



**Environmental  
Planning  
Commission**

*Agenda Number: 6  
Project Number: 1008654  
Case #: 11EPC-40000/40001  
May 12, 2011*

**Staff Report**

<b>Agent</b>	DSA Architects
<b>Applicant</b>	Headstart Enterprises, LP
<b>Request(s)</b>	<b>Annexation Establishment of Zoning</b>
<b>Legal Description</b>	Tract 188A1B, MRGCD Map 32
<b>Location</b>	5404 Edith Blvd., east of Edith and south of Montaña
<b>Size</b>	Approximately 3.36 acres
<b>Existing Zoning</b>	M-1 Light Manufacturing (County)
<b>Proposed Zoning</b>	M-1 Light Manufacturing (City)

**Staff Recommendation**

*That a recommendation of APPROVAL for 11EPC-40000, be forwarded to the City Council based on the Findings beginning on Page 16.*

*That a recommendation of APPROVAL for 11EPC-40001, be forwarded to the City Council based on the Findings beginning on Page 19.*

**Staff Planner**  
*Carrie Barkhurst, Planner*

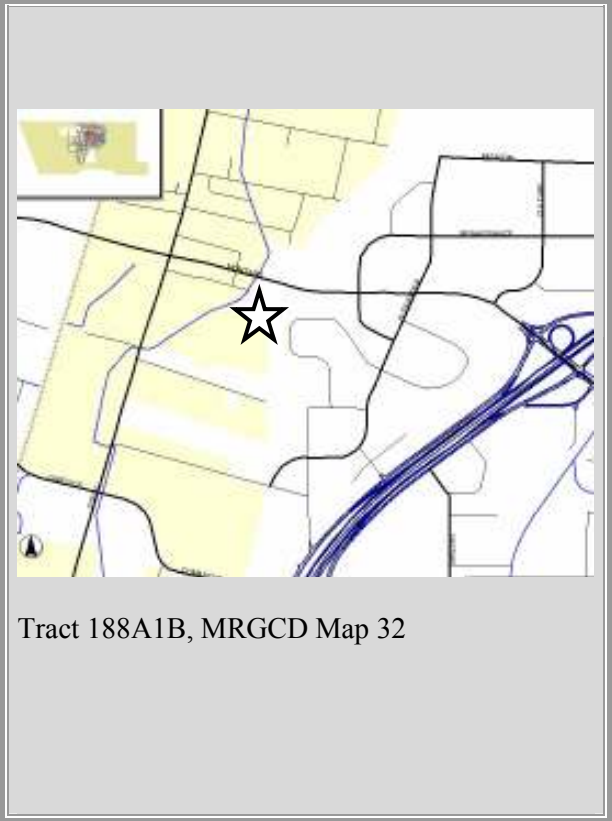
**Summary of Analysis**

This is a two-part request for Annexation and Establishment of Zoning for Tract 188A1B. The parcel is adjacent to the existing Car Crafters business, which desires to expand its operations to include the subject site. The requested zoning is M-1, which is consistent with the existing zoning and adjacent parcels.

The site is in the Central Urban Area of the Comprehensive Plan. The request meets the requirements of the Comprehensive Plan, the North Valley Area Plan, and the City Zoning Code. There is no known opposition to this request.

The applicant has adequately justified both the request for annexation and the establishment of City zoning based on applicable policies found in the Comprehensive Plan.

Staff recommends approval.



City Departments and other interested agencies reviewed this application from 4/4/2011 to 4/15/2011. Agency comments used in the preparation of this report begin on Page 22.

***I. AREA CHARACTERISTICS AND ZONING HISTORY***

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

	<b><i>Zoning</i></b>	<b><i>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</i></b>	<b><i>Land Use</i></b>
<b><i>Site</i></b>	M-1 (County)	Central Urban Area; North Valley Area Plan	Vacant Land
<b><i>North</i></b>	M-1 (City)	“	Manufacturing/Commercial (Car Repair); Residential
<b><i>South</i></b>	M-1 (County)	“	Commercial; Industrial (Shipping Container Storage)
<b><i>East</i></b>	M-2	“	Commercial
<b><i>West</i></b>	M-1; M-H with Permits for Containers	“	Commercial; Alameda Lateral

***II. INTRODUCTION***

***Proposal***

This is a two-part request: Annexation of this tract into the City’s jurisdiction and Establishment of Zoning from the County M-1 to M-1 for Tract 188A1B, MRGCD Map 32, consisting of approximately 3.36-acres, the “subject site”. The applicant will extend the existing manufacturing use from Tract A, located at 600 Montano Rd. NE, which is a locally-owned and operated car repair business. The request will continue moving the Municipal Limits south along the Alameda Lateral, a logical boundary. This is the third annexation request from this property-owner, each made to develop and expand the business operations. The subject site is “land-locked,” because there is no access to the site from public right-of-ways. The only access to the site is via a gate from Tract A and across the Alameda Lateral. Both accesses are across private property, and are unimproved.

In 2003, the New Mexico State Legislature passed SB 241, which limits the annexation powers of the City by requiring the Bernalillo County Commission (BCC) to approve any request before the City Council can act on it. The applicant has received approval of the BCC for this annexation request.

The EPC is a recommending body with review authority. The EPC’s task is to make a recommendation to the City Council regarding the proposed annexation and establishment of zoning. The City Council is the City’s Annexation and Zoning Authority and will make the final decision.

