



**Environmental  
Planning  
Commission**

*Agenda Number: 5  
Project Number: 1009949  
Case #s: 14EPC-40000 & 14EPC-40001  
March 13, 2014*

**Staff Report**

<b>Agent</b>	Mark Hirsch
<b>Applicant</b>	Darren Moore
<b>Requests</b>	<b>Zone Map Amendment (Zone Change) Site Development Plan for Building Permit</b>
<b>Legal Description</b>	Tract 65, Map 33 and the southerly 10 feet of the southerly portion of Lot 10, Casa Escondidas Subdivision
<b>Location</b>	3808 12 <sup>th</sup> St. NW
<b>Size</b>	Approximately 0.75 acre
<b>Existing Zoning</b>	R-T Residential Zone
<b>Proposed Zoning</b>	SU-1 for R-T and C-1 Permissive Uses

**Staff Recommendation**

*DEFERRAL of 14EPC-40001, based on the Findings beginning on Page 15, for 30 days.*

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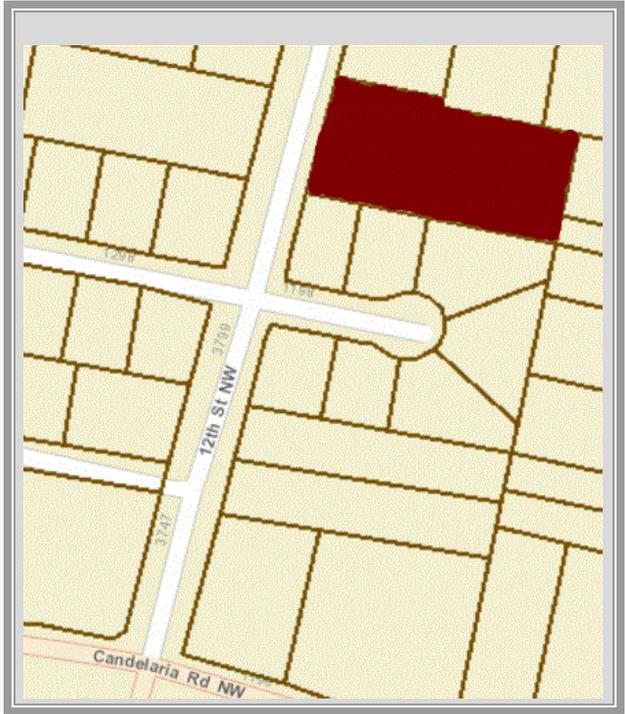
**Staff Planner**  
*Catalina Lehner, AICP- Senior Planner*

**Summary of Analysis**

The request is for a zone map amendment (zone change) and an associated “as-built” site development plan for building permit for an ≈ 0.75 acre site on 12<sup>th</sup> St. NW, between Candelaria Rd. and Aztec Rd. NW (the “subject site”). The subject site is in the Established Urban Area of the Comprehensive Plan. The North Valley Area Plan also applies.

The applicant proposes a zone change from R-T to “SU-1 for R-T and C-1 Permissive Uses” to reflect existing uses. Because the change is to SU-1, a site development plan is required. It is unclear if vehicle storage, which is not allowed permissively in the C-1 zone, will continue. Some “as built” conditions are not accurately shown on the site plan, and some agency comments haven’t been addressed yet.

A facilitated meeting was recommended, but not held. There is no known opposition as of this writing. A citizen called with questions. The Los Griegos NA president expressed support. Staff recommends deferral for 30 days to strengthen the zone change justification and revise the site plan.



**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-T Residential	Established Urban North Valley Area Plan	Single-family residential, auto repair, vehicle storage
<b>North</b>	SU-2/C-1 R-T Residential	Established Urban North Valley Area Plan Los Candelarias Village Center & Metropolitan Redevelopment Area (MRA) Plan	Single-family residential
<b>South</b>	R-T Residential	Established Urban North Valley Area Plan	Single-family residential
<b>East</b>	R-1 Residential	Established Urban North Valley Area Plan	Single-family residential
<b>West</b>	R-T Residential SU-2/C-1	Established Urban North Valley Area Plan Los Candelarias Village Center & MRA Plan	Single-family residential, commercial (fruit market), multi-family residential.

**II. INTRODUCTION**

**Request**

The request is for a zone map amendment (zone change) for an approximately 0.75 acre site located on Twelfth St. NW between Candelaria Rd. NW and Azted Rd. (the “subject site”). The subject site is zoned R-T (Residential Townhouse) zone. The applicant proposes to change the zoning to “SU-1 for R-T and C-1 Permissive Uses” to reflect the uses currently on the subject site, which include a residential dwelling, an auto repair shop, a storage building/apartment and an auto storage canopy. Some vehicles, which may or may not be operable, are stored on the site’s far eastern side. It is unclear as of this writing whether or not the applicant intends to remove or retain them, which would affect the commercial zone category (C-1 or C-2) selected.

