



**Environmental
Planning
Commission**

*Agenda Number: 2
Project Number: 1009883
Case #: 13EPC-40151
December 12, 2013*

Staff Report

Agent	NM Property Experts, LLC
Applicant	L & M Station, LLC
Request	Zone Map Amendment
Legal Description	Lots 21-22, Tracts A & B, Bel-Air Subdivision
Location	San Mateo Blvd NE between Candelaria Rd NE and Los Arboles Ave NE
Size	Approximately 0.412 acres
Existing Zoning	C-1
Proposed Zoning	C-2

Staff Recommendation

APPROVAL of Case #13EPC-40151 based on the Findings beginning on Page 12.

Staff Planner
Carrie Barkhurst

Summary of Analysis

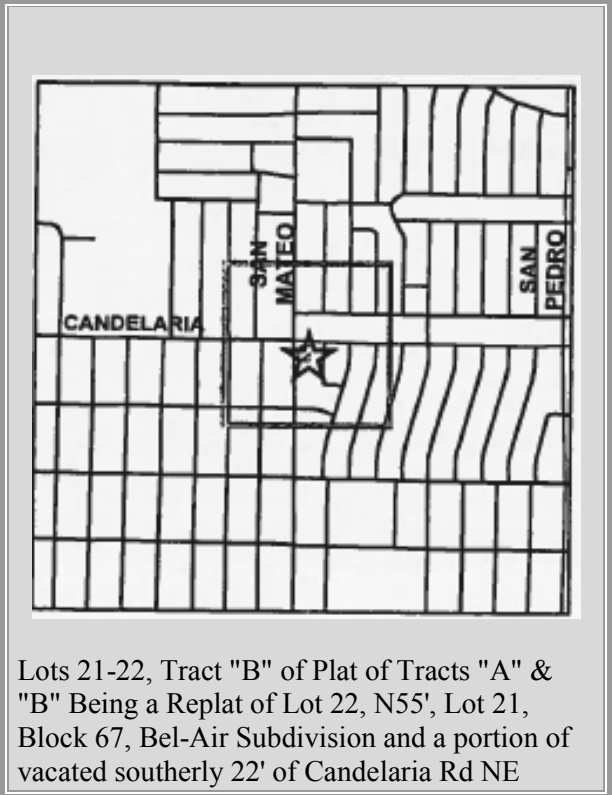
The request is for a zone change from C-1 to C-2 for a property at the intersection of San Mateo and Candelaria. The applicant would like to add limited vehicle sales and a copy center to the existing gas station development.

The applicant argues that the requested zone is more advantageous to the community as the justification for the zone change request. The proposed zone and uses are of similar intensity to adjacent zones and uses. The zone change is consistent with neighborhood values and it will facilitate the development of a local business, as well as providing goods and services in an efficient location.

The request furthers a preponderance of applicable goals and policies of the Comprehensive Plan. The site is not governed by any sector plans. The request has been adequately justified according to R-270-1980.

Two affected neighborhood associations have submitted letters in support of the request. There is no opposition.

Staff recommends approval.



City Departments and other interested agencies reviewed this application from 11/4/13 to 11/19/13. Agency comments used in the preparation of this report begin on Page 15.

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	C-1	Established Urban Area	Commercial (Gas Station)
<i>North</i>	C-2	Established Urban Area	Commercial (Gas Station)
<i>South</i>	C-1	Established Urban Area	Commercial (Restaurant w/drive up service)
<i>East</i>	R-1	Established Urban Area	Single-Family Residential (Houses)
<i>West</i>	C-1 & C-2	Established Urban Area	Commercial (Restaurants & Retail Stores)

II. INTRODUCTION

Proposal

This request is for a Zone Map Amendment (Zone Change) for Lots 21-22, Tract "B" of Plat of Tracts "A" & "B" Being a Replat of Lot 22, N55', Lot 21, Block 67, Bel-Air Subdivision and a portion of vacated southerly 22' of Candelaria Rd NE, located on San Mateo Blvd. NE between Candelaria Rd. and Los Arboles Ave. The subject site is zoned C-1. The request is for C-2 zoning. The applicant wishes to offer copying services and limited automobile sales (approx. 10 or fewer spaces).

EPC Role

The Environmental Planning Commission (EPC) has decision-making authority for the zone change because the site is less than one block, per §14-16-4-1(C)(10) of the Zoning Code.

