



**Environmental
Planning
Commission**

*Agenda Number: 4
Project Number: 1000858
Case Number(s): 09EPC-40024
June 18, 2009*

Staff Report

Agent	Tierra West LLC
Applicant	Southwest Regional Council of Carpenters
Request(s)	Zone Map Amendment
Legal Description	Tract A-4A, Luecking Park Complex No. 2 & 3
Location	Vassar Dr. NE between Comanche NE and Pan American Freeway NE
Size	Approximately 2.4 acres
Existing Zoning	SU-1 for Office Park, PRD & Related Uses
Proposed Zoning	SU-1 for C-2, Office Park, PRD & Related Uses

Staff Recommendation

APPROVAL of 09EPC-40024, based on the Findings beginning on Page 13, and subject to the Conditions of Approval beginning on Page 17.

Staff Planner

Carol Toffaleti, Planner

Summary of Analysis

The request adds C-2 to an SU-1 zone for Office Park, PRD & Related Uses, for Tract A-4A, Luecking Park Complex No. 2 & 3, a site of 2.4 acres located on Vassar Dr. NE between Comanche and the Pan American Freeway. The site is in the Established Urban Area of the Comprehensive Plan and on a designated Express Corridor. The accompanying conceptual site development plan indicates the proposed uses as retail, restaurant, hotel and offices and that the site will be accessed from Vassar Dr. and from the site to the south, in the same ownership. The site is part of a 20-acre office park that extends to the east, governed by a site development plan for subdivision with design standards.

The change is appropriate for a site on a major road, is compatible with the surrounding office/industrial area and is not detrimental to residential environments. The applicant has provided an adequate justification for the zone change per R-270-1980 and the conceptual site development plan meets the minimum requirements of the SU-1 zone. There is no known opposition to the request. Staff recommends approval, subject to EPC approval of a site development plan for building permit within 6 months.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 05/11/09 to 05/22/09. Agency comments used in the preparation of this report begin on Page 18.

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	SU-1 for Office Park, PRD & Related Uses	Established Urban Area	Temporary retention pond/vacant
North	interstate, M-2	Established Urban Area; North Valley Area Plan (Rank II)	Frontage road, Interstate 25, business park
South	M-1 (SC)	Established Urban Area	Training center, office and restaurant development underway
East	M-1	same	Credit union office
West	interstate, M-2	Established Urban Area; North Valley Area Plan (Rank II)	Frontage road, Interstate 25, business park

Background

The request is a Zone Map Amendment to add C-2 to the existing SU-1 zone for Office Park, PRD & Related Uses, for Tract A-4A, Luecking Park Complex No. 2 & 3, a site of approximately 2.4 acres located on Vassar Dr. NE between Comanche and the Pan American Freeway.

The applicant owns the site to the south zoned M-1 (SC) and development is underway to provide offices, a regional training center for carpenters and a restaurant. They wish to develop the subject site with complementary uses, such as retail, restaurant, hotel and/or offices. A site development plan would be submitted in compliance with requirements of the SU-1 zoning at a later date.

The subject site is in the Established Urban Area of the Comprehensive Plan and abuts the east frontage road of I-25, a designated Express Corridor.

The subject site contains a redundant drainage pond enclosed by a chain link fence and is essentially vacant.

History

The existing zoning of the subject site was approved by the EPC in 1997 as part of a 20-acre site, known as Pathway Office Park (Z-97-115, 11/20/1997, see att.) The action consolidated two existing zones, SU-1 for PRD and SU-1 for Office Park and Related Uses, into a single category. The zone map amendment was accompanied by a site development plan for subdivision with design standards and a site development plan for building permit in three phases (DRB-97-417, 1/12/1999, see att.). The 20-acre site was replatted and roadways have been vacated or created.

The office park now consists of:

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- Tract A1A1, across Vassar from the subject site - This tract covers approximately 7.5 acres and has been partially developed as the office and training center for a credit union. The EPC approved an amended site development plan in 2008, but it has not yet been signed off at the Development Review Board (DRB). The amended site plan (#1007317, 08EPC-40061, 7/17/2008) is to complete development of the tract by adding an office building, a small warehouse and a drive-up ATM.
 - Tract A2A1, the eastern section - This tract contains approximately 8 acres and has been fully developed as the regional office of a federal agency (#1000858, 02EPC-01939, 4/4/2003).
 - Tract A4A, the subject site – It contains approximately 2.4 acres and was used as a temporary drainage pond to serve the area.

