, and the livability and safety of established neighborhoods will be protected in transportation and planning operation. Rhode Island will continue to remain closed and the only access to the temple site will be along Pennsylvania. The request furthers Policy II.B.5k.

Policy II.B.5l: Quality and innovation in design shall be encouraged in all new development: design shall be encouraged which is appropriate to the plan area.

The applicant states that the extension to the temple will add to the number of choices in lifestyles for the community and provides facilities to local Buddhist and non-Buddhist meditation groups, and provide additional landscaping.

The request will not dominate the street frontage with off-street parking, will continue to provide vehicular and pedestrian access along Pennsylvania, and the architectural theme and style will be compatible with the surrounding neighborhood. However, the request is not particularly innovative. The request partially furthers Policy II.B.5l.

Trumbull Neighborhood Sector Development Plan (Rank 3)

The Trumbull Neighborhood Sector Development Plan was adopted in 1981. The Plan generally encompasses properties between Central Avenue on the north, Wyoming Boulevard on the east, Louisiana Boulevard on west and the municipal limits on the south; specific boundaries are shown on Figure 1 in the Plan. It sets forth goals and policies regarding land use and zoning, parks and open space, social and human services, transportation, economic development, neighborhood maintenance, and public improvements.

Neighborhood Maintenance Objective 1: Improve the overall appearance of the area.

The applicant states that any future developments will be designed to be compatible with the existing architecture and landscaping. The temple facility is maintained independently through volunteers that keep up a clean appearance and necessary repairs. The existing temple has become a site-seeing location in the neighborhood that contributes to the improvement of neighborhood aesthetics and revitalization of the International District.

The request will help improve the overall appearance of the area by minimizing adverse effects of noise, lighting, pollution, and traffic on residential environments and by re-zoning the site to SU-1 for Church and Related Uses, which is not an unfamiliar zone (existing SU-1 for Church zone) on Lot 5A. Lots 15 and 16 (which are currently vacant) would be developed and become part of the Buddhist temple development. The lots would not be as susceptible to

crime, graffiti, dumping, and loitering. The request furthers Neighborhood Maintenance Objective 1 of the Trumbull Neighborhood Sector Development Plan.

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.

Analysis of Applicant's Justification

Note: Policy is in regular text; *Applicant's justification is in italics; staff's analysis is in bold italics*

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

The applicant states that the request will contribute to the health, safety, morals, and general welfare of the neighborhood, community, and City by combining these two lots to the property to the north (Lot 5A). The request will result in a larger facility as a whole, which will add to the number of choices in lifestyles for the community, as well as create a safe residential community. The properties (Lots 15 & 16) will no longer be a vacant property that is susceptible to graffiti, dumping, and loitering. The general welfare of the community will be stabilized as a result of this request. The proposed zoning will not have a substantial adverse effect on the environment, public facilities & services, roadways, schools, parks, or police, fire and drainage facilities.

The zone change request would be consistent with the health, safety, morals, and general welfare of the city by allowing similar zoning (SU-1 for Church & Related Uses) to what is already allowed on the property (Lot 5A) to the north (SU-1 for Church). The property to the north has been zoned SU-1 for Church for 26 years. The Trumbull Village Neighborhood Association has sent a letter indicating that they support the request and a number of residents have signed a petition indicating that they support the project. The request would not have a substantial adverse effect on the environment, public facilities and services, and roadways.

- 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 states that the request for SU-1 for Church & Related Uses is not an unfamiliar zone or use in the neighborhood since the property to the north (Lot 5A) already contains SU-1 for Church zoning.

Planning staff agrees with the applicant that the request for SU-1 for Church and Related Uses is not an unfamiliar zone or use since the property to the north has been zoned SU-1 for Church for 26 years. As a result, the stability of land use and zoning would essentially remain the same.

- 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 request is not in significant conflict with adopted elements of the Comprehensive Plan. Refer to the analysis beginning on page 3 of the staff report.

- 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 states that the request will be more advantageous to the community as articulated in the Comprehensive Plan. The applicant cited multiple policies of the Comprehensive Plan. The applicant also cited applicable policy in the Trumbull Neighborhood Sector Development Plan.