Justification of a zone change pursuant to R270-1980 is required. Because the proposed zoning is SU-1, an accompanying site development plan is also required pursuant to 14-16-2-22-(A)(1). Both have been provided.

**Environmental Planning Commission (EPC) Role**

The EPC is hearing this case because the EPC is required to hear all zone map amendment (zone change) cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1)]. If so, an appeal would go to the City Council rather than the Land Use Hearing Officer (LUHO). The LUHO does not hear appeals of zone changes

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at this time, though proposed legislation currently before the City Council would allow the LUHO to hear zone change appeals. The request is a quasi-judicial matter.

### ***Context***

The subject site is located in the Established Urban Area of the Comprehensive Plan and within the boundaries of the North Valley Area Plan. The subject site is not in a designated Activity Center or Metropolitan Redevelopment Area (MRA). The boundaries of the Los Candelarias Village Center & Metropolitan Redevelopment Plan abut the subject site to the north and apply across the street to the west, but do not include the subject site.

The subject site and nearby land have been developed for many years; the Los Candelarias area is one of the older settled areas in Albuquerque. The land surrounding the subject site is developed with single-family homes, except for the parcels just north at the intersection of 12<sup>th</sup> St. and Aztec Rd., where there is a fruit market, a multi-family residential use and an auto repair business on commercially zoned land.

Properties zoned to allow neighborhood commercial (C-1) uses are located in the vicinity of the intersection of 12<sup>th</sup> St. and Candelaria Rd. NW. The variety of neighborhood commercial uses includes a small grocery store, laundry mat, dollar store and car wash.

### ***Transportation System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. Twelfth St., north of Candelaria Rd., is a rural major arterial. Candelaria Rd. NW is an urban minor arterial at this location. Aztec Rd. is a local street.

The subject site is accessible by Transit. Route #36, Rio Grande/12<sup>th</sup> Street, runs along Candelaria Rd., southwest of the subject site, and then turns south onto 12<sup>th</sup> St. at the intersection. Service is provided during the day on weekdays and Saturday. The nearest bus stop, about 1/3 mile away, is located on the north side of Candelaria Rd. just west of the intersection with 12<sup>th</sup> St. There is a bike lane along 12<sup>th</sup> St.

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

Several public facilities, including City parks, a library, a fire station and two community centers, are within a mile of the subject site.

⇒ Please refer to the Public Facilities Map for details (see attachment).

### ***III. HISTORY***

The subject site is located in the Los Candelarias area, which is one of the older settled areas in Albuquerque. This historic settlement of Los Candelarias dates back to the 1750s, when the Spanish settled the valley and created a land use pattern that can still be observed today (source: Los Candelarias Village Center & Metropolitan Redevelopment Plan, p. 5). In the subject site's immediate vicinity, there is a mixture of single-family home lots that retain the "long and narrow" Spanish-style platting, while other lots have been subdivided over time.

The subject site was included in a zone change for 72 lots in the vicinity of 12<sup>th</sup> St. and Candelaria Rd. In September 1984, the Planning Division reviewed land uses in the area and found numerous instances of single-family residences on property zoned R-2, R-3 and C-1. To remedy the discrepancies between land use and zoning, the Planning Department applied for a zone change. The Environmental Planning Commission (EPC) approved the request in November 1984 (Z-84-132, see attachment). As the Certificate of Zoning indicates, 24 lots were rezoned to R-T from C-1; 35 lots to R-1 from R-3; and 13 lots to R-1 from R-2 (see attachment).

The subject site was one of the 24 lots rezoned to R-T, which is the subject site's current zoning and has been in effect for the last 30 years. Upon its adoption in November 2001, the Los Candelarias Village Center & Metropolitan Redevelopment Plan rezoned properties near the subject site to SU-2/C-1, SU-2 Mixed Use and SU-2/R-T. The subject was not included.

#### **IV. ALBUQUERQUE COMPREHENSIVE ZONING CODE**

##### ***Definitions (§14-16-1-5)***

**TOWNHOUSE OR TOWN HOUSE.** One of a group of two to eight attached dwelling units divided from each other by common walls, each having a separate entrance leading directly to the outdoors at ground level, and each having at least one-fourth of its heated and unheated floor area approximately at grade. A townhouse building is one type of an apartment.

##### ***Zoning***

The subject site is currently zoned R-T Residential Zone (Zoning Code §14-16-2-8). The purpose of the R-T zone is to provide "suitable sites for houses, townhouses, and uses incidental thereto in the Established and Central Urban areas." The R-T zone allows uses permissive in the R-1 zone with four exceptions\*, most notably that houses are not limited to one per lot. Townhouses are also allowed permissively in the R-T zone.

\*agricultural animal keeping, front-yard RV parking and hobby breeders are not allowed.