On its southern boundary, the subject site abuts a site of approximately 16 acres zoned M-1 (SC) owned by the applicant. A site development plan for building permit with design guidelines was approved in 2007 for the carpenters' training center and future phases consisting of offices and a restaurant (#10068650, 7EPC-40066 11/15/07, 08DRB-70117 3/26/08).

A Traffic Impact Study (TIS) was completed for the Pathway Office Park in 1996 and updated with a trip generation comparison in 2008 in conjunction with additions to the credit union. A separate TIS was completed in 2007 for the site to the south and was updated with a trip generation comparison later the same year. Development of the subject site would take account of both sets of studies, since it is part of the office park and will also be accessed from the site to the south.

Context

The subject site is triangular in shape and slopes significantly from north to south. Its northern point abuts the frontage road (Pan American Highway) of I-25, where the freeway curves eastward. Across the freeway is a business park. The base of the triangle abuts the applicant's property to the south, which is being graded for development. To the east is the headquarters of the credit union. To the west is the frontage road, I-25 and across the freeway is another business park.

The area surrounding the site is primarily developed with office, warehouse and light manufacturing uses. The nearest residential development is an apartment complex northeast of the federal agency, that is accessed from a long drive off Pathway Avenue.

Long Range Roadway System

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

The LRRS designates I-25 and the Pan American Highway as an urban interstate highway.

Vassar Dr. is currently a local street, but the section between Comanche and the frontage road is proposed as a collector.

The *Long Range Bikeway System* designates an existing bike lane on Comanche Rd. west of Stanford Dr. that provides access to the North Valley. The LRBS designates a proposed lane that extends the lane eastward and connects with an existing trail along the North Diversion Channel. The bike lane is approximately ¼ mile from the subject site and the trail is approximately ½ mile from the site.

Public Facilities/Community Services

Fire Station 19, two elementary schools and five city parks are within one mile of the site.

ABQ Ride: the #13 Comanche is a commuter service operating between Downtown and Tramway Blvd, with bus stops approximately 1/3 of a mile from the site. Three other bus routes are located approximately ¾ of a mile from the site.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The subject site is zoned SU-1 for Office Park, PRD & Related Uses. The approved site development plan for subdivision specifies the allowed uses, as follows:

- O-1 permissive uses
- Related sales of the following goods plus incidental retailing of related goods and incidental service or repair:
 - books, magazines, newspapers except adult books
 - cosmetics, notions and gifts
 - flowers and plants
 - food and drink for consumption on premises
- Services: Banking, loaning money (excl. pawn is shown on each tract of the site plan). Drive-in facilities permitted on the condition the vehicle movement plan is approved by the Traffic Engineer.
- Printing, publishing, lithographing, blueprinting or photostating
- Conference center, meeting and classroom facilities and special events
- Storage of office records, equipment or material reasonable to support the office function.

The request is to add C-2 zoning, which would allow C-2 permissive uses permissively and C-2 conditional uses subject to approval by the Zoning Hearing Examiner (see 14-16-2-17 C-2, att.).

The change maintains the SU-1 zoning and therefore requires approval of a site development plan by the EPC (see 14-16-2-22 SU-1, att). The conceptual site plan that accompanies the request has all the elements of a site development plan for subdivision, as defined in the Zoning Code, but is for illustrative purposes only (14-16-1-5 att.). Staff recommends that a full site development plan for building permit be approved by the EPC within 6 months, if the EPC

approves the current zone change request. Development on the site would be subject to design standards of the governing site development plan for subdivision and applicable zoning regulations. Staff considers that it should also be compatible with the development to the south since they are adjoining sites under the same ownership and will have cross-access.

Albuquerque / Bernalillo County Comprehensive Plan

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

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

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

The proposed addition of C-2 to the existing zoning allows a fuller range of urban land uses in the area. The request furthers this policy.