- 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 states that the request will provide significant cleanup to the site, as well as improved landscaping.

The request would not allow permissive uses that would be harmful to the adjacent property, 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.

The applicant states that the request will result in non-programmed capital expenditures by the City.

The site will not require major and unprogrammed capital expenditures 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 states that the cost of land or other economic considerations are not the determining factor for this zone change.

The cost of land or other economic considerations are not the determining factor for the requested zone change.

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

The applicant states that they do not seek to justify apartment, office or commercial zoning in this request.

The subject site is located along Pennsylvania and Rhode Island, which are not collector or major streets, therefore, policy H does not apply.

- 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 states that the request is not a spot zone.

The request is not a spot zone because Lot 5A to the immediate north contains SU-1 for Church zoning.

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

1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and

2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The applicant states that the request would not constitute a strip zone.

The request does not constitute a strip zone.

SITE DEVELOPMENT PLAN FOR SUBDIVISION

This is a request for a site development plan for subdivision Lots 15 & 16, Block 8, Casas Serenas Addition, a site of approximately 0.30 acres.

§14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." As such, staff has reviewed the attached site development plan for conformance with applicable goals and policies of the Comprehensive Plan, and other applicable Plans.

A site development plan for subdivision is defined in the Zoning Code as follows: "The site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses' maximum floor area ratio" (Section 14-16-1-5).

The applicant has met the requirements of the site development plan for subdivision as follows:

- Proposed Use: Expansion of Buddhist Temple facilities, including a future single story building for a meditation hall, Buddhism class, Vietnamese language class, and youth/senior citizen activities.
- Pedestrian and vehicular ingress and egress: General pedestrian paths are shown on the site development plan for subdivision. More detailed pedestrian paths will be shown on a future site development plan for building permit (which is required to return to EPC for approval). Vehicular access is provided through the main entrance on Pennsylvania Street. This is the only access to the site. The driveway on Rhode Island Street will be closed.
- Internal Circulation: Pedestrian paths are indicated on the site plan.
- Maximum Building Height: The future structure shall not exceed 26 feet in height.
- Minimum Building Setback: Shall not be less than 15 feet from the Rhode Island sidewalk and not less than 10 feet from side-yard to the southern and western portion of the subject site.
- Maximum FAR: 0.33

There are no design standards for the subject site; however, the site development plan for subdivision states that off-street parking shall not dominate the street frontage, future architectural theme and style will be compatible with surroundings, future light poles will be no more than 16' in height, and future landscaping will be similar to the temple side landscape. The site plan for subdivision also states that development of the site will require a site development plan for building permit approved by the EPC.

Site Plan Layout / Configuration

The subject site is approximately 0.3 acres. The applicant intends to combine Lots 15 and 16 with the existing Buddhist Temple to the north on Lot 5A. At some point in the future, the applicant intends to demolish the existing dwelling unit on Lot 15, and replace it with a new single story building for a modern meditation hall, Buddhism class, Vietnamese language class, and youth/senior citizen activities. The future structure will not exceed 26 feet in height. The applicant has submitted a site development plan for subdivision. The request will be compatible with surrounding development, including the residential neighborhood and the existing Buddhist temple to the north on Lot 5A.

Vehicular Access, Circulation and Parking

The site development plan for subdivision shows one access point to the site from Pennsylvania. Rhode Island will remain closed to vehicles and pedestrians. Zoning Enforcement has the following comment concerning vehicular and pedestrian circulation: "The site development plan for subdivision shall clearly illustrate the pedestrian and vehicular ingress and egress including internal circulation to the proposed lots to be rezoned." The City Engineer states "Please show conceptual circulation layout of vehicle/pedestrian ingress/egress between the public ROW and proposed site." The applicant has shown vehicular/pedestrian ingress and egress between the public ROW and the proposed site. Lots 15 and 16 will not have parking or vehicle access, but pedestrian access will be available. There is an existing parking lot in front of the existing Buddhist temple.

Pedestrian and Bicycle Access and Circulation, Transit Access

Pedestrian paths are indicated on the site development plan for subdivision. Pedestrian access will be provided to the subject site (Lots 15 & 16). There is a proposed bicycle route on Pennsylvania Street SE, and a proposed bicycle lane on Zuni Road SE. There is an existing bicycle route on Southern Avenue, approximately 860 feet south of the subject site.