Context

The subject site is in the Established Urban Area of the Comprehensive Plan. The subject site is currently developed as a gas station with 6 fuel dispensing units and an emissions testing facility. The site is approximately ½ mile northwest of the Uptown Major Activity Center.

The site faces San Mateo Boulevard, a commercial corridor running north-south across the City. Most of the surrounding area was developed in the 50s and 60s and is characterized by strip commercial development with off-street parking at the front of the buildings and signage close to the street. Commercial and office development in the area consists of small, low buildings occupied by local businesses or small franchises. Behind the strip development are residential properties, which are predominantly single family homes with few connections to the abutting commercial uses.

North of the site is Candelaria Rd., and a gas station is located north of the intersection. South of the site are restaurants, the adjacent restaurant has two conditional uses – a drive-up service window and outdoor seating area, which are first permissive in the C-2 zone. To the west is San Mateo Blvd. Several restaurants and small retail stores are located across the street. To the east are abutting single-family homes.

History/Background

The subject site was rezoned from R-1 to C-1 in April 1959 on the basis that R-1 uses were inappropriate for one of the City's busiest corridors; that general development of San Mateo is definitely commercial; and that the property is situated at a major intersection.

In May 1970, a request similar to the present one was made, from C-1 to C-2 for the purposes of expanding the service station to include truck rental. This request was denied, primarily because "it would be the start of a chain reaction to the south which would create an extensive strip of C-2 zoning which would be detrimental to the residential development in the area." The lack of an alley and outdoor storage as incompatible with adjacent residential development were also cited as factors for the zone change denial.

In 2001, the adjacent property to the south was granted a conditional use for a restaurant drive-up service window and a 35' variance to the required 75' setback from residential property for an outdoor eating area. Both of these uses are first permissive in the C-2 zone.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. The Long Range Roadway System designates San Mateo Blvd. as a Principal Arterial. The Long Range Roadway System designates Candelaria Rd. as a Minor Arterial.

Comprehensive Plan Corridor Designation/Transit

San Mateo Blvd. is a Major Transit Corridor, which is "designed to optimize public transit and move large numbers of people in a very timely and efficient manner." ABQ Ride Routes 140 and 141 travel along San Mateo and Route 7 travels along Candelaria Rd.

Trails/Bikeways

Bicycle routes are located on Claremont Ave. (east/west) and Alvarado Rd. (north/south), which are approximately ¼ mile from the subject site. The nearest bicycle lane is on San Pedro Dr., which is ½ mile to the east of the subject site.

Public Facilities/Community Services

There are several parks and schools within 1 mile of the subject site, as well as other community services. *For more specific information, see the Public Facilities Map (attached).*

III. ANALYSIS - APPLICABLE ORDINANCES, PLANS AND POLICIES

A) Albuquerque Comprehensive Zoning Code

The current zoning is C-1. This zone provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas.

The proposed zoning is C-2. The C-2 zone provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses.

The C-2 zone allows some uses more oriented towards community scale commercial, retail, and services. Retailing of most consumer products and provision of any customer, personal, or business service that is not listed as conditional in the C-2 zone or listed for the first time in the C-3 zone are allowed. New permissive uses that are allowed in the C-2 zone include: day care center, clinic, copy center, auto/trailer/truck sales and rental with restrictions (outdoor areas must meet the specifications for a parking lot, outdoor vehicle storage as a principal business is not permitted, etc.), recycling bin, circus, drive in restaurant, driving range, second hand store, hospital for animals, and restaurant with outdoor seating. The proposed use, automobile sales, is permissive in the requested zone.

Conditional uses that are available in the C-2 zone but not in the C-1 zone include drive in theater, emergency shelter, fire wood sales, pony riding without stables, light manufacturing in enclosed building, and alcohol sales for off-premise consumption. The majority of these uses are not compatible with the limited property with existing gas station development. Those that are compatible, including fire wood sales and alcohol sales would require a separate hearing and public notification for a conditional use permit.

B) Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations - Regular Text; *Applicant Justification - Italics; Staff Analysis - 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.”

The proposed zoning change use would not be more intense than the commercial lots zoned C-2 to the north and northwest of the subject property. Commercial lot north of the subject property, zoned C-2, offers alcohol sales that would not be permitted on subject property without a special use permit public hearing and a conditional special use permit.

