



**Environmental
Planning
Commission**

Staff Report

*Agenda Number: 3
Project Number: 1000870
Case #: 14EPC-40051
September 11, 2014*

Agent	Consensus Planning, Inc.
Applicant	Lee Properties, Inc.
Request	Zone Map Amendment
Legal Description	Portion of Tract 1 & 2, Row 2, West of Westland, Atrisco Grant
Location	98 th Street between Avalon & Volcano Rd. NW
Size	Approximately 4.0 acres
Existing Zoning	SU-1 for Permissive C-2 Uses Excluding Package Liquor Sales
Proposed Zoning	C-2

Staff Recommendation

APPROVAL of Case #14EPC-40051 based on the Findings beginning on Page 13, and subject to the Condition of Approval beginning on Page 18.

Staff Planner

Vicente M. Quevedo

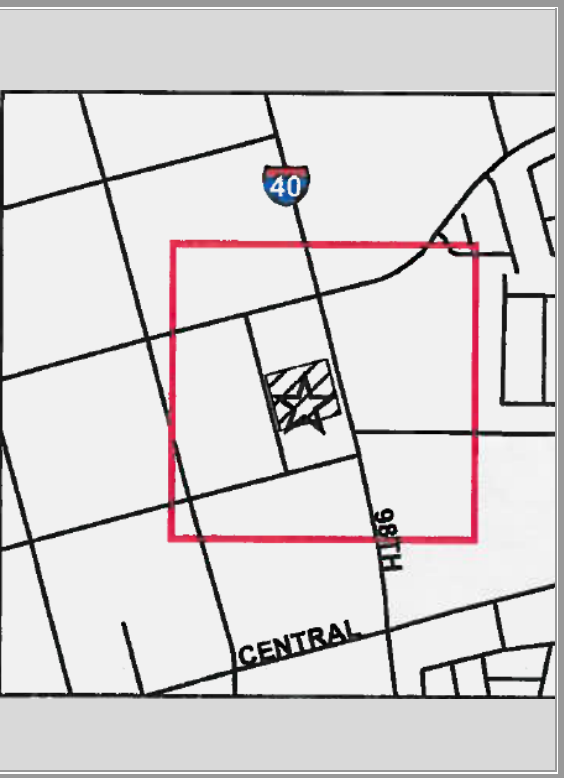
Summary of Analysis

The request is for a zone map amendment at a site located in an urbanizing area just south of the 1-40 and 98th Street Interchange. The applicant would like to develop a neighborhood retail center without the SU-1 and package liquor sales exclusion. The applicant argues that there have been changed community conditions in the area as the main justification for the zone change request.

The subject site is in the Developing Urban Area of the Comprehensive Plan. The West Side Strategic Plan also applies. The proposal is generally consistent with applicable goals and policies of the Comprehensive Plan, the West Side Strategic Plan, and the City Zoning Code.

While the main reason for the zone change is economic (the ability of a future neighborhood retail center to compete fairly with surrounding commercial) the justification is based on the request being generally consistent with the requirements of R-270-1980.

A facilitated meeting was recommended, but was declined. There is no known neighborhood opposition to this request.



City Departments and other interested agencies reviewed this application from 8/4/14 – 8/15/14. 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	SU-1 for Permissive C-2 Uses Excluding Package Liquor Sales	Developing Urban Area; West Side Strategic Plan (Rank II)	Vacant
North	SU-1 for Permissive C-2 Uses Excluding Package Liquor Sales	Developing Urban Area; West Side Strategic Plan (Rank II)	Commercial, Fast Food (With Drive Up), Hotel, Truck Plaza, Car Wash
South	SU-1 for Permissive C-2 Uses Excluding Package Liquor Sales; SU-2 Planned Commercial Area	Developing Urban Area; West Side Strategic Plan (Rank II) ; West Route 66 Sector Dev. Plan	Vacant, Gas Station, Commercial, Restaurant (No Liquor), Flood Control
East	SU-1 for IP Uses & C-2 Permissive Uses With Exceptions	Developing Urban Area; West Side Strategic Plan (Rank II); West Route 66 Sector Dev. Plan	Vacant
West	SU-1 for C-2 Uses and Campground, Excluding Package Liquor Sales	Developing Urban Area; West Side Strategic Plan (Rank II)	Vacant

II. INTRODUCTION

Proposal

This request is for a Zone Map Amendment (Zone Change) for a 4.0 acre portion of Tract 1 & 2, Row 2, West of Westland, Atrisco Grant, located on 98th Street NW between Avalon Rd NW and Volcano Rd NW. The subject site is zoned SU-1 for Permissive C-2 Uses Excluding Package Liquor Sales. The request is for C-2 zoning, which would remove the SU-1 site plan control and the restriction on package liquor sales, in order to develop a future Applebee’s anchored neighborhood retail center. It would also allow the property owner to apply for Conditional C-2 Uses.