There are existing bus routes fairly close to the subject site. They include the following: bus route 97 (Zuni) on Zuni Road; bus routes 31 (Wyoming) and 98 (Wyoming commuter) along Wyoming Blvd, and bus routes 3 (Louisiana) and 157 (Montano/Uptown/Kirtland) along Louisiana Blvd.

Walls/Fences

There is an existing chain link fence along the east and west sides of the existing Buddhist temple site. The chain link fence on the eastern side of Lot 5A continues south on the eastern

side of Lots 15 and 16. There is an existing wooden fence on the north side of Lot 5A. No additional walls and fences are proposed.

Lighting and Security

There are existing parking lot lights in the existing parking lot on Lot 5A. The site development plan for subdivision states that future light poles will be no more than 16 feet in height.

Landscaping

Lot 5A contains existing landscaping. The site development plan for subdivision states that future landscaping will be similar to the temple side landscape.

Architecture

The site development plan for subdivision states that future architectural themes and style will be compatible with surroundings.

Signage

No additional signage is proposed. There are existing building-mounted signs on the existing temple buildings on Lot 5A.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

City Departments and other interested agencies reviewed this application. Comments from Zoning Enforcement and Transportation Development were received based upon the initial site plan. A revised site plan shows vehicular and pedestrian ingress and egress and addresses comments from Zoning and Transportation. Agency comments begin on page 19.

Neighborhood/Public

The affected neighborhoods and or Homeowner Associations and Coalitions include the following: Trumbull Village Association and the District 6 Coalition of Neighborhood Associations. Neighborhood support for the request has been received in the form of a petition with signatures, as well as a letter of support from the Trumbull Village Neighborhood Association. A facilitated meeting was not recommended by the Office of Neighborhood Coordination.

V. CONCLUSION

This is a two part request: A request for a sector development plan zone map amendment from R-T to SU-1 for Church & Related Uses and a site development plan for subdivision for Lots 15 & 16, Block 8, Casas Serenas Addition, a site of approximately 0.30 acres, located on Rhode Island Street SE, between Bell Avenue SE and Trumbull Avenue SE.

The applicant intends to combine Lots 15 and 16 with the existing Buddhist Temple to the north on Lot 5A. At some point in the future, the applicant intends to demolish the existing dwelling unit on Lot 15, and replace it with a new single story building for a modern meditation hall, Buddhism class, Vietnamese language class, and youth/senior citizen activities. The request will allow the existing Buddhist Temple on Lot 5A to the north to expand and accommodate growing meditation participants.

The applicant has adequately justified the request for the sector development plan zone map amendment from R-T to SU-1 for Church & Related Uses, and a site development plan for subdivision, based on a preponderance of applicable policies found in the Comprehensive Plan and the Trumbull Neighborhood Sector Development Plan. Staff is recommending approval with conditions.

FINDINGS – 12EPC 40080, 2/14/2013, Sector Development Plan Zone Map Amendment

1. This is a request for a sector development plan zone map amendment from R-T to SU-1 for Church & Related Uses for Lots 15 & 16, Block 8, Casas Serenas Addition, a site of approximately 0.30 acres, located on Rhode Island Street SE, between Bell Avenue SE and Trumbull Avenue SE.
2. The applicant intends to combine Lots 15 and 16 with the existing Buddhist Temple to the north on Lot 5A. The request will allow the existing Buddhist Temple on Lot 5A to the north to expand and accommodate growing meditation participants.
3. In 1987, the EPC approved a zone map amendment (Z-87-116) from R-2 to SU-1 for Church to allow the Buddhist Temple on Lots 5 and 6, Block 8, Casas Serenas Subdivision. In 1992, the EPC approved a site development plan amendment (Z-87-116-1) for the Buddhist Temple property. In August 2000, the EPC approved a zone map amendment from R-T to SU-1 for Church (00138-00000-01062), and a site development plan for subdivision (00138-00000-00869) for Lots 5, 6, 17 and 18. However, the site plan was never signed off by the Development Review Board (DRB), and due to a time lapse of over a year the applicant was required to return to EPC in order to receive approval. In June 2003, the EPC approved a site development plan for subdivision (03EPC 00731) and a site development plan for building permit (03EPC 00707) for Lots 5, 6, 17 and 18. These lots have since been re-platted into one Lot (Lot 5A).
4. A request for a site development plan for subdivision (12EPC 40081) accompanies this request.
5. The site is located in the Established Urban Area of the Comprehensive Plan and within the boundaries of the Trumbull Neighborhood Sector Development Plan.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the Trumbull Neighborhood Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
 - A. The zone change request would be consistent with the health, safety, morals, and general welfare of the city by allowing similar zoning (SU-1 for Church & Related Uses) to what is already allowed on the property (Lot 5A) to the north (SU-1 for Church). The property

