



**Environmental  
Planning  
Commission**

**Staff Report**

**Agenda Number: 3  
Project Number: 1000177  
Case Number: 11EPC-40033/40034  
June 9, 2011**

<b>Agent</b>	Dekker/Perich/Sabatini
<b>Applicant Request</b>	Cliff's Amusement Park <b>Zone Map Amendment; Site Plan for Subdivision</b>
<b>Legal Description</b>	Tracts A & X, G.A.G.E. Subdivision
<b>Location</b>	South side of Osuna Road, between San Mateo Boulevard and I-25
<b>Size</b>	Approximately 18.8-acres
<b>Existing Zoning</b>	M-1
<b>Proposed Zoning</b>	SU-1/Amusement Park & Related Facilities, Restaurant w/Beer & Wine License (Tract A only)

**Staff Recommendation**

**APPROVAL of 11EPC-40033, based on the Findings beginning on Page 14.**

**APPROVAL of 11EPC-40034, based on the Findings beginning on Page 17, and subject to the Conditions beginning on page 19.**

**Staff Planner**

**Christopher Hyer, Senior Planner**

**Summary of Analysis**

This is a two part request: to rezone Tract A, G.A.G.E. Subdivision, to the same zoning as Uncle Cliff's Family Land, Tract X; and an amendment to the existing site development plan for subdivision (SPS) to include the additional acreage in the master plan. The applicant is also requesting delegation of approval authority for future requests for site development plan for building permit, to the DRB.

The subject site is in the Established Urban Area of the Comprehensive Plan. The applicant provided an adequate justification for the zone change per R-270-1980 and has met the requirements for the SPS request. Further, the amended SPS has design standards that will guide development of future smaller projects at the subject site with language that requires larger projects to still be reviewed by the EPC.

There is no known opposition to this request and staff recommends approval.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 5/2/2011 to 5/18/2011. Agency comments used in the preparation of this report begin on Page 21.

**I. AREA CHARACTERISTICS AND ZONING HISTORY**

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

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	M-1, SU-1/Amusement Park & Related Facilities, Restaurant with Beer and Wine License	Established Urban Area;	Vacant, Amusement Park
<b>North</b>	C-3	Established Urban Area	Retail and Commercial Services
<b>South</b>	M-1	Established Urban Area	Retail, Commercial Services, Industrial and Manufacturing
<b>East</b>	C-3	Established Urban Area	Retail
<b>West</b>	M-1; IP	Established Urban Area	Wholesale, Warehouse, I-25

**II. INTRODUCTION**

**Proposal**

This is a two part request: a Zone Map Amendment and a Site Plan for Subdivision for Tracts A and X, G.A.G.E Subdivision, collectively an 18.8-acre site, located on the east side of I-25 and the south side of Osuna Road, between San Mateo Boulevard and I-25, the “subject site”. The requested change of zoning is from M-1 to SU-1/Amusement Park & Related Facilities, Restaurant with Beer and Wine License and only pertains to Tract A.

The subject site is the location of Uncle Cliff’s Family Land. The owner has acquired an additional piece of land, Tract A, abutting his site and wishes to expand the area of the amusement park. Hence, the zone change request will result in having all the land of the amusement park with the same zoning and the amendment to the site plan for subdivision is to incorporate Tract A as a part of the overall site. This expansion of the park’s area will allow the applicant to add and redevelop new features to the park while continuing operation.

The applicant is requesting that the EPC delegate approval authority of the site development plan for building permit to the DRB. The applicant has provided a new site development plan for subdivision with design standards. The newly added tract of land is intended to be an additional parking lot and approximately an acre will remain vacant. The additional parking need is anticipated to be necessary when the new water park attractions at Uncle Cliff’s are built. This additional parking will be used during peak visitation to the park that usually occurs on weekends and select summer months.

### ***Context***

The subject site has been the location of Uncle Cliff's Amusement Park since 1959 and was at that time, beyond the fringe of the City limits - along I-25. The City has grown around it and the amusement park is now surrounded by commercial/industrial and retail uses. The closest residential use are the three apartment complexes that exist east of San Mateo Boulevard that are a buffer to the Del Norte Neighborhood.

The amusement park site is directly south of the Far North Community Activity Center with general boundaries of I-25 to the west, Osuna Road to the south, various property lines surrounding Seagull Street on the east and a drainage easement on the north. This Activity Center encompasses several commercial businesses and the Academy Road /San Mateo Boulevard intersection is in the middle of it. Although the subject site is not in the designated boundaries of this center, it adds to the intense commercial uses typically found within activity centers.

