



**Environmental
Planning
Commission**

**Agenda Number: 7
Project Number: 1007928
Case Number: 10EPC-40057/40067
November 18, 2010**

Staff Report

Agent	Consensus Planning
Applicant	TW Investments
Request	Sector Development Plan Map Amendment (Zone Change); Site Plan for Subdivision
Legal Description	Tract 1-A-1, Plat of Tracts 1-A-1 & 2-A-1, Lands of Rayco
Location	Behind Wise Recycling SW on the West side of Broadway Boulevard between Broadway and Wheeler Avenue SW
Size	Approximately 2.42-acres
Existing Zoning	SU-2/MR
Proposed Zoning	SU-2/SU-1/HC & Recycling Center

Staff Recommendation

APPROVAL of 10EPC-40057, based on the Findings beginning on Page 15

APPROVAL of 10EPC-40067, based on the Findings beginning on Page 18, 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 1-A-1, Lands of Rayco, which is behind Wise Recycling on Broadway from SU-2/MR (medium density residential) to SU-2/SU-1 for HC (heavy commercial) and Recycling facility, with restrictions; and site plan for subdivision. Wise Recycling fronts Broadway Boulevard and this tract abuts it on the west (rear). The neighborhood is in support of these requests, as they do not want the cut through traffic that would occur if apartments were built under the existing zoning on this site - the applicant has agreed to the terms (an 8' perimeter wall and a parking yard). Since no major improvements are proposed to the site, the applicant is requesting delegation of the site plan for building permit to the DRB. Staff supports this request.

The site is in the Established Urban Area of the Comprehensive Plan and is within the South Broadway Neighborhoods Sector Development Plan boundaries.

The applicant provided an adequate justification for the zone change per R-270-1980 and the Site Plan for Subdivision meets all requirements. – Staff recommends approval.

Location Map (3" x 3")

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	SU-2/MR	Established Urban Area; South Broadway Neighborhoods Sector Development Plan	Vacant
North	SU-2/MR	Established Urban Area; South Broadway Neighborhoods Sector Development Plan	Single-family residential, San Jose Church
South	SU-2/MR, SU-2/ PRD	Established Urban Area; South Broadway Neighborhoods Sector Development Plan	Single-family residential
East	SU-2/HC	Established Urban Area; South Broadway Neighborhoods Sector Development Plan	Metal recycling/processing facility
West	SU-2/MR	Established Urban Area; South Broadway Neighborhoods Sector Development Plan	Single-family residential, drainage facility

II. INTRODUCTION

Proposal

This is a two part request: a Sector Plan Map Amendment (a zone change) and a Site Plan for Subdivision for Tract 1-A-1, Plat of Tracts 1-A-1 & 2-A-1, Lands of Rayco, a 2.42-acre tract, located on the west side of Broadway Boulevard SW behind Wise Recycling between Broadway Boulevard and Wheeler Avenue, the “subject site”. The requested change of zoning is from SU-2/MR to SU-2/SU-1/HC (heavy commercial) and Recycling Center.

The subject site is part of a 3-tract parcel and is the middle piece. The tract that is adjacent to and fronts Broadway Boulevard (Tract 2-A-1) is zoned SU-2/HC and currently is the location of Wise Recycling, a metal recycling processing plant – 5.13-acres. The subject site sits behind Wise recycling, is currently vacant and zoned SU-2/MR. The third tract (Tract 3, 1.53-acres) is zoned SU-2/MR and is used as a drainage pond for the surrounding neighborhood.

The applicant intends to expand the area used by Wise Recycling as this will be the area used to park the semi-trucks that are a part of their process; they collect all types of scrap metals on a weekly basis.

Context

The subject site abuts a single-family neighborhood on the south, west and northwestern sides. On the north, the site abuts a church and related uses as well and is zoned SU-2/MR. The original church is part of a larger church and related uses compound that consists of the historic structure as well as newly developed buildings (including a new church) and resides directly north of the site. The church site is adjacent to Broadway Boulevard with access to it.

The subject site has been associated with commercial uses since before the adoption of the sector plan specific to this area, and was generally used as a tow/wrecking yard for automobiles. The surrounding properties have been developed for many years and were predominantly residential uses. Today, some redevelopment has taken place, continuing a mixture of uses in this part of the Plan area.

The subject site is within the South Broadway Neighborhoods Sector Development Plan (SBNSDP) area. The Environmental Planning Commission (EPC) has the authority to amend the SBNSDP Zone Map as the subject site is less than one City block, which is considered 10-acres or more §14-16-4-1(C)(10) of the Zoning Code.

History

This area of the City was settled as far back as the mid-1800's and it was annexed in a mass annexation in 1964 (AX-62). The area was typically residential but had enclaves of high intensity uses throughout. The history portion of the SBNSDP (page-6) points out that upon annexation, the thought was that industrial uses should be located between the railroad tracks and Broadway, south of Gibson Boulevard. Some land within the area developed (mostly along Broadway) and became existing uses when the sector plan was created.