The proposed zoning change use would not be more intense than the existing C-1 lot south of the subject property, Garcia’s Kitchen restaurant, because Garcia’s drive through outdoor order speakers, constant flow of day and night traffic, and night parking lot lighting.

Having the subject property zoned C-2 would offer adding a variety of employment options, such as hiring retail vehicle sales employees, wholesale jewelry sales employees, or copying services attendants.

The request has no effect on this goal. It doesn't improve and may even detract from "creating a quality urban environment." However, at this scale with approx. 10 or fewer vehicles, there is very little visual difference from a parking lot.

Comprehensive Plan Policy II.B.5.a: The Developing and Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The existing C-1 zoning, as regulated by the City Zoning Code in accordance with the Sector Plan, for example does not allow a permissive or conditional use for retail vehicle sales, wholesale jewelry sales, and copying services; therefore does not allow a full range of urban land uses. The proposed C-2 zoning will allow retail vehicle sales, wholesale jewelry sales, and copying services in addition to uses already allowed thereby furthering this policy.

The request would provide a more broad range of goods and services offered at this location, which promotes variety and maximum choice in the urban environment.

The request is consistent with the Established Urban Area Goal and Policy II.B.5.a.

Comprehensive Plan 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 subject property, its location, intensity and design, further this policy by respecting existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concerns. Subject property has and will continue to be aesthetically appropriate for adjacent commercial uses. Its location and access to the existing road network fit within the carrying capacities of the local transportation network. As an existing retail gas station, convenience store, and automobile emission testing facility this use is compatible to the surrounding areas.

Zone change to C-2 would not be more intense than existing use because:

- (1) The existing retail gas station outside lighting would not increase in intensity;*
- (2) Vehicle noise levels would remain at approximately the same levels as existing noise levels;*
- (3) A block wall exists between subject property and residential area to the east of subject property; and*
- (4) Traffic entering and exiting subject property would remain at approximately the same level.*

Staff agrees that this request respects neighborhood values in the location, intensity, and design of the development. Several slightly more intense uses are allowed permissively and conditionally in the C-2 zone; however, the size of the site and the existing development would preclude the majority of those more intense uses. No physical changes are proposed to the site.

Three adjacent neighborhood associations have indicated support of this request. Therefore, the request is consistent with Policy II.B.5.d.

Comprehensive Plan Policy II.B.5.e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

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

The zone change will facilitate new economic development at this already developed site. The property is located at the intersection of two arterial streets. The existing gas station use is already one of the more intense uses in the C-1 and C-2 zones. The integrity of existing neighborhoods will be protected because there is no change to the size, shape, or access to this site. The request furthers policies II.B.5.e and II.B.5.o.

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

The existing convenience store building is located on the east side of subject property, providing a buffer between the residential neighborhood to the east, thus minimizing adverse visual, traffic, noise and air quality impacts. Entrance and exit to the subject property is on San Mateo Blvd and Candelaria Blvd NE and potential retail vehicle sales would park vehicles on the west side of subject property furthering minimizing adverse visual, traffic, noise, and air quality impacts to the residential neighborhood to the east.

Employment opportunities such as possible retail vehicle sales employees, wholesale jewelry sales employees, and copying services attendants would complement nearby residential areas by providing potential employment opportunities within walking distance of nearby residential neighborhoods and located near city public bus transportation.

Staff agrees that this request will facilitate retail and service uses in a location that complements residential areas. Automobile sales will be limited by the amount of undeveloped land at the site that is available for parking areas. Other adjacent property along San Mateo is either zoned C-2 or developed with C-2 uses, or C-3 uses such as an off-premise sign across the intersection from this site. The request is consistent with Policy II.B.5.i.

Comprehensive Plan Policy II.D.6.b: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

This request will allow an existing local business to expand its offerings to include complementary goods and services. The additional services will facilitate the development of a local business enterprise, thus furthering Policy II.D.6.b.

C) Conclusion of Policy Analysis

The request is generally consistent with applicable Comprehensive Plan goals and policies. There is no significant conflict with any. The proposed zone and uses are of similar intensity to adjacent zones and uses. Many of the more intense uses are already occurring on this and adjacent properties, while others would be unsuitable for this site due to its small size (i.e., circus, driving range). The zone change is consistent with neighborhood values and it will facilitate the development of a local business, as well as providing goods and services in an efficient location.