EPC Role

The EPC is hearing this case because the EPC has the authority to hear all zone map amendment (zone change) cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1) SU-1 Special Use Zone, and 14-16-4-1, Amendment Procedure]. If so, an appeal would go to the Land Use Hearing Officer (LUHO) who then makes a recommendation to City Council [Ref: § 14-16-4-4-(A)(2) Appeal]. This is a quasi-judicial matter.

Context

The subject site is vacant, undeveloped land located approximately 1/3rd of a mile south of the I-40 and 98th Street interchange. The subject site is surrounded by primarily undeveloped land in the County and developing land in the City.

There are developed lots near the subject site that are primarily travel and automobile-oriented businesses. Approximately 1/3rd of a mile south, there are two shopping centers on either side of 98th Street at the Central Avenue intersection. There are two existing gas stations in the near vicinity – a Truck Plaza one block north, and a standard gas station one block south of the subject site. Additionally, within a half-mile radius of the subject site there is existing development consisting of commercial, manufacturing, warehousing, storage, residential, and mobile-home courts.

The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the Rank II West Side Strategic Plan. It is adjacent to, but outside of, the West Route 66 Sector Plan. The subject site is located within the Atrisco Park Community - designated in the West Side Strategic Plan - which is one of three major employment areas on the west side.

History

The subject site was annexed in 1997 as part of a larger 20-acre site and was zoned *SU-1 for Permissive C-2 Uses Excluding Package Liquor Sales (Z-97-83/AX-97-15)*. At that time, a camp ground, motel, restaurant, convenience store and gas station were proposed for Tracts 3 & 4, which are to the west of the subject site. Planning Staff recommended that Tracts 1 & 2 also be included in the annexation, for a more logical City/County boundary. The EPC recommended approval of the annexation of Tracts 1 – 4 with the zoning *SU-1 for C-2 Uses* for the subject site. Because the request included annexation, City Council was the final approval body.

A memorandum from the Mayor urged City Council to consider amending the zoning to exclude package liquor sales due to automobile oriented uses combined with the development of service stations or convenience stores which have package liquor sales, and that this may encourage drunk driving. City Council supported the Mayor's position and amended the zoning to exclude package liquor sales (See attachments).

Since the property was annexed, several commercial developments have been built in accordance with the zoning established in 1997 with annexation. Commercial development to the south has occurred as well, in accordance with the *SU-2 for Planned Commercial Area* zoning established by the West Route 66 Sector Development Plan in 1987.

In the fall of 2010, City Council and The Planning Department initiated a planning process to update the 1987 West Route 66 Sector Development Plan. The 2013 Update to the plan proposed to include the site within the plan boundaries, with *SU-2/WR66 C-2 zoning*.

In December 2013, a resolution (R-12-122) was introduced at City Council to extend legislation to allow the West Route 66 Sector Development Plan Updates to be heard by Council. However, the motion failed and the sector plan update process subsequently ended.

On July 11, 2013 the EPC voted to approve a request for C-2 zoning (1000870, 13EPC-400119) on the subject site. The approval was conditional on a replat of the property within six months of the EPC decision. An additional six month extension could have been granted by the Planning Director upon request by the applicant, however, the replat never occurred and the applicant did not request an extension. Therefore, the previous EPC approval has since expired.

Transportation System

The Long Range Roadway System map, produced by the Mid-Region Council of Government, identifies the functional classifications of roadways.

The Long Range Roadway System designates 98th Street NW as an Urban Principal Arterial;

The Long Range Roadway System designates Avalon Rd., Leonidas Lane, and Volcano Rd. as local streets.

Comprehensive Plan Corridor Designation. Central Avenue, approximately 1/3rd of a mile to the south, is designated as an Enhanced Transit Corridor, which aims to “improve transit and pedestrian opportunities ... and develop adjacent land uses and intensities that promote the use of transit.” The Enhanced Transit Corridor is within a walking distance of the subject site.

Trails/Bikeways. There are no existing bicycle routes, lanes, or trails that directly abut the subject site. According to the MRCOG Albuquerque Area Long Range Bikeway System Map, bicycle lanes are proposed along 98th Street adjacent to the subject site. There is an existing bicycle lane on 98th Street at Volcano Road, approximately 700 feet to the south of the subject site. The Department of Municipal Development, Transportation Planning Section, required a 10’ trail and an on-street bicycle lane in the public right-of-way to be constructed on the adjacent property to the north, in lieu of a sidewalk.

Transit. There is currently no public transportation that passes by the site. There is transit service along Central and 98th Street south of Central. The MRCOG Metropolitan Transportation Plan classifies 98th Street north of I-25 as a Potential High Capacity Transit Corridor. Future transit service along this corridor is expected.

Public Facilities/Community Services

A park, school, and residential area are located over 500 feet to the east of the subject site.

III. ANALYSIS

Albuquerque Comprehensive Zoning Code

The existing zoning is SU-1 for Permissive C-2 Uses Excluding Package Liquor Sales. Development on an SU-1 zone may “only occur in conformance with an approved site development plan” that is subject to Environmental Planning Commission (EPC) review. A site development plan was not required at the time of annexation. While an approved site plan would generally govern site development, the EPC may choose to delegate all future site development approvals (for individual buildings) to the Development Review Board (DRB).