The applicant is requesting the following zoning: "SU-1 for R-T and C-1 Permissive Uses" (see Section VI of this report). The purpose of the SU-1 Special Use Zone (Zoning Code §14-16-2-22) is to provide "suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design." A site development plan is required when requesting SU-1 zoning; the two are inextricably linked [Ref: §14-16-2-22(A)(1)]. The applicant has provided an "as-built" site development plan for building permit.

The reason for the zone change is to align the existing uses on the property with appropriate zoning. An auto-repair shop operates on the subject site, though the current R-T zoning does not allow commercial uses. The Code Enforcement Division issued a Notice of Violation (NOV, dated October 1, 2013) because the auto-repair business and vehicle storage are not allowed in the R-T zone. Auto-repair a permissive use in the C-1 Neighborhood Commercial Zone [Zoning Code §14-16-2-16(A)(10)(a)].

Vehicle storage, a type of outdoor storage, is a conditional use in the C-1 zone [see (B)(11)] and presently occurs on the subject site. Typically, a conditional use permit would be needed from the Zoning Hearing Examiner (ZHE). Outdoor storage is first permissively allowed in the C-2 Community Commercial zone. If the applicant wants to continue the outdoor storage use, the requested zoning will have to be changed.

“SU-1 for R-T and C-1 Uses” would allow both permissive and conditional C-1 uses. However, additional conditional C-1 uses such as drive-up service window, kennel and community residential program, would also be allowed. Perhaps adding “and vehicle storage”, and limiting it in some way, could work. Also, proposing a different zoning descriptor (such as C-2) would change the nature of the zone change request; additional uses would be allowed permissively on the subject site. Staff suggests that the applicant discuss these options further with Zoning Staff.

## V. ANALYSIS- APPLICABLE PLANS, POLICIES & REGULATIONS

### A) Albuquerque / Bernalillo County Comprehensive Plan (Rank I)

Policy Citations are in Regular Text; Staff Analysis is in ***Bold Italics***. Please refer to Section VI of this report regarding R270-1980 and the applicant’s policy analysis.

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated as Established Urban. The goal of the Developing and Established Urban Area 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.” Applicable Goals and policies include:

#### *B. Land Use-Developing & Established Urban Areas*

Goal: To create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.

***The request would create consistency between land use and zoning on the subject site. In doing so, it would allow a commercial and a residential use that would offer maximum choice in housing and work and provide land use variety in the area. Also, the subject site would be cleaned-up and brought into compliance with current requirements, which would generally improve the visual environment. The request generally furthers the Developing & Established Urban Goal.***

Policy II.B.5a: The Established and Developing 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.

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*The subject site is in the Established and Developing Urban Area. The request would contribute to a full range of urban land uses by allowing the existing auto-repair business and residential use to continue, in an area characterized by a mix of single-family homes and neighborhood commercial uses. The request generally furthers Policy II.B.5a- full range of urban land uses.*

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

*The subject site is in the Established Urban Area, in an older neighborhood known as Los Candelarias. Improvements to the subject site, which the request would facilitate, could generally be considered rehabilitation of a part of this neighborhood. The request generally furthers Policy II.B.5o: Redevelopment and rehabilitation of older neighborhoods.*

## **B) North Valley Area Plan (Rank 2)**

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

The North Valley Area Plan was adopted in 1993 (Enactment 60-1993). 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 policies apply to the request:

### *Zoning & Land Use*

2. The City and County shall stabilize residential zoning and land use in the North Valley Area.

*The request generally furthers Zoning & Land Use Policy 2 because aligning the subject site's zoning with existing uses on the site would help to stabilize residential zoning and create consistency between land use and zoning.*

d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses and land used or zoned for residential purposes.

*Landscape buffering, pursuant to the general Landscaping Regulations of 14-16-3-10, is required and would help limit any impacts of the auto-repair use on nearby residential uses. The request furthers Policy 2.d.*

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.

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*The request is an effort to rezone a property to match its present uses, which are auto-repair and residential. In 1984, the City re-zoned the subject site to R-T, though a TV repair business operated there. The request would remedy the long-standing discrepancy between the subject site's uses and its zoning.*

*Conclusion: Staff concludes that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and the North Valley Area Plan.*

## VI. ZONE MAP AMENDMENT

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

#### Requirements

Resolution 270-1980 outlines policies and requirements for deciding zone map change applications pursuant to the City Zoning Code. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made, not on the City to show why a change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 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 land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

#### Justification & Analysis

The zone change justification letter analyzed here, received February 19, 2014, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned R-T Residential. The request is for a zone change to "SU-1 for R-T and C-1 Permissive Uses". The applicant believes that the zone map amendment conforms to R270-1980 as elaborated below.