to the north has been zoned SU-1 for Church for 26 years. The Trumbull Village Neighborhood Association has sent a letter indicating that they support the request. The request would not have a substantial adverse effect on the environment, public facilities and services, and roadways.

- B. The request would provide stability of land use and zoning. The request for SU-1 for Church and Related Uses is not a new zone or use since the property to the north has been zoned SU-1 for Church for 26 years.
- C. The request furthers applicable polices of the Comprehensive Plan and the Trumbull Neighborhood Sector Development Plan, including the following:
 - 1. Policy II.B.5d – The zone change request would respect existing neighborhood values by allowing similar zoning (SU-1 for Church & Related Uses) to what is already allowed on the property (Lot 5A) to the north (SU-1 for Church). The property to the north has been zoned SU-1 for Church for 26 years.
 - 2. Policies II.B.5i & II.B.5k – The request will complement residential areas and has been sited to minimize the adverse effects of noise, lighting, pollution, and traffic. The livability and safety of established residential neighborhoods will be protected in transportation and planning operation. The only access to the site will continue to be from Pennsylvania and Rhode Island will continue to be closed to vehicles and pedestrians.
 - 3. Neighborhood Maintenance Objective 1 (Trumbull Neighborhood SDP) – The request will improve the overall appearance of the area by changing the zoning from R-T to SU-1 for Church and Related Uses, which is not an unfamiliar zone (existing SU-1 for Church zone) on Lot 5A. Lots 15 and 16 (which are currently vacant) would be developed and become part of the Buddhist temple development. Vacant parcels would be less susceptible to crime, graffiti, dumping, and loitering.
- D. The request will be more advantageous to the community as articulated in the Comprehensive Plan and the Trumbull Neighborhood Sector Development Plan. There is neighborhood support for the request.
- E. The request would not allow permissive uses that would be harmful to the adjacent property, neighborhood, or the community.
- F. The site will not require major and unprogrammed capital expenditures by the City.
- G. The cost of land or other economic considerations are not the determining factor for the requested zone change.
- H. The subject site is located along Pennsylvania and Rhode Island, which are not collector or major streets; therefore, Policy H is not applicable.
- I. The request is not a spot zone because Lot 5A to the immediate north contains SU-1 for Church zoning.
- J. The request does not constitute a strip zone.

8. There is no known opposition to the request. Neighborhood support for the request has been received in the form of a petition with signatures, as well as a letter of support from the Trumbull Village Neighborhood Association.

RECOMMENDATION - 12EPC 40080, 2/14/2013, Sector Development Plan Zone Map Amendment

APPROVAL of 12EPC 40080, a request for a Sector Development Plan Zone Map Amendment, from R-T to SU-1 for Church & Related Uses for Lots 15 & 16, Block 8, Casas Serenas Addition, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 12EPC 40080, 2/14/2013, Sector Development Plan Zone Map Amendment

1. The zone map amendment does not become effective until the accompanying site development plan (12EPC 40081) is approved by the DRB pursuant to §14-16-4-1(C)(11) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

FINDINGS - 12EPC 40081, 2/14/2013, Site Development Plan for Subdivision

1. This is request for a site development plan for subdivision for Lots 15 & 16, Block 8, Casas Serenas Addition, a site of approximately 0.30 acres, located on Rhode Island Street SE, between Bell Avenue SE and Trumbull Avenue SE.
2. The applicant intends to combine Lots 15 and 16 with the existing Buddhist Temple to the north on Lot 5A. At some point in the future, the applicant intends to demolish the existing dwelling unit on Lot 15, and replace it with a new single story building for a modern meditation hall, Buddhism class, Vietnamese language class, and youth/senior citizen activities. The request will allow the existing Buddhist Temple on Lot 5A to the north to expand and accommodate growing meditation participants.
3. The proposed use is not permissive under the current zoning (R-T). The abutting lot to the immediate north (Lot 5A) is currently zoned SU-1 for Church.