The proposed zoning is C-2 which would allow suitable sites for offices, most service and commercial activities, and certain specified institutional uses. Any future proposed use would not require a site development plan which would in turn remove restrictions for package liquor sales.

In addition to the proposed zone change, the applicant makes reference to an Applebee's anchored neighborhood retail center as a potential future use. While retail uses are permissive under the C-2 zoning designation, it is unclear at this time whether the actual proposed uses would be permissive on the subject site.

The applicant also argues that conditions have changed in the area since the time of annexation that do not include the same restrictions as the subject site, and that the removal of the SU-1 designation will allow the subject site to compete "more fairly" with surrounding retail development. Staff notes that all property adjacent to the subject site is still zoned SU-1 for permissive C-2 uses excluding package liquor sales. Properties south of Volcano Rd. and east of 98th St. are zoned SU-2 for Planned Commercial Area and do not include any restrictions because they are included in the existing West Route 66 Sector Development Plan boundaries and zoned in accordance with that plan.

Applicable Ordinances, Plans and Policies

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; *Applicant's analysis - Italics; Staff Analysis - Bold Italics*

The subject site is located in the area designated Developing Urban by the Comprehensive Plan. The Goal of Developing 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:

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

The proposed change does not create any adverse impacts to the environmental conditions or carrying capacity, scenic or social resources of the property. In fact, the development of this site will positively contribute to all of these aspects through the development of new, high quality, infill development in an area in need of services.

The subject site is located on a major arterial that can support the additional vehicular traffic. The site's current zoning allows for a neighborhood retail center as a C-2 permissive use. There are no known adverse impacts to environmental conditions and carrying capacities, scenic or social resources. The request is generally consistent with Policy II.B.5d.

Policy II.B.5e: 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.

This future commercial site has full urban facilities and services available to it. Water, sewer, and electricity are readily available to the property. Direct access is provided from 98th Street, an Urban Principal Arterial. The site can also be accessed via Central Avenue approximately 0.35 miles to the south, a designated Enhanced Transit Corridor. The future extension of Bluewater Rd. west to 98th Street will provide convenient access to the Avalon Neighborhood to the northeast of the subject property.

The subject site is currently vacant land and it is contiguous to existing urban facilities, infrastructure, and services. The proposed development will not compromise the integrity of existing neighborhoods and the future extension of Bluewater Rd. will increase access to the subject site. The proposal further Policy II.B.5e.

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.

As previously stated, there are no adjacent residential uses to this property along 98th Street. In addition, the City's Comprehensive Zoning Code has been amended since this zoning was established to include non-residential design standards, streetscape requirements, and noise and lighting regulations to ensure compatibility with the other developments in the corridor. The recent bulk land plat that was approved on the east side of 98th St. provides for the direct connection from the Avalon Neighborhood to this area. Once this roadway is extended, the access to this commercial area will be made and it will be very complementary to the neighborhood.

Staff agrees that there are no adjacent residential environments that would be adversely impacted by the proposed use. The Zoning Code's general regulations section has been updated to address items such as landscaping and building and site design to minimize any adverse impacts to residential areas, and they do apply to the subject site. The request is consistent with Policy II.B.5i.

Policy II.B.5j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.
- In freestanding retailing and contiguous storefronts along streets in older neighborhoods.

This 4 acre site is proposed to be developed as an Applebee's anchored neighborhood center. The property is sited along 98th St., an Urban Principle Arterial. From the south, the area can be accessed from Central Avenue, and Enhanced Transit Corridor. The Enhanced Transit Corridor is within a convenient, walking distance of the subject site. The extension of Bluewater Rd. to 98th St. to the west will provide a convenient connection from the neighborhoods to 98th St.

This is an existing commercially zoned property that is approximately a third of a mile away from the nearest residential areas. Staff agrees with the applicant's analysis, but notes that the existing transit corridors may not generate that much pedestrian or bicycle traffic. The request is generally consistent with Policy II.B.5j.

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.

Development on the property will be controlled by the existing West Side Strategic Plan and the City Zoning Code. As stated previously, amendments to the zoning code include non-residential design regulations that will ensure a quality built environment.

The West Side Strategic Plan "has been created within a regional context" and the Comprehensive Zoning Code is "a regulatory instrument for controlling land use activities for general public benefit". Ensuring quality and innovation in design of any future development on the subject site is incumbent on the owner/developer. In addition, no site plans have been submitted for the proposed future neighborhood retail center. It is unknown whether any new development on the site will include quality and innovation in design. Therefore, the request does not further Policy II.B.5l at this time.

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

The proposed Applebee's restaurant will include a rooftop patio designed to take advantage of the views to the Sandia Mountains to the east.

No site plans have been submitted for a proposed Applebee's restaurant. Therefore, the request does not further Policy II.B.5m at this time.