The Environmental Planning Commission (EPC) has the authority to amend the Zone Map as per §14-16-4-1(C)(10) of the Zoning Code. The amendment to the Site Development Plan for Subdivision shall be approved at the Planning Commission's discretion as per §14-16-2-22 (A) (1) and they have the right to delegate their approval authority for the Site Plan for Building Permit to whichever approval body they wish; the applicant is requesting approval authority be delegated to the DRB.

### ***History***

There is not a useable existing site plan for building permit on file. The applicant has provided three administrative amendments (AA) that refer to case Z-84-29. Although this case is represented in the Planning Department's file room, the microfiche is of poor quality and the site plan represented by this file is unclear and hard to read. Cliff's Amusement Park has been in existence since 1959.

It appears there have not been substantive changes since it was first established as reflected by the AA's (see list below for description). The submitted copies of the AA's will establish a record of the site plan for building permit. This site plan for building permit will be updated when the applicant requests new development (for example, the proposed parking lot) on the newly added land into the site development plan for subdivision.

The three AA's referenced above were as follows:

- February 4, 1988: Amendment to expand theater building and move two rides (located in the middle-southern half of the midway)
- December 18, 2001: Add a new roller-coaster (located in the middle to southern portion of the midway)
- March 18, 2011: Replace temporary food stand and add a new outside deck to the Food Court building (located in the middle of the midway).

### ***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 Boulevard as a Principal Arterial, with a right-of-way of 124' (Established & Developing Urban) south of Osuna Road and 156-feet north of Osuna Road.

Osuna Road is a major local street with a right-of-way of 86'.

Lincoln Road is a local street with a right-of-way of 64'.

***Transit***

Route #140, San Mateo regular route, and Route#141 San Mateo-Jefferson route, pass near the site on San Mateo.

***Public Facilities/Community Services***

See map at front of staff report. Staff does not consider that these are of particular significance to the request.

***Zoning Information***

Existing zoning for Tract X, the existing site of Uncle Cliff's Family Land, is SU-1/Amusement Park & Related Facilities, Restaurant with Beer and Wine License and is a "recognized" special use of the Zoning Code, §14-16-2-22 (B) (5). The requested zone change is for Tract A only, from M-1 to the same zone as the existing facility, for an amusement park. This request for the zone map amendment is not necessarily required (especially for the intended use of the additional parcel as a parking lot), which is permissive in the M-1 zone.

The applicant is asking for a zone change of Tract A so that (through platting action) the site of the amusement park can remain as one lot, with the same zoning. Further, the applicant is asking for delegation of approval for future site development plans for building permit requests - as long as the current layout of the site is not altered. Having the subject site zoned with the one specific zone for an amusement park makes this delegation authority much easier for the DRB because they will not be asking the question regarding which side of the "floating zone line" a future request will reside on and whether the request is permissive for that particular zone. The only question about use will be if the request is permissive with the current amusement park zone.

**Section 14-16-2-20 M-1 Light Manufacturing Zone.** This zone provides suitable sites for heavy commercial and light manufacturing uses.

**Section 14-16-2-22 SU-1 Special Use Zone.** This zone provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

***III. REQUEST FOR ZONE MAP AMENDMENT***

**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: R-270-1980 and references to city policies are stated in plain type; the applicant's justification is quoted or summarized in italicized text; 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 is consistent with the health, safety, morals, and general welfare of the City. Cliffs has been in existence for over fifty years and is an established part of Albuquerque and the neighborhood. While the midway area will not increase, the additional land area proposed will allow adequate off-street parking based on projections of increased attendance generated by the new water park.*

***Staff agrees with the applicant. The tract of land that is requested to have a zone change (Tract A) will be incorporated into the overall master plan for the park. This increase in area will allow the park to develop new attractions while maintaining full operation. The applicant intends to use the added area for additional parking, as the overall park will offer a new water park area. This action will benefit the City in having an established business expand its operations while not having any off-site, spill over parking. Thus, the requested zone change will further health, safety, morals and the 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.

*The proposed zoning maintains stability of land use and zoning. The change does not introduce any new zoning designations, but only expands the area covered by the current zoning for Cliffs. This change strengthens an established business, reinforcing the stability of land use in the area.*

***Staff agrees. The rezoning of Tract A to the same zoning as the existing site adds to the stability of the land use, zoning and the general area that surrounds the site.***

- 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.

#### **Albuquerque / Bernalillo County Comprehensive Plan**

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."

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.