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 site is located on the freeway frontage road and in an area that has a mix of office, light manufacturing, and warehousing uses. The proposed addition of community commercial zoning to the existing SU-1 for office park and PRD zone allows an intensification of land uses, that is compatible with its immediate surroundings and continues to be controlled by a site plan. The change will not adversely affect residential neighborhood values as the closest residential use is an apartment complex located approximately ¼ mile northeast of the site. The request is consistent with this policy.

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.

The request facilitates development of vacant land that is contiguous to existing urban facilities and services. The request is a benign change, given the relatively small size of the site and the mix of lot sizes and building types in the surrounding office and industrial parks. The change will not adversely affect the integrity of the surrounding non-residential area, and the closest residential neighborhood is away from the site. The request is consistent with this policy.

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 request would add employment and service uses that complement existing residential areas to the northeast and to the west in the North Valley. It will not have adverse effects on residential environments, because there are none in close proximity to the site. The existing zone allows residential development in the form of PRD, but none has been developed in the rest of the site plan area and the applicant does not intend to develop this use on the subject site. In any case, future development under the overarching SU-1 zoning would be controlled by a site plan approved by the EPC, which can ensure that any residential environments are protected. The change is consistent with this policy.

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

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

The request would add community commercial uses to an area east of the freeway that is not an area zoned for commercial (retail) development. The adjacent M-1 Light Manufacturing zone allows some commercial uses, but does not include the combination of retail, service and office uses envisaged by the applicant. These uses could serve existing employers and employees in the area, including the training centers on adjacent tracts, and may also provide jobs and services to residents of the R-3 zone who live within walking or biking distance of Pathway Office Park. The site is also accessible from the northbound frontage road. In conclusion, the location of the site does not fall within any of the categories listed in the policy, but staff finds that the request does not conflict with the intent of the policy.

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: Table 11 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.

The subject site abuts the frontage road of I-25, which is a designated *Express Corridor*.

The policy objectives for Street Design in an Express Corridor include:

- Access Control: limited access

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- Signalized Intersections: decel lanes, right turn lanes.
 - On-street Parking: no.
 - Pedestrian Circulation: pedestrian connections ... between adjacent developments.
 - Sidewalk: trail or sidewalk, minimum 6 ft. wide
 - Sidewalk Setback: 8 ft. minimum unless right-of-way constrained.

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The policy objectives for Development Form include:

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- Building Setback: Based on zoning ordinance.
- Employment Density Targets for New Development: Flexible.
- Modal Hierarchy: Autos, transit, bikes, pedestrians.

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A conceptual site development plan for subdivision accompanies the zone change request. Access to the frontage road is proposed through the adjoining site, which respects the limited access policy for Express Corridors. Pedestrian connections with developments to the east and south are indicated on the plan. The sidewalk on the frontage road is shown as existing, but may not meet the desirable setback. Building setbacks comply with the approved site development plan for subdivision. In terms of modal hierarchy, transit is not a very convenient option to access the site because the nearest bus route is a commuter service. Finally, the zone change would not alter the overarching SU-1 zoning of the site, which requires comprehensive review of a full site development plan against applicable city plans, including this policy. The zone change and conceptual site development plan are consistent with this policy.

Policy II.D.4.o: Peak hour demands on the circulation system should be decreased.

The proposed zone change may decrease peak hour demands on the (vehicular) circulation system, by providing retail and service uses that are within walking or biking distance, or a shorter drive away, for employers and employees in the surrounding area and for residents in the nearest neighborhoods. The request furthers this policy.

Economic Development

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

The proposed addition of C-2 zoning to the existing zone helps diversify business opportunities on this site, which is consistent with the city's economic development goal.

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 addition of C-2 zoning broadens the range of employment opportunities on the site and the site is accessible from the east side of the North Valley, an area of need. The request furthers this policy.

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.

The applicant justified the zone change in their application dated May 5, 2009 and a supplementary letter dated May 22, 2009.

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

The applicant states that the request is consistent with the health, safety, morals and general welfare of the city. The existing drainage pond on the site is no longer necessary in the area due to increases in downstream capacity, and a planned storm drain will be constructed when the site is developed that will benefit neighboring land-owners and the city. The applicant also states that traffic impacts of the change are not significant, as it does not require a Traffic Impact Study (TIS) and C-2 uses generate similar traffic to the existing zoning.