The South Broadway Neighborhoods Sector Development Plan was adopted in 1986 (enactment #106-1986) and established a tailored zoning pattern for the area, yet tried to keep the zoning matched to already existing uses. The typical development pattern along Broadway was mixed use - there are pockets of single-family residences, neighborhood commercial, heavy commercial and in some cases, manufacturing that are located in close proximity to one another.

In the SBNSDP on page 40, under the subtitle 2. Stabilization of Land Use, paragraph 1. Industrial Zoning Abutting Residential Use, the issue of HC zoning abutting residential areas is recognized by the Plan and it gives the recommendation that since property zoned for industrial use is in many cases, used for commercial purposes, "SU-2/HC would provide a commercial transition between manufacturing and residential uses". Acknowledging this reasoning, it helps to understand why the current Tract 2-A-1, the land that Wise Recycling, based on its location, was zoned SU-2/HC and Tract 1-A-1, the subject site, was zoned SU-2/MR. Further, the zoning established by the SBNSDP has remained fairly intact, regardless of platting actions that have occurred. This is fairly important in understanding the history behind this request.

There have been several actions taken by the Development Review Board (DRB) that vacated right-of-way (ROW) and easements, consolidated lot lines and re-platting actions to the tracts that are the subject of this request. For instance, in 1955, the ROW for Wheeler Avenue was vacated from Broadway to the west – where it stops now. In 2000, John Street was vacated along with several individual lots that covered the area where Tracts 1-A-1, 2-A-1 and 3 are now

- this area was re-platted into 2 Tracts that ran east-west and Tract 3 was the location of the drainage area for the neighborhood (project #1000455). This action was amended in 2002 and created four separate lots where Tracts 1-A-1 and 2-A-1 are now. It was in 2006 that the current configuration of the lots (side-by-side) was made with the creation of Lots 1-A-1 and 2-A-1, but the zoning from the sector plan remained, project #1005197.

The site currently used by Wise Recycling, Tract 2-A-1, was vacant when the previous user left. At the time of a request for a Conditional Use permit to allow Wise Recycling to be located on this tract, the land had not yet been re-platted to the configuration of today. That is, the Wise Recycling facility was developed onto lots that ran east west, Tracts 1-A and 2-A. The zoning remained crossing both properties from north to south, giving these properties a split zone of SU-2/MR and SU-2/HC.

Knowing that the tracts of land had split zoning, in 2006 the Zoning Hearing Examiner (ZHE) approved a conditional use to allow a recycling facility for the SU-2/HC portion of the two tracts (06ZHE-01466, project #1005197). Further, the ZHE approved a subsequent conditional use to allow for 13 proposed condominium units for the portion of the tracts that was zoned SU-2/MR—the MR zone refers back to conditional uses allowed in a R-1 zone with additional uses, see page 45 I.A.1.a. of the SBNSDP (06ZHE-01476, project #1005202). Subsequently, there was a re-platting action to reconfigure the tracts to the side-by-side configuration of today, with Tract 2-A-1 having the SU-2/HC zoning and Conditional Use for a recycling facility and Tract 1-A-1 (the subject site) having the SU-2/MR zoning.

The applicant sought to develop townhomes on the subject site, but found that the neighborhood was in opposition of this idea. The San Jose Neighborhood Association (SJNA) was primarily concerned of an increase in traffic - the only way to access the subject site, with the townhome use would be via Wheeler Avenue. The neighborhood did not want an increase of cut-through traffic, which is seen as degrading the integrity of the neighborhood.

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 Broadway Boulevard as a Principal Arterial, with a right-of-way of 124' (Established & Developing Urban).

Wheeler Avenue is a local street.

Transit

The ABQ Ride #16/18 Broadway-University-Gibson (BUG) bus route operates 7 days a week from Louisiana and Gibson to Woodward Avenue and Broadway. There are interconnecting bus routes/stops along this long route.

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

Section 14-16-2-18 C-3 Heavy Commercial Zone. This zone provides suitable sites for C-2 uses, wholesale commercial uses, and some light industrial uses which cause no vibration discernable beyond the premises.

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.

Section 14-16-2-23 SU-2 Special Neighborhood Zone. This zone allows a mixture of uses controlled by a Sector Development Plan which specifies new development and redevelopment which is appropriate to a given neighborhood, when other zones are inadequate to address special needs.

Premises. Any lot or combination of contiguous lots held in single ownership, together with the development thereon; there may be multiple occupancy.