*Cliffs has been in its current location since 1959, and is a well-established part of the existing neighborhood. Expanding Cliffs to the west toward I-25 maintains and reinforces separation from existing residential areas, thus respecting existing neighborhood values. It utilizes the carrying capacities of the established roadway network, specifically I-25 and San Mateo Boulevard. Cliffs is a much-loved recreational amenity, and expanding it in its current location will have minimal impact on the intensity of the surrounding area.*

**Staff agrees. The amusement park is not new; only the site is growing by 3.8-acres (or roughly 20%). Since this request is to expand an established business in its current location, the requested zone map amendment for the subject site will not have adverse effect on the surrounding area and will respect existing neighborhood values. The result from these requests will create increased opportunities for visitation to the park where people can socialize and recreate.**

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.

*Cliffs is an established landmark, pre-dating the majority of surrounding development. Commercial development along San Mateo Boulevard evolved over time, creating a buffer between the amusement park and the nearest residential area to the east. Regional traffic generally arrives from the west via I-25, and local traffic arrives from San Mateo. Both routes provide access without passing through the existing residential neighborhoods, minimizing noise, lighting, pollution and traffic impacts.*

**Staff agrees.**

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

*This zone change will allow the expansion of Cliffs at its current location, with minimal impact on the surrounding neighborhood. The addition of new attractions will only strengthen the long-term viability of the enterprise, and contribute to the rehabilitation of the overall commercial area.*

**Staff agrees with the applicant's reasoning. As noted in Policy B. above, the requested zoning is identical to that if the existing amusement park. The requested zone change will allow Cliffs to expand its operations by utilizing this adjoining property, remain at its present location while adding employment to the area from the expansion of attractions.**

#### D. COMMUNITY RESOURCE MANAGEMENT

##### 4. TRANSPORTATION AND TRANSIT

Goal: To develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to

automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

Policy II.D.4.a: The following Table presents ideal policy objectives for street design, transit service, and development form consistent with Transportation Corridors and Activity Centers as shown on the Comprehensive Plan's Activity Centers and Transportation Corridors map in the Activity Centers section. Each corridor will undergo further analysis that will identify design elements, appropriate uses, transportation service, and other details of implementation.

*Cliff's site is located adjacent to multiple transportation modes, including public transit corridors and bicycle routes. Its location benefits from this proximity, allowing patrons to access the site without the need for an automobile. The location near the Far North Activity Center enhances the overall area and provides access for pedestrians via a well-established pedestrian network, including a crossing at San Mateo and Osuna Road.*

***Staff generally agrees with the applicant's justification. San Mateo Boulevard is an Enhanced Transit Corridor with stops within 300-feet of the site. Osuna Road is enhanced with bikes lanes traveling in each direction. The Bear Canyon Arroyo has a multi-use trail on the west side of I-25 with a proposed continuation on the east side, which is just north of the site. Automobile access is well served as the subject site fronts I-25 and has a direct connection to San Mateo Boulevard via Osuna Road. Thus, the site is well served by various modes of transportation.***

## 6. ECONOMIC DEVELOPMENT

Goal: To achieve steady and diversified economic development balanced with other important social, cultural and environmental goals.

Policy II D.6.a: New employment opportunities, which will accommodate a wide range of occupational skills and salary levels, shall be encouraged and new jobs located convenient to areas of most need.

*The proposed zone change and expanded Site Development Plan for Subdivision will allow Cliffs to proceed with the conversion of a portion of the midway to a new water park. The new water park will provide additional employment opportunities for management and staff. Cliff's central location within the City is convenient to both patrons and employees.*

***Staff agrees. The expansion of Cliff's Amusement Park will encourage additional employment, as new attractions will be added. Further, this facility's location is directly south of the Far North Activity Center, which adds to the employment opportunities of the area.***

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

*Approval of the zone change will allow Cliffs to accommodate a new water park within the existing midway area. The addition of the new water park helps meet this policy goal by encouraging further development of an existing local business, and will also contribute to growth for surrounding businesses.*

***Staff agrees. The additional land that will be added to the overall amusement park furthers this policy by encouraging local business enterprises to expand.***

Policy II.D.6.d: Tourism shall be promoted.

*Cliffs has been a tourism attraction for over fifty years, drawing both local and regional visitors. The addition of the new water park will expand Cliff's business and attract both new and return patrons.*

***Staff agrees. Cliff's Amusement Park is a regional facility.***

Policy II.D.6.g: Concentrations of employment in Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel.