D) 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 proposed zoning will allow for the development of residential friendly commercial use that is not currently located at the subject property, such as retail vehicle sales, wholesale jewelry sales, and copying services. The proposed zone change is consistent with other existing commercial uses in the area. It provides additional employment opportunities needed to support economic growth.

Staff agrees. As demonstrated in the policy analysis section, above, the request is consistent with applicable goals and policies of the Comprehensive Plan. The size of the parcel and the limited scale of these activities would not likely create an adverse impact on the health, safety, morals, or welfare of the neighborhood or 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.

Stability of land use would not be impacted on three borders of subject property because subject property is bounded on the south, west, northwest, and north by existing commercial businesses and on the east by existing residential area.

Stability of land use would not be impacted because subject property is located between a long-standing, stable neighborhood and various commercial activities. Nearby existing C-1 and C-2 commercial buildings include specialty retail, fast food, restaurants, and offices. Subject property is bounded on the south, west, northwest, and north by existing commercial businesses that are not any more intense than C-1 zoning, with the exception of Chevron retail gas station to the north that offers alcohol and beer sales.

Staff agrees. The requested change will not destabilize adjacent land uses and zoning because it is compatible with adjacent uses and zones. The applicant has demonstrated consistency with plans and policies, which were developed to promote stability in land use and zoning.

- 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 proposed change is not in conflict with adopted City Plans because this proposed zoning change is consistent with and furthers Comprehensive Plan II.B.5 and Comprehensive Plan Policies II.B.5.a, d, and i and are discussed in the following paragraphs.

The subject property is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan designated as Established Urban Area.

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 existing zoning is inappropriate because a different use category is more advantageous to the community.

Amending the zoning map to zone subject property to C-2 will be more advantageous to the community because subject property zoning would be compatible with existing C-2 zoning for nearby commercial lots. Additional C-2 products and services would provide for additional employment opportunities to the neighborhood that do not currently exist. Possible employment opportunities include retail vehicle sales employees, wholesale jewelry sales employees, or copying services attendants.

Zone change to C-2 would be more advantageous to the community because C-2 zoning provides an opportunity for additional products and services while not being more intense or harmful to the community than existing nearby C-2 businesses.

Zone change to C-2 would not be more intense than existing use because:

- (1) The existing retail gas station outside lighting would not increase in intensity;*
- (2) Vehicle noise levels would remain at approximately the same levels as existing noise levels;*
- (3) A block wall exists between subject property and residential area to the east of subject property; and*
- (4) Traffic entering and exiting subject property would remain at approximately the same level; and*
- (5) Existing nearby C-2 zoned properties.*

Because subject property is bounded on the south, west, northwest, and north by existing commercial businesses, intensity and harmfulness to the community would not increase on three borders of subject property.

Staff agrees. The applicant has demonstrated that the C-2 zone is more advantageous to the community because it will provide neighborhood-scaled commercial services in close proximity to neighborhoods and increased opportunities for employment. Staff further adds that adjacent neighborhood associations have all indicated support for this request.

- 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 proposed zoning change would not be harmful to properties northwest of subject property and north of subject property since the northwest and north properties are zoned C-2.

A C-2 zone use at subject property will respect the integrity of the existing residential neighborhood to the east and the overall community by minimizing potential visual, traffic, and noise and air quality impacts. C-2 permissive uses such as clinic, copying, blueprinting, signage, recycling bin, retailing of any consumer product, vehicle sales, wholesaling of jewelry, and activities in a tent are not more intense than existing subject property retail gas station, convenience store, and vehicle emission test facility.

The existing convenience store building provides a buffer between the residential neighborhood to the east, thus minimizing potential visual, traffic, noise, and air quality impacts. Entrance and exit to the subject property is on San Mateo Blvd and Candelaria Blvd NE furthering minimizing potential visual, traffic, noise, and air quality impacts.

Public hearing, zoning and subdivision review processes ensure that the proposed zoning change and future activities will not be harmful to adjacent property, the neighborhood, or the community.

Staff agrees. The permissive uses are similar to those in the adjacent commercial zones.

- 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.

This proposed Zone Map change to C-2 will not require any major or un-programmed capital expenditures by the city. The city is not bound to provide any capital improvements.

Staff agrees. The request will not result in unprogrammed capital expenditures for the City. The subject site has access to all necessary existing infrastructure.