Staff generally agrees that the request will not place a burden or have significant adverse effects on public infrastructure and services, such as drainage facilities and roadways. However, an updated TIS may be required in conjunction with a future site development plan, depending on the proposed uses. Certain C-2 uses, such as high-turnover restaurants, are likely to generate more trips than the existing office and PRD zoning.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The applicant argues that the addition of C-2 uses will not destabilize existing land use and zoning, because it allows retail and service uses that are complementary to the surrounding

office and industrial developments. They can provide an element of convenience for employees and employers in the area. This includes the hotel use, which would be convenient for carpenters training at the southwest regional center on the adjoining site.

Staff agrees with the applicant's assessment. In addition, the change is not significant because it adds uses to an existing zone rather than replacing it with entirely new 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 applicant discusses how the request furthers or partially furthers several applicable policies of the Comprehensive Plan. The site is not adjacent to residential property, and the change would allow for a commercial development that integrates with the adjacent Carpenters' Training Center and fits well with surrounding office/industrial parks. The request therefore respects values of the existing residential and non-residential neighborhoods (Established Urban Area (EUA) policy d). The site is vacant and contiguous to existing urban facilities (EUA policy e). The change will have no adverse effects of noise and lighting on residential environments and the additional uses allowed by the change will not substantially increase the amount of traffic, and associated air pollution, in the area (EUA policy i). The commercial uses would not cause transportation problems, because the site is located at the intersection of a major road (a frontage road) and a local street, and a previous TIS indicated the intersection operated at an acceptable level of service (EUA policy j). Additional traffic generated by the proposed commercial zoning can be accommodated on existing roadways and there is no residential neighborhood in close proximity that would be adversely affected (Transportation and Transit (TT) policy i). The request allows retail and restaurant uses, which would increase the number and type of employment opportunities in the area, which currently has a concentration of office and skilled trade workers (Economic Development (ED) policy a).

Staff agrees with most of the applicant's arguments. However, staff finds that it is impossible to evaluate how a commercial development would fit in from a design perspective until a site development plan is submitted to the City. The current analysis is necessarily limited to how the uses in the proposed zone accord with city plans. Staff also notes that, contrary to the applicant's assertions, a site plan for commercial development on the site may require an updated TIS, to ensure that traffic impacts are addressed for specific uses at a specific scale (see comments from Transportation Development). It is therefore impossible to evaluate the traffic impact on adjacent properties. Staff finds that the zone change is consistent with two additional policies: EUA policy II.B.5.a because it diversifies the land uses in the area; and TT policy II.D.4.o, because C-2 retail and service uses would be attractive to employers and employees in the vicinity and to residents northeast of the site, which would decrease peak hour demands on the circulation system.

- D. The applicant must demonstrate that the existing zoning is inappropriate because:
1. There was an error when the existing zone map pattern was created; or

2. Changed neighborhood or community conditions justify the change; or
3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The applicant claims under #2 that the removal of drainage constraints are changed conditions that make the site available for development and therefore justify the zone change. The applicant demonstrates under #3 that the change is more advantageous to the community, because it provides uses that are complementary to the adjacent office and industrial uses in a location that is away from residential environments. The site is an infill site that is contiguous to existing road, utility and drainage infrastructure.

Staff does not find the zone change justified under #2 because the site could be developed with the existing zoning. Under #3, staff finds that the characterization of the site as infill and contiguous to utility and drainage infrastructure does not make the proposed zoning more appropriate than the existing zoning, although the request may facilitate earlier development of the site. However overall, staff concurs that the proposed zoning is more advantageous to the community, as articulated in several other City policies (discussed fully under Section C). The request expands the range of possible uses in the area, by supplementing the existing SU-1 zone for office park, PRD and related uses with C-2 zoning. The site is accessible from the major road network, which makes it suitable for community commercial development. The change allows retail and commercial services that would be convenient for employers and employees in the surrounding office and industrial parks and accessible to residents in the R-3 area northeast of the site, but without directly impacting any residential environments.