The Goal of Economic Development is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

Policy II.D.6a: 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.

In addition to the lack of services in this area, the area is in need of job creation. New restaurants and businesses at this location will provide new and needed jobs for those living in the nearby neighborhoods. This reduces the need for many of those living in the area to travel to the east side of Rio Grande, thus reducing congestion at the already over capacity bridge crossings.

The subject site is located within the Atrisco Park Community, which is one of three major employment areas on the west side (See West Side Strategic Plan, pg. 97). Staff agrees that services in this area are inadequate based on existing surrounding land uses and vacant land. A proposed neighborhood retail center may provide a diverse range of employment options. However, without knowing what types of future businesses will be located on the subject site (other than an Applebee's restaurant), sufficient evidence demonstrating that those living in the nearby neighborhoods would occupy the potential job options created by a neighborhood retail center has not been provided. Therefore, the request is partially consistent with Policy II.D.6a.

West Side Strategic Plan (Rank II)

The West Side Strategic Plan (WSSP) was adopted in 1997 and amended in 2009 to help promote the development of Neighborhood and Community Centers. The WSSP identifies 13 communities, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is in the Atrisco Park Community. The west end of this community consists of long 5 acre lots that are desirable to be replatted to provide land for residential, industrial/office and commercial development near Central.

Although the applicant only briefly referenced the WSSP in their Zone Map Amendment Justification, Staff has reviewed the application against the WSSP goals and policies.

Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

This request is consistent with Objective 8 (WSSP) because the development will allow potential job opportunities and business growth in an area zoned for commercial use. It is unclear at this time whether the addition of package liquor sales to the site's permissive uses will substantially impact job opportunities. The only proposed business for the neighborhood retail center is an Applebee's restaurant which does not sell packaged liquor.

Policy 4.6.g: Create commercial developments that are or will be accessible by transit. Locate buildings adjacent to street frontages and place parking areas to the rear or sides of properties and/or on adjacent streets. Locate landscaping, walls, or fences so that they do not create barriers for pedestrians. Parking shall not take precedence over pedestrian circulation.

The development will be fairly accessible by transit, and this business type has the potential to draw transit users from Central. There is a grocery store and gas station closer to Central Avenue. If the zone map amendment is approved by the EPC, building height, setback, and off-street parking would all be governed by the C-2 zone (refers to O-1 zone). Therefore, the request is consistent with Policy 4.6.g (WSSP).

Policy 4.10: It is important to promote and establish land uses and urban patterns whose design support bicycle and pedestrian travel, and public transportation, encourage ridership, enhance public mobility and promote alternatives to single occupant vehicle use.

The Department of Municipal Development along with Parks and Recreation encourage the applicant to install a new bike lane along 98th St. However, it is unclear at this time whether the proposed neighborhood retail center will draw pedestrians and cyclists from Central Avenue or the nearby neighborhoods. This proposal is partially consistent with Policy 4.10 (WSSP).

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; 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 surrounding neighborhoods are in need of retail, restaurants and service commercial. One of the barriers to realization of this type of development, especially on smaller infill properties, is the SU-1 zoning designation that requires Site Plan review and approval for each building. The permissive uses that exist on the properties to the south and east of the subject property allow package liquor sales. Removal of the current exclusion will allow the future retail center to fairly compete with surrounding projects.

The request has been found to be generally consistent with applicable policies of the Comprehensive Plan (see Analysis section beginning on page 4). In addition, the request is located within the Atrisco Park Community within the WSSP. This business park is a "key strategic element in the future development of the West Side and will be promoted for additional job creation and expansion". Staff therefore agrees that the request is also 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.

Expanding liquor sales to the subject property will help stabilize zoning of the area by homogenizing allowed uses in the area. The C-2 zoning and its permissive land uses are appropriate for this location and consistent with other land uses in the area.

It should be clarified that only package liquor sales are currently excluded as a permissive use on the site. If the request is approved this exclusion would be removed, conditional uses could be requested, and the site plan controls established by the SU-1 zone that apply to all adjacent properties would be removed. However, these changes would generally not destabilize area land use or zoning because properties south of Volcano Rd. and east of 98th St. are commercially zoned and do not include any exclusions.

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

The applicant's response to Section C is analyzed above on pages 3 – 8 of the Staff Report. The applicant only briefly addresses consistency with goals and policies of the WSSP.

In Staff's analysis, the request is generally consistent with applicable goals and policies. The applicant has stated that it would not be financially feasible to compete with other nearby projects without also being allowed to sell packaged liquor. This is mainly due to new development nearby whose zoning does not include the restriction of package liquor sales.

Overall, the request is consistent with and generally furthers the balance of the goals and policies related to job opportunities and business growth on undeveloped property on the West Side.

- D. The applicant must demonstrate that the existing zoning is inappropriate because:
- i. There was an error when the existing zone map pattern was created; or
 - ii. Changed neighborhood or community conditions justify the change; or
 - iii. 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.