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

Neither the cost of the existing building or improvements nor any other economic consideration is a determining factor in this application.

Staff agrees. The cost of land or other economic considerations are not the determining factor for this request. The determining factor is that the requested zone is compatible with surrounding zones and it has been demonstrated to be more advantageous to the community.

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

The subject property location on a major street is not in itself the justification for this application.

Staff agrees. The subject site is located on a major street but the applicant has not used the location of the subject site as the justification for the zone amendment request.

- 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.

This application is not for a spot zone change. The subject property is located on the southeast corner of San Mateo and Candelaria.

- *Properties to the north and northwest of subject property are zoned C-2.*
- *Properties to the south, west, and southwest of subject property are zoned C-1.*
- *Properties to the east are zoned R-1.*

The proposed use is consistent with land use characteristics of the surrounding area. The lot to the north of subject property operates as a retail gas station as is the subject property. The surrounding area consists of long standing commercial retail related businesses.

The proposed rezoning would not give privileges not generally extended to property similarly located in the area. Properties to the north and northwest of subject property are zoned C-2.

Proposed amendment provides a benefit to the surrounding area by offering potential employment opportunities such as possible retail vehicle sales employees, wholesale jewelry sales employees, and copying services attendants would complement nearby residential areas by providing potential employment opportunities within walking distance of nearby residential neighborhoods and located near city public bus transportation.

The size of the subject property is consistent with the size of nearby properties zoned C-2 and C-1.

Staff finds that the property is adjacent to other C-2 zones, and therefore is not a spot zone.

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called “strip zoning.” Strip commercial zoning will be approved only where:
1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

This application is not for strip commercial zoning. The subject property includes an existing free-standing building with own parking. Egress is separate from adjacent properties. Subject property is not part of a strip development.

The proposed zone change will not create strip commercial zone because it is surrounded by existing commercial development.

This request applies to a single parcel that does not correspond to a “strip of land along a street.”

Staff agrees. The request would not create a strip zone.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

Zoning Enforcement commented that if approved, a map amendment from C-1 to C-2 would allow the proposed use of “vehicle sales” as well as permissive and conditional uses as enumerated and regulated in the C-2 zone of the Comprehensive City Zoning code.

Long Range Planning commented that the proposed zone will allow drive through service windows. Alcohol sales for off-premise consumption are allowed with a conditional use approval. These uses should be carefully considered regarding their compatibility with the adjacent single family residential zoning and use.

Transportation Services provided comments related to the illustrative site layout that was submitted by the applicant. These comments are informational only, and will assist the applicant if the zone change request is approved. A Traffic Circulation Layout may be required if new or additional uses affect vehicle and pedestrian movement.

Neighborhood/Public

The Bel-Air NA, McKinley NA, Quigley Park NA, and District 7 Coalition of NA's were notified of this request. Staff has received two letters of support from the Quigley Park and McKinley Neighborhood Associations. The applicant has also discussed the project with the Bel-Air NA, who verbally indicated their support to the applicant but declined to write a letter. There is no known opposition to this request.

V. CONCLUSION

This request is for a Zone Map Amendment (Zone Change) for Lots 21-22, Tract "B" of Plat of Tracts "A" & "B" Being a Replat of Lot 22, N55', Lot 21, Block 67, Bel-Air Subdivision and a portion of vacated southerly 22' of Candelaria Rd NE, located on San Mateo Blvd. between Candelaria Rd. and Los Arboles Ave. The subject site is zoned C-1. The request is for C-2 zoning. The applicant wants to offer copying services and limited automobile sales, which are permissive in the C-2 zone.

The request is generally consistent with applicable Comprehensive Plan goals and policies. There is no significant conflict with any. The proposed zone and uses are of similar intensity to adjacent zones and uses. Many of the more intense uses are already occurring on this and adjacent properties, while others would be unsuitable for this site due to its small size (i.e., circus, driving range). Sale of alcohol for off-premise consumption could be allowed with this zoning, but it would require a conditional use approval and a second public hearing for the liquor licensing board. The zone change is consistent with neighborhood values and it will facilitate the development of a local business, as well as providing goods and services in an efficient location.

Two neighborhood associations have written in support of this request, and the third has verbally indicated support of the request to the applicant. There is no known opposition to the request.