*While Cliffs is not within the Far North Activity Center, it is immediately adjacent, lying just to the southwest. Convenient connections to existing pedestrian, bicycle, and transit networks, as well as close proximity to the San Mateo and I-25 Transit Corridors, provide multiple transportation options to nearby businesses and residential areas.*

***Staff acknowledges what the applicant implies, but the justification is tangential to the requested zone change. Although, the increase in employment opportunities from the additional attractions at the amusement park; combined with the employment opportunities of the activity center, increase the concentration of job opportunities available thereby expanding employment along a multi-modal transportation corridor.***

- 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 M-1 zoning of Tract A is inappropriate for the proposed use of providing additional parking for Cliff's. According to the requirements of (3) above, it is advantageous to the community to change the zoning to match the current SU-1 zoning of Cliffs in order to facilitate the conversion of a portion of their midway to a water park. The increased attendance will benefit the community by providing expanded tourism and economic development opportunities for both Cliffs and surrounding businesses, thus meeting select goals of the Comprehensive Plan as stated above.*

***Staff agrees with the applicant's response and points out that the policies analyzed above in Policy C. justify the requested zone change as being more advantageous to the Community D(3). That is, the proposed change in zoning and use for this parcel, combined with its incorporation into the existing Cliff's Amusement Park master plan, further a preponderance of Comprehensive Plan policies, which demonstrates how this request is more advantageous to the community.***

- 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 permissive uses allowed under the proposed zoning are limited to "Amusement Park & Related Facilities", which is more restrictive than the wide range allowed under the M-1 zone. This change is not harmful to adjacent properties, the neighborhood, or the community. Conversely, the elimination of the M-1 zoning on Tract A only strengthens the stability of the area.*

**Staff concurs with the applicant's justification. By changing the zoning to the specific special use of the amusement park, the applicant is eliminating the possibility for another, perhaps more intense use, to occur on this property without a subsequent zone change.**

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
1. Denied due to lack of capital funds; or
  2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

*The proposed change occurs within an area of the City that is fully developed, so no capital expenditures by the City are anticipated. There is no expectation by Cliffs of capital improvements by the City to facilitate the zone change.*

**Staff agrees. Existing utilities are available to the site and serve the existing business. No capital expenditures are requested or anticipated to serve this use at this location.**

- 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 or other economic considerations are not a determining factor in this request; however, the expansion of business for the area will benefit the community by providing employment, tourism, and other economic development opportunities. Cliff's expansion at its current central location within the City will prevent potential additional vehicle miles traveled.*

**Staff agrees.**

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

*Location on a collector or major street is not a factor in this request. Cliffs currently exists at this location, and already utilizes the developed transportation network.*

**Staff agrees.**

- 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 proposed change does not create a spot zoning condition. The existing SU-1 zoning for Cliffs is specific to its use and is therefore appropriate. The surrounding area is fully developed with well-established commercial uses that are complementary to the amusement park use.*

***This requested zoning of SU-1/Amusement Park & Related Facilities, Restaurant with Beer and Wine License is a spot zone. However, a spot zone is appropriate in this case as it allows the subject site to continue to operate as a special use. That is, the requested zoning of special use requires a site plan approval and allows Tract A to be combined with the existing Tract X, the amusement park, which is a tailored use. This tailored use is unique and does not have a standard zoning category that it fits in. In this case, a spot zone is appropriate.***

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

*The proposed change does not create a spot zoning condition. The existing SU-1 zoning for Cliffs is specific to its use and is therefore appropriate. The surrounding area is fully developed with well-established commercial uses that are complementary to the amusement park use.*

***The requested zone change will not create a strip zone.***

***In conclusion, staff considers that the applicant has provided an adequate justification for the requested zone change. The applicant has demonstrated that the proposed SU -1/Amusement Park & Related Facilities, Restaurant with Beer and Wine License zone on the additional piece of land (Tract A) should have the same zone as their master planned site. This will allow a much cleaner combination of the two tracts when the subject site is replatted at DRB. Further, the subject site is compatible with surrounding zoning and land uses, as it is in an active, non-residential, commercial area.***

#### IV. ANALYSIS – SITE PLAN FOR SUBDIVISION

##### ***Submittal***

Pursuant to §14-16-2-22, SU-1 Special Use Zone in the Zoning Code, an application for a change to SU-1 zoning shall state the proposed use and must be accompanied by a plan including at a minimum, all elements of a Site Development Plan for Subdivision purposes. The definition of a Site Development Plan for Subdivision is found in the definition section of the Zoning Code and reads as follows:

(1) An accurate plan at a scale of at least 1 inch to 100 feet which covers at least one lot and specifies:

- (a) For Subdivision. The site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum floor area ratio.

