



Environmental Planning Commission

Agenda Number: 3
Project Number: 1009403
Case #: 12EPC-40054
October 11, 2012

Staff Report

Agent	n/a
Applicant	Bill O'Brien and June Polinko
Request(s)	Zone Map Amendment
Legal Description	Lots 24 and 25, Block A, Sombra del Monte Subdivision
Location	Wyoming Blvd. between Menaul Blvd. and Candelaria Rd.
Size	Approximately 0.38 acres
Existing Zoning	O-1
Proposed Zoning	Proposed or No Change

Staff Recommendation

APPROVAL of Case #12EPC-40054 based on the Findings beginning on Page 11.

Staff Planner
Carrie Barkhurst, Planner

Summary of Analysis

This request is for a zone map amendment from O-1 to C-1 for an approximately 0.38 acre site located at Wyoming Blvd., between Menaul Blvd. and Candelaria Rd.

The existing development consists of a single building with three units that share common walls and have a consistent front façade. The northernmost unit is zoned C-1, while the southern two units are zoned O-1. The applicant intends to change the zoning to provide for consistent zoning for the existing structure. The impetus for the request is an overabundance of office space in the city, combined with a desire to provide retail and services that would benefit the adjacent neighborhood.

The applicant has adequately justified the request for a zone map amendment, pursuant to R-270-1980. The requested C-1 zone is more advantageous to the community, as articulated by the goals and policies of the Comprehensive Plan. There are no applicable sector plans. The Sombra del Monte NA submitted a letter in support of the request. There is no known opposition.

Staff recommends approval.



Lots 24 and 25, Block A, Sombra del Monte Subdivision

City Departments and other interested agencies reviewed this application from 9/4/2012 to 9/19/2012.
Agency comments used in the preparation of this report begin on Page 14.

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	O-1	Established Urban Area	Vacant
<i>North</i>	C-1	Established Urban Area	Commercial Retail Complex (Strip Mall)
<i>South</i>	O-1	Established Urban Area	Office
<i>East</i>	R-1	Established Urban Area	Single Family Residential
<i>West</i>	R-1	Established Urban Area	Single Family Residential

II. INTRODUCTION

Proposal

This request is for a zone map amendment to rezone Lots 24 and 25, Block A, Sombra del Monte Subdivision from O-1, Office, to C-1, Neighborhood Commercial. The site has an existing building and parking area. The subject site is in the Established Urban Area of the Comprehensive Plan.

EPC Role

The Environmental Planning Commission (EPC) has decision-making authority for the zone change because the site is less than one block, per §14-16-4-1(C)(10) of the Zoning Code.

Context

The subject site is a fully developed property with an inline storefront. The applicant intends to change the zoning to provide for consistent zoning for the existing structure, which currently has both C-1 and O-1 zoning.

The subject site is in an established neighborhood in the northeast heights. Adjacent to the property are single-family residences and offices. The strip retail development along Wyoming consists of a Convenience Store, medical offices, and general offices. An alley buffers the adjacent residences to the west from the non-residential development, including the subject site, and traffic along Wyoming.

History

Originally used as an airport by the property-owners, the subject site was zoned R-1 as part of the original zoning of the City in 1959 (see attached). The property-owners developed the

adjacent residential neighborhood just prior to Wyoming being designated as an arterial. They wanted to develop the portion adjacent to Wyoming as commercial office space.

In 1959, the property owner requested a zone change from R-1 to C-1 to develop an office complex with a restaurant for Lots 18-38. The applicant cited other nearby C-1 and C-2 zoning adjacent to Wyoming, as well as the Commission's "established policy of zoning the intersections of major streets to C-1 or C-2." The City Planning Commission denied the request with the findings that it "would create strip commercial zoning along an arterial; the lots are inadequate in depth to provide good commercial plus off-street parking; this would face commercial into residential, which residential is nicely developed." This decision was appealed to the City Commission, where the appeal was denied.