### ***Context***

The North Valley has a mixed-use of residential, commercial and industrial activity. There are generally more manufacturing uses and zoning in the southern and eastern portions of the North Valley, located on the mesa above the valley floor. The subject site is located along the valley floor, between the Alameda Lateral and the mesa edge. Property on all sides of the subject site is zoned M-1 and County M-1. There is a neighborhood located north and west of the subject site that is developed with mobile homes and single-family dwellings, and it is zoned County M-H.

The subject site is currently vacant, undeveloped land. The only access to the site is via a private road that crosses the Alameda Lateral. Land to the north is developed land within the Municipal Limits owned by the applicant. To the east of the subject site is large-scale commercial uses within the Renaissance Subdivision and Major Activity Center. Land south of the subject site is being used for shipping container and mobile home storage. Land south and west of the subject site is zoned County M-1, but it is configured in agricultural long lots, which are not generally suitable for urban development. The applicant has consolidated many of these long, narrow lots into a parcel that is more suitable for manufacturing development.

### ***History***

In 1993, the City adopted the North Valley Area Plan, which sets forth goals, policies and principals that govern the density, character, and design of all public and private land uses and development within the plan area. The Preferred Scenario Land Use Plan, shown on page 37, designates the subject site as industrial land use.

Parcels to the north and the east have been annexed into the City. Land to the east is part of the Renaissance Subdivision, annexed into the City in 1984 as a 200-acre master planned area (Ordinance 64-1984, AX-84-1, Z-84-13).

Land to the north of the subject site was annexed by the present applicant in three separate annexations. The original annexation request was for 2.66-acres, brought to the City in September 2003 (Ordinance 04-6, 03EPC-00671 & 00672). The request included six lots in the Sunrise Heights Addition and established the M-1 zone for the land annexed. The annexed land was accessed from Montaña Road, which eliminated need to access the properties from Tahoe Place, through an established neighborhood. In March 2005, City Council approved the annexation of Tracts 89-A-1, 89-B-2, and 89-B-3, containing approximately 1.12 acres (Ordinance 04-78, 04EPC-00993 & 00994). In September 2005, another two Tracts – 89-C-3 and 89-C-4, MRGCD Map 32, containing 0.58 acres – were annexed (Ordinance 05-132, 05EPC-00310 & 00311). These three annexations were consolidated into one lot, Tract A, consisting of 4.37 acres. A private access easement will be granted for the subject site across Tract A.

### ***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 Montaña Rd. as an Urban Principal Arterial. The designation only applies as far west as 2<sup>nd</sup> Street. Thereafter, Montaña Rd. is a four-lane Minor Arterial. Edith Blvd. is classified as an Urban Minor Arterial. I-25 is an Urban Interstate.

The Comprehensive Plan designates Montañó Rd. as an Enhanced Transit Corridor. Enhanced Transit Corridors are roadways “designed or redesigned to improve transit and pedestrian opportunities for residents, businesses and other users nearby.” The ABQ Ride Bus Route 157 runs along Montañó Rd.

The Long Range Bicycle Plan designates proposed bike lanes on Montañó Rd. and Alexander Blvd. Edith Blvd. is a proposed bicycle route south of Montañó Rd. and an existing route north of Montañó.

#### ***Public Facilities/Community Services***

There are few facilities and services in the vicinity of the subject site: two fire stations are approximately one mile away; and a police station is within a mile of the subject site area. For more specific information, see the Public Facilities Map.

### ***III. ANALYSIS***

#### ***Albuquerque Comprehensive Zoning Code***

The applicant has requested a Zone Map Amendment from County M-1 to City M-1, Light Manufacturing. The purpose of the M-1 zone is to provide suitable sites for heavy commercial and light manufacturing uses. This zone also allows as permissive uses those first listed as permissive and as regulated in the C-2 and I-P zones. The M-1 zone does not require minimum lot size and allows some uses that may have adverse impacts on adjacent residential properties. But, the City M-1 zone category is generally more restrictive than the existing County M-1 zone category, and will serve to limit the number of uses that may have adverse impacts on adjacent properties. For a more specific list of uses allowed in each of the two zones, see the attachments. The existing business is a well-established, local enterprise and it is unlikely that a new manufacturing use would be proposed in this location.

The permissive uses in these three zones (C-3, I-P and M-1) are part of the “full range of urban land uses” promoted by the Comprehensive Plan’s Established Urban Area Policy II.B.5.a. The proposed change to City M-1 zoning will stabilize land use, and it is not in conflict with adopted elements of the Comprehensive Plan or the North Valley Area Plan.

Because the business is for car repair, the land use is considered manufacturing. Therefore, even though the combined site is over 5-acres, the shopping center regulations do not apply.

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

Policy is in regular text; *Applicant’s justification is in italics*; **staff’s analysis is in bold italics**

The subject site is located in the area designated Central Urban by the Comprehensive Plan with a Goal to “promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.”

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The Established Urban Area Goals and Policies are also relevant to the request. The Established Urban Goal “is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.”

*The Comprehensive Plan’s Central Urban designation and its designation of Montañó Road as an Enhanced Transit Corridor assumes this area will become more urban in character. City M-1 zoning, in conjunction with access to City utilities and roadways will help this area become more urban in character. This request will allow for creation of a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in transportation, work areas, and lifestyles while creating a visually pleasing built environment (Established Urban Area Goal).*

***Staff agrees that this area is designated as one that should be come more urban in character. The annexation and establishment of zoning will allow further development of an existing industrial area. This request is consistent with the Established Urban Area Goal.***

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.