Existing Zoning

SU-2/MR (SBHSDP): This is a sector plan specific zone that allows for Mixed Residential land uses that correspond to the R-1 Residential Zone with the following exceptions:

A. Conditional Uses

1. Conditional uses shall include uses listed as conditional in the R-1 zone, and in addition:
 - a. Uses listed as permissive and as regulated in the R-2 Zone and as regulated except Group Training Homes.
 - b. Churches and other places of worship, including incidental recreational and educational facilities.
 - c. Nursing or rest home with a maximum of six people.
 - d. Libraries.
 - e. Fire Stations
2. Group Training Homes.
3. Existing churches.

Proposed Zoning

SU-2/SU-1/HC (SBNSDP): This zone corresponds to the C-3 Heavy Commercial Zone with the following exceptions:

Conditional Uses:

1. Uses conditional in the C-3 Zone.
2. Uses permissive in the M-1 Zone are allowed as conditional.
3. Existing legal non-conforming uses.
4. Expansion of uses existing as of adoption date of this plan.

5. For a period of two years from the adoption of this plan, the owner of a vacant parcel may apply for a conditional uses ...

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 plan 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.

This is a request for an expansion to the existing Wise Recycling facility located on Broadway Road and establishment of SU-2/SU-1 Zoning for HC and Recycling Facility. The existing recycling center is zoned SU-2/HC with a conditional use approved for the recycling center. The expansion area is currently zoned SU-2/MR with a conditional use approved for Town Homes. This proposal is wholly consistent with the health, safety, and general welfare of the residents of the adjacent neighborhood by virtue of it being located adjacent to an existing industrial area along Broadway Boulevard and that all access will be from Broadway Boulevard. The SU-2/SU-1 zoning will provide the ability to include conditions that ensure adequate screening and buffering to the neighborhood, building setbacks, and restricting access to Broadway Boulevard only. The existing residential/Town Home zoning would require access from Wheeler Avenue through the existing neighborhood, creating additional traffic on San Jose, Mechem, and Wheeler.

Staff agrees with the applicant. The site is located adjacent to an industrial/heavy commercial area and this request is to allow expansion of an existing business. The requested zoning, SU-2/SU-1 for HC and Recycling Center will allow a tailored use for this tract that supports the existing business while making sure the intensity of uses that are allowed in the HC zone are only ones that are compatible with the surrounding residential use. This tailoring of the zone establishes a proper buffer from the intense use of the recycling facility and the residential use, and therefore, furthers the health, safety, morals and general welfare of the Community. The elimination of increased traffic through the existing neighborhood from the possible town home development will further this goal as well.

- 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.

As previously stated the use is consistent with the adjacent facility to the east and will be incorporated into the same premise. The SU-1 designation will allow conditions that ensure compatibility with the adjacent neighbors.

Staff agrees the rezoning of this tract to a special use, where the EPC has site plan control, and incorporating it into the already existing use abutting it to the east, Wise Recycling, will add to the stability of the adjacent neighborhood.

- 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.”

The applicant has cited the following policies to justify the request, but did not offer a justification for each individual policy. Rather, the applicant discussed the zone change in more of a discussion. Staff will offer an additional analysis of the general statements made by the applicant after their narrative:

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.

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.

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 applicant’s response to the above listed Established Urban Area Land Use Policies:

The existing recycling facility is appropriately located in a mixed-use area with SU-2/HC zoning and adjacent commercial and industrial uses. The adjacent residential neighborhood is protected from traffic and adequately screened and buffered from the facility thereby minimizing any adverse impacts this facility may have. The subject property is currently vacant and underutilized. Incorporating this property into an existing business will be beneficial to Wise Recycling’s ability to operate and remain competitive.

Staff agrees with the applicant’s reasoning. As noted in Policy B. above, the requested zoning is for special use. This allows for tailoring of the allowed uses under the HC zoning. The

applicant has agreed with the neighborhood that this tract shall be used for the parking of trucks when they are not in use. This will include an eight-foot cinder-block wall that mitigates parking lot noise as well as providing screening.

The requested zone change will allow Wise Recycling to expand its operations by utilizing this vacant adjoining property (acting as a buffer to the residential uses), remain at its present location while adding employment to the area. This will ensure that the existing integrity of the neighborhood is uncompromised and the adverse effects of the existing manufacturing area on residential areas are minimized.

C. ENVIRONMENTAL PROTECTION AND HERITAGE CONSERVATION POLICIES

1. AIR QUALITY

Goal: To improve air quality to safeguard public health and enhance the quality of life.

Policy II.C.1.b: Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment, and services.

This property is adjacent to an existing transportation system (Broadway Boulevard) and is efficiently placed in the community relative to other land uses. Broadway is designated as an Urban Principal Arterial, capable of handling significant traffic. Through its central urban location, the site is centrally located to provide an efficient drop-off location for recyclables. The existing use helps in the community's efforts to reduce overall vehicle miles travelled by reducing the number of trucks currently travelling to the Landfill.