The applicant has adequately justified the request based on R-270-1980 as being more advantageous to the community. The zone change is consistent with neighborhood values and it will facilitate the development of a local business, as well as providing goods and services in an efficient location. Staff recommends approval.

FINDINGS – 13EPC-40151 – December 12, 2013 – Zone Map Amendment

1. This is a request for a zone change from C-1 to C-2 for Lots 21-22, Tract "B" of Plat of Tracts "A" & "B" Being a Replat of Lot 22, N55', Lot 21, Block 67, Bel-Air Subdivision and a portion of vacated southerly 22' of Candelaria Rd NE, located on San Mateo and Candelaria, and containing approximately 0.41 acres.
2. The proposed use, a gas station with limited automobile sales, is permissive in the requested zone. It has the following restrictions: "(b) Vehicle sales, rental, service, repair, and storage, both indoor and outdoor, provided: 1. Outdoor activity areas (display and storage of stock in trade) meet all the specifications for a parking lot, as regulated in the O-1 zone." (§14-16-2-17(A)(13)(b)).
3. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The subject site is within the Established Urban Area of the Comprehensive Plan. The zone change request is consistent with the following applicable policies of the Comprehensive Plan:
 - A. Policy II.B.5.d – full range of urban land uses: The request would not add any more intense uses than already exist at the site or on adjacent properties. The applicant desires to provide a more broad range of goods and services offered at this location, which promotes variety and maximum choice in the urban environment.
 - B. Policy II.B.5.d – neighborhood/environmental/resources: The request respects neighborhood values in the location, intensity, and design of the development. Several slightly more intense uses are allowed permissively and conditionally in the C-2 zone; however, the size of the site and the existing development would preclude the majority of those more intense uses. No physical changes are proposed to the site. Three adjacent neighborhood associations have indicated support of this request.
 - C. Policy II.B.5.e – new growth/neighborhood integrity & Policy II.B.5.o – redevelopment of neighborhoods: The request will facilitate new economic development at this already developed site. The existing gas station use is already one of the more intense uses in the C-1 and C-2 zones. The integrity of existing neighborhoods will be protected because there is no change to the size, shape, or access to this site.
 - D. Policy II.B.5.i – employment/service use location: The request will facilitate retail and service uses in a location that complements residential areas.

5. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
 - A. Section 1.A: Consistency with the City's health, safety, morals and general welfare is demonstrated because the request furthers a preponderance of Goals and policies of the Comprehensive Plan. The size of the parcel and the limited scale of the proposed activities is not likely to have an adverse impact on the health, safety, morals, or welfare of the neighborhood or the City.
 - B. Section 1.B: The requested change will not destabilize adjacent land uses and zoning because it is compatible with adjacent uses and zones. The applicant has demonstrated consistency with plans and policies, which were developed to promote stability in land use and zoning.
 - C. Section 1.C: The applicant has adequately justified how the requested zone change furthers a preponderance of the Goals and Policies that are presented in the Comprehensive Plan. There is no "significant conflict" with these adopted Plans.
 - D. Section 1.D: Development at this site is more advantageous to the community because it will provide neighborhood-scaled commercial services in close proximity to neighborhoods and increased opportunities for employment. Adjacent neighborhood associations have all indicated support for this request.
 - E. Section 1.E: The permissive uses allowed under the proposed zone are similar to those available to other adjacent properties.
 - F. Section 1.F: The proposed zone change requires no major or unprogrammed capital expenditures by the City.
 - G. Section 1.G: The cost of land or other economic considerations are not the determining factor for this request. The applicant has demonstrated that the proposed zone change is more advantageous to the community.
 - H. Section 1.H: Location on a collector or major street is not used as justification for the proposed zone change.
 - I. Section 1.I: The subject site is adjacent to other C-2 zones, and therefore is not a spot zone.
 - J. Section 1.J: The request does not create a strip zone.
6. If approved, the applicant will need to coordinate with Transportation Services regarding a Traffic Circulation Layout and Solid Waste regarding relocation of the dumpster.
7. The Bel-Air NA, McKinley NA, Quigley Park NA, and District 7 Coalition of NA's were notified of this request. Staff has received two letters of support from the Quigley Park and McKinley Neighborhood Associations. The applicant has also discussed the project with the Bel-Air NA, who verbally indicated their support to the applicant but declined to write a letter. There is no known opposition to this request.

