



**Environmental  
Planning  
Commission**

*Agenda Number: 5  
Project Number: 1008743  
Case #: 11EPC-40016  
May 12, 2011*

**Staff Report**

<b>Agent</b>	DAC Enterprises, Inc.
<b>Applicant</b>	Victor Lara & Martha Reyes
<b>Request(s)</b>	Zone Map Amendment
<b>Legal Description</b>	Lot 1, Town of Atrisco Grant, Unit 6
<b>Location</b>	Old Coors Drive between Salvador Street and Gallegos Street
<b>Size</b>	Approximately 0.50 acres
<b>Existing Zoning</b>	R-2
<b>Proposed Zoning</b>	C-3

**Staff Recommendation**

*APPROVAL of 11EPC 40016, based on the Findings beginning on Page 14.*

**Staff Planner**  
*Randall Falkner, Planner*

**Summary of Analysis**

This is a request for a zone map amendment from R-2 to C-3 for the eastern portion of Lot 1, Town of Atrisco Grant, Unit 6, a site of approximately 0.50 acres, located on 754 Old Coors Drive, from R-2 (Residential) to C-3 (Heavy Commercial). The purpose of the zone change is to correct a mapping anomaly wherein two zone categories (R-2 & C-3) exist on a single lot. The original zoning appears to be based on the creation of a (mostly) straight line of C-3 zoning on the east side of Old Coors. The intent is to make the zoning compatible with the existing use (commercial).

The applicant has demonstrated that the existing zoning is innappropriate because there was an error when the existing zone map pattern was created, and a different use category is more advantageous to the community as articulated in the Comprehensive Plan and the Southwest Area Plan. There is no known opposition to the request and staff recommends approval.

Location Map (3" x 3")

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 18.

**I. AREA CHARACTERISTICS AND ZONING HISTORY**

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

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	R-2	Established Urban Southwest Area Plan	Commercial
<b>North</b>	C-3, R-2	”	Industrial/Manufacturing
<b>South</b>	C-3, R-1	”	Commercial, Single Family Residential
<b>East</b>	R-2	”	Single Family Residential
<b>West</b>	C-3	Established Urban Southwest Urban West Side Strategic Plan	Office, Commercial

**II. INTRODUCTION**

**Request**

This is a request for a zone map amendment from R-2 to C-3 for the eastern portion of Lot 1, Town of Atrisco Grant, Unit 6, a site of approximately 0.50 acres, located on 754 Old Coors Drive, from R-2 (Residential) to C-3 (Heavy Commercial). The purpose of the zone change is to correct a mapping anomaly wherein two zone categories (R-2 & C-3) exist on a single lot. The existing site has two buildings that are used for a nail/hair salon and a western wear clothing store. The eastern portion of the property serves as a parking lot and provides storage for the existing business on site. The intent is to make the zoning compatible with the existing use (commercial). The applicant has not submitted plans to redevelop the site; however, there is a desire to provide a shade cover or garage for the existing parking. There is no evidence of the eastern portion of the site ever being used for single family residential. The original zoning appears to be based on the creation of a (mostly) straight line of C-3 zoning on the east side of Old Coors.

The Environmental Planning Commission (EPC) is hearing the case because zone map amendments must receive approval from the EPC. The applicant has provided justification for the zone map amendment pursuant to R270-1980. The site is located in the Established Urban Area of the Comprehensive Plan and within the boundaries of the Southwest Area Plan.

### ***Context***

The site contains two commercial retail businesses, one is a western wear clothing store and the other is a hair/nail salon. There is an established pattern of C-3 zoning along Old Coors Drive, with residential neighborhoods to the rear (mostly single family homes). To the north of the subject site is an industrial sandblasting operation, to the south is a relatively new commercial/office complex that is available for lease. To the east are single family homes, while to the west (across Old Coors Dr.) are a variety of commercial businesses.