Staff agrees with the applicant's justification. The central location along a Principal Arterial is a benefit to Wise Recycling as they make routine pickups of material on a weekly basis. The expansion into the subject site will provide a parking location for these vehicles, and thus, Wise Recycling will be able to remain in this convenient location.

3. SOLID WASTE

Goal: To provide an economical and environmentally sound method of solid waste disposal which utilizes the energy content and material value of municipal solid waste.

Policy II.C.3.b: Encourage solid waste recycling systems, which reduce the volume of waste while converting portions of the waste stream to useful products and/or energy.

The applicant is proposing to incorporate this property into the existing Wise Recycling facility. This business currently furthers this goal and provides an important community service.

Staff agrees. Expansion of their existing site allows Wise Recycling to increase capacity of the recycling of the waste stream of aluminum cans.

D. COMMUNITY RESOURCE MANAGEMENT

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.

This business currently exists and provides important jobs for the community.

Staff agrees. The expansion of Wise Recycling will encourage additional employment. Further, this facility's location in the south valley will have a large impact in this area, which is in need of economic expansion.

South Broadway Neighborhoods Sector Development Plan (Rank III)

The South Broadway Neighborhoods Sector Development Plan was adopted by the City Council on July 7, 1986 (R-85, Enactment #106-1986). The Plan was created to address the state of deteriorated/blighted conditions of the South Broadway Neighborhoods. "The SBNSDP is intended to promote an arrangement of land use, circulation and services which will contribute to the economic, social and physical health and safety, welfare and convenience of the people who live in the area within the larger framework of the City and abutting County area."

The Plan generally encompasses properties between the railroad tracks to the west, Coal Boulevard to the north, I-25 to the east, and the municipal limits (mostly Woodward Road) to the south. Specific boundaries are shown on Map 2 of the Plan. The main Goals of the Plan are listed below and have 8 Objectives that provide ways to meet them. The Goals are:

1. Elimination of conditions which are detrimental to the public health, safety and welfare;
2. Elimination of blight and prevention of blighting influences;
3. Conservation, improvement and expansion of the housing available to low and moderate income families until all housing in the area meets City Housing Code Standards;
4. Improvement of economic conditions through coordinated City and private actions.

As with the Comprehensive Plan, regular text is used for the Goals and Policies, *the applicant's response is in italics*, and ***staff analysis is in bold italics***.

Goal 1. Elimination of conditions, which are detrimental to the public health, safety and welfare.

This is a request for an expansion to the existing Wise Recycling facility located on Broadway Road and establishment of SU-2/SU-1 Zoning for HC and Recycling Facility. The existing recycling center is zoned SU-2/HC with a conditional use approved for the recycling center. The expansion area is currently zoned SU-2/MR with a conditional use approved for Town Homes. This proposal is wholly consistent with the health, safety, and general welfare of the residents of the adjacent neighborhood by virtue of it being located adjacent to an existing industrial area along Broadway Boulevard and that all access will be from Broadway Boulevard. The SU-2 /SU-1 zoning will provide the ability to include conditions that ensure adequate screening and buffering to the neighborhood, building setbacks, and restricting access to Broadway Boulevard only. The existing residential/Town Home zoning would require access from Wheeler Avenue

through the existing neighborhood, creating additional traffic on San Jose, Mechem, and Wheeler.

Staff finds the applicant's response acceptable and it is also consistent with a preponderance of policies in the Comprehensive Plan. The request of the neighborhood will be discussed in the neighborhood section of the staff report below.

Goal 2: Elimination of blight and prevention of blighting influences.

The existing property is vacant. Vacant land can be a blighting influence. Changing the zoning on this property and incorporating this vacant parcel into the adjacent business, will eliminate this situation.

The applicant is correct is stating that vacant property can be a blighting influence. The requested zone change will allow the subject site to be incorporated into an existing business. The requested zoning allows for the site use to be specific and not damage the integrity of the existing neighborhood.

Goal 4. Improvement of economic conditions through coordinated City and private actions.

By changing the zoning and incorporating this property into the existing Wise Recycling business, it will help to improve the economic condition for this business and the surrounding area.

Staff agrees. Further, the expansion of this business will encourage the creation of additional employment in this area.

Objective 5. Provide transportation and traffic improvements with sensitivity to and involvement of the neighborhoods.

This project helps to eliminate potential impacts to the existing neighborhood streets by limiting access to the parcel from Broadway Boulevard and restricting any access via Wheeler Avenue.

Staff agrees with the applicant's justification.

Objective 8. Stabilize the land use patterns to provide a separation and buffer between residential and industrial area.

The addition of this vacant property to the Wise Recycling premise will allow for better buffering and separation between the adjacent neighborhood and the industrial building located on this property. It will also eliminate any additional traffic from this property through the neighborhood.