RECOMMENDATION– 13EPC-40151 – December 12, 2013 – Zone Map Amendment

APPROVAL of 13EPC-40151, a request for Zone Map Amendment, from C-1 to C-2 for Lots 21-22, Tract "B" of Plat of Tracts "A" & "B" Being a Replat of Lot 22, N55', Lot 21, Block 67, Bel-Air Subdivision and a portion of vacated southerly 22' of Candelaria Rd NE, based on the preceding Findings.

***Carrie Barkhurst
Planner***

Notice of Decision cc list:

L & M Station, LLC, 2930 San Mateo Blvd. NW, Albuquerque, NM 87110
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Bill Hoch, 813 Calle del Corte NE, Albuquerque, NM 87110
Lynne Martin 1531 Espejo NE, Albuquerque, NM 87112

Attachments

1. Additional Staff Information
 - a. Photographs
 - b. R-270-1980
 - c. Ordinance adopting the current zone
 - d. Proposed Zoning
 - e. Existing Zoning
2. Application
 - a. Cover Page
 - b. TIS form
 - c. Authorization letter
 - d. Request / Justification letter
3. Neighborhood Information
 - a. ONC letter
 - b. Applicant letter & certified mail receipts
 - c. Neighborhood letters

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Reviewed - If approved, a map amendment from C-1 to C-2 would allow the proposed use of “vehicle sales” as well as permissive and conditional uses as enumerated and regulated in the C-2 zone of the Comprehensive City Zoning code.

Office of Neighborhood Coordination

Quigley Park NA (R); Bel-Air NA (R); McKinley NA (R); District 7 Coalition of NA’s

Long Range Planning

Established Urban area of the Comprehensive Plan; No Area Plan or Sector Plan

The proposed zone will allow drive through service windows. Alcohol sales for off-premise consumption are allowed with a conditional use approval. These uses should be carefully considered regarding their compatibility with the adjacent single family residential zoning and use.

CITY ENGINEER

Transportation Development

A Traffic Circulation Layout may be required if new or additional uses affect vehicle and pedestrian movement. The following must be provided for safe circulation:

- Existing entrance cannot overlap projection of parked vehicles. Therefore, entrance/s may require modifications.
- Throat depth of 25 ft minimum shall be provided beyond back of sidewalk at entrance, no vehicle stalls or impediments within the throat depth.
- If the fence is removed, then wheel stops will be required at parking stalls that abut the property line.
- Provide the angle of diagonal parking, length & width of stalls and width of vehicle access aisle to these diagonal stalls.
- Provide the circulation route of the Cars for Retail from their parked position to COA ROW.

Hydrology Development

No adverse comments

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

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

Traffic Engineering Operations

No comments received.

Street Maintenance - No comments received.

WATER UTILITY AUTHORITY

Utility Services

No comment or objection.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division - No comments received.

Environmental Services Division - No comments received.

PARKS AND RECREATION

Planning and Design

No comments

POLICE DEPARTMENT/Planning

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

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

They need to call for SWMD Spec's on the enclosure 681-2766

FIRE DEPARTMENT/Planning

No comments from fire.

TRANSIT DEPARTMENT

Project # 1009883 13 EPC-40151 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG) LOTS 21-22, TRACTS A & B, BEL-AIR ZONED C-1 TO C-2 LOCATED ON SAN MATEO BLVD NE BETWEEN CANDELARIA RD NE AND LOS ARBOLES AVE NE. (APPROX 0.412 ACRES) (H-17)	Adjacent and nearby routes	Route #140/#141, San Mateo route, passes the site on San Mateo.
	Adjacent bus stops	Nearest bus stop is located across the street approx. 80' across from the southwest corner of the property.
	Site plan requirements	None.
	Large site TDM suggestions	None.
	Other information	None.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY - No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

The Mid-Region Metropolitan Planning Organization (MRMPO) has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

NEW MEXICO DEPARTMENT OF TRANSPORTATION

The NMDOT has no objections to the Zone Change.

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 located along the east side of the subject property. Any existing or proposed public utility easements and electric distribution facilities should be indicated on the site plan utility sheet prior to DRB review. PNM's standard for electric distribution easements is 10 feet in width to ensure adequate, safe clearances. It will be necessary for the applicant to contact PNM's New Service Delivery to coordinate electric service regarding this project and to examine proposed tree species, tree placement and height at maturity, in order to ensure sufficient safety