### ***History***

The current zoning was established in 1959 by the City's first Zoning Map. The C-3 zoning along Old Coors Drive begins just north of Gonzales Road and continues south all the way to Bridge Boulevard. Many other lots along Old Coors Drive are similar to the subject site in that they also have split zoning (see Figure 1). Three of the lots to the north of the subject site, including 5535 Salvador Road (property at the ne corner of Salvador and Old Coors), 730 and 706 Old Coors Drive are properties that have split zoning (with C-3 zoning on the western portion along Old Coors and R-2 zoning on the eastern portion of the properties). The lot immediately to the south of the subject site (806 Old Coors Drive, between Gallegos Road and Bohemio Court) was a property with two zoning designations, (C-3 and R-1), until it was changed by a zone map amendment from R-1 to C-3 in January 2008.

The buildings on the subject site have been used as an auto parts store and a used car lot as well as a fast food restaurant. Currently, the building on the north side of the site is a hair/nail salon, while the building on the south side of the lot is a western wear clothing store.

### ***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 Old Coors Drive as a Minor Arterial, with a right-of-way of 86'.

Salvador Road and Gallegos Road are local streets

There is an existing bicycle lane along Old Coors Drive.

There are no transit routes in the immediate vicinity of the site. The closest transit route is three blocks south on Old Coors Drive and Bridge Boulevard (Route 54 – Bridge/Westgate).

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

See attached Public Facilities Map for details.

### III. ANALYSIS

#### *Albuquerque Comprehensive Zoning Code*

The existing zoning for the eastern portion of the lot is R-2. The R-2 zone provides suitable sites for houses, townhouses, and medium density apartments, and uses incidental thereto in the Established and Central Urban areas.

The proposed zoning is C-3. The C-3 zone provides suitable sites for C-2 (Community Commercial) uses, wholesale commercial uses and some light industrial uses which cause no vibration discernible beyond the premises. The site is already zoned C-3 on the western portion of the lot.

The land use would remain the same in this case (commercial), and while other permissive uses in the C-3 such as warehousing, operative contractor's equipment repair, a kennel or off-premise signs would be allowed with the proposed zoning, the size of the lot (0.50 acres) make it unlikely that intensive C-3 uses would be used in the future. While package liquor sales and adult amusement establishments are permissive in the C-3 zone, they would not be allowed at the subject site because the site is within 500 feet of a residential zone.

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

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

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

#### *Analysis of Applicant's Justification*

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

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

*Applicant's justification: This is a request to allow re-zoning of a dual zoned lot to a single zone category. Section 14-16-1-3 of the Zoning Code identifies the intent of the regulations in securing the health, safety, morals and general welfare of the City. Specifically, this zone map amendment will not impact adequate open space for light and air as the R-2 portion is already developed with automobile parking spaces. Water, sewer, and accessible public transportation are all available on or near the site. The lot is fully developed. If the property is ever re-*

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*developed, an approved grading and drainage plan will properly channel any flood water runoff and assure the safety and integrity of both this property and the nearby properties affected by this zone change.*

*Approving this zone map amendment will allow a reasonable opportunity to continue to use the lot for the existing parking, or for future additions or redevelopment. The R-2 portion of this property is currently developed and used for off street parking. The R-2 portion of the lot is not large enough to develop for single family housing and this request will not negatively affect the health, safety, morals and general interest of the City. Re-zoning the property will have no impact on schools and recreational facilities in the area, as it is already being used for parking and the new zoning will prohibit residential uses.*

*The applicant has not submitted plans to redevelop the site; however, there is a desire to provide a shade cover or garage for the existing parking. Any use allowed on the C-3 portion of the lot today will be allowed on the R-2 portion if the zone change is approved. Applicant cannot honestly speak for future development, but the current configuration is C-3 zoning abutting R-2 zoning and this will not change if the zone map amendment is approved.*

***Staff's response: The request is consistent with the health, safety, morals, and general welfare of the City. The request would not have significant adverse effects on surrounding properties or the wider community since it is consistent with existing C-3 zoning along Old Coors. Staff agrees with the applicant.***

- 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.