### *Analysis of Applicant's Justification (Response to Section I, A-J)*

**Note:** Policy is in regular text; *Applicant's justification is in italics; Staff analysis follows 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 (summarized): The proposed zone change promotes community services through an automobile repair shop and residence that mostly serve the neighborhood area. Other permissive uses in the R-T and C-1 zone are controlled by the site plan and also promote the relevant land use goals and policies of the City. Therefore, the proposed zone change is consistent with health, safety, morals and general welfare of Albuquerque.*

**Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans. The applicant's statement that the proposed uses, and other permissive uses in the R-T and C-1 zone, promote relevant land use goals and policies, is acceptable. However, it's important to note that the proposed zone change would not allow any**

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***other uses than those shown on the associated site development plan, since the change is to an SU-1 zone. The response to Section 1.A is sufficient.***

- 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 (summarized): Granting the proposed zone change will bridge the commercial and residential zoning in the area without disrupting the character of the area, and will benefit the area. The proposed zone change includes a setback from 12<sup>th</sup> St. and adequate landscaping on the site plan. The density proposed is within limits of the Comprehensive Plan and the Los Candelarias Village Center and Redevelopment Plan, and is not a strip of zoning. For these reasons, the proposed zone change promotes stability of land use and zoning.*

***Staff: The proposed zone change would align existing land uses on the subject site with an appropriate zoning category. Staff agrees that the character of the area would not be disrupted; the current uses have existed for a long time. The response to Section 1.B is sufficient.***

- 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 (summarized): The proposed zone change is not in significant conflict with the Comprehensive Plan, the North Valley Area Plan (NVAP) or the Los Candelarias Village Center and Redevelopment Plan (LCVCRP). The proposed zone change is consistent with offering a variety and maximum choice in housing and work area, and does not exceed the density allowed (Policy a). It is not in significant conflict with Policy I and Policy O because the use is sited to complement residential uses and would strengthen rehabilitation of older neighborhoods. The proposed zone change shows buffering and setback from 12<sup>th</sup> St., and is not in a traditionally rural area of the North Valley. The premises is located in the Village Center "circle" of the LCVCRP, and would bridge the transition from a residential area to a mixed-use commercial area. The proposed zoning is consistent with the historical residential use of the property and with providing a low-impact commercial service to area residents.*

*Relevant Citations: Comprehensive Plan-Developing and Established Urban Goal; Land Use policies II.B.5a, II.B.5i, and II.B.5o. Policies II.B.5d and e were cited, but the applicant and Staff believe they do not apply.*

*NVAP- no specific citations. Discussion of policies about stability of residential zoning, land use and buffering, landscaping, low-densities and limiting strip development.*

*LCVCRP – Village Center Area, p. 8; Section 2.2.4, Preferred Master Plan; Section 2.5, Village Center Zoning.*

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**Staff:** *Staff agrees with most of the applicant's citations of relevant, applicable Goals and policies, except Land Use Policies II.B.5d and e, which apply to "new development" and "new growth", respectively.*

*The analysis shows that the applicant has given adequate consideration to Goals, policies and concepts in applicable and related Plans. Overall, the discussion demonstrates that there is no "significant conflict" with an adopted element of the Comprehensive Plan or other City master plan. The response to Section 1.C is sufficient.*

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 (summarized): (1) The zoning on the premises was historically C-1, but was changed in 1984 to R-T. Since the 1940s, the property was used for residential and low-impact commercial uses. It may have been an error to have included the subject site in the 1984 rezoning.*

*(3)The proposed zone change is governed by the accompanying site plan that assures low impact activity and maintains the residential character of the area, and allows for convenient automotive repair. Providing this type of service promotes a sense of community and personal contact. The proposed zoning is consistent with the changes in the area since the 1984 zone change, and with the mix of residential and low-impact commercial activity that has developed in the area (Los Candelaria Village Center and Redevelopment Plan). The zone change seeks to establish zoning that conforms to the actual development; this was the reasoning used in recent amendments to the Downtown Neighborhood Association Sector Development Plan. For these reasons, the proposed zoning is more advantageous to the community as articulated in the Comprehensive Plan and its master plan components.*

**Staff:** *The response refers to an error (1) and to a different use category being more advantageous to the community (3). Regarding 1- Error refers to a mapping, typographical or other error. The 1984 zone change (Z-84-132) included the subject site and approximately 70 other lots. The City conducted a study to determine zoning and land uses in the vicinity of Candelaria Rd./12<sup>th</sup> St. at that time. Zoning categories were recommended and then adopted by the City Council. R-T was assigned to the subject site because there was a residential use on a C-1 zoned property. Maybe the business was conducted inside the home at that time; it's unknown. If the error claim is substantive rather than typographical, it must be proven and has not been in this case.*

*Regarding 3, the applicant states that the zone change, because it would be governed by the accompanying site plan, would maintain a low-impact use and the area's residential character. Another auto repair shop is located just north of the subject site. The applicant explains that the proposed zone change would allow for convenient and necessary automotive repair in an area served by transit, and that providing this type of service promotes a sense of community and*