The applicant has satisfied these requirements as follows:

- Proposed Use: Amusement Park
- Pedestrian and vehicular ingress and egress: Pedestrian access is provided from Osuna Road and into the Park. Vehicular access will be via three existing access points from Osuna Road.
- Internal Circulation: Circulation of parking is as existing; circulation of pedestrian traffic is as existing.
- Maximum Building Height: As regulated per the M-1 zone.
- Minimum Building Setback: As regulated per the M-1 zone.
- Maximum FAR: 0.33

In addition to this required information, the applicant has provided design standards that will help guide future development of the subject site. These design standards include the site design, how this site addresses adjacent sites and its relationship to the streets, landscaping and water harvesting requirements, building design and signage. The design standards also specify that any new development above the existing layout of the park shall obtain EPC approval.

### **Design Standards**

The applicant's design standards point out that the amusement park exists, and therefore, is an "as built" site. Hence, much of the language used in the standards listed on the site development plan for subdivision is based upon the current developed site and any new development must blend in. If any new development that does not conform to the existing site's layout, language in the design standards specifies that EPC review is required.

#### Site Design

The Site Design section of the design standards address general layout of the site, circulation, parking, shading provisions, service facility location, site fences and walls, site lighting, drainage, screening and water harvesting. This section also describes the layout of the park and any proposed changes to this current layout triggers review by the EPC. In other words, the parking lot is located on the west side of the site with the midway the eastern side. Site Plans for buildings that are for the amusement park's purpose and are in the midway, would be delegated to the DRB. The same is true for additional parking that is located on the west side of the site, adjacent to existing parking – approval can be delegated to the DRB. Any development requests outside of the current layout will require EPC review.

### Street Realm

The Street Realm section addresses modes of transportation to the park and requires facilities for all modes to be provided. It also requires landscape buffers, street trees and screening for all portions that abut public right-of-ways.

### Landscaping

The Landscaping section requires that all new landscaping be xeric, compliment existing landscaping and be compliant with the City's ordinances and regulations regarding landscaping. This section also has standards regarding water use and irrigation and requires that the City's ordinances be complied with.

### Building Design

The Building Design section states that all new buildings must be within the theme of the amusement park in their design, height, massing, materials, colors and articulation. Any new building shall comply with the M-1 regulations of the Zoning Code. Note: this is for a building that is in the existing midway of the site. All new buildings that are outside of the existing midway are required to be reviewed by the EPC.

### Signage

There shall be a single free standing sign allowed on Osuna Road and along the I-25 frontage road. These signs shall comply with signage regulations found in §14-16-2-18, the C-3 zoning descriptor of the Zoning Code.

### Parking

Although parking requirements are discussed under site design, discussion of the current state of parking would be prudent. Parking requirements have been determined to be 1 space for every 200 square feet accessible by the general public and shall remain. Currently, the required number of spaces is 570, minus the 10% reduction of being within 300-feet of a bus line, leaving 513-spaces required. The site currently provides 605-spaces. Eleven of those spaces are handicapped accessible. There is also a requirement of 26 bicycle spaces and currently, 50-bicycle spaces are provided. The intended additional parking lot will add 268-spaces to the current 605-spaces, a total of 873-spaces, which are needed in times of peak visitation to the park.

### ***EPC's Delegation***

The Design Standards that are listed on the site development plan for subdivision are generally adequate to control smaller improvement projects at the subject site. There are a few factors that help support the request for delegation of EPC's authority of building permit approval to the DRB. First, the subject site is surrounded by intense uses found in an M-1 or C-3 zone. There are no residential neighborhoods close to the subject site either. The amusement park use is compatible with the commercial and warehousing uses found in the immediate area, and thus, will continue with the types of uses located in the general area.

Second, the subject site is an existing special use, an amusement park. The typical design regulations found in the Zoning Code are not always appropriate for control of development at this type of site as all improvements are geared toward the overall amusement park purpose.

Where the subject site contacts other sites and public spaces, the Design Standards adequately control this aspect and make sure the subject site will be compatible with the surrounding area.

Third, any alterations to the park that are outside of the current layout will require EPC review. This applies to new buildings that are not directly connected to a midway attraction. For instance, if the applicant wishes to build a new building that fronts the I-25 frontage road, the Design Standards require that this project be reviewed by the EPC. Thus, the delegation of building permit approval authority would not apply to larger developments on the site, only to perhaps new rides, new attractions, additional parking, etc.

## **VI. AGENCY & NEIGHBORHOOD CONCERNS**

### ***Reviewing Agencies/Pre-Hearing Discussion***

Reviewing agency comments begin on page 19 and are based on the original request of a zone change request to SU-1/Amusement Park & Related Facilities, Restaurant with Beer and Wine License and the request for site development plan for subdivision. However, the applicant originally submitted drawings that were more akin to a site development plan for building permit - and showed a future parking lot for Tract A. The applicant originally did not provide design standards believing that the site development plan for building permit that depicted the "as built" site was sufficient.