*Approving the annexation of this property will allow for the development of a commercial facility. The policy and plan map shall allow for a full range of urban land uses. This property will be developed as an M-1 Zoned property. The City of Albuquerque recognizes M-1 development as part of the included full range of urban land uses.*

*Further, allowing the annexation will pave the way for development on this otherwise undesirable property. The property is landlocked and has been vacant for a considerable amount of time. The best opportunity for development is to allow for the annexation to proceed and this parcel to be developed as an expansion to the existing Commercial property adjacent to the north.*

***Staff finds that this request furthers Policy II.B.5.a by facilitating the development of this property with a land use that is identified by City zoning categories as among the “full range of urban land uses.”***

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 proposed zoning request will respect the location, intensity, and design of new development, existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concerns because it is compatible with the surrounding M-1 zoning and will not overburden the existing natural or built*

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environment. Furthermore, the proposed M-1 zoning for the expansion of the existing Car Crafters is consistent with the M-1 zoning in place now.

**Staff finds that this request furthers Policy II.B.5.d by encouraging infill development on vacant land in a location that will respect existing social and environmental resources. The proposed development is an expansion of an existing business that is not a heavy intensity use. The site is located within an area zoned M-1, and it is buffered from the existing neighborhood by the Alameda Lateral.**

**However, the request will allow the conversion of potentially irrigable, valley land into industrial uses. This is not strictly consistent with preservation of available agricultural land, which is identified as a social and cultural resource in the North Valley. However, its location was not identified in the NVAP as appropriate to preserve for agriculture. See NVAP Policies below.**

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 applicant cited this policy, but did not further elaborate on how it is applicable.*

**Staff finds that this request furthers Policy II.B.5.e because it will facilitate development on a vacant parcel that is contiguous to existing facilities and services. The subject site is currently land-locked, with no public access. This dual request will allow the property owner to provide a new access easement to the parcel from Montaño. The existing access from Edith, where there is more mixed-uses and residences, can be abandoned.**

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 City M-1 zone category is more restrictive than the existing County M-1 zone category and overall, may be a beneficial change by reducing the number of uses that may have adverse impacts on adjacent residential properties (Comp. Plan, Urban Area, Policy IIB.5i.).*

*Where new commercial development occurs, it should generally be located in existing commercially zoned areas. The property is currently zoned M-1 and is contiguous to several other parcels of developed property zoned M-1.*

**Staff agrees that the change from County M-1 to City M-1 removes some of the more intense permissive land uses. The existing car repair business is conducted entirely within an enclosed building, which does minimize potential adverse effects of the business on the adjacent neighborhood.**

**Staff finds that potential negative impacts from this property would be buffered from the adjacent residential neighborhood by existing industrial uses as well as the Alameda Lateral. There is no site development plan required with this request, so staff is unable to further**

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*evaluate how the site is designed to mitigate any potential negative effects mentioned above. This request furthers Policy II.B.5.i.*

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

*The site is landlocked and has remained an undesirable property for development for a considerable amount of time. Only with the approval of this annexation request could an expectation of commercial, cohesive development be achieved. Development of this parcel is consistent with the goals and policies of the Comprehensive Plan's economic development strategy.*

***Staff finds that this annexation and zone establishment will facilitate additional infill development in an established area. The site is land-locked, and it would be difficult to develop independently. This request furthers Policy II.B.5.o.***

#### ***North Valley Area Plan (Rank II)***

The North Valley Area Plan was adopted in 1993. The Plan generally encompasses the 28.5 square mile area south of the Bernalillo/Sandoval County line, north of Interstate 40, west of Interstate 25 and east of the Rio Grande. Of the total area, 4.01 square miles are within the corporate limits of the Village of Los Ranchos de Albuquerque and are not subject to the NVAP. Of the remaining area, 14.38 square miles are in the City of Albuquerque and 10.15 square miles are in unincorporated Bernalillo County. Specific boundaries (as of 1993) are shown on page 24 of the Plan.

The NVAP establishes twelve overarching Goals (p. 5-6) and sets forth policies regarding land use and zoning for the area. Other policies provide guidance on air quality, wastewater, drainage, transportation, housing, village centers, community design, agriculture and rural character and implementation. The following Goal and policy were cited by the applicant as applicable to the request:

Zoning and Land Use Policy 3.c: The City and County shall limit new strip commercial development and associated signage on valley arterials. (c) Promote commercial development and redevelopment of existing commercially zoned properties.

*Our request furthers this policy because we are expanding an existing commercial use on an M-1 zoned property as well as requesting to annex and designate an undeveloped property for commercial development.*

***Staff agrees. The annexation of the subject site will allow an existing commercial development to expand with new capital investments. The subject site is undeveloped, commercially zoned land that is "land-locked" with no public access. The site would be difficult to otherwise develop, and the annexation will allow a rational expansion of the Municipal Limit.***

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Zoning and Land Use Policy 3.g: Where appropriate, according to this plan or more detailed plans, encourage and support efforts to rezone properties to their present use or for residential uses.

*The property is zoned M-1 for industrial/manufacturing development within the County. Our request for annexation and establishment of an M-1 zoning with the City of Albuquerque would further this policy by rezoning the property to its present use, or zone.*

***Staff does not find this policy particularly relevant to the request. However, the establishment of zoning requests the same zone that the site currently has. The subject site is vacant, but its location and access make it unsuitable for agricultural or residential uses.***

In addition to the policies cited by the applicant, staff finds that the following policies also apply to the request:

Preferred Scenario Land Use Plan, page 37: The subject site is located near the south eastern boundary of the North Valley Area Plan. The Plan anticipated that the area in which the subject site is located would develop with industrial uses.