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*personal contact. Staff notes, as of this writing, that no objections have been expressed by neighbors residing next to the use. These are all important points. However, the “more advantageous to the community” argument is required to be “as articulated in the Comprehensive Plan” and the applicant did not adequately address this. The response to Section 1.D is insufficient.*

- 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 (summarized): The proposed zone change is to the SU-1 zone that is controlled by a site plan. The site plan requirements assure that any use under C-1 permissive uses would not be harmful. The following uses are permitted uses in the zone: (see listing of permissive uses in applicant’s justification letter).*

***Staff: The proposed zone change is to “SU-1 for R-T and C-1 Permissive Uses”. Pursuant to 14-16-2-22(A)(1), a site development plan is required when requesting a change to SU-1 zoning. Because the two are inextricably linked, the only uses allowed by the zoning are those shown on the site development plan. The list of permissive uses in the C-1 zone is not needed because of the SU-1 site plan control. The response to Section 1.E is acceptable.***

- 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 (summarized): No capital outlay is required in connection with the proposed zone change.*

***Staff: The request would not require major or unprogrammed capital expenditures by the City. The response to Section 1.F is sufficient.***

- 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: The proposed zone change includes many factors. Applicant is not raising economic considerations pertaining to him, including the cost of land, as the determining factor for the zone change.*

***Staff: Economic considerations are a factor, but the applicant is not raising them as the determining factor for the request. The response to Section 1.G is sufficient.***

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

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*Applicant: The location of the premises along 12<sup>th</sup> St. north of Candelaria is not presented as a justification in and of itself. There are other justifications for the requested zone change.*

***Staff: Staff agrees that the subject site's location on a major street (an urban minor arterial) is not being used, in itself, as justification for the zone change. The response to Section 1.H is sufficient.***

- 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 (summarized): The proposed zone change would give this one premise a different zone than that surrounding it. The proposed zone change will clearly facilitate realization of the Comprehensive Plan and the applicable area and sector plans as follows [information repeated from response to 1.C]. The proposed zoning therefore acts as a transition from one area to another.*

***Staff: The SU-1 zone creates a spot zone by its nature; however, it is required to be a justifiable spot zone. The applicant has demonstrated that the proposed change would facilitate realization of the Comprehensive Plan and the North Valley Area Plan (1). The subject site could function as a transition between adjacent zones (2), which are SU-2/C-1 to the north and R-T to the south. The response to Section 1.I is sufficient.***

- 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 (summarized): The requested zone change does not apply to a strip of land along a street and is not currently zoned commercial, and therefore would not constitute "strip zoning."*

***Staff: Staff agrees that the request would not result in a strip zone. The subject site does not constitute a "strip of land along a street". The response to Section 1.J is sufficient.***

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## ***VII. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT- “AS BUILT” & PROCESS***

A site development plan is required for a zone change to an SU-1 Zone pursuant to §14-16-2-22-(A)(1). The applicant has provided an “as built” site development plan for building permit that shows the existing residential dwelling, auto repair shop, storage and vehicle storage (see attachment).

Section 14-16-3-11 of the Zoning Code states, “...Site Development Plans are expected to meet the requirements of adopted city policies and procedures.” As such, staff has reviewed the attached site development plan.

The project letter states that “no alterations are proposed to the site layout or the exterior.” However, changes to the proposed site development plan are needed to create compliance with applicable regulations and to address the discrepancies between the site plan as drawn and what exists. Staff recommends that the applicant document what exists on the site. This especially important because this application intends to remedy a Notice of Violation (NOV). Without clarity, it’s possible that the applicant would be cited again and would have to amend the site plan later.

### ***Site Plan Layout / Configuration***

The subject site is a long, relatively narrow lot. There is an existing 1800 sf home approximately 45 feet from the property line. Three buildings comprise the auto-repair function; these are located in the middle of the site. A canopy for auto storage is at the rear of the site, approximately 13 feet from the eastern property line.

Residential carts are in use rather than a commercial dumpster. Staff consulted with Solid Waste Management Department (SWMD) staff. The applicant is being charged a commercial rate. There have been no problems with materials disposal from the auto-repair business.

### ***Vehicular Access & Circulation***

Vehicles access the subject site from 12<sup>th</sup> St. NW, via a gate. A 29’ drive aisle runs along the site’s southern side, leading to a parking area at the rear of the site. There is a 15’ wide driving area in front of the residence. Vehicles cannot circulate around the site, but can turn around in the back.

### ***Parking***

According to §14-16-3-1, General Parking Regulations, 11 parking spaces are required: 8 for the auto-repair shop (1580/200=8), 2 for the main residence, 1 for the apartment/storage building, with 0 for the storage (1/2000 is allowed. Storage space is 912 sf). Staff counts 10 spaces on the site plan; one is the required HC space. The required motorcycle space is not provided.