4. In 1987, the EPC approved a zone map amendment (Z-87-116) from R-2 to SU-1 for Church to allow the Buddhist Temple on Lots 5 and 6, Block 8, Casas Serenas Subdivision. In 1992, the EPC approved a site development plan amendment (Z-87-116-1) for the Buddhist Temple property. In August 2000, the EPC approved a zone map amendment from R-T to SU-1 for Church (00138-00000-01062), and a site development plan for subdivision (00138-00000-00869) for Lots 5, 6, 17 and 18. However, the site plan was never signed off by the Development Review Board (DRB), and due to a time lapse of over a year the applicant was required to return to EPC in order to receive approval. In June 2003, the EPC approved a site development plan for subdivision (03EPC 00731) and a site development plan for building permit (03EPC 00707) for Lots 5, 6, 17 and 18. These lots have since been re-platted into one Lot (Lot 5A).
5. A request for a sector development plan zone map amendment (12EPC 40080) accompanies this request.
6. The site is located in the Established Urban Area of the Comprehensive Plan and within the boundaries of the Trumbull Neighborhood Sector Development Plan.
7. The Albuquerque/Bernalillo County Comprehensive Plan, the Trumbull Neighborhood Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
8. The request furthers applicable policies of the Comprehensive Plan and the Trumbull Neighborhood Sector Development Plan, including the following:
 - a. Policy II.B.5d – The request would respect existing neighborhood values and be compatible with the surrounding neighborhood. The request would not increase traffic along Rhode Island, since the driveway to Rhode Island will remain closed and traffic will continue to access the site from Pennsylvania.
 - b. Policy II.B.5i – The request will complement residential areas and will have minimal effect on noise, lighting, pollution, and traffic on residential environments. Access will only be available along Pennsylvania, as the driveway to Rhode Island will remain closed. The applicant has stated on the site plan for subdivision that future light poles will be no more than 16 feet in height, future landscaping will be similar to the temple side landscaping, off-street parking shall not dominate the street frontage, and the future architectural theme and style will be compatible with surroundings.
 - c. Policy II.B.5k – The request has been planned to minimize harmful effects of traffic, and the livability and safety of established neighborhoods will be protected in transportation and planning operation. Rhode Island will continue to remain closed and the only access to the temple site will be along Pennsylvania.

- d. Neighborhood Maintenance Objective 1 (Trumbull Neighborhood SDP) – The request will improve the overall appearance of the area by minimizing adverse effects of noise, lighting, pollution, and traffic on residential environments. The vacant lots 15 and 16 would be developed and become part of the Buddhist temple development. Vacant parcels would be less susceptible to crime, graffiti, dumping, and loitering.
9. The site development plan for subdivision states that development of the site will require a site development plan for building permit approved by the EPC.
10. There is no known opposition to the request. Neighborhood support for the request has been received in the form of a petition with signatures, and the Trumbull Village Neighborhood Association has sent a letter indicating that they support the request.

RECOMMENDATION - 12EPC 40081, 2/14/2013, Site Development Plan for Subdivision

APPROVAL of 12EPC 40081, a request for a Site Development Plan for Subdivision, for Lots 15 & 16, Block 8, Casas Serenas Addition, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 12EPC 40081, 2/14/2013, Site Development Plan for Subdivision

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 text on the site development plan for subdivision under “Current Use of Property” and “Lot 5A” shall delete “and related uses” and begin a new sentence with “Site consists of”.

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4. Note 1 of the site development plan for subdivision shall delete the letter “s” on “requires” and add the letter “a” in between “require” and “site” so it reads as follows: “Development of the site will require a site development plan for building permit approved by the EPC.”