***The subject site is currently zoned M-1 and the request is for City M-1 zoning. This is consistent with the preferred land use scenario. The annexation will facilitate development on this site, which furthers the Preferred Scenario Land Use Plan of encouraging industrial uses in this location.***

Zoning and Land Use Policy 2.c: Retain County A-1 zoning as the only Rural Agricultural zone intended to provide for agricultural activities and spacious development especially in Semi-Urban and Rural areas where such land is adjacent to irrigation ditches.

***Although the subject site is undeveloped land adjacent to an irrigation ditch, it is not currently zoned A-1. Further, it is in the Central Urban area. This policy clarifies areas that are designated for agricultural activity. Because the subject site does not meet these criteria, the request is not in conflict with Comprehensive Plan Policy II.B.5.d, as discussed above.***

#### **IV. REQUEST FOR ANNEXATION**

The Board of County Commissioners approved annexation of Tract 188A1B, MRGCD Map32, approximately 3.36 acres and currently zoned County M-1 into the City of Albuquerque on March 2, 2011.

#### ***Resolution 54-1990 (Policies on Annexation to the City of Albuquerque)***

This Resolution sets forth policies and requirements for annexation of territory to the City. Land to be annexed shall be generally contiguous to City boundaries, be accessible to service providers, and have provision for convenient street access to the City. The applicant must agree to timing of capital expenditures for any necessary major streets, water, sanitary sewer and other facilities. Additionally, the *Comprehensive Plan* area designation of a subject site corresponds to specific policies that must be met for approval of an annexation request.

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As per the Zoning Code, a zone map amendment for the subject site must be filed and processed concurrently with an annexation action. The Environmental Planning Commission is charged with forwarding recommendations for the requests to the City Council.

The applicant has addressed the annexation policies of *R-54-1990* to support the request for annexation as follows:

Section 1: The subject site is located within the Central Urban Area of the *Comprehensive Plan*, which makes it “particularly appropriate for the range of urban services which the City can provide, and annexation of such areas into the City is desired and encouraged. More specifically, annexation of areas planned to be urban intensity of development will be approved when the following policies are met”:

Section 1a: Compliance with City policy regarding land dedication for public facilities is assured.

*This request will not require any dedications of right-of-way, utility easements or drainage facilities for public use, nor will this request require the dedication of open space.*

***The land to be annexed will be used to expand an existing business located adjacent to and north of the subject site. The applicant will be responsible for extending utility service lines to the new building addition across private property. No additional public infrastructure is needed to serve the annexed property. No public right-of-way dedications have been requested of the applicant. Through the pre-annexation agreement, the applicant has committed to provide any public facilities, per City policy.***

Section 1b: The applicant shall agree in writing to timing of capital expenditures for necessary major streets, water sanitary sewer and storm-water-handling facilities:

- (1) The timing to be per a written City statement of intent as to when it or another public body will be able to provide such capital facilities, such City statement to be issued prior to annexation; and/or
- (2) The timing to remain indefinite but a substantial number of years in the future, based on a written City statement, made prior to annexation, that it will provide the facilities but no timing can be assured; and/or
- (3) A commitment by the land owner that he or his successors in interest will, in a manner that satisfies City standards, install and pay for such facilities or cause them to be installed and paid.

*The applicant has provided a pre-annexation agreement in which we have agreed to the infrastructure that may be required in order to develop this property. We have agreed in writing to provide these improvements at the time that an application for building permit has been made.*

***The applicant has agreed to install and pay for any necessary infrastructures in a timely manner and then dedicate it to the City. A pre-annexation agreement has been provided by the applicant and reviewed by the City Engineer. It will be signed by the City upon City Council***

***approval of this request. There will be no City capital expense used for this development's infrastructure.***

Section 1c: The City may decline an annexation if necessary capital expenditures fall all or partly under paragraph b(2) above and the City concludes that it would be unreasonable to make landowners wait for the basic utilities and facilities as long as would probably be the case.

*This project will not require any capital expenditures from the City of Albuquerque in regards to major streets, water, sanitary sewer, and storm-water handling facilities. Furthermore, the existing Car Crafters project in which this will be an extension of, has adequately completed all off-site infrastructure required to develop the property we are requesting be annexed.*

***No City capital expenditures shall be needed. The applicant will be responsible for developing any needed infrastructure for this development.***

Section 1d: Land annexed shall be to some extent contiguous to the City limits, except land owned by the City may be annexed when it is not contiguous where this is allowed by state statutes.

*The land being proposed for annexation is contiguous to the City of Albuquerque city limits.*

***Staff agrees. The entire northern and eastern boundaries about the City limits.***

Section 1e: Land to be annexed shall have provision for convenient street access to the City.

*The land being proposed for annexation will have convenient access from Montano Road via a private access agreement with the owner of both properties.*

***Upon approval of the annexation request, the subject site will be re-platted with an adjusted lot line between the subject site and Tract A, which has access from Montano Road. A private access easement from Montano will be provided to access the subject site. Access from Edith Blvd. will no longer be necessary, and this access easement will be abandoned.***

Section 1f: Land to be annexed shall have reasonable boundaries so that providers of public services can determine with ease where the City boundary is located and so that public services can be delivered under appropriate service extension policies at reasonable operating and capital cost to the City.