*Applicant's justification: Split zoning on a single lot does not promote stability of either land use or zoning. This request will correct a zone mapping error. Applicant also notes that there is a specific changed condition that can be considered in furthering justification this zone change and that there are several elements of the Comprehensive Plan and the Southwest Area Plan that may be furthered by approving this request.*

***Staff's response: The applicant has provided a sound justification as to why the change should be made. The western portion of the lot is already zoned C-3, and having the eastern portion of the lot also zoned C-3 would give the parcel a single zoning classification, thereby providing stability for the site and the surrounding neighborhood. The stability of land use and zoning would be improved with this request. The proposed zoning will be consistent with the existing commercial activity on the site. With the existing zoning (R-2), both the existing parking and storage building uses on the site are illegal. The request for C-3 zoning would permit these uses and provide stability between land use and zoning. Staff agrees with the applicant.***

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- 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.

*Applicant notes several supporting policies of the Comprehensive Plan as discussed below. Applicant does not believe that this request is in significant conflict with any of these plans.*

***Staff does not believe that the request is in significant conflict with either the Comprehensive Plan or the Southwest Area Plan. The applicant has cited multiple polices of both the Comprehensive Plan and the Southwest Area Plan in Section D (below).***

- 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.

*Applicant's justification: 1) This parcel existed as a single lot prior to Albuquerque's first valid zoning ordinance in 1959. There is no evidence of the R-2 portion of the lot being used for single family housing at that time, nor has it been used for such purpose since then. The original zoning appears to be based on the creation of a (mostly) straight line of C-3 zoning on the east side of Old Coors. As an entire city of 200,000 residents was zoned in one fell swoop in 1959, this type of error was bound to occur.*

***The subject site was already one parcel when the zoning was established in 1959. The eastern portion of the site was not used as a residential land use at the time that zoning was established in 1959 and has not been used as a residential use since that time. Staff agrees that this was a zoning error that created two separate zones (R-2 and C-3) on one parcel.***

*2) In 2008, the Environmental Planning Commission (EPC) approved a nearly identical zone change to the property on the south side of Gallegos (07EPC-40089). This is a changed condition, acknowledging a zone mapping error, though applicant understands that this case must be heard on its own merits.*

***The applicant states that the zone change in 2008 (07EPC 40089) from R-1 to C-3 created a changed condition. A zone change requested by a neighboring property owner does not constitute a changed condition, but merely establishes precedence.***

*3) Though 1) and 2) do apply, this request also furthers several policies of the Comprehensive Plan and SWAP as articulated below:*

Albuquerque / Bernalillo County Comprehensive Plan

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The Comprehensive Plan is the Rank 1 planning document for the City, containing goals and policies that provide a framework for development and service provision.

The applicant has cited the following policies to justify the request:

Developing and Established Urban Area

The 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.

Policy II.B.5.a: The Developing Urban and Established areas shall allow a full range of urban land uses, resulting in a gross density of up to five dwelling units per acre.

*Applicant's justification: This request furthers this policy because the current zone category is too small to develop as a residence and is already being used for parking. Denial of this zone change and enforcement of R-2 regulations by the zoning enforcement office would eliminate all reasonable use of the property. Approval would allow this existing retail site to expand, or redevelop. It would also allow the existing parking lot to be covered with a shade structure. The site currently houses small, neighborhood retail uses including a nail salon and a clothing store. Applicant believes that the current zoning is inappropriate because it does not allow any productive use, including the current use for parking. The current zoning is in direct conflict of this policy and a zone change to include the R-2 portion of the lot as part of the larger C-3 portion would allow the entire lot to be developed, which is not possible today.*

***Staff's response: The site is currently occupied by a hair/nail salon and a western wear clothing store. The existing use of the eastern portion of the site is a parking lot and storage for the commercial uses. The existing zoning for the eastern portion of the site is R-2, which does not allow parking or storage. The request to change zoning from R-2 to C-3 would help to allow a full range of legal urban land uses. The request will not change the existing land use (commercial), but will allow for redevelopment of the site in the future. The request partially furthers Policy II.B.5a.***

Policy II.B.5d: 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 and recreational concern.