The “canopy storage” is not a building and therefore cannot be counted in the parking calculations. “Shop” and “storage” have different parking rates pursuant to the Zoning Code. The parking calculations need to be revised. Pursuant to the SU-1 zone, §14-16-2-22(C), off-street parking shall be provided as required by the EPC.

### ***Pedestrian and Bicycle Access and Circulation, Transit Access***

The 3' existing pedestrian connection from 12<sup>th</sup> St. NW to the main residence is proposed to be 6' to meet ADA requirements; the access is gated. Bicyclists can access the site by using the dedicated bike lane that runs along 12<sup>th</sup> St. NW. A bike rack is proposed near the metal shop. The calculations need to be revised to show that 2 is the minimum number of bicycle spaces; 4 spaces are proposed. The nearest Transit stop is near the NW corner of the 12<sup>th</sup> St. NW/Candelaria Rd. intersection.

### ***Outdoor Storage***

Vehicles are currently being stored on the subject site. The number of vehicles is not shown on the site development plan upon which the SU-1 zoning would depend, so they would not be allowed. However, an "auto storage canopy" is shown on the site plan. Clarification is needed.

### ***Walls/Fences***

Existing chain-link fencing faces 12<sup>th</sup> St. NW. Behind that is a wooden fence screening the main residence; the wooden fence is not shown on the site plan. Also not reflected on the site plan is the fencing along the site's southern side, which consists of a wooden fence and a solid metal fence. Staff was not able to verify fencing along the eastern side. The site's northern side appears to have a wooden fence, but the site plan indicates solid metal fencing. All existing fencing on the site must be shown and labeled.

The site plan needs to accurately reflect the existing conditions. For example, the "wire fence" along the site's southern boundary is wooden for a portion and metal for another. Also, the wooden fence on the western side of the dwelling is not shown. Screening on the site is required to comply with 14-16-3-10(E)(4), which state that a minimum 6 feet high opaque wall or fence is required to screen parking areas from adjacent residential zones; chain link with slats is not considered acceptable screening.

### ***Lighting and Security***

Site lighting consists of small, building-mounted security lights on the residence, auto-repair shop and on the storage building.

### ***Landscaping***

Some landscaping exists on the subject site. Three mature elm trees, a small evergreen, a medium-sized pine tree and a patch of grass are in the front yard area. There is little ground cover and it doesn't amount to the 75% coverage with living, vegetative materials required by the Landscaping Regulations, §14-16-3-10(G)(3) (trees do not count toward this requirement). Note that the landscaping plan notes specify 80% coverage.

Ten foot landscape buffers are required between residential/nonresidential boundaries. The buffers "shall consist primarily of trees" [(E)(3)].

### ***Grading & Drainage Plan***

The subject site is already developed and drains to a small landscape area on the site's SW corner. Contour lines and elevations need to be shown.

### ***Utility Plans***

The existing sanitary sewer line connects to service on 12<sup>th</sup> St. A water meter is shown, though the water line also needs to be shown. The notes shown just south of the subject site should be removed if they are not applicable.

### ***Architecture***

Photos are used for elevations for the existing residence and apartment/storage building. Dimensions need to be estimated and colors listed, especially since the subject site would be zoned SU-1. Reduced size elevations sheets are shown for the existing metal shop and the auto storage canopy.

### ***Signage***

No signage exists and none is proposed.

### ***Process***

The site development plan is mostly for an "as built" site, with some revisions needed for compliance and clarification. Staff has determined that it is not necessary for the site development plan to go to the Development Review Board (DRB). All infrastructure is in place. Staff requests that the EPC delegate its approval authority for the site development plan to Staff, so that the "as built" site plan can be approved administratively and the process expedited. Routing to Staff from Transportation, Utilities and Hydrology is part of the administrative approval process.

## ***VIII. AGENCY & NEIGHBORHOOD CONCERNS***

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

City Departments and other agencies reviewed this application from 2/3/'14 to 2/14/'14. Zoning Staff commented regarding landscape coverage, landscape buffers, parking and solid fencing pursuant to applicable Zoning Code requirements. Long Range Planning Staff notes that the site is adjacent to the Los Candelarias Village Center and Metropolitan Development Plan.

Hydrology Staff requested drainage narrative and calculations. Transportation Staff commented regarding ADA requirements, DPM requirements and clear-sight triangle issues. PNM commented regarding easements. Agency comments begin on p. 17.

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

The affected neighborhood associations (NAs), homeowner associations (HOAs) and Coalitions, as cited by the Office of Neighborhood Coordination (ONC), are the Los Griegos NA and the North Valley Coalition (see attachment), which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required.