*The subject site is serviceable with City utilities and services and vehicular access is possible from Montana Road via a private access easement that will be allowed by the owner that owns both parcels and will not require any capital improvements by the City. (Comp. Plan, Established Urban Area, Policy IIB.5e.). Development of this property will utilize extensions of the water and sanitary sewer services that originate on Montano Road and service the existing Car Crafters. The Albuquerque Fire Department reviewed the proposed site plan on February 9, 2011 regarding emergency access. They have given their approval and signature on the plan that would not require additional access (Site plan with signature attached.) Further, Fire &*

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*Rescue noted on the comments for Annexation that, "this will clean-up any issues with Fire and EMS response".*

***Staff agrees and notes that the subject site has reasonable boundaries. The land to be annexed is a recorded plat. The City already provides municipal services to the adjoining Tract A, located directly north of the subject site. The extension of services to the subject site is reasonable. Staff also notes that no site plan was included with the application submittal.***

Section 1g: City boundaries shall be established along platted lines which will make definite what the City limits are; annexation plats need not meet all requirements of a subdivision plat as specified by the Subdivision Ordinance.

*The approval of this petition for annexation and a zoning designation of M-1 for the entire site will ensure cohesive development with the adjacent parcel and surrounding areas.*

***Staff agrees. The City limits will be easy to identify in this area as the subject site is defined by a legal tract on a plat filed in the County Clerk's Office.***

## V. REQUEST FOR ESTABLISHMENT OF ZONING

### Resolution 270-1980 (Policies for Zone Map Change Applications)

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Analysis of Applicant's Justification:

**Note:** Policy citations are in regular text; *applicant's justification is in italics; staff's analysis is in bold italics*

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

*The proposed zoning of M-1 will respect the location, intensity and design of new development, existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, recreational concerns because it is compatible with the surrounding M-1 zoning and will not overburden the existing natural or built environment. Furthermore, the proposed M-1 zoning for the parcel to be annexed is consistent with the M-1 zoning in place at the existing Car Crafters site to the north and will allow for cohesive development.*

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***Staff agrees. The requested annexation and establishment of zoning for this land-locked parcel would not result in development that places an undue burden on public facilities and services. The subject site will access existing transportation, utility and public safety services that are provided to the adjacent, northern parcel. The tract also does not create any harm to adjacent properties, which all have a similar or more intense zoning designation.***

- 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.

*This request will not create instability in the land use or zoning. The property is currently zoned M-1 in the County which very similarly follows the land use guidelines of the City of Albuquerque's M-1 zoning designation, with the Cities M-1 zoning being more restrictive. The purpose of this request to change to COA M-1 is for consistent development and governing criteria for a cohesive expansion of the existing Car Crafters property to the North, which is zoned COA M-1. In addition to the property to the north being zoned M-1, the property adjacent and the neighboring lots to the south are all zoned M-1 as well. The use and consistency of development will continue to be consistent with this request and will not create instability.*

***Staff agrees. The requested change will not destabilize adjacent land uses and zoning because it is consistent with existing zoning on the subject site as well as surrounding properties. The request continues a logical expansion of the Municipal Limits south along the Alameda Lateral.***

- 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.

*This is a request to establish City M-1 zoning for approximately 3.36 acres of land located on the south side of Montaño Road NE, east of the Alameda Lateral. This request accompanies a request for annexation of the subject site.*

*The City M-1 zone category is more restrictive than the existing County M-1 zone category and overall, may be a beneficial change by reducing the number of uses that may have adverse impacts on adjacent residential properties (Comp. Plan, Urban Area, Policy IIB.5i.).*

*The Comprehensive Plan's Central Urban designation and its designation of Montaño Road as an Enhanced Transit Corridor assumes this area will become more urban in character.*

*City M-1 zoning, in conjunction with access to City utilities and roadways will help this area become more urban in character. This request will allow for creation of a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in transportation, work areas, and lifestyles while creating a visually pleasing built environment (Established Urban Area Goal).*

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*The North Valley Area Plan – Plan Policies (Zoning and Land Use) 3(c) - States to promote commercial development and redevelopment of existing commercially zoned properties. Our request furthers this policy because we are expanding an existing commercial use on an M-1 zoned property as well as requesting to annex and designate an undeveloped property for commercial development.*

***The applicant has discussed and adequately justified how the requested annexation and the associated establishment of zoning furthers a preponderance of the Goals and Policies that are presented in the Comprehensive Plan and the North Valley Area Plan. Analysis of these policies is found in Section III - Analysis, above, as it is applicable to both the request for annexation and the establishment of zoning.***

- 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 subject request meets all of the policies and criteria of R-270-1980, most notably: The requested M-1 zoning is more advantageous to the community as articulated in the Comprehensive Plan and the North Valley Area Plan. City M-1 zoning is more restrictive than County M-1 zoning, reducing the number of uses that may have adverse impacts on adjacent properties (Section I.E.).*

*Our request is to change the current zoning of County M-1 with an annexation request to COA M-1. The permissive uses in this zones (M-1) are part of the “full range of urban land uses” proposed by the Comprehensive Plan’s Established Urban Area (Comp. Plan, Established Urban Area, Policy IIB.5a.).*