The applicant initially provided more information than necessary, a site development plan for building permit, and agency comments are based on this. Since then, the applicant has modified the requests to be for a zone change to Tract A and an amendment to the site development plan for subdivision. In doing so, the applicant has also asked that future approval for site plan for building permit request be delegated to the DRB and provided design standards for future development requests at the subject site. The agency comments received are relevant to the current requests and are made as a Condition of approval for the site plan for subdivision..

### ***Neighborhood/Public***

Property-owners within 100' were notified and the affected neighborhood is the Del Norte Neighborhood. Staff has not received any correspondence from interested parties regarding these requests. Staff did meet with an adjacent property owner who was more curious than concerned about the project. Once they learned that the existing storage facilities on Tract A were to be removed for the intended development of a parking lot, they seemed to be in full support of this project.

There is no known opposition to this request.

***VII. CONCLUSION***

This is a two-part request: a zone map amendment from M-1 to SU-1/Amusement Park & Related Facilities, Restaurant with Beer and Wine License for Tract A; and amendment to the site plan for subdivision for the subject site. The applicant intends to add Tract A to Tract X and through the required platting action; the two tracts will make a single site. The entire subject site will be used as an amusement park.

The applicant has provided an adequate justification for the zone change per R-270-1980, by demonstrating that the request is consistent with a preponderance of applicable goals and policies in the Comprehensive Plan. Also, the site development plan for subdivision meets all requirements presented in the Zoning Code.

The applicant has provided design standards for future developments and is requesting delegation of the site plan for building permit requests to the DRB. Staff supports this request.

There is no known opposition to these requests.

Staff recommends approval.

***FINDINGS – 11EPC-40033 (June 9, 2011) – Zone Map Amendment***

1. The request is to rezone Tract A, G.A.G.E. Subdivision, from M-1 to SU-1/Amusement Park & Related Facilities, Restaurant with Beer and Wine License. The subject site is approximately 3.8-acres and is located on the south side of Osuna Road, between San Mateo Boulevard and I-25.
2. The subject site is in the Established Urban Area of the Comprehensive Plan.
3. The requested zone change is accompanied by a site development plan for subdivision request – Project #1000177, 11EPC-40034. This zone change request will put the entire site under similar zoning.
4. 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.
5. The subject site is contiguous to the existing Uncle Cliff's Family Land amusement park on its eastern side and also fronts the frontage road of I-25, Pan American Freeway, on its western side. This tract will become part of the Uncle Cliff's site with the elimination of the lot line after platting action is performed at DRB.
6. The request is justified per R-270-1980:
  - A. The proposed zone change is consistent with the health, safety, morals and general welfare of the City as the zone change request allows the expansion of an existing business, preventing adverse effects of spill-over parking on the surrounding area.
  - B. This change will not destabilize the land use and zoning in the area; the requested zone change is compatible with the surrounding uses and consistent with the existing zoning of the amusement park.
  - C. The zone change is not in significant conflict with adopted elements of the Comprehensive Plan:

**ESTABLISHED URBAN AREA POLICIES**

This zone change will allow the existing business to expand its operations, providing employment and recreational services to the community. Since the business will remain at this location, the surrounding area will not be greatly impacted by its expanded operations, thus maintaining existing neighborhood values. Carrying capacities of the developed infrastructure such as the established transportation network are adequate for this requested action. As the amusement park is surrounded by non-residential, compatible uses (intense commercial and warehouse uses), adverse effects of noise,

lighting, pollution, and traffic on residential environments is minimized.  
(Comprehensive Plan Policies II.B.5.d and i)

The expansion of the existing amusement park furthers the policy of continuing and strengthening the rehabilitation and redevelopment of older neighborhoods by allowing the addition of new attractions that will contribute to visitation at the park, maintaining economic viability of this enterprise and the surrounding commercial area.  
(Comprehensive Plan Policy II.B.5.o)

#### TRANSPORTATION AND TRANSIT POLICIES

The subject site is located adjacent to multiple transportation modes including public transit corridors and bicycle routes. Thus, its proximity to these routes allows users of the amusement park to access the site by alternative modes other than just the automobile. (Policy II.D.4.a)

#### ECONOMIC DEVELOPMENT

The requested zone change allows a greater variety of employment opportunities, as the expansion will incorporate a new water park at the subject site. This expansion will increase visitation at the park, thus increasing employment needs. Also, since the amusement park is one-of-kind in this region, it will promote tourism for the community. (Policy II.D.6.a, b and d)