 5. Conditions of approval from City Engineer, Municipal Development, Hydrology and NMDOT:
 - a. Concurrent Platting Action required at Development Review Board (DRB).
 - b. All easements need to be shown and labeled on Site Plan.
 - c. Please show conceptual circulation layout of vehicle/pedestrian ingress/egress between the public ROW and proposed site.
 - d. DRB will require a full set (24” x 36”) of site plan for review to accommodate their large signature block.

 6. Conditions of approval from Public Service Company of New Mexico:
 - a. It is the applicant’s obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements.
 - b. There is an existing overhead electric distribution line that crosses the property at the back lot line with an overhead electric service drop to the existing home that is planned for demolition. There is also an existing street light along Rhode Island SE located at the property. It will be necessary for the applicant to contact PNM’s New Service Delivery Department to coordinate electric service for this project. And coordinate with PNM for any removal of electric service.
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Randall Falkner
Planner

Notice of Decision cc list:

Thanh Nguyen, 1716 White Cloud NE, Albuquerque, NM 87112
Quang Minh Temple, 420 Pennsylvania SE, Albuquerque, NM 87108
Joanne Landry, 7501 Trumbull SE, Albuquerque, NM 87108
E. Gwenevere Bemis-Boston, 415 Mesilla SE, Albuquerque, NM 87108
Nancy Bearce, 600 San Pablo St. NE, Albuquerque, NM 87108
Marian Jordan, 816 Arizona SE, Albuquerque, NM 87108

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

The Site Development Plan for Subdivision shall clearly illustrate the pedestrian and vehicular ingress and egress including internal circulation to the proposed lots to be rezoned.

Office of Neighborhood Coordination

Trumbull Village Assoc. (R)
District 6 Coalition of NA's

Long Range Planning

The proposed SU-1 for Church and Related Facilities zone seems to be compatible with the existing zoning in the area. The SU-1 designation will allow for public comment on future projects on the site.

Metropolitan Redevelopment

The subject property is not within a Redevelopment Area, and therefore Metropolitan Redevelopment Section staff have no comments on this application.

Transportation Development (City Engineer/Planning Department):

Amendment to the Zone Map:

- Reviewed, no comment.

Site Development Plan for Subdivision:

- Concurrent Platting Action required at Development Review Board (DRB).
- All easements need to be shown and labeled on Site Plan.
- Please show conceptual circulation layout of vehicle/pedestrian ingress/egress between the public ROW and proposed site.
- DRB will require a full set (24" x 36") of site plan for review to accommodate their large signature block.

Hydrology Development (City Engineer/Planning Department):

Amendment to the Zone Map:

- Reviewed, no comments.

Site Development Plan for Subdivision:

- Reviewed, no comments.

Transportation Planning (Department of Municipal Development):

Amendment to the Zone Map:

- Reviewed, and no comments regarding on-street bikeways or roadway system facilities. The overhang and sign heights comply with the bicycle operating height (100 in.).

Site Development Plan for Subdivision:

- Reviewed, and no comments regarding on-street bikeways or roadway system facilities. The overhang and sign heights comply with the bicycle operating height (100 in.).

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 Amendment to the Zoning Map shall include: none.

Conditions of approval for the proposed Site Development Plan for Subdivision:

1. Concurrent Platting Action required at Development Review Board (DRB).
2. All easements need to be shown and labeled on Site Plan.
3. Please show conceptual circulation layout of vehicle/pedestrian ingress/egress between the public ROW and proposed site.
4. DRB will require a full set (24" x 36") of site plan for review to accommodate their large signature block.

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

- No Crime Prevention or CPTED comments concerning the proposed Amendment To Zone Map/Zone Change request at this time.

- No Crime Prevention or CPTED comments concerning the proposed Site Development Plan For Subdivision at this time

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved as long as it complies with SWMD Ordinance.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

1. It is the applicant's obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements.
2. There is an existing overhead electric distribution line that crosses the property at the back lot line with an overhead electric service drop to the existing home that is planned for demolition. There is also an existing street light along Rhode Island SE located at the property. It will be necessary for the applicant to contact PNM's New Service Delivery Department to coordinate electric service for this project. And coordinate with PNM for any removal of electric service.