*Applicant's justification: This property is already developed for parking to accommodate the existing retail businesses on site. The zone map pattern of C-3 abutting residential zoning is not changed by this request. Any new development on the this portion of the lot, as well as any changes to the entire lot, will have to comply with all parking, landscaping and other regulations of the Albuquerque Zoning Code. The requested zoning is consistent with the rest of the site and other properties along Old Coors in this area.*

***Staff's response: The request is consistent with existing zoning (C-3) on the western portion of the site and with zoning along Old Coors Drive. The request will respect carrying capacities***

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*and existing services because it would not increase impacts to the existing facilities and services in the area. The request will more closely match the existing land use (commercial) with the proposed zoning (C-3). The existing R-2 zoning does not match with the existing use (commercial). The existing portion of the site that is R-2 zoning has a parking lot and storage structures, which are not allowed in R-2. The request would allow these existing uses and respect existing neighborhood values. The request furthers Policy II.B.5d.*

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

*Applicant's justification: This is an infill re-zoning request and is contiguous to all urban facilities. To the best of the applicant's knowledge there is no opposition from any of the existing neighborhoods. A letter of support of this request from the adjoining neighbor on Salvador is expected to be presented before the EPC meeting.*

*Staff's response: The site is contiguous to existing urban facilities and services and the integrity of the neighborhood would be ensured by allowing zoning (C-3) that already exists on the western portion of the site. The size of the lot (0.5 acres) also makes it unlikely that intensive C-3 uses could be developed. The request would provide stability between land use and zoning that currently doesn't exist with the R-2 zoning, which does not allow uses such as parking lots and storage structures. The request to eliminate dual zoning on a single lot would improve the integrity of the site and of the neighborhood. The request furthers Policy II.B.5e.*

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

*Applicant's justification: The current R-2 zoning adds no benefit to the neighborhood. The parking on the lot is already buffered by landscaping and fencing. Redevelopment would require continued compliance with the buffering requirements and the current development is neighborhood retail. Approval of this request would allow for eventual re-development of the entire lot, including the current intention of the applicants to add a parking shade structure or a garage in the R-2 portion of the lot.*

*Staff's response: The request for C-3 zoning does not conflict with the existing commercial use of land and will complement residential areas and allow for future re-development of the lot. The existing zoning (R-2) does not allow for the commercial uses that are presently on the land and would not allow for any re-development. The site currently has landscape buffering on the R-2 portion of the site that buffers it from the neighborhood to the east, minimizing the adverse effects of noise, lighting, pollution, and traffic. In addition, the request is consistent with the zoning pattern along Old Coors to provide employment and service uses. The request partially furthers Policy II.B.5i.*

Policy II.B.5k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

*Applicant's justification:* The site already only allows access from Old Coors and egress from Salvador. There will be no new traffic entering the residential neighborhood and any new development would be required to comply with existing regulations.

***Staff's response:*** The request would rezone the lot under a single zone and potentially facilitate redevelopment that would be reviewed by the City for compliance with current regulations, including transportation requirements to ensure the safety of residential neighborhoods. Access to the site from Old Coors Drive and egress from Salvador Road would remain the same. The request furthers Policy II.B.5k.

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

*Applicant's justification:* There is no benefit to leaving a portion of lot zoned R-2 when the lot is too small to develop. The elimination of the R-2 zoning incongruity will allow the entire lot to be developed in compliance with Zoning Code requirements. The current parking area is being used illegally and should be removed through enforcement action if this zone change is denied. Approval allows the opportunity to build a parking structure or garage as well as for full scale redevelopment of the entire site at a later date.