D.ii The existing zoning is inappropriate because it does not reflect the changed conditions in the area which have expanded beyond an adult store and a truck stop. A gas station and convenience store has been opened nearby that sells package liquor as well as a recent close by annexation to the east that establishes SU-1 for C-2 & I-P uses with restrictive zoning that does not include package liquor.

D.iii The removal of the SU-1 designation is more advantageous to the neighborhood by removing a barrier to efficient development of this property with needed services for surrounding neighborhoods.

The applicant argues that the recent annexation of the property on the east side of 98th Street and concurrent establishment of zoning reflects a changed community condition. Because that zoning did not restrict packaged liquor sales, the applicant argues that the subject site should also not have that restriction. Staff notes that the original restriction was to limit the sale of alcohol from automobile-dominant uses. However, if that remained a concern in the area, the recent annexation should also have limited that combination of uses. It is not necessary to

argue Diii. because the applicant has already argued that Dii applies. Staff generally agrees that changed community conditions justify the change.

- 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 requested zoning for the subject site will remain the C-2 designation that currently exists as part of the SU-1 zoning. The permissive uses in the C-2 zone are appropriate for this location and will not be harmful to adjacent properties. The property is not adjacent to any residential neighborhoods.

Staff agrees that the request would not inherently be harmful to adjacent property, the neighborhood, or the community. This request will allow further requests for conditional uses, which would be made through a public hearing with public notification.

- F. A proposed zone change which, to be utilized through land development, requires major and un-programmed capital expenditures by the city may be:

1. Denied due to lack of capital funds; or
2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The proposed zone change will not necessitate the need of capital improvements. 98th street improvements were constructed by a Special Assessment District funded by the private property owners and all future development and infrastructure improvements will be funded by the developer.

Staff agrees. The City will not be required to make any major or un-programmed capital expenditures as a result of this request.

- 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 cost of land and other economic considerations pertaining to the applicant are not a determining factor for the proposed zone change. The proposed change will allow the subject property to be more competitive and more likely to provide needed services to the surrounding area.

Staff generally agrees. While the main reason for the zone change is economic (the ability to compete fairly with other nearby retail) the justification is also based on the desire for consistency with permissive uses on nearby commercial properties to the south and the east.

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

The location on an arterial is an important consideration. However, the zone map amendment request is not being justified solely based on the property location on a major roadway.

Staff agrees that the zone change has not been justified based on its location on a major street.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:
1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The zone change request to C-2 is not a spot zone because it is surrounded by properties that allow commercial uses.

Staff agrees with the applicant’s analysis that this is not a spot zone because the property will retain the permissive C-2 zoning also shared by surrounding parcels.

- 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.

This proposed zone change is not a strip zone because it is not a strip of land and is surrounded by properties that also allow commercial uses.

Staff agrees that the request would not result in strip zoning.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

The only substantive agency comments received were from DMD Transportation Planning which supports the installment of a new bike lane on 98th St. and that the property is replatted as a condition of approval so that required infrastructure improvements for 98th St. can be established. In addition DMD refers to Park and Recreation comments regarding a proposed multi-use trail along 98th Street. Parks and Recreation states “A concrete sidewalk is to be constructed by the developer rather than an asphalt multi-use trail. Neither the existing Trails

and Bikeways Plan or draft proposed Bikeways and Trails Facility Plan call for a multi-use trail on 98th St. between Central and I-40”.

However, because the request is for a straight zone that is not site plan controlled, this recommended condition is not possible. A re-plat of the two tracts is required in order to establish a zone boundary that is consistent with property boundaries. The required public infrastructure can be required by the DRB concurrently with the replatting. Staff recommends the subject site be replatted as a condition of approval.

Neighborhood/Public

The Avalon Neighborhood Association, Southwest Alliance of Neighbors, and the Westside Coalition of Neighborhood Associations were notified of the request. A facilitated meeting was recommended by the Office of Neighborhood Coordination. However, the recognized neighborhood associations in the area declined a facilitated meeting. A “No Facilitated Meeting Report” was submitted on September 2, 2014 and is attached to this report for reference. The Avalon Neighborhood Association also sent an email correspondence in support of the request. No known neighborhood opposition exists.

V. CONCLUSION

This request is for a Zone Map Amendment (Zone Change) for a 4.0 acre portion of Tract 1 & 2, Row 2, West of Westland, Atrisco Grant, located on 98th Street NW between Avalon Rd NW and Volcano Rd NW. The subject site is zoned SU-1 for Permissive C-2 Uses Excluding Package Liquor Sales. The request is for C-2 zoning, which would remove the SU-1 site plan control and the restriction on package liquor sales to accommodate a future Applebee’s restaurant anchored neighborhood retail center. Conditional C-2 Uses could also be requested under the proposed zoning.

The subject site is in the Developing Urban Area of the Comprehensive Plan. The West Side Strategic Plan also applies.

The site’s current SU-1 for Permissive C-2 Uses Excluding Package Liquor Sales zoning was established at the time of annexation, during which time there was concern about automobile-oriented businesses selling alcohol. Consequently, the zoning restricted package liquor sales in those 20 acres annexed in 1997.