***The applicant reasons that establishment of M-1 zoning restricts some permissive uses that are currently available in the County M-1 zone that may be more disruptive to adjacent neighbors, and Staff agrees. Staff also finds that the M-1 zone is more advantageous to the community as justified in Section III - Analysis, above. The request asks for annexation of vacant land due to the desire to expand an existing, locally-owned and operated business. This will be more advantageous to the community because it will facilitate economic development as well as the development of an under-utilized property in the Central Urban Core.***

- 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 Goal of the Established Urban Area is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the*

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*metropolitan area and which offers variety and choice in housing, transportation, work areas, and lifestyles while creating a visually pleasing built environment.*

*The establishment of M-1 zoning is appropriate because it is similar to surrounding zoning and will provide stability to the area. In addition, the above-described territory is contiguous to M-1 zoning development and the proposed is permissive in the M-1 zoning category (14-16-2-20 M-1 Light Manufacturing) and none of the other permissive uses would be harmful to the community.*

***Staff agrees. The permissive uses will be the same as adjacent properties, and will not be harmful to adjacent properties, the neighborhood or the community. City M-1 zoning is generally more restrictive than County M-1 zoning. See the attached comparison of the two zones for further information.***

- 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 site is serviceable with City utilities and services and vehicular access is possible from Montañõ Road via a private access easement that will allowed by the owner that owns both parcels and will not require any capital improvements by the City. (Comp. Plan, Established Urban Area, Policy IIB.5e.). Development of this property will utilize extensions of the water and sanitary sewer services that originate on Montano Road and service the existing Car Crafters.*

*The Albuquerque Fire Department reviewed the proposed site plan on February 9, 2011 regarding emergency access. They have given their approval and signature on the plan that would not require additional access (Site plan with signature attached.) Further, Fire & Rescue noted on the comments for Annexation that, "this will clean-up any issues with Fire and EMS response".*

***Staff agrees. The request will result in no unprogrammed capital expenditures for the City. The subject site will utilize the existing infrastructure that serves the adjacent Tract A.***

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

*The cost of land or any other economic considerations are not a determining factor in this request. City M-1 zoning will promote commercial development of this existing commercially zoned property (North Valley Area Plan Zoning and Land Use Policy 3) and allow for the extension of a permissive use on the property to north furthering infill development and added services for the community.*

***Staff agrees. The cost of land or other economic considerations are not the determining factor for this request. The determining factor is that City zoning must be established if the subject site is annexed into the City.***

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

*The parcel being annexed is landlocked all four sides with the Alameda lateral to the west, the Car Crafters development to the north, a developed parcel to the east and developed property to the south. Our access will be from Montano with a private access agreement being provided on the re-plat.*

***Staff agrees. The subject site is not located on a collector or major street; it is a land-locked property.***

- 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 request will not create a spot zone as the property to the north is COA M-1 and the adjacent property to the south is M-1 as well as many of the parcels surrounding this parcel to the west and an adjacent M-2 zoned property to the east.*

***Staff agrees. The requested zoning is consistent with the adjacent properties and does not create a spot zone.***

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

*This request will not create a strip zone. The area surrounding the property to the west is zoned M-1 as well as the property to the south and north.*

***Staff agrees. The requested zoning is consistent with the surrounding properties and the larger area, which is generally zoned County M-1 or City M-1. Therefore, it does not create a strip zone.***

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

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

There are no outstanding agency comments regarding the annexation or zone change request. The property ownership records have been updated in the Bernalillo County Assessor's records. A Pre-Annexation Agreement has been provided, and the City Engineer has reviewed it. There are no significant issues that have been identified.

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

Property-owners within 100' of the subject site and the Edith Commercial Corridor Association were notified. No facilitated meeting was held and no comments have been received. There is no known opposition to the request.

## **V. CONCLUSION**

This is a two-part request: the annexation of Tract 188A1B, MRGCD Map 32, containing approximately 3.36 acres, and located directly south of Tract A, Guthrie Commerce Park and south of Montañó Road NE, between Edith Blvd. and South Renaissance Blvd.; and the establishment of M-1 zoning for the Tract.

The applicant has provided an adequate justification for annexation in reference to R-54-1990 and for the establishment of zoning through the justification of policies found in R-270-1980 and by demonstrating that the request is consistent with a preponderance of applicable goals and policies in the Comprehensive Plan.

For this dual request, a Traffic Impact Study is not required by the City Engineer. One may be required at the time of development. The pre-annexation agreement has been reviewed by the City Engineer. No significant infrastructure impacts are anticipated.

Property-owners within 100' of the subject site and the Edith Commercial Corridor Association were notified. No facilitated meeting was held. There is no known opposition to these requests.

Staff recommends approval.

***FINDINGS – 1008654, 11EPC-40000, May 12, 2011, ANNEXATION***

1. This request is for annexation of Tract 188A1B, MRGCD Map 32, which consists of approximately 3.36-acres into the City of Albuquerque. The subject site is located on the south side of Montañó Road NE, east of the Alameda Lateral.
2. This request for annexation is accompanied by a request for the establishment of zoning of M-1.
3. The subject site is in the Central Urban Area of the Comprehensive Plan.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. Annexation of the subject site will allow for an expansion of the existing manufacturing / commercial development that abuts the subject site on the north. The property will be replatted with an adjusted lot line, and a private access easement from Montañó Road NE.
6. The request for annexation furthers the following Comprehensive Plan policies for Central and Established Urban Areas:

Policy II.B.5.a: This request will add to the range of urban land uses found in the community by facilitating the development of this property with a land use that is identified by City zoning categories as among the “full range of urban land uses.”