A facilitated meeting was recommended, but not held. The facilitator contacted neighborhood representatives and they expressed no concerns. The Los Griegos NA president expressed support. A "No Meeting Report" was produced (see attachment). Staff received one phone call and responded to questions. There is no known opposition as of this writing.

#### **IX. CONCLUSION**

This request is for a zone change from the R-T Residential Zone to "SU-1 for R-T and C-1 Permissive Uses" for an approximately 0.75 acre site located on 12<sup>th</sup> St., between Candelaria Rd. NW and Aztec Rd., to reflect uses that currently exist on the subject site.

Because the change is to SU-1, a site development plan is required pursuant to §14-16-2-22(A)(1). At this stage, the proposed site plan and existing uses do not correspond. It is unclear if vehicle storage, which is not allowed permissively in the C-1 zone, will continue. "C-1 permissive uses" are requested.

The subject site is in the Established Urban Area of the Comprehensive Plan. The North Valley Area Plan (NVAP) applies. The applicant has provided a zone change justification pursuant to R270-1980; a supplemental response to Section 1D was received late.

The affected neighborhood organizations are the Los Griegos Neighborhood Association (NA) and the North Valley Coalition. A facilitated meeting was recommended, but not held. There is no known opposition as of this writing. A citizen called with questions. The Los Griegos NA president expressed support.

Staff recommends deferral of the request for 30 days to strengthen the zone change justification and revise the site plan. Note that Staff received a supplement to the zone change justification on March 5<sup>th</sup> (one day prior to Study Session), but it is not analyzed here. Some "as built" conditions are not accurately shown on the site plan, and some agency comments haven't been addressed yet. These could be addressed through alternate findings and conditions of approval, which Staff will prepare.

With clarification, the site development plan could then be reviewed administratively rather than by the Development Review Board (DRB).

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***FINDINGS – 14EPC-40001, March 13, 2014, Zone Change & Site Development Plan for Building Permit***

1. The request is for a zone change for an approximately 0.75 acre site located on 12<sup>th</sup> St. NW, between Candelaria Rd. NW and Aztec Rd. (the “subject site”). A single-family home, an auto-repair building, a storage building and a vehicle storage canopy exist on the subject site.
2. The applicant proposes to change the subject site’s zoning from R-T Residential Zone to “SU-1 for R-T and C-1 Permissive Uses”, in order to reflect the existing uses on the subject site. Because the request is for a change to SU-1 zoning, a site development plan is required pursuant to §14-16-2-22(A)(1).
3. The subject site is located in the Established Urban Area of the Comprehensive Plan. The North Valley Area Plan (NVAP) applies. The subject site is not within a designated Activity Center and is not included in the boundaries of the Los Candelarias Village Center and Metropolitan Redevelopment Plan (LCVCMRP).
4. The Albuquerque/Bernalillo County Comprehensive Plan, the North Valley Area Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. A zone change request is required to be justified pursuant to Resolution 270-1980. At this time, the response to Section 1.D does not prove that the request would be more beneficial to the community and would benefit from strengthening.
6. Because the proposed zone change is to the SU-1 zone, a site development plan is required pursuant to §14-16-2-22(A)(1). There are some discrepancies between what is shown on the proposed site plan and what exists on the site. It is important that these match what the applicant intends, or the site plan would have to be amended administratively later.
7. It is unclear if vehicle storage, a type of outdoor storage, will continue. Evidence on the site development plan is contradictory. If so, the requested zoning would need to change because outdoor storage is not allowed permissively until the C-2 zone.
8. It is important that the submittal accurately reflect existing conditions that align with the Zoning requested, especially since one reason for the submittal is to remedy a Notice of Violation (NOV) issued by Code Enforcement staff. In addition to enforceability, improved site plan clarity would assist Current Planning staff in recommending that approval authority for the site development plan be delegated to administrative approval rather than to the DRB.
9. However, agency comments, such as those from Zoning and Hydrology staff, have not yet been addressed.

10. The affected neighborhood organizations are the Los Griegos Neighborhood Association (NA) and the North Valley Coalition. A facilitated meeting was recommended, but not held, because no concerns were expressed. Staff received a phone inquiry. There is no known opposition as of this writing.