- D. The requested zone change from M-1 to SU-1/Amusement Park & Related Facilities, Restaurant with Beer and Wine License would be more advantageous to the community as articulated by the Comprehensive Plan policies cited above (see Section C).
- E. The permissive use allowed under the requested zone change is restricted to an amusement park with a restaurant with a beer and wine license. This use has been in operation since 1959 at this location and has not been found to be harmful to adjacent property, the neighborhood or community.
- F. The request would not require unprogrammed capital expenditures by the City.
- G. The cost of land or other economic considerations pertaining to the applicant are not the determining factor for the zone change.
- H. The subject site is not located on a major street itself, but is surrounded by the interstate frontage road and an arterial, San Mateo Boulevard. The site's location is not a reason for the requested zone change.
- I. The zone change request does create a spot zone. However, the special use zoning will tailor the use to be consistent with the existing use to the east. This request also helps to realize objectives of the City in providing economic vitality (see Section C).
- J. The proposed change would not create strip zoning.

7. Property-owners within 100' and the Del Norte Neighborhood Association (DNNA) and the District 4 Coalition were notified. There is no known opposition to the requests.

***RECOMMENDATION - 11EPC-40033 (June 9, 2011)***

**APPROVAL of 11EPC-40033, a Zone Map Amendment from M-1 to SU-1/Amusement Park & Related Facilities, Restaurant with Beer and Wine License, for Tract A, G.A.G.E. Subdivision, based on the preceding Findings.**

***FINDINGS – 11EPC-40034 (June 9, 2011) – Site Development Plan for Subdivision***

1. The request is for an amendment to the site development plan for subdivision for Tract A & Tract X, G.A.G.E. Subdivision. The subject site is approximately 18.8-acres and is located on the south side of Osuna Road, between San Mateo Boulevard and I-25.
2. The subject site is in the Established Urban Area of the Comprehensive Plan.
3. The requested site development plan for subdivision is accompanied by a zone map amendment request – Project #1000177, 11EPC-40033. Approval of that request will put the entire site under similar zoning, eliminating a possible floating zone line.
4. 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.
5. The subject site abuts the frontage road of I-25, Pan American Freeway, on its western boundary and is now an expanded Cliff's Amusement Park.
6. The applicant has sufficiently provided all required information on the site plan as expressed in the Zoning Code for a Site Development Plan for Subdivision. This information includes:
  - Proposed Use: Amusement Park
  - Pedestrian and vehicular ingress and egress: Pedestrian access is provided from Osuna Road and into the Park. Vehicular access will be via three existing access points from Osuna Road.
  - Internal Circulation: Circulation of parking as existing; circulation of pedestrian traffic is as existing.
  - Maximum Building Height: As regulated per the M-1 zone.
  - Minimum Building Setback: As regulated per the M-1 zone.
  - Maximum FAR: 0.33
7. The applicant has provided Design Standards on the Site Development Plan for Subdivision for the purposes of continuing a uniform and consistent development. The site development plan for subdivision includes a Conceptual Utility Plan. This utility plan shows Tract X and newly added Tract A west of it. This newly added lot is intended for an additional parking lot. The lot line separating Tract X and Tract A will be removed during the replatting action at DRB.

8. The applicant requests approval of future requests for site development plan for building permit to be delegated to the DRB for any development projects that maintain the current layout of the subject site, i.e., within the midway of the amusement park. However, as stated in the Design Standards, any proposed buildings that are outside the existing midway or otherwise will alter the current layout of the amusement park will be required to be reviewed by the EPC.
  
9. Property-owners within 100' and the Del Norte Neighborhood Association (DNNA) and the District 4 Coalition were notified. There is no known opposition to the requests.

***RECOMMENDATION - 11EPC-40034 (June 9, 2011) –Site Development Plan for Subdivision***

**APPROVAL of 11EPC-40034, a Site Development Plan for Subdivision, for Tract A and Tract X, G.A.G.E Subdivision, based on the preceding Findings and subject to the following Conditions.**

**CONDITIONS OF APPROVAL – 11EPC-40034 (June 9, 2011) –Site Development Plan for  
Subdivision**

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
  
  2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
  
  3. Approval of the Site Plan for Building Permit shall be delegated to the DRB for projects that comply with the Design Standards listed on the Site Development Plan for Subdivision.
  
  4. Conditions from the City Engineer:
    1. Show parking lot as illustrative only or remove it all together.
    2. Provide note to remove lot line.
    3. Concurrent plat action required at Development Review Board (DRB).
  