Policy II.B.5.d: This request respects neighborhood values and community resources by encouraging infill development on vacant land in a location that will respect existing social and environmental resources.

Policy II.B.5.e: This request will allow for the growth of an existing business onto adjacent, vacant land that is contiguous to the existing City limits. It will be served by existing urban facilities and services.

Policy II.B.5.i: This request is sited so that potential negative impacts from this property would be buffered from the adjacent residential neighborhood by existing industrial uses as well as the Alameda Lateral. This furthers the policy to have employment and services located conveniently to residential in a manner that does not negatively impact the neighborhood.

Policy II.B.5.o: This request will further redevelopment in the Established Urban Area by facilitating development on land that is currently vacant and has challenges to develop.

7. The request for annexation furthers the following North Valley Area Plan goals and policies:

Preferred Scenario Land Use Plan, page 37: The Plan anticipated that the area in which the subject site is located would develop with industrial uses, and this request will facilitate industrial development on this site.

Zoning and Land Use Policy 3.c: This request promotes commercial development and redevelopment of existing commercially zoned properties by facilitating development of a commercial property that is “land-locked” with no public access.

8. The applicant has adequately justified the annexation request pursuant to Resolution 54-1990.

Section 1a: Compliance with City policy regarding land dedication for public facilities is assured:

The applicant will provide land needed for public facilities and City services which would be required to fulfill this policy. However, no additional public infrastructure is needed to serve the annexed property.

Section 1b: The applicant shall agree in writing to timing of capital expenditures for necessary major streets, water, sanitary sewer, and storm-water-handling facilities:

The applicant has agreed to install and pay for any necessary infrastructure in a timely manner and then dedicate it to the City. A pre-annexation agreement has been provided to the City by the developer and will be signed by the City upon City Council approval of this request. There will be no City capital expenditure for this development’s infrastructure.

Section 1c: The City may decline an annexation if necessary capital expenditures fall all or partly under paragraph b(2), above and the City concludes that it would be unreasonable to make land owners wait for basic utilities and facilities as long as would probably be the case:

No capital expenditures shall be needed. The applicant will be responsible in developing the needed infrastructure for this development.

Section 1d: Land annexed shall be to some extent contiguous to the City limits, except land owned by the City may be annexed when it is not contiguous where this is allowed by state statutes:

The entire northern and eastern boundary of the site abuts the City limits.

Section 1e: Land to be annexed shall have provision for convenient street access to the City:

The subject site will have convenient access from Montañó Road via a private access agreement across Tract A to the north.

Section 1f: Land to be annexed shall have reasonable boundaries so that providers of public services can determine with ease where the City boundary is located and so that public services can be delivered under appropriate service extension policies at reasonable operating and capital cost to the City:

The subject site has reasonable boundaries. The land to be annexed is a recorded plat.

Section 1g: City boundaries shall be established along platted lines which will make definite what the City limits are; annexation plats need not meet all requirements of a subdivision plat as specified by the Subdivision Ordinance:

The City limits will be easy to identify in this area as the subject site is defined by a legal tract on a plat filed in the County Clerk's Office.

9. The subject site is serviceable with City utilities and vehicular access is possible from Montañó Road. Access to the subject site from Montañó will eliminate the need for access from a private access road that crosses the Alameda Lateral.
  
10. Property-owners within 100' and the North Edith Commercial Corridor Association were notified. There is no neighborhood or other known opposition to this request.

***RECOMMENDATION – 1008654, 11EPC-40000, May 12, 2011, ANNEXATION***

**A recommendation of APPROVAL of 11EPC-40000 be forwarded to the City Council, an annexation for Tract 188A1B, MRGCD Map 32, based on the preceding Findings.**

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***FINDINGS – 1008654, 11EPC-40001, May 12, 2011, ESTABLISHMENT OF ZONING***

1. This request is for the establishment of zoning from County M-1 to M-1 for Tract 188A1B, MRGCD Map 32, which consists of approximately 3.36-acres. The subject site is located on the south side of Montaña Road NW, east of the Alameda Lateral.
2. This request for the Establishment of zoning is accompanied by a request for annexation of this Tract, 11EPC 40001.
3. The subject site is in the Central Urban Area of the Comprehensive Plan.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The tract of land is an expansion of the existing manufacturing/commercial development that abuts the subject site on the north, the Guthrie Commerce Park. The requested zoning is the same as the adjacent parcels, M-1.
6. The request for annexation furthers the following Comprehensive Plan policies for Central and Established Urban Areas:

Policy II.B.5.a: This request will add to the range of urban land uses found in the community by facilitating the development of this property with a land use that is identified by City zoning categories as among the “full range of urban land uses.”

Policy II.B.5.d: This request respects neighborhood values and community resources by encouraging infill development on vacant land in a location that will respect existing social and environmental resources.

Policy II.B.5.e: This request will allow for the growth of an existing business onto adjacent, vacant land that is contiguous to the existing City limits. It will be served by existing urban facilities and services.

Policy II.B.5.i: This request is sited so that potential negative impacts from this property would be buffered from the adjacent residential neighborhood by existing industrial uses as well as the Alameda Lateral. This furthers the policy to have employment and services located conveniently to residential in a manner that does not negatively impact the neighborhood.

Policy II.B.5.o: This request will further redevelopment in the Established Urban Area by facilitating development on land that is currently vacant and has challenges to develop.