Staff agrees. As with the proposed town homes, the neighborhood has great concern over increased traffic onto Wheeler Avenue and ultimately, through the neighborhood. The requested zone change and incorporation of this site into the existing site adjacent to Broadway will eliminate the need for any traffic increase from this site into the neighborhood. This will help encourage stability of land use patterns while creating a buffer between the industrial uses and the neighborhood.

Key Recommendation 5

Zoning: Stabilize land use patterns by providing zoning more closely related to existing uses.

This zone change helps to stabilize the zoning and responds to an existing need that will assist in the operation of an existing business in the neighborhood. The expansion of the Wise Recycling premise will provide for additional parking, storage, and circulation needed for the current operations. It will also allow the separation of traffic from this parcel from the neighborhood and include an additional wall with landscape screening and buffering.

Staff agrees with the applicant's response.

- 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.

As clearly articulated in the response to "C" above, the proposed change in zoning and use for this parcel, combined with its incorporation into the existing Wise Recycling premise, are more advantageous to the community as articulated in both the Comprehensive Plan and the South Broadway Neighborhoods Sector Development Plan.

Staff agrees with the applicant's response that the policies analyzed above in Policy C. justify this requested zone change as being more advantageous to the Community D(3).

- 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 change to SU-2/SU-1, which allows the addition of specific conditions and a site plan requirement helps to ensure that this facility is developed and operated in a manner that is compatible with the adjacent neighbors and neighborhood. The inclusion of the vacant parcel into the Wise Recycling premise ensures that no additional traffic is allowed to access the neighborhood via Wheeler Avenue.

Staff concurs with the applicant's justification.

- 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 subject property is located within the Established Urban area of the Comprehensive Plan. 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.

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 are not the determining factor in this request, however, the addition of this vacant property to the existing Wise Recycling business puts this property into an economically viable use as part of an existing business.

Staff agrees.

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

The property is located on a Principal Urban Arterial, Broadway Boulevard. The existing Wise Recycling business has access to Broadway Boulevard and this will continue in its current configuration.

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.

This is not a spot zone.

This requested zoning of SU-2/SU-1/HC and Recycling Center is a spot zone. However, as described in I(2) above, a spot zone is appropriate in this case as it allows the tract to act as a buffer between the heavy commercial use of Wise Recycling and the residential uses in the neighborhood. The requested zoning of special use requires a site plan approval and allows a tailored use. The applicant and the adjacent neighborhood have agreed to what is an allowed use on this property. 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 request does not create a strip zone.

Staff concurs.

In conclusion, staff considers that the applicant has provided an adequate justification for the requested zone change. They have demonstrated that the proposed SU-2/SU-1/HC and Recycling Center zone will have restrictions that make the allowable use appropriate. The subject site is compatible with surrounding zoning and land uses as it is an expansion of the existing recycling facility - providing a place to park the semi-trucks when they are not in use.

IV. ANALYSIS – SITE PLAN FOR SUBDIVISION

Submittal

Pursuit 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 definitional 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: Semi-truck trailer parking for Wise Recycling.
- Pedestrian and vehicular ingress and egress: Pedestrian access is provided from Broadway Boulevard. Vehicular access will be via two existing access points from Broadway Boulevard. Access to tract 1-A-1 will be limited to the internal access point along the eastern property line (as shown on site plan).
- Internal Circulation: The site is only for trailer parking.
- Maximum Building Height: There are no buildings permitted on Tract 1-A-1.
- Minimum Building Setback: The minimum setback is 250-feet from the western property line which is approximately the width of the site. Thus, there will be no buildings on Tract 1-A-1.
- Maximum FAR: Not Applicable since no buildings are permitted.

Although all the elements that are required for a Site Plan for Subdivision are provided, the applicant has provided additional information to illustrate proposed improvements on the subject site. These will be required on the Site Plan for Building Permit.

V. ANALYSIS – SITE PLAN FOR BUILDING PERMIT

The applicant is requesting delegation of the site plan for building permit to the DRB. The San Jose Neighborhood Association has asked that the following restrictions be applied to the site plan for building permit:

1. Extend the existing CMU wall from 6' to 8' in height from the finished grade that is on the property line of the subject site.
2. Landscape inside the wall with plants and trees adjacent to fenced (walled) area. The required landscape buffer minimum for a non-residential property that abuts a residential zone is 10' per §14-16-3-10 (E)(4)(a).
3. Add a streetlight on the west side of the wall that projects onto Wheeler Avenue.
4. Remove the two temporary houses on the property.
5. Limit storage to semi-trucks only.

The applicant has agreed to these restrictions with the neighborhood and that is the reason for the modified request. Since the applicant intends on using the subject site as a storage yard/parking area for semi-trucks that are used by the Wise Recycling facility, there are no proposed buildings or other structures planned. These restrictions will be addressed on the site plan for building permit.