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The applicant describes the area surrounding the site as mainly an employment center consisting of offices and light industrial uses. The proposed C-2 zoning would not adversely affect these adjacent properties, and would provide useful retail, restaurant and commercial services that benefit employees and businesses in the area. The applicant also points out that the site is subject to a previously approved site development plan that excludes pawnshops and contains design guidelines.

Staff generally concurs that permissive C-2 uses are compatible with adjacent properties and the surrounding, non-residential neighborhood. There are few uses that may be considered harmful. Outdoor activity and storage areas associated with vehicle sales and repair or with the retailing of building materials (14-16-2-17 (13)(b)&(d)) may be considered unsightly and harmful to the office park and adjacent properties, as no solid screening is required in this location. C-2 uses also imply more generous limits on signage, particularly near a freeway. However, development in an SU-1 zone is controlled by a site plan approved by the EPC, who have discretion over signage and can require a site layout and screening measures that minimize potential adverse impacts.

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

The applicant states that the request does not require any capital expenditure by the city.

Staff agrees.

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

Economic considerations pertaining to the applicant are not the determining factor for the request.

Staff agrees.

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

The applicant states that the site is bounded by a collector street (Vassar Dr NE) and will have indirect access from the frontage road. Although the location of the site and its proximity to I-25 are ideal for commercial zoning, they are not the sole reasons for the request.

Staff generally agrees. However, note that the Long Range Roadway System Map designates Vassar Dr. NE a proposed, not an existing, collector in this location.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

The applicant acknowledges that the request to add C-2 to the existing SU-1 zone constitutes a spot zone, but points out that it is more advantageous to the region and nearby businesses.

Staff finds that the applicant has adequately demonstrated in Section C that the request facilitates realization of the Comprehensive Plan.

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

The applicant explains that the subject site is not a strip of land along a street and the request will not create a strip zone.

Staff concurs.

In conclusion, staff finds that the applicant has provided an acceptable justification for the request.

ANALYSIS OF CONCEPTUAL SITE DEVELOPMENT PLAN FOR SUBDIVISION

The applicant submitted a revised conceptual site development plan dated 5/29/09, for illustrative purposes only. 14-16-2-22 (A)(1) sets out the minimum information required for SU-1 zoning. The applicant’s submittal meets all the requirements:

- Proposed uses are included and are listed as retail, restaurant, hotel, offices.
- Elements of a site development plan for subdivision (see 14-16-1-5 Definitions) are provided:
 - A legal description of the site
 - Vehicular and pedestrian access points are shown on Vassar Dr. NE and at the south boundary of the site. The site drive on Vassar Dr. NE corresponds to the approved SDP for subdivision. The two southern access points are new and connect with Tract A-1, also owned by the applicant and approved for development under project #1006865. An existing sidewalk is shown on the frontage road and a future extension along Vassar Dr.
 - The maximum building height corresponds to the R-2 regulations.
 - The minimum building setbacks correspond to the setbacks in the approved design guidelines (Z-97-115). They are 30 ft. from the front, i.e. the frontage road, and 20 ft. from Vassar Dr. and the south property line.
 - The maximum Floor Area Ratio (FAR) is 0.3, which is less than the approved FARs for the other tracts in the same subdivision, which are 0.436 for the credit union across Vassar and 0.35 for the federal agency on Luecking Park. There is no FAR specified in the C-2 zone.

Staff recommends a condition requiring that a full site development plan for building permit be submitted for EPC review within 6 months of the city's approval of the current request.

CONCERNS OF REVIEWING AGENCIES

Comments from city departments and other agencies begin on page 18. There were no significant comments, although Transportation Development mentions that an updated TIS may be required with a future site development plan.

NEIGHBORHOOD/PUBLIC CONCERNS

Property-owners within 100 ft. and the North Valley Coalition were notified of the request. There is no neighborhood association in the area. No comments have been received and there is no known opposition to the proposal.

CONCLUSIONS

The addition of C-2 is a relatively benign change to the existing SU-1 zone for Office Park, PRD and Related Uses on this site away from residential environments. The commercial uses proposed by the applicant--retail, restaurant, hotel and offices—take advantage of a site with frontage on a major roadway and will complement the surrounding office park and light industrial uses. They can also provide employment and services to residents of the nearest residential zone (R-3) to the northeast of the site, and other neighborhoods in the wider area. The request is consistent with a preponderance of applicable policies of the Comprehensive Plan. The applicant has provided an adequate justification for the zone change per R-270-1980 and submitted a conceptual site development plan that meets the minimum requirements of the SU-1 zone.