***Staff's response:*** The request will support potential redevelopment and rehabilitation in an older neighborhood. Providing a single commercial zone on the site will provide a better opportunity for full scale redevelopment of the site. The request partially furthers Policy II.B.5o.

Policy II.B.5.p: Cost effective redevelopment techniques shall be developed and utilized.

*Applicant's justification:* Technique 2 of this Policy says to "[e]mphasize private investment as a primary means to achieve redevelopment objectives." This property, has been developed by the property owner at no cost to the City of Albuquerque. Further, future development or redevelopment, which is not currently feasible, will be done through private investment.

***Staff's response:*** Future development of the site would be done through private investment; however, it is unknown at this time without a site plan how the site would redevelop and if effective redevelopment techniques would be developed or utilized. The request partially furthers Policy II.B.5p.

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Economic Policy II.D.6.f: The City and County should remove obstacles to sound growth management and economic development throughout the community.

*Applicant's justification: Split zoning is inappropriate and the R-2 portion of the lot cannot be legally developed as housing. Approval of this request would remove that obstacle. Approval would allow for eventual redevelopment of the entire lot, or expansion of the existing buildings. Applicant does not believe that zone change requests should only take place when there is a specific plan in place. Approval of this request would correct a mapping error and allow for the opportunity to develop the lot without obstacles at such time as development or redevelopment is feasible.*

***Staff's response: The request to have C-3 zoning on one lot would remove obstacles to sound growth management and economic development. While the existing zoning R-2 would not allow for redevelopment, C-3 zoning for the entire site would allow for redevelopment in the future. The request furthers Policy II.D.6f.***

#### Southwest Area Plan (Rank 3)

The Southwest Area Plan (SWAP) was first adopted in 1988 by the Bernalillo County Commission and the Albuquerque City Council, and then updated in 2001, and generally encompasses properties between Central Avenue and I-40 to the north, the Rio Puerco on the west, Isleta Pueblo lands on the south, and the Rio Grande north of Woodward Road on the east; specific boundaries are shown on page 3 in the Plan. The Plan was updated in 2001 to add two new sections: human resources and community economic development. The primary purpose of the Plan is to “emphasize physical planning, including the connection between land use, transportation, natural resources, environmental protection, economic development, and their relationship to the South Valley and the adjacent southwest and southeast Mesa area” (SWAP, page 4).

The applicant has cited the following policies to justify the request:

Policy 25: The County and City shall stabilize residential zoning and land use in the Plan area.

*Applicant's justification: Although this request eliminates residential zoning, it does not conflict with this policy because the lot is currently used for non-residential purposes and not large enough to develop as a viable residential lot.*

***Staff's response: Although the request would eliminate residential zoning, it would help to stabilize zoning and land use in the Southwest Area Plan by eliminating split zoning (R-2 & C-3) on one lot and by matching land use (commercial) with zoning (commercial). The request partially furthers Policy 25 of the Southwest Area Plan.***

Policy 44: Promote small scale community commercial centers which foster a market place atmosphere; improve profit for small businesses, provide jobs; and circulate dollars within the

Area economy to enhance a community environment and meet retail, recreational and service needs of Area plan residents.

*Applicant's justification: This policy is furthered because the lot is too small for any large commercial or heavy commercial uses and has been consistently utilized as a small retail center focusing on neighborhood needs.*

Policy 45: Emphasize job creation and expansion of employment opportunities for the residents of the Southwest Area Plan.

*Applicant's justification: The current split zoning with the existing R-2 zoning does not allow for expansion of this site and would not provide for creation or expansion of employment opportunities. Old Coors is in a redeveloping area with many new retail and service businesses being established. The current use of the lot is essentially a re-use of existing buildings.*

***Staff's response: The request would allow potential for continued commercial service and employment opportunities. The request would also allow redevelopment to take place in the future. The existing zoning would not allow for any redevelopment since it is in violation of the R-2 zone. The request furthers Policies 44 and 45 of the Southwest Area Plan.***

- 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.