The site plan for building permit request then is rather straightforward. This is an "as built" site and will require a few modification to meet the requirements of the zoning. There exists a 6' CMU wall along the perimeter of the site. This wall needs to be raised to 8' and the added height needs to match the already existing portion.

A 10' foot wide landscape buffer will be required where the site abuts residential development on the north, west, and south sides.

The last requirement made by the neighborhood is that a streetlight be added on the west side of the site where Wheeler Avenue abuts it. The applicant will provide this light.

There are no other improvements to be made to this site and the restrictions on zoning shall reflect this.

VI. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

Reviewing agency comments begin on page 21 and are based on the original request of a zone change to SU-2/HC. This request has been modified to SU-2/SU-1/HC and Recycling Center. Since the special use zoning requires site plan review and approval from the EPC, the original zone change request has become a two-part request. Since the decision to modify the request was made, the applicant has worked on a site plan for the subject site, as well as the site of Wise Recycling, showing how they will function together as one premise. There is one comment from the Code Enforcement Office that refers to the wall. It will need an engineered set of plans and the required permits.

Neighborhood/Public

Property-owners within 100' were notified and the affected neighborhood is San Jose. Staff received a letter of support from this neighborhood's president, Ester Abeyta on November 9, 2010. The neighborhood supports the requested zone change as long as the following are provided:

1. Limit the uses to parking of semi-trucks only – this is addressed in the site plan for subdivision request.
2. Extend the existing brick fence (wall) from 6 feet to 8 feet.
3. Landscape inside the fenced (walled) property with plants and trees adjacent to fenced/walled area.
4. Add a light pole on the west side of fence/wall located at the dead end street of Wheeler Avenue.
5. Removal of the two temporary houses on the property.

The applicant has agreed to provide these improvements. Since the zone change request is for a special use and the EPC has site plan review, the above listed requests from the neighborhood will be addressed as Conditions of Approval for the Site Plan for Building Permit.

There is no known opposition to this request.

VII. CONCLUSION

This is a two-part request: a sector plan map amendment (a zone change) from SU-2/MR to SU-2/SU-1/HC and Recycling Center; and a site plan for subdivision. The applicant intends to add this site to an already existing site (used for the recycling of metal) that abuts it on the east and together the two sites will make a single premise. The subject site will be used to park the semi-trucks used for this facility when they are not in use.

The San Jose Neighborhood abuts the subject site on the south, west and northwest. The neighborhood supports these requests and the applicant has agreed to provide certain improvements. The applicant subsequently had to change his original request from a straight zone change of SU-2/HC to SU-2/SU-1/HC for Recycling Center (a special use zone). The special use zone gives the EPC site plan review and these improvements are recommended as Conditions of Approval on the site plan for building permit.

The applicant is requesting delegation of the site plan for building permit to the DRB and staff supports this request.

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 and the South Broadway Neighborhoods Sector Development Plan. Also, the site plan for subdivision meets all requirements presented in the Zoning Code.

There is a letter of support for this zone change (and the accompanying site plan) request from Ester Abeyta, president, San Jose Neighborhood Association.

There is no known opposition to these requests.

Staff recommends approval.

FINDINGS – 10EPC-40057 (November 18, 2010) -- Sector Plan Map Amendment (Zone Change)

1. The request is to rezone Tract 1-A-1, Plat of Tracts 1-A-1 & 2-A-1, Lands of Rayco, from SU-2/MR to SU-2/SU-1/HC and Recycling Center. The subject site is approximately 2.42-acres and is located on the west side of Broadway Boulevard SE behind Wise Recycling, between Broadway Boulevard SE and Wheeler Avenue SE.
2. The subject site is in the Established Urban Area of the Comprehensive Plan and the boundaries of the South Broadway Neighborhoods Sector Development Plan.
3. The requested zone change is accompanied by a site development plan for subdivision request – Project #1007928, 10EPC-40067. Approval of that request is contingent upon approval of this request.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the South Broadway Neighborhoods Sector Development 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 located behind (and abuts) Wise Recycling and will become part of a premise that includes the Wise Recycling facility.
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, because it allows the expansion of an existing business while creating a buffer for the abutting neighborhood.
 - B. This change will not destabilize the land use and zoning in the area; it will provide a buffer from the intense commercial uses to the residential uses, which will help provide stability to the neighborhood.
 - C. The zone change is not in significant conflict with adopted elements of the Comprehensive Plan Sector Development Plan:

ESTABLISHED URBAN AREA POLICIES

The location of the subject site provides buffering for the surrounding neighborhood against the intense uses in the industrial/commercial area abutting Broadway Boulevard. The subject site will be added to the existing site of Wise Recycling and together they will become a premise. This will allow Wise Recycling to expand their business and encourage additional employment while maintaining the integrity of the existing neighborhood. This request will also respect neighborhood values by restricting access to

the site; it will only be accessible from Broadway Boulevard. (Comprehensive Plan Policies II.B.5.d, e and i)

ENVIRONMENTAL POLICIES

Air Quality: The request will allow Wise Recycling to remain at its present location, which is centrally located for convenient collection of recyclables. (Policy II.C.1.b)

Solid Waste: The requested zone change allows Wise Recycling to expand, which increases the material that is recycled from the waste stream of the City. (Policy II.C.3.b)

ECONOMIC DEVELOPMENT

The requested zone change allows Wise Recycling to expand its business encouraging additional employment – the increased business activity is also in an area that is economically depressed. (Policy II.D.6.b)

SOUTH BROADWAY GOALS AND OBJECTIVES

Goal 1: The subject site will become part of the Wise Recycling premise and thus, will be accessed through its site and it fronts onto Broadway Boulevard. Therefore, there will not be an increase in traffic to the surrounding neighborhoods, which would be detrimental to the public health, safety and welfare.

Goal 2: The request will put a vacant piece of property to use, which prevents blighting influences.

Goal 4: The expansion of the resulting premise (Wise Recycling) will encourage the creation of additional employment in this area.

Objective 5: This request will help to eliminate potential impacts to the existing neighborhood streets by limiting access to the subject site from Broadway Boulevard and eliminating access via Wheeler Avenue.

Objective 8: The request will help stabilize the land use patterns and provide a separation and buffering between the intense uses of the industrial area and the residential area.

Key Recommendation 5, Zoning: This zone change helps to stabilize the zoning and responds to an existing need that will assist in the operation of an existing business in the neighborhood.

- D. The requested zone change from SU-2/MR to SU-2/SU-1/HC and Recycling Center would be more advantageous to the community as articulated in City plans that govern the site (see Section C).
- E. The proposed zone change allows all uses listed for the zone, however, the approved site plan controls the use allowed on the site. Since the special use zone restricts uses to those identified on the accompanying site plan, the storage/parking of semi-trucks only, and this use would not 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 will become part of a premise where the other property abuts an arterial, Broadway Boulevard. This exists today and will continue after this request. It 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 and it will provide a buffer from the heavy commercial/industrial use to the residential areas. It also helps to realize City Plans (see Section C).
 - J. The proposed change would not create strip zoning.
7. Property-owners within 100' and the San Jose Neighborhood Associations (SJNA) were notified. There is no known opposition to the requests.
8. Staff has received a letter of support from the president of the San Jose Neighborhood Association contingent upon the special use zoning limiting use of the site to storage/parking of semi-trucks only.

RECOMMENDATION - 10EPC-40057 (November 18, 2010)

APPROVAL of 10EPC-40057, a Sector Development Plan Map Amendment (zone change) from SU-2/MR to SU-2/SU-1/HC and Recycling Center, for Tract 1-A-1, Plat of Tracts 1-A-1 & 2-A-1, Lands of Rayco, based on the preceding Findings.

FINDINGS – 10EPC-40067 (November 18, 2010) – Site Plan for Subdivision

1. The request is for a site plan for subdivision for Tract 1-A-1, Plat of Tracts 1-A-1 & 2-A-1, Lands of Rayco, from SU-2/MR to SU-2/SU-1/HC and Recycling Center. The subject site is approximately 2.42-acres and is located on the west side of Broadway Boulevard SE behind Wise Recycling, between Broadway Boulevard SE and Wheeler Avenue SE.
2. The subject site is in the Established Urban Area of the Comprehensive Plan and the boundaries of the South Broadway Neighborhoods Sector Development Plan.
3. The requested site plan for subdivision is accompanied by a sector plan zone map amendment (a zone change) request – Project #1007928, 10EPC-40057. This request is contingent upon approval of that request.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the South Broadway Neighborhoods Sector Development 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 located behind (and abuts) Wise Recycling located on a separate lot. Together they will make one premise.
6. The applicant has sufficiently provided all required information on the site plan as expressed in the Zoning Code for a Site Plan for Subdivision. This information includes:
 - Proposed Use: Semi-truck trailer parking for Wise Recycling.
 - Pedestrian and vehicular ingress and egress: Pedestrian access is provided from Broadway Boulevard. Vehicular access will be via two existing access points from Broadway Boulevard. Access to tract 1-A-1 will be limited to the internal access point along the eastern property line (as shown on site plan).
 - Internal Circulation: The site is only for trailer parking.
 - Maximum Building Height: There are no buildings permitted on Tract 1-A-1.
 - Minimum Building Setback: The minimum setback is 250-feet from the western property line which is approximately the width of the site. Thus, there will be no buildings on Tract 1-A-1.
 - Maximum FAR: Not Applicable since no buildings are permitted.
7. The applicant has provided additional information to illustrate proposed improvements on the subject site. These will be required on the Site Plan for Building Permit.