There is no known opposition to the request.

Staff recommends approval, with a condition to submit a full site development plan for building permit within 6 months. Future development should comply with approved design guidelines, city policies and regulations, and integrate well with the adjoining development to the south.

FINDINGS - 09EPC-40024, June 18, 2009, Zone Map Amendment

1. The request is a Zone Map Amendment to add C-2 to the existing SU-1 zone for Office Park, PRD & Related Uses, for Tract A-4A, Luecking Park Complex No. 2 & 3, a site of approximately 2.4 acres located on Vassar Dr. NE between Comanche and the Pan American Freeway. The site is vacant except for a disused retention pond.
2. The applicant owns Tract A1A, Comanche Business Park, which abuts the southern boundary of the subject site and is zoned M-1 (SC). Development is underway there to provide offices, a regional training center and a restaurant. They wish to develop the subject site with complementary uses, such as a hotel, restaurant, small retail and/or office uses.
3. The request is accompanied by a conceptual site development plan for subdivision that complies with the minimum requirements of the SU-1 zone (14-16-2-22).
4. The subject site is in the Established Urban Area of the Comprehensive Plan and abuts the north frontage road of I-25, designated as an Express Corridor.
5. 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.
6. The existing zoning of the subject site was approved by the EPC in 1997 as part of a 20 acre site, known as Pathway Office Park (Z-97-115, 11/20/1997). The zone map amendment was accompanied by a site development plan for subdivision with design standards and a site development plan for building permit in three phases (DRB-97-417, 1/5/1999). The office park consists of Tract A1A1, partially developed as the headquarters of a credit union, Tract A2A1, fully developed as the office of a federal agency and Tract A4A, the subject site.
 - The request would allow C-2 permissive uses permissively and C-2 conditional uses subject to approval by the Zoning Hearing Examiner
7. A Traffic Impact Study (TIS) was completed for the Pathway Office Park in 1996 and updated with a trip generation comparison in 2008 to evaluate the impact of additions to the credit union. A separate TIS was completed in 2007 for the Vassar Development (the site to the south) and was updated with a trip generation comparison later the same year. Per the City Engineer, a TIS update may be required for the subject site at time of site development plan submittal.

8. The request furthers or is consistent with the following goals and policies of the Comprehensive Plan:
- a. The addition of C-2 to the existing zone allows a fuller range of urban land uses in the area (Established Urban Area (EUA) policy II.B.5.a).
 - b. The location is an infill site on a major road. The proposed intensification of land use is compatible with the surrounding office and light industrial uses and will not adversely affect residential areas, which respects the values of the existing residential and non-residential neighborhoods (EUA policy II.B.5.d).
 - c. The request facilitates development of vacant land that is contiguous to existing urban facilities (EUA policy II.B.5.e).
 - d. The change adds employment and service uses that complement existing residential areas to the northeast and to the west, but it will have no adverse effects of noise, lighting and traffic on residential environments as none exist in close proximity to the site (EUA policy II.B.5.i).
 - e. The availability of C-2 retail and service uses will be convenient for employers and employees in the vicinity of the site, which may decrease peak hour demands on the circulation system by reducing the number and length of car trips (Transportation and Transit policy II.D.4.o).
 - f. The additional uses will increase the number and type of employment opportunities in the area, which currently has a concentration of office and skilled trade workers (Economic Development policy II.D.6.a).
9. The applicant justified the zone change per R-270-1980:
- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.
The change is consistent with the health, safety, morals and general welfare of the city. The addition of C-2 to the existing zoning does not place a significant burden on public infrastructure and services.

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- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The applicant provided an adequate justification for the request. The change is not significant because it adds uses to an existing SU-1 zone rather than replacing it with an entirely new land use category. The site has remained undeveloped since the most recent zone change to the site in 1997 and a permanent drainage system was implemented to handle runoff in the area.