  5. Zoning Enforcement has provided landscaping requirements for Tract A when application for Site Development Plan for Building Permit is requested. 27 Street Trees along Pan American and 6 along Osuna will be required and the Landscape Plan will need to identify the number of plants proposed and their exact location.
- 

**Christopher Hyer**  
**Senior Planner**

cc: DPS, Attn Chris Gunning, 7601 Jefferson, Suite 100, Albuquerque, NM, 87109  
Cliff's Amusement Park, 4800 Osuna NE, Albuquerque, NM, 87109  
Madeline Edgar, 4609 Sherwood NE, Albuquerque, NM, 87109  
Robert Frazer, 6328 Driscoll NE, Albuquerque, NM 87109  
Peter Nicholls, 8519 Palomar Avenue NE, Albuquerque, NM, 87109  
Erica Vasquez, P.O. Box 92315, Albuquerque, NM, 87199

***Attachments***

1. M-1 zone (§14-16-2-20)
2. SU-1 zone (§14-16-2-22)

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# CITY OF ALBUQUERQUE AGENCY COMMENTS

## PLANNING DEPARTMENT

### Zoning Enforcement

#### Landscape Plan

- ❖ The Landscape Plan needs to identify the number of plants proposed and their exact location.
- ❖ 27 Street Trees along Pan American and 6 along Osuna will be required.

### Office of Neighborhood Coordination

#### Del Norte NA (R)

#### District 4 Coalition of NA's

### Long Range Planning

No comments received.

## CITY ENGINEER

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

#### Amendment to Zone Map:

- Reviewed, no comments.

#### Site Development Plan for Subdivision:

- Show parking lot as illustrative only or remove it all together.
- Provide note to remove lot line.
- Concurrent plat action required at Development Review Board (DRB).

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

- A Conceptual Grading and Drainage Plan has been submitted to Hydrology.
- Hydrology has no objection to the Zone Map Amendment.

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

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

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

- *No comments received.*

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

- No comments received.

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

- No comments received.

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**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:**

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

1. Show parking lot as illustrative only or remove it all together.
2. Provide note to remove lot line.
3. Concurrent plat action required at Development Review Board (DRB).

***WATER UTILITY AUTHORITY***

**Utility Services**

No comments received.

***ENVIRONMENTAL HEALTH DEPARTMENT***

**Air Quality Division**

No comments received.

**Environmental Services Division**

No comments received.

***PARKS AND RECREATION***

**Planning and Design**

No comments received.

**Open Space Division**

Open Space has no adverse comments

**City Forester**

No comments received.

***POLICE DEPARTMENT/Planning***

No comments received.

***SOLID WASTE MANAGEMENT DEPARTMENT***

**Refuse Division**

No comments received.

***FIRE DEPARTMENT/Planning***

No comments received.

**TRANSIT DEPARTMENT**

Adjacent and nearby routes	Route #140, San Mateo regular route, and Route#141 San Mateo-Jefferson route, pass near the site on San Mateo.
Adjacent bus stops	2 bus stops located on San Mateo, 80' south of Osuna on both sides of San Mateo serving the above-mentioned routes in northbound and southbound direction.
Site plan requirements	
Large site TDM suggestions	N/A
Other information	None

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

No comments received.

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

Reviewed, no comment.

**ALBUQUERQUE PUBLIC SCHOOLS**

**Gage Subdivision**, Tract X and A, is located on Osuna NE between I-25 and San Mateo NE. The owner of the above property requests an Amendment to Zone Map for a Zone Change from M-1 to SU-1 Uncle Cliff's Familyland, Amusement Park and Related Facilities, Restaurant with Beer and Wine License". The property owner is also seeking approval of a Site Development Plan for Subdivision. These changes will allow for Cliff's Amusement Park to expand the original 560 space parking lot by 250 spaces. The bounds of the existing amusement park rides and midway will remain unchanged. This will have no adverse impacts to the APS district.

**MID-REGION COUNCIL OF GOVERNMENTS**

MRMPO staff has no adverse comments.

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

No comments received.

**PUBLIC SERVICE COMPANY OF NEW MEXICO**

1. As a condition, 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 are existing overhead electric distribution facilities along the western and northern boundaries of the site.
3. Screening should be designed to allow for access to utility facilities. As a condition, all screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide for specifications.
4. As a condition, it is necessary to coordinate with PNM's System Engineering Department or New Service Delivery Department with the applicant regarding proposed tree location and height, sign location and height, and lighting height in order to ensure sufficient safety clearances.