7. The request for annexation furthers the following North Valley Area Plan goals and policies:  

Preferred Scenario Land Use Plan, page 37: The Plan anticipated that the area in which the subject site is located would develop with industrial uses, and this request will facilitate industrial development on this site.

Zoning and Land Use Policy 3.c: This request promotes commercial development and redevelopment of existing commercially zoned properties by facilitating development of a commercial property that is “land-locked” with no public access.
8. The applicant has adequately justified the zone map amendment request pursuant to R-270-1980.
  - a. The requested annexation and establishment of zoning would not result in undue burden on public facilities and services while expanding the limits of the City. The tract also does not create any harm to adjacent properties, which all have a similar or more intense zoning designation. Thus, it is found to be consistent with the health, safety, morals and welfare of the City.
  - b. The requested change will not destabilize adjacent land uses and zoning because it is consistent with existing zoning on the subject site as well as surrounding properties.
  - c. The request is not in conflict with any of the adopted elements of the Comprehensive Plan, because it furthers a preponderance of relevant goals and policies.
  - d. The M-1 is more advantageous to the community because it will facilitate economic development as well as the development of an under-utilized property in the Central Urban Core.
  - e. The requested M-1 zone is consistent with surrounding zoning. The permissive uses will be the same as, or less intense than adjacent properties, and will not be harmful to adjacent properties, the neighborhood or the community.
  - f. This request will not require any unprogrammed capital expenditures. The applicant has prepared a Pre-Annexation Agreement agreeing to any land dedication or infrastructure improvements that may be required, although none is expected.
  - g. The cost of land or other economic considerations are not the determining factor for this request.
  - h. This property is not located on a major arterial and therefore, this policy is not applicable.
  - i. The requested zoning is consistent with the adjacent parcels and does not create a spot zone.
  - j. The requested zoning is consistent with the adjacent parcels and does not create a strip zone.
9. The subject site is serviceable with City utilities and vehicular access is possible from Montaña Road. Access to the subject site from Montaña will eliminate the need for access from a private access road that crosses the Alameda Lateral.

10. Property-owners within 100' and the North Edith Commercial Corridor Association were notified. There is no neighborhood or other known opposition to this request.

**RECOMMENDATION – 1008654, 11EPC-40001, May 12, 2011, ESTABLISHMENT OF ZONING**  
**A recommendation of APPROVAL of 11EPC-40001 be forwarded to the City Council, the**  
**Establishment of Zoning to M-1 for Tract 188A1B, MRGCD Map 32, based on the preceding**  
**Findings.**

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***K. Carrie Barkhurst  
Planner***

cc: Angela Grapsas, DSA Architects, 4700 Lincoln Rd NE, Suite 111, Abq, NM 87109  
Jim Guthrie, Headstart Enterprises LP, 600 Montaña NE, Albuquerque, NM 87107  
Bob Warrick, 444 Niagara NE, Albuquerque, NM 87113  
Janice Caudill, 100 Diers Rd NW, Albuquerque, NM 87114

***Attachments***

## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Enforcement***

Reviewed, no comment.

#### ***Office of Neighborhood Coordination***

North Edith Commercial Corridor; No Coalitions to Notify

#### ***Long Range Planning***

The site is located in the Central Urban area of the Comprehensive plan and within the boundaries of the North Valley Area Plan. Expansion of an existing business in the City is a practical rationale for the logical progression of annexation in this area of the unincorporated County.

Check Legal owner of record, The County Assessor's database shows a different owner.

### ***CITY ENGINEER***

#### ***Transportation Development Services***

The applicant is required to enter into a Pre-annexation Agreement with the City.

#### ***Hydrology***

Reviewed, and no comments.

### ***DEPARTMENT of MUNICIPAL DEVELOPMENT***

#### ***Transportation Planning***

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

#### ***Traffic Engineering Operations***

No comments received.

#### ***Street Maintenance***

No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Annexation shall include:

1. The applicant is required to enter into a Pre-annexation Agreement with the City.

**WATER UTILITY AUTHORITY**

**Utility Services**

ABCWUA has no comment on any of the cases scheduled for the May 12th EPC hearing.

**ENVIRONMENTAL HEALTH DEPARTMENT**

**Air Quality Division**

**Environmental Services Division**

**PARKS AND RECREATION**

**Planning and Design**

**Open Space Division**

Open Space has no adverse comments.

**City Forester**

**POLICE DEPARTMENT/Planning**

This project is in the Valley Area Command. No Crime Prevention or CPTED comments concerning the proposed Amendment to Zone Map or Annexation request at this time.

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

**FIRE DEPARTMENT/Planning**

No Comments

**TRANSIT DEPARTMENT**

<b>Project # 1008654</b> 11 EPC-40000 ANNEXATION 11 EPC-40001 ESTAB. OF ZONING.	Adjacent and nearby routes	None.
	Adjacent bus stops	None.
	Site plan requirements	None.
	Large site TDM suggestions	N/A
	Other information	None.

## ***COMMENTS FROM OTHER AGENCIES***

### ***BERNALILLO COUNTY***

#### ***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

#### ***ALBUQUERQUE PUBLIC SCHOOLS***

This will have no adverse impacts to the APS district.

#### ***MID-REGION COUNCIL OF GOVERNMENTS***

MRMPO staff has no adverse comments.

#### ***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

#### ***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.

#### ***NEW MEXICO DEPARTMENT OF TRANSPORTATION***

No comments received.