*Applicant's justification: It would be disingenuous to state that some C-3 permissive uses would not be harmful to the adjacent property. However, the size of the lot and the character of the entire neighborhood make it very unlikely that inappropriate C-3 uses would ever occur on the property. Further, the bulk of the property is already zoned C-3 and the zone change request is for the R-2 portion which is being used for parking and has an existing mature landscaping buffer. Any new uses on the site would continue to require such buffering and the R-2 portion of the lot would be best utilized for parking.*

***Staff's response: C-3 zoning does allow permissive uses such as warehousing, operative contractor's equipment repair, a kennel, and off-premise signs; however, the site is small (only 0.50 acres) and would most likely not accommodate these kinds of C-3 uses, and the current uses (a hair/nail salon and a western wear clothing store) are not heavy commercial uses. Package liquor sales and adult amusement establishments are also allowed under C-3; however, neither would be allowed on the site in this case because the site is within 500 feet of a residential zone. While the request does allow some permissive C-3 uses that could be potentially harmful to the neighborhood, the proposed zoning is consistent with existing zoning (C-3) along Old Coors and on the western portion of the property, and would eliminate a split zone on the site.***

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

*Applicant's justification: This proposed zone change requires no capital expenditures by the City to be developed.*

***Staff's response: Staff agrees with the applicant that no expenditures by the City are required.***

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

*Applicant's justification: Applicant believes that this request furthers specific City policies regarding economic development, but asks for no specific consideration regarding any economic issue with this zone change request.*

***Staff's response: Staff determines that the cost of land or other economic considerations are not the determining factor for a change of zone. The request would eliminate split zoning on a single site and align long-standing existing land uses with appropriate zoning.***

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

*Applicant's justification: The R-2 zoning portion of this property abuts a local street.*

***Staff's response: The site is located along Old Coors Drive, a minor arterial. Staff determines that location on a minor arterial is not the sole justification for the request.***

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

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

*Applicant's justification: This is not a spot zone. It is consistent with the rest of the property as well as with nearly all of the nearby parcels fronting on Old Coors.*

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***Staff's response: The request for C-3 zoning is not a spot zone since there is C-3 zoning to both the north and the south, and the majority of the site is already zoned C-3.***

- 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.

*Applicant's justification: This request does not meet the definition of a strip zone.*

***Staff's response: The request would not result in a strip zone.***

#### **IV. AGENCY & NEIGHBORHOOD CONCERNS**

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

City Departments and other interested agencies reviewed this application from 4/4/2011 to 4/15/2011. Agency comments begin on page 18. There are no significant comments from these agencies.

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

The affected neighborhoods include the following: Alamosa N.A., Crestview Bluff N.A., West Side Merchants Association, South Valley Coalition of N.A.'s, South West Alliance of Neighbors, and the Westside Coalition of N.A.'s. All of the affected neighborhoods were notified of the zone change request. A facilitated meeting was not proposed by the Office of Neighborhood Coordination. No letters of opposition or support have been received.

#### **V. CONCLUSION**

This is a request for a zone map amendment from R-2 to C-3 for the eastern portion of Lot 1, Town of Atrisco Grant, Unit 6, a site of approximately 0.50 acres, located on 754 Old Coors Drive, from R-2 (Residential) to C-3 (Heavy Commercial). The purpose of the zone change is to correct a mapping anomaly wherein two zone categories (R-2 & C-3) exist on a single lot. The original zoning appears to be based on the creation of a (mostly) straight line of C-3 zoning on the east side of Old Coors. The intent is to make the zoning compatible with the existing use (commercial).

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The applicant has demonstrated that the existing zoning is inappropriate because there was an error when the existing zone map pattern was created, and a different use category is more advantageous to the community as articulated in the Comprehensive Plan and the Southwest Area Plan. There is no known opposition to the request and staff recommends approval.