8. The applicant requests approval of the site plan for building permit be delegated to the DRB.
9. Staff has received a letter of support from the president of the San Jose Neighborhood Association contingent upon the special use zoning limiting use of the site to storage/parking of semi-trucks only.

RECOMMENDATION - 10EPC-40067 (November 18, 2010)

APPROVAL of 10EPC-40067, a Site Plan for Subdivision, for Tract 1-A-1, Plat of Tracts 1-A-1 & 2-A-1, Lands of Rayco, based on the preceding Findings and subject to the following Conditions.

CONDITIONS OF APPROVAL – 10EPC-40067 (November 18, 2010) – Site 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 with review by the Code Enforcement Office.
4. Prior to submitting the Site Plan for Building Permit to the DRB, the applicant shall meet with the staff planner to assure that the improvements agreed to by the applicant are provided on the site plan.
5. The Site Plan for Building Permit shall include, but is not limited to, the following:
 - a. Extend the existing brick wall from 6' to 8' in height from the finished grade that is on the property line of the subject site. The increase in the wall height shall be accompanied by an engineered set of plans and the required permits.

- b. Landscape inside the wall with plants and trees adjacent to fenced area (perimeter wall).
The required landscape buffer minimum for a non-residential property that abuts a residential zone is 10' per §14-16-3-10 (E)(4)(a).
- c. Add a streetlight on the west side of the wall that projects onto Wheeler Avenue.
- d. Remove the two temporary houses on the property.

***Christopher Hyer
Senior Planner***

cc: Consensus Planning, Inc, 302 Eighth Street NW, Albuquerque, NM, 87102
Rick Bennett, 1104 Park Avenue SW, Albuquerque, NM, 87102
Ester Abeyta, 2419 William Street SE, Albuquerque, NM, 87102
Deanna Baca, 408 Bethel Drive SE, Albuquerque, NM 87102

Attachments

1. C-3 zone
2. Letter from applicant requested modification to application – 10/28/2010
3. Letter from applicant with R-270-1980 justification – 11/11/2010
4. Letter from applicant justifying modified request – 11/11/2010
5. Letter from Ester Abeyta, president, San Jose Neighborhood Association – 11/10/2010

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

The subject site is located within the South Broadway Sector Development Plan and needs to comply with those standards.

- The properties should be re-plated into one lot as there is no existing structures or primary use on the lot that the re-zone is requested on.
- A Conditional Use is required under 14-16-2-17(B)(12) for the parking of more than two truck tractors and two semi-trailers for over two hours.
- The increase in wall height will require an engineered set of plans and the required permits.
- Parking shall meet all of the requirements in 14-16-3-1 of the Comprehensive City Zoning Code.
- Landscaping and Buffer areas as required by 14-16-3-10 of the Comprehensive City Zoning Code.

Office of Neighborhood Coordination

San Jose NA (R)

No Coalition(s) to notify – siw

Long Range Planning

The subject site is located within the Central Urban area of the Comprehensive Plan, the South Broadway Sector Development and the South Broadway Metropolitan Redevelopment area. Pages 38 and 40 of the South Broadway Sector Development Plan recommend the proposed zone for industrial property in or abutting residential areas.

Although the plan recommends the proposed zone; the proposed zone will still allow permissive uses in the C-3 zone and will allow M-1 uses conditionally directly adjacent to single family residential use.

The R-270-1980 justification should address the Comprehensive Plan policies, South Broadway Sector Development plan policies and regulations and any relevant information from the MRA plan.

CITY ENGINEER

Transportation Development (City Engineer/Planning Department):

- Reviewed, no comments.

Hydrology Development (City Engineer/Planning Department):

- The Hydrology Section requests that the applicant revise the site plan through DRB since there may be infrastructure requirements. No objection to the zone change request.
- Suggest concurrent platting action.

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.*

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

Reviewed, No Comments.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No comments received.

FIRE DEPARTMENT/Planning

No Comments

TRANSIT DEPARTMENT

Adjacent and nearby routes	Route #1618, Broadway-University-Gibson route passes the site on Broadway in the northbound direction
Adjacent bus stops	Existing bus stop, serving the above-mentioned route in northbound direction, is located approximately 550' north 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

Lands of Rayco, Tract 1A-1, is located on Wise Recycling SW between Broadway Blvd SW and Wheeler Ave SW. The owner of the above property requests an Amendment to Zone Map for a Zone Change from SU-2 MR to SU-2 HC uses. The development will consist of the existing Wise Recycling facility, this request would allow the recycling facility to utilize property for trailer parking. 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

PNM has no comments based on information provided to date.