The request generally conforms to the Developing Urban goals and policies of the Comprehensive Plan (see Analysis section beginning on page 4) and the West Side Strategic Plan. In addition, the request is located within the Atrisco Park Community within the WSSP. This business park is a “key strategic element in the future development of the West Side and will be promoted for additional job creation and expansion”. A facilitated meeting was recommended by ONC but declined by the surrounding recognized neighborhood associations. There is no known neighborhood opposition to this request.

Staff recommends approval of the Zone Map Amendment for a 4.0 acre portion of Tract 1 & 2, Row 2, West of Westland, Atrisco Grant, subject to the one condition of replatting the subject site.

FINDINGS – 14EPC-40051 – September 11, 2014 – Zone Map Amendment

1. This is a request for a Zone Map Amendment for a portion of Tract 1 & 2, Row 2, West of Westland, Atrisco Grant located on 98th Street between Avalon and Volcano Rd. and containing approximately 4.0 acres. This is a quasi-judicial request.
2. The applicant would like to develop a neighborhood retail center at the subject site, and requests the zone change so that package liquor sales would be permitted. Because the request is for straight C-2 zoning, site development plan review and approval by the EPC will not be required. Conditional C-2 Uses would be allowed, if approved by the Zoning Hearing Examiner.
3. The site's zoning was established at the time of annexation, during which time there was concern about automobile-oriented businesses selling alcohol. Consequently, the zoning restricted alcohol sales in those 20 acres annexed in 1997.
4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within the Developing Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

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

The proposed change does not create any adverse impacts to the environmental conditions or carrying capacity, scenic or social resources of the property. In fact, the development of this site will positively contribute to all of these aspects through the development of new, high quality, infill development in an area in need of services.

The subject site is located on a major arterial that can support the additional vehicular traffic. The site's current zoning allows for a neighborhood retail center as a C-2 permissive use. There are no known adverse impacts to environmental conditions and carrying capacities, scenic or social resources. The request is generally consistent with Policy II.B.5d.

Policy II.B.5e: 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.

This future commercial site has full urban facilities and services available to it. Water, sewer, and electricity are readily available to the property. Direct access is provided from 98th Street, an Urban Principal Arterial. The site can also be accessed via Central Avenue approximately 0.35 miles to the south, a designated Enhanced Transit Corridor. The future extension of Bluewater Rd. west to 98th Street will provide convenient access to the Avalon Neighborhood to the northeast of the subject property.

The subject site is currently vacant land and it is contiguous to existing urban facilities, infrastructure, and services. The proposed development will not compromise the integrity of existing neighborhoods and the future extension of Bluewater Rd. will increase access to the subject site. The proposal further Policy II.B.5e.

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.

As previously stated, there are no adjacent residential uses to this property along 98th Street. In addition, the City's Comprehensive Zoning Code has been amended since this zoning was established to include non-residential design standards, streetscape requirements, and noise and lighting regulations to ensure compatibility with the other developments in the corridor. The recent bulk land plat that was approved on the east side of 98th St. provides for the direct connection from the Avalon Neighborhood to this area. Once this roadway is extended, the access to this commercial area will be made and it will be very complementary to the neighborhood.

Staff agrees that there are no adjacent residential environments that would be adversely impacted by the proposed use. The Zoning Code's general regulations have been crafted to address these concerns, and they do apply to the subject site. The request is consistent with Policy II.B.5i.

Policy II.B.5j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.

In larger area-wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.

In freestanding retailing and contiguous storefronts along streets in older neighborhoods.

This 4 acre site is proposed to be developed as an Applebee's anchored neighborhood center. The property is sited along 98th St., an Urban Principle Arterial. From the south, the area can be accessed from Central Avenue, and Enhanced Transit Corridor. The Enhanced Transit Corridor is within a convenient, walking distance of the subject site. The extension

of Bluewater Rd. to 98th St. to the west will provide a convenient connection from the neighborhoods to 98th St.

This is an existing commercially zoned property that is located within a reasonable distance of residential areas. Staff agrees with the applicant's analysis, but notes that the existing transit corridors may not generate that much pedestrian or bicycle traffic. The request is generally consistent with Policy II.B.5j.

The Goal of Economic Development is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

Policy II.D.6a: 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.

In addition to the lack of services in this area, the area is in need of job creation. New restaurants and businesses at this location will provide new and needed jobs for those living in the nearby neighborhoods. This reduces the need for many of those living in the area to travel to the east side of Rio Grande, thus reducing congestion at the already over capacity bridge crossings.

The subject site is located within the Atrisco Park Community, which is one of three major employment areas on the west side (See West Side Strategic Plan, pg. 97). Staff agrees that services in this area are inadequate based on existing surrounding land uses and vacant land. A proposed neighborhood retail center may provide a diverse range of employment options. However, without knowing what types of future businesses will be located on the subject site (other than an Applebee's restaurant), sufficient evidence demonstrating that those living in the nearby neighborhoods would occupy the potential job options created by a neighborhood retail center has not been provided. Therefore, the request is partially consistent with Policy

6. The request is not consistent with the following applicable goals and policies of the Comprehensive Plan:

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.