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***FINDINGS – 11EPC 40016, 5/12/2011, Zone Map Amendment***

1. This is a request for a zone map amendment from R-2 to C-3 for the eastern portion of Lot 1, Town of Atrisco Grant, Unit 6, a site of approximately 0.50 acres.
2. The western portion of Lot 1 is zoned C-3. The purpose of the zone change is to correct a mapping anomaly wherein two zone categories (R-2 & C-3) exist on Lot 1. The original zoning appears to be based on the creation of a (mostly) straight line of C-3 zoning on the east side of Old Coors. The intent is to make the proposed zoning (C-3) compatible with the existing use (commercial). The existing use (commercial) would be permissive under the proposed zoning (C-3), but is not permissive under the current existing zoning (R-2).
3. The Environmental Planning Commission (EPC) is hearing the case because zone map amendments must receive approval from the EPC.
4. The site is located within the Established Urban Area of the Comprehensive Plan and within the boundaries of the Southwest Area Plan.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the Southwest Area Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The applicant provided an adequate justification for the zone change request pursuant to Resolution 270-1980:
  - a. The request is consistent with the health, safety, morals, and general welfare of the City. The request would not have significant adverse effects on surrounding properties or the wider community since it is consistent with existing C-3 zoning along Old Coors.
  - b. The applicant has demonstrated that the stability of land use and zoning would be improved with this request. The proposed zoning (C-3) will be consistent with the existing commercial activity on the site. The existing zoning (R-2), does not lawfully allow for the existing uses (parking and storage building) on the site. The request for C-3 zoning would permit these uses and provide stability between land use and zoning.
  - c. The request is not in significant conflict with either the Comprehensive Plan or the Southwest Area Plan. The applicant has cited multiple polices of both the Comprehensive Plan and the Southwest Area Plan in Section D3 (below).
  - d. The applicant has demonstrated that the current zoning is inappropriate as follows: (1) Lot 1 was one parcel when the zoning was established in 1959. The eastern portion of Lot 1 was not in residential use at the time that zoning was established in 1959 and has

not been used as a residential use since that time. Establishing C-3 zoning on the eastern portion of Lot 1 constitutes a zoning error that created two separate zones (R-2 and C-3) on one parcel. The original zoning appears to be based on the creation of a (mostly) straight line of C-3 zoning on the east side of Old Coors. (2) The applicant states that the zone change in 2008 (07EPC 40089) from R-1 to C-3 created a changed condition. A zone change requested by a neighboring property owner does not constitute a changed condition, but merely establishes precedence. (3) The applicant has shown that the proposed zoning (C-3) is more advantageous to the community by furthering a preponderance of goals and policies in the Comprehensive Plan and the Southwest Area Plan as shown below:

- i. Policy II.B.5d – The request is consistent with existing zoning (C-3) on the western portion of the site and with zoning along Old Coors Drive. The request will respect carrying capacities and existing services because it would not increase impacts to the existing facilities and services in the area. The request will more closely match the existing land use (commercial) with the proposed zoning (C-3). The existing R-2 zoning does not match with the existing use (commercial).
  - ii. Policy II.B.5e – The site is contiguous to existing urban facilities and services and the integrity of the neighborhood would be ensured by allowing zoning (C-3) that already exists on the western portion of the site and along Old Coors Drive, and by eliminating dual zoning (C-3 and R-2) on a single lot. The size of the lot (0.5 acres) also makes it unlikely that intensive C-3 uses could be developed.
  - iii. Policy II.B.5k – The request would rezone the lot under a single zone and potentially facilitate redevelopment that would be reviewed by the City for compliance with current regulations, including transportation requirements to ensure the safety of residential neighborhoods. Access to the site from Old Coors Drive and egress from Salvador Road would remain the same.
  - iv. Policy II.D.6f – The request to have C-3 zoning on one lot would remove obstacles to sound growth management and economic development by allowing for redevelopment.
  - v. Policies 44 & 45 SWAP – The request would allow potential for continued commercial service and employment opportunities.
- e. While the request does allow some permissive C-3 uses that could be potentially harmful to the neighborhood, the proposed zoning is consistent with existing zoning (C-3) along Old Coors and on the western portion of the property, and would eliminate a split zone on the site.
  - f. No expenditures by the City are required as a result of the zone change.
  - g. The cost of land or other economic considerations are not the determining factor for a change of zone. The request would eliminate split zoning on a single site and align long-standing existing land uses with appropriate zoning.

