

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Project #: ZHE 08-80157 & 08158
Property Description/Address: 1025 Mountain Rd NW

Date Submitted: May 17, 2008
Submitted By: Diane Grover

Meeting Date/Time: May 15, 2008
Meeting Location: Harwood Art Center, 1114 7th Street NW
Facilitator: Diane Grover
Co-facilitator: Laura Bassein

Parties:

Kenneth Balizer, Applicant
Wells Park NA (WPNA)
Downtown NA (DNA)
Sawmill Area NA (SANA)

Background/Meeting Summary:

Applicant Kenneth Balizer is requesting two variances to accommodate the use of 975 sq' of his 1400 sq' property as office space for a non profit, 1000 Friends. The first variance would allow for commercial use of the property in the S-MRN zone despite the fact that commercial properties do not currently account for 50% of the properties on the block. The second variance is to provide only 4 parking spaces where 5 would be required.

There is a good history between the applicant and neighbors with a large amount of mutual respect. Ken loves the neighborhood and has high regard for the residents, and neighbors think highly of Ken and have enjoyed working with him in the past. 1000 Friends is already leasing the property, and generally all meeting attendees like the people and the work that they do. Ken had prior meetings with the WPNA and believed that they were aware that he was about to lease the property to this organization. Ken understood that WPNA did not support his request, but believed that they did not intend to oppose it. There were also meetings with a 3 person committee consisting of one member from each of the 3 neighborhood associations identified as affected groups.

The applicant believes there are benefits for the community in the proposed use of the property, including more "eyes on the street" during business hours when many are away from their homes. He believes that his parking needs will be 9-5 only and that the area can support this during those hours. He also feels that the uniqueness of his property supports his request, and that the parking can be accommodated with 2 spaces at the widening of the road at his property on the Mountain side, and by having 2 of the 4 spaces satisfied on 11th street.

Many neighbors believe that there are existing parking problems that will only be exacerbated with additional parking needs of the subject property. Neighbors complain about not being able

to park in front of their homes now, and one neighbor is frequently blocked from entering or leaving her driveway.

Neighbors have very strong feelings about maintaining residences in the area. They feel that far too many residences have been transformed to commercial offices and businesses. They feel the need to consistently oppose additional transitions. There is concern about additional offices, which are vacant in the evenings and weekends leading to vagrancy problems and criminal activity in their neighborhoods. They worry about the precedence setting that justifies further such changes whenever a property converts from residence to commercial. In the S-MRN zone where commercial is allowed when a street has 50% of its properties classified as commercial, they worry that allowing another property to convert brings the block closer to being 50% commercial, which would allow all others to convert.

2 neighbors strongly supported Ken's application, although one said she would not support an actual zone change. The majority of the meeting attendees were not in support of the variances, and maintained both their parking concerns and their concerns about commercial use of the property.

Outcome:

Areas of Agreement:

- There was mutual respect between the applicant and the neighbors, despite some differing opinions
- Neighbors and applicant had high praise for 1000 Friends and for the work that they do.

Unresolved issues, interests and concerns:

- There was some difference of opinion concerning interpretation of zoning requirements, with some neighbors believing the request for a variance was not an appropriate request, and the applicant feeling that this was what the City required
- There was some confusion as to what other routes might be available to achieve rental of the property to 1000 Friends, such as a special use classification that would allow their use of the property without changing things in a way that would transfer to future property owners.

Meeting Specifics:

- 1) History
 - a) Applicant purchased property as retirement investment
 - b) Ken contacted Wells Park Neighborhood Assn
 - c) Rented property to "1000 Friends" prior to realizing there was a zoning problem
 - i) 1000 Friends fights for neighborhoods, works to reduce sprawl
 - (1) Neighbors and applicant have deep respect for this organization
 - (2) Non profit has 3 employees
 - (3) 1000 Friends is renting at a discounted rate
 - d) Future plans – home office

- e) Applicant initially met with Wells Park
 - i) Understood they would not support his request but believed they would not oppose
- f) Eventually met with committee of 3 from all three NAs
- 2) Zoning
 - a) Applicant understanding
 - i) Zoned S-MRN
 - ii) Zoning is set block by block
 - (1) Property can be commercial if more than 50% of properties are commercial
 - (2) Requesting variance since less than 50% of properties are commercial
 - b) Neighbors' perspective
 - i) SMRN zone (Mountain Road Zone) was created in conjunction with sector plan
 - (1) Goal was to preserve existing housing
 - (2) Recognize and preserve historic mix of housing and businesses
 - ii) Have already lost 80% of original residences
 - iii) Believes variance would be, in effect, a zone change
 - iv) Don't view office as a neighborhood use – does not attract neighbors
 - v) WPNA opposes all transitions from residence to commercial
 - vi) Each residence to commercial transition permanently reduces number of residences
 - c) Traffic
 - i) Neighbors feel traffic is increasing along Mountain Rd
 - ii) Backs up turning at subject property
 - iii) Lunch hour backups are experienced
 - iv) Traffic concerns at Pizzeria
- 3) Parking
 - a) Requirement is 1 parking space per 200 sq' of office space
 - b) Requesting variance to allow for 4 parking spaces rather than 5
 - i) Two spaces on Mountain where street widens
 - ii) Two spaces at 11th
 - c) Property is 1400 sq'
 - i) 975 sq' will be office
 - ii) 1 bedroom to be used for full time residence
 - d) Applicant perspective
 - i) Has pictures of daytime parking situation – sees excess parking
 - ii) Should only add daytime parking needs
 - iii) Mountain widens at his property and can accommodate parking