Development on the property will be controlled by the existing West Side Strategic Plan and the City Zoning Code. As stated previously, amendments to the zoning code include non-residential design regulations that will ensure a quality built environment.

The West Side Strategic Plan "has been created within a regional context" and the Comprehensive Zoning Code is "a regulatory instrument for controlling land use activities for general public benefit". Ensuring quality and innovation in design of any future development on the subject site is incumbent on the owner/developer. In addition, no site plans have been submitted for the proposed future neighborhood retail center. It is unknown whether any new development on the site will include quality and innovation in design. Therefore, the request does not further Policy II.B.5l at this time.

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

The proposed Applebee's restaurant will include a rooftop patio designed to take advantage of the views to the Sandia Mountains to the east.

No site plans have been submitted for a proposed Applebee's restaurant. Therefore, the request does not further Policy II.B.5m at this time.

7. The request is in general compliance with the following applicable goals and policies of the West Side Strategic Plan:

Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

This request is consistent with Objective 8 (WSSP) because the development will allow job opportunities and business growth in an area zoned for commercial use. It is unclear at this time whether the addition of package liquor sales to the site's permissive uses will substantially impact job opportunities as the only proposed business type for the neighborhood retail center at this time is an Applebee's restaurant which does not sell packaged liquor.

Policy 4.6.g: Create commercial developments that are or will be accessible by transit. Locate buildings adjacent to street frontages and place parking areas to the rear or sides of properties and/or on adjacent streets. Locate landscaping, walls, or fences so that they do not create barriers for pedestrians. Parking shall not take precedence over pedestrian circulation.

The development will be fairly accessible by transit, and this business type has the potential to draw transit users from Central. There is a grocery store and gas station closer to Central Avenue. If the zone map amendment is approved by the EPC, building height, setback, and off-street parking would all be governed by the C-2 zone (refers to O-1 zone). Therefore, the request is consistent with Policy 4.6.g (WSSP).

Policy 4.10: It is important to promote and establish land uses and urban patterns whose design support bicycle and pedestrian travel, and public transportation, encourage ridership, enhance public mobility and promote alternatives to single occupant vehicle use.

The DMD along with Parks and Recreation encourage the applicant to install a new bike lane along 98th St. However, it is unclear at this time whether the proposed neighborhood retail center will draw pedestrians and cyclists from Central Avenue or the nearby neighborhoods. This proposal is partially consistent with Policy 4.10 (WSSP).

8. The applicant has justified the zone change request pursuant to R-270-1980 as follows:
 - A. The request has been found to be generally consistent with applicable policies of the Comprehensive Plan (see Analysis section beginning on page 4). In addition, the

request is located within the Atrisco Park Community within the WSSP. This business park is a “key strategic element in the future development of the West Side and will be promoted for additional job creation and expansion”. Staff therefore agrees that the request is also consistent with the health, safety, morals, and general welfare of the city.

- B.** If the request is approved any exclusions would be removed, conditional uses could be requested, and the site plan controls established by the SU-1 zone that apply to all adjacent properties would be removed. However, these changes would generally not destabilize area land use or zoning because properties south of Volcano Rd. and east of 98th St. are commercially zoned and do not include any exclusions.
 - C.** The request is generally consistent with several goals and policies of applicable plans (see Findings 5 and 7 above).
 - D.** Staff generally agrees that changed community conditions justify the change.
 - E.** Staff agrees that the request would not inherently be harmful to adjacent property, the neighborhood, or the community. This request will allow further requests for conditional uses, which would be made through a public hearing with public notification.
 - F.** Staff agrees. The City will not be required to make any major or un-programmed capital expenditures as a result of this request.
 - G.** Staff generally agrees. While the main reason for the zone change is economic (the ability to compete fairly with other nearby retail) the justification is also based on the desire for consistency with permissive uses on nearby commercial properties to the south and the east.
 - H.** Staff agrees that the zone change has not been justified based on its location on a major street.
 - I.** Staff agrees with the applicant’s analysis that this is not a spot zone because the property will retain the permissive C-2 zoning also shared by surrounding parcels.
 - J.** Staff agrees that the request would not result in strip zoning.
9. A facilitated meeting was recommended by the Office of Neighborhood Association. The meeting was declined. No known neighborhood opposition exists for this request.

RECOMMENDATION – 14EPC-40051 – September 11, 2014 – Zone Map Amendment

APPROVAL of 14EPC-40051, a request for Zone Map Amendment, from SU-1 for Permissive C-2 Uses Excluding Package Liquor Sales to C-2 for a portion of Tract 1 & 2, Row 2, West of Westland, Atrisco Grant, based on the preceding Findings and subject to the following Condition of Approval.