***RECOMMENDATION - 14EPC-40001, March 13, 2014***

**DEFERRAL of 14EPC-40001 and 14EPC-40000, a request for a Zone Change from R-T Residential Zone to “SU-1 for R-T and C-1 Permissive Uses” and an associated site development plan, for Tract 65, Map 33 and the southerly 10 feet of the southerly portion of Lot 10, Casa Escondidas Subdivision, based on the preceding Findings, for 30 days.**

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***Catalina Lehner, AICP  
Senior Planner***

***Notice of Decision cc list:***

Mark Hirsch, 400 Dartmouth Dr. NE, Albuquerque, NM 87106

Candice Knight, Los Griegos NA, 1858 Griegos Rd. NW, Albuquerque, NM 87107

Terry Ashcom, Los Griegos NA, 1838 Calle Los Vecinos NW, Albuquerque, NM 87107

Kyle Silber, North Valley Coalition, 4465 Jupiter St. NW, Albuquerque, NM 87107

David Wood, North Valley Coalition, 158 Pleasant NW, Albuquerque NM 87107

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## CITY OF ALBUQUERQUE AGENCY COMMENTS

### PLANNING DEPARTMENT

#### Zoning Enforcement

One parking space per 200 square feet for commercial use 14-16-3-1(A)(27)

Provide motorcycle space and signage 14-16-3-1(A)(c)(1)

Ten foot landscaping buffer required between residential/nonresidential boundaries 14-16-3-10

Where parking or vehicle circulation areas are adjacent to the landscaping strip a minimum 6' opaque wall will be required to visually screen the parking or circulation area from adjacent residential zones.

Provide landscaping plan showing changes, ground cover 75% at maturity

#### Office of Neighborhood Coordination

Los Griegos NA (R)

North Valley Coalition

2/3/14 – Recommended for Facilitation – siw

2/7/14 – Assigned to Philip Crump - th

#### Long Range Planning

The site is adjacent to the Los Candelarias Village Center and Metropolitan Development Plan.

#### Metropolitan Redevelopment

No comments received.

### CITY ENGINEER

#### Transportation Development Services:

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

Per the DPM, the Traffic Circulation Layout requires:

1. 6 ft wide ADA Pedestrian walk from the COA ROW to the building entrance.
2. 6 ft wide ADA Pedestrian walk from the HC Parking Access to the building.
3. Paved surface for parking stalls, lots and drive aisles.
4. Dimension HC parking stall and HC access.
5. HC access stall cannot be counted towards parking calculation.
6. Provide width of all existing drive pads.
7. Clearly indicate property line.
8. Private facilities within the COA ROW require a Revocable Permit from the COA. Is the fence within the COA ROW?
9. Demonstrate the fence does not interfere with the clear sight triangle at the drive pads.
10. The existing fence may interfere with the required throat distance at the southern drive pad.
11. Concrete infrastructure within the COA ROW (i.e. sidewalk, curb, gutter, and drive pad) must be replaced if cracked or broken.

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

Zone Map Amendment- No adverse comments

Site Plan for Bldg Permit- When submitting to DRB, provide a narrative on the grading and drainage plan that the site will meet detention/retention requirements for the valley and enough calculations to support the narrative.

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

- No comments received.

**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):**

- The NMDOT has no objections to the zone map amendment.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:**

Conditions of approval for the proposed Site Development – Building Permit shall include:

1. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as required by the Development Review Board (DRB).
2. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the *Development Process Manual* and current ADA criteria. \*This includes responding to all comments provided in detail under Transportation Comments.
3. Please add the following note to the General Notes on sheet C1.1 and Landscaping Plan: “Landscaping, fencing and signing will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in this area.”

Conditions of approval for the proposed: Amendment to Zoning Map (Estb Zoning / Zone Chg.) shall include: none from Transportation Development.

***WATER UTILITY AUTHORITY***

**Utility Services**

No adverse comments.

***ENVIRONMENTAL HEALTH DEPARTMENT***

**Air Quality Division**

No comments received.

**Environmental Services Division**

No comments received.

**PARKS AND RECREATION**

**Planning and Design**

No comments.

**Open Space Division**

No comments received.

**POLICE DEPARTMENT/Planning**

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

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

Approved and must comply with the Solid Waste Ordinance specs.

**FIRE DEPARTMENT/Planning**

No comments received.

**TRANSIT DEPARTMENT**

<p><b>Project #1009949, 14EPC-40000 AMEND SITE DEVELOPMENT PLAN -BUILDING PERMIT</b></p> <p><b>14EPC-40001 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG)</b></p> <p>LOT(S) 65 BLOCK(S) MR33, ZONED R-T TO SU-1/R-T AND C-1 PERMISSIVE LOCATED ON CANDELARIA AND HEADINGLY CONTAINING APPROX. 0.73 ACRE. (G-14)</p>	Adjacent and nearby routes	None.
	Adjacent bus stops	None
	Site plan requirements	None
	Large site TDM suggestions	None.
	Other information	None.

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

No comments received.

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

Reviewed, no comment.

***ALBUQUERQUE PUBLIC SCHOOLS (APS)***

**MRGCD MAP MR33**, Lot 65, is located between Candelaria Blvd NW and Headingly NW. The owner of the above property requests a Zone Change from R-T to C-1 Permissive Uses to allow for a small mechanic business to continue this use on the property. This will have no adverse impacts to the APS district.

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

No comments received.

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

No comments received.

***PUBLIC SERVICE COMPANY OF NEW MEXICO***

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.