Note: One neighbor felt that the widened area of Mountain was needed as a turn lane so cars can get out of the traffic flow on Mountain when turning onto 11th Street, to avoid backing up traffic on Mountain.

- e) Neighbors' perspective
 - i) Restaurant owner has had to rent space to supply parking for customers
 - ii) Existing parking problems at Laundromat
 - iii) Parking on 11th street is full 24/7
 - iv) Some neighbors can't park in front of their houses
 - (1) Concern for women having to park distances away at night

- v) One neighbor finds herself blocked from entering or exiting her driveway
- vi) Potential rentals at warehouse will negatively impact parking/traffic
- 4) Neighborhood benefits
 - a) Applicant has letters of support from some property owners – Sunshine, Bakery and others
 - i) Will bring patrons to neighborhood businesses
 - b) Activity in neighborhood could impede robberies while homeowners are at work
 - i) Additional “eyes on the street”
 - ii) Crime prevention
 - c) Makes district more interesting
 - d) When property was townhome 4 adults lived there requiring more round the clock parking needs
 - e) Adds some employment opportunity
 - f) One neighbor believes that mixed use equated to vibrancy in the area
- 5) Precedence
 - a) Each successful variance leads to another variance
 - i) Each approved variance is used as reasoning for future variance
 - b) Each successful transition from residence to commercial brings street closer to 50% commercial occupancy which then allows for all future requests
- 6) Miscellaneous Neighbor concerns
 - a) DNA consistently opposes frequent requests to turn residences to offices
 - i) High rate of vacancies in offices
 - ii) Inhabited offices are empty evenings and weekends
 - (1) Attracts homeless/vagrancy problems
 - (2) Attracts criminal activities
 - (3) Attracts partiers who shouldn't be there
 - b) When 1000 Friends grows and moves, neighbors fear future use of property
- 7) Suggestions
 - a) Could Ken pursue special use zoning so that if he leaves, future buyers would be limited as to use?

Comments:

- One neighbor stated she fully supports a variance to allow 1000 Friends at the property, but would not support a zoning change
- The applicant and some neighbors seemed open to a solution that would allow 1000 Friends to use the property without a zone change or variance, such as a special use classification, however there was a lack of information to pursue this further within the meeting.
- Business owner on Forrester and Mountain strongly supports this project and feels that it adds to the community.

ZHE Application Hearing Details:

- 1) Hearing Scheduled for Tuesday, May 20, 2008
- 2) Hearing Details:

- a) The Office of the Zoning Hearing Examiner conducts monthly quasi-judicial PUBLIC HEARINGS regarding Special Exceptions to the Zoning Code (Please refer to Section 14.16.4.2 of the Comprehensive City Zoning Code)
- b) There are certain criteria that applicants must meet in order to obtain an approval of decision for their special exception request.
- 3) Hearing Process:
 - a) Comments from facilitated meetings will go into a report which goes to the Hearing Examiner
 - b) All interested parties may appear at the hearing and voice their opinions or submit written comments prior to the day of public hearing.
 - c) The Zoning Hearing Examiner will render a determination of approval, approval with conditions or denial within 15 days after the close of the public hearing
 - d) The determination can be appealed to the Board of Appeals

Any further questions or comments can be referred to:

Lucinda Montoya
 934-3918
Lucindamontoya@cabq.gov

Names & Addresses of Attendees:

Thomas Lewis	DNA
Marsha Lichtenstein	Land Use Facilitation Program
Constance Upton	
Reed Upton	
Jessica Bell	
Ken Balizer	Applicant
Susan Welker	
Aquila Stanley	Our Summer Home
Peter Army	
Lawrence Schultz	SANA
Fred Sais	WPNA
Jessie Sais	WPNA
Connie Chavez	SCLT
Tim Vogers	
Frank Thomas Clark	Neighbor
Marjorie Childress	Neighbor
Andrew de Garmo	DNA
Jennifer de Garmo	DNA