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- h. The location of the site on a major street is not the primary or only justification for the requested commercial zoning.
  - i. The request for C-3 zoning is not a spot zone since there is C-3 zoning to both the north and the south, and the majority of the site is already zoned C-3.
  - j. The request would not result in a strip zone.
7. There is no known neighborhood opposition to the request.

***RECOMMENDATION - 11EPC 40016, 5/12/2011, Zone Map Amendment***

**APPROVAL of 11EPC 40016, a zone map amendment from R-2 to C-3, for Lot 1, Town of Atrisco Grant, Unit 6, based on the preceding Findings.**

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***Randall Falkner  
Planner***

cc: Jeanette Baca, 901 Field SW, Albuquerque, NM 87121  
Jerry Gallegos, 6013 Sunset Gardens SW, Albuquerque, NM 87121  
Dolores Griego, 540 53<sup>rd</sup> Street SW, Albuquerque, NM 87102  
Larry Nelson, 929 Old Coors SW, Albuquerque, NM 87105  
Humberto Perez, 701-B Old Coors SW, Albuquerque, NM 87105  
Andres Lazo, 3220 Grasshopper Drive SW, Albuquerque, NM 87121  
Marcia Fernandez, 2401 Violet SW, Albuquerque, NM 87105  
Klarissa Pena, 6525 Sunset Gardens SW, Albuquerque, NM 87121  
Louis Tafoya, 6411 Avalon Road NW, Albuquerque, NM 87105  
Gerald C. Worrall, 1039 Pinatubo Place NW, Albuquerque, NM 87120  
Candy Patterson, 7608 Elderwood NW, Albuquerque, NM 87120

***Attachments***

***Figure 1***

***R270-1980***

***R-2 Zoning***

***C-3 Zoning***

***Notice of Decision for 07EPC 40089***

***Pictures***

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

### ***PLANNING DEPARTMENT***

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

- ❖ Reviewed, no comment.

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

Alamosa NA (R)  
Crestview Bluff NA  
West Side Merchants Assoc. (R)  
South Valley Coalition of NA's  
South West Alliance of Neighbors (SWAN)  
Westside Coalition of NA's

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

The site is within the Established Urban area of the Comprehensive Plan, and within the boundaries of the Southwest Area Plan. The request will clarify the zoning for this lot. A similar change occurred to the south across Gallegos Rd.

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

- Reviewed, no comments.

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

- The Hydrology section has no objection to the Zoning Map Amendment.

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

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

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

- *No comments received.*

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

- No comments received.

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

- No comments received.

### **RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT**

#### **and NMDOT:**

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

None

**WATER UTILITY AUTHORITY**

**Utility Services**

**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 Southwest Area Command.

No Crime Prevention or CPTED comments concerning the proposed Amendment to Zone Map request due to insufficient information about intended property use at this time.

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

Approved must comply with SWMD Ordinance

**FIRE DEPARTMENT/Planning**

**TRANSIT DEPARTMENT**

<b>Project # 1008743</b> 11 EPC-440016 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG)	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**

Lot 1, is located at 754 Old Coors SW between Salvador St SW and Gonzales St SW. The owner of the above property requests approval of an Amendment to Zone Map to allow for a Zone Change from R-2 to C-3. 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**

PNM has no comments based on information provided to date.