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

The request is consistent with a preponderance of applicable policies of the Comprehensive Plan. The proposed change allows a fuller range of urban land uses in the area (Established Urban Area policy II.B.5.a). It facilitates development of a vacant site, which is compatible with the surrounding office and light industrial area and complements residential areas to the northeast and west, without adversely impacting them (Established Urban Area policies II.B.5.d, e & i). The request may decrease peak hour demands on the road network by providing retail and service uses that are within walking, biking or a shorter driving distance for employers and employees in the area and for residents to the northeast and west (Transportation and Transit policy II.D.4.o). The change diversifies the business and employment opportunities allowed on the site, which is also accessible from the east North Valley, an area of need (Economic Development goal and policy II.D.6.a).

- 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 proposed addition of C-2 is more advantageous to the community, as articulated in Comprehensive Plan policies. It provides uses that are compatible with and complementary to the adjacent office and industrial uses in a location where they will not have adverse effects on residential environments. (See also Section C.)

- 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.

Permissive uses of the C-2 Community Commercial zone will not be harmful to adjacent properties and the neighborhood, which is mostly office and light industrial uses. The overarching SU-1 zoning also maintains site plan control over the design of future development.

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 request does not incur unprogrammed capital expenditures by the city.

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

Economic considerations pertaining to the applicant are not the determining factor for the change.

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

Location on the frontage road is a factor in the request for commercial zoning, but is not the sole justification for the change.

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.

Although the request creates a spot zone, it furthers several policies in the Comprehensive Plan as discussed in Section C.

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 request does not constitute a strip zone.

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10. Property-owners within 100' and the North Valley Coalition were notified of the proposal. No comments have been received and there is no known opposition.

RECOMMENDATION - 09EPC-40024, June 18, 2009

APPROVAL of 09EPC-40024, a Zone Map Amendment, for Tract A-4A, Luecking Park Complex No. 2 & 3, from SU-1 for Office Park, PRD and Related Uses to SU-1 for C-2, Office Park, PRD and Related Uses, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 09EPC-40024, June 18, 2009, Zone Map Amendment

1. A site development plan for building permit shall be submitted to and approved by the EPC within 6 months.

***Carol Toffaleti
Planner***

cc: Southwest Regional Council of Carpenters, 533 S. Fremont Ave, 9th Floor, Los Angeles, CA 90071
Tierra West LLC, 5571 Midway Park Place NE, Albuquerque, NM 87109
Chris Catechis, North Valley Coalition, 5733 Guadalupe Tr. NW, Albuquerque, NM 87107
Claude Morelli, North Valley Coalition, 7 Garden Park Cir. NW, Albuquerque, NM 87107

Attachments

Z-97-115, 11/20/1997, DRB-97-417, 1/12/99
#1006865, 07EPC-40066 11/15/07, 08DRB-70117 3/26/08
C-2 zoning
SU-1 zoning
Site Development Plan for Subdivision, as defined in the Zoning Code

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

No comment

Office of Neighborhood Coordination

North Valley Coalition

Long Range Planning

No comments received.

CITY ENGINEER

Transportation Development Services

- Reviewed, no comments. However, TIS update may be required at time of site development plan submittal.

Hydrology

- The Hydrology Section has no objection to the zone map amendment.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

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

Traffic Engineering Operations

No comments received.

Street Maintenance

- No comments received.

NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)

- No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

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

- a. None.

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

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

Open Space Division

Open Space has no adverse comments

City Forester

No comments received.

POLICE DEPARTMENT/Planning

Nearest Police Station: John Carillo Northeast Substation, 8201 Osuna Rd. NE, area between I-25 & Eubank, N. of I-40.

No crime prevention or CPTED comments concerning the proposed zone map amendment request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

NO ADVERSE COMMENTS

FIRE DEPARTMENT/Planning

No comments received.

TRANSIT DEPARTMENT

Adjacent and nearby routes	Peak Hour Route #13, Comanche route, passes the site 1700 feet south of the property.
Adjacent bus stops	Nearest bus stop is 1700 feet south of the property
Site plan requirements	None
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

This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

No comments received.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

- 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.
- As a condition, the site plan utility sheet should identify any existing and proposed public utility easements.