CONDITION OF APPROVAL – 14EPC-40051 – September 11, 2014 – Zone Map Amendment

1. A replat is required through DRB to consolidate the lots into one lot. Dedication of right-of-way and infrastructure improvements may be required at that time.
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***Vicente M. Quevedo
Planner***

Notice of Decision cc list:

Consensus Planning, 302 Eighth Street NW/87102
Kelly Chappelle, 9135 Santa Catalina Ave. NW/87121
Bob Wood, 9135 Anacapa Ave. NW/87121
Johnny Pena, 6525 Sunset Gardens SW/87121
Jerry Gallegos, 417 65th St. SW/87121
Gerald C.(Jerry) Worrall, 1039 Pinatubo Pl. NW/87120
Harry Hendriksen, 10592 Rio Del Sole Ct. NW/87114-2701

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Proposed zone map amendment from SU-1 for Permissive C-2 Uses Excluding Package Liquor Sales Requested C-2 zoning would allow package sales (14-16-2-17(A)(13)(a)) and does not require site plan approval for future development. Prior approval for this request issued by EPC in July 2013

No adverse comment to this proposal.

Office of Neighborhood Coordination

ONC has recommended that a facilitated meeting be held for Project #1000870.

Long Range Planning

Project 1000870 – Zone Map Amendment

The request is not within the boundaries of a Sector Development Plan. The nearby vicinity is partially developed with retail and residential uses and partially undeveloped land. The request for C-2 zoning was previously approved by the EPC on July 11, 2013. The approval expired prior to the applicant satisfying the conditions of approval.

The only major change since that prior approval is that on December 16, 2013, during a procedural vote on R-12-122, the Council voted not to extend the time frame for consideration of the West Route 66 sector development plan, effectively terminating the adoption process of the proposed updated Plan. Therefore, the proposed Sector Plan Amendment discussed by the applicant, with accompanying design regulations, would not apply to the subject site.

Metropolitan Redevelopment Agency

No comments received.

CITY ENGINEER & DEPARTMENT of MUNICIPAL DEVELOPMENT

The City Engineer/Development Services Division (Transportation, Hydrology Sections), the Department of Municipal Development (DMD) Transportation Planning Section, and the New Mexico Department of Transportation (NMDOT), have reviewed the proposed zone map amendments, site development plans, sector development plan amendments and annexation requests, and submit the attached comments.

Project # 1000870 Westland Retail Center

14EPC-40051 Amendment to Zone Map

City Engineer/Transportation Development:

- No objection to the request.

City Engineer/Hydrology Development:

- No adverse comments

DMD Transportation Planning:

- Per the Long Range Roadway System map 98th St. is listed as a Principal Arterial. Per the Long Range Bikeway Systems map 98th St. is proposed to contain on-street bike lanes. Finding 7.c.9. from the 2013 Notice of Decision notes the applicant will install a new bike lane on 98th St., which DMD supports. Refer to Parks and Recreation regarding the proposed multi-use trail along 98th St. The condition of approval for the property to be replatted is also supported by DMD so that requirements for 98th St. infrastructure improvements can be established.

NMDOT:

- The NMDOT has no objections to the zone map amendment which had been approved in July 2013 but expired.

WATER UTILITY AUTHORITY

Utility Services

No comments received.

ENVIRONMENTAL HEALTH DEPARTMENT

No comments received.

PARKS AND RECREATION

Planning and Design

REVISED Project #1000870 – All or parts of Tracts 1 & 2, Row 2, West of Westland, Atrisco

Grant Unit A

14EPC-40051 – Amendment to Zone Map (Established Zoning/Zone Change)

A concrete sidewalk is to be constructed by the developer rather than an asphalt multi-use trail. Neither the existing Trails and Bikeways Plan or draft proposed Bikeways and Trails Facility Plan call for a multi-use trail on 98th St. between Central and I-40. Bike lanes are required on 98th Street.

Open Space Division

No adverse comments.

City Forester

No comments received.

POLICE DEPARTMENT/Planning

EPC 1000870 – This project is in the Southwest Area Command. No Crime Prevention or CPTED comments concerning the proposed *Zone Map Amendment – Change* request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No comments received.

FIRE DEPARTMENT/Planning

No comments received.

TRANSIT DEPARTMENT

No adverse comments. The site is not located near any adjacent transit facilities or services.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no adverse comments.

ALBUQUERQUE PUBLIC SCHOOLS

West of Westland, Atrisco Grant Unit A, Tracts 1 and 2, Row 2, is located on Volcano Rd NW between 98th St NW and Leonidas La NW. The owner of the above property requests a zone change from SU-1 for Permissive C-2 Uses excluding package liquor sales to C-2 to accommodate the development of an Applebee's Restaurant. This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

Project# 1000870

- MRMPO encourages the applicant to consider possible trail connections to the property.
- We urge the applicant to provide additional access to the development on Leonidas Lane to promote connectivity in the area.
- For informational purposes, the functional classification of 98th Street is that of an Existing Urban Principle Arterial as per the Current Roadway Functional Classification System Map.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

No adverse comments.