Over the next year, the property owner attempted to sell and develop the property with the R-1 zone, but was unable to secure loans for residential development. In 1960, another zone change request was made, which was also denied with the same findings. The rezoning requested did not succeed before the Planning Commission nor the City Commission, so the owner took the matter to court. The District Court ruled that the character of the area is partly residential and partly commercial and the R-1 zoning "bears no substantial relation to and does not promote the health, safety, morals or general welfare of the City of Albuquerque." The judgment was that the R-1 zoning was unconstitutional and void as it applies to the plaintiff's land.

In response to the 1962 District Court's ruling, the City Planning Commission established R-2 zoning for the subject site. At some point, the site was rezoned O-1. In 1972, a variance to the rear yard setback was approved to allow construction of an office complex.

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 Wyoming Blvd. as a Principal Arterial, with a right-of-way of 124' in the Established Urban Area. Candelaria is designated as a Minor Arterial, with a right-of-way of 86'.

Comprehensive Plan Corridor Designation. Wyoming Blvd. is designated as an enhanced transit corridor. Enhanced Transit Corridors are roadways "designed or redesigned to improve transit and pedestrian opportunities for residents, businesses and other users nearby."

Trails/Bikeways. Claremont is the nearest bicycle facility. It is a Bicycle Route located between Candelaria Rd. and Menaul Blvd.

Transit. ABQ Ride Routes 31 and 98 travel along Wyoming Blvd., and Route 7 travels along Candelaria Rd. There are bus stops serving each direction of travel at the Wyoming and Candelaria intersection, which is approximately 400 feet from the subject site.

Public Facilities/Community Services

The area has numerous nearby public and cultural services including parks, schools, a library, and a fire department. For more specific information, see the Public Facilities Map.

III. ANALYSIS

Albuquerque Comprehensive Zoning Code

The subject site is currently zoned O-1 Office, which “provides sites suitable for office, service, institutional, and dwelling uses.” The applicant requests C-1 Neighborhood Commercial, which “provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas.” The proposed zone change from O-1 to C-1 will allow uses as regulated in the C-1 zone.

The C-1 zone allows institutional uses (church, library, school, etc.), office, residential, retail sales, and services. The C-1 zone does not allow community residential programs, which are permissive in the O-1 zone. The C-1 zone allows retail sales, a broader range of institutional uses, and more extensive residential uses than are allowed in the O-1 zone.

The parking requirements for office uses and C-1 retail uses are the same – 1 space/200sf. The change in use will have no negative impact. However, the C-1 zone allows restaurants, which has a different parking requirement – 1 space per 4 seats. The General Parking Regulations do not allow a change of use unless the required parking is met on-site. Restaurant use would be limited, based on available parking.

The General Regulations apply to the subject site, including the General Sign Regulations, Area Lighting Regulations, and the General Height and Design Regulations for Walls and Fences. However, no physical changes are proposed for the site.

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.

Environment - *The environment will be unaffected by this application. Both properties are existing buildings and no changes are planned for either building as a result of this application.*

Public Facilities and Services - These are both existing buildings and as such there will be no changes needed to public facilities and services.

Roadways - There will be no changes to the roadways as these are both existing structures.

Schools - There will be no changes to the schools as both properties in this application are existing structures and not zoned residential, which may create demand for school services.

Parks - Because both buildings are existing structures there will be no change in demand for park access.

Fire and Police Services - Both buildings in this application are existing structures so there will be no increased demand for fire or police services.

Drainage Facilities - The existing buildings will pose no increased demand on drainage facilities.

Staff agrees that there will be minimal or no impact to existing infrastructure and services. As an existing building, the site layout and scale are compatible with adjacent residential development. The request is consistent with the health, safety, morals, and welfare of the city.

- 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.

Area Stabilization - The proposed zone change may increase the likelihood the existing buildings will continued to be occupied by tenants. The Commercial Association of Realtors- New Mexico (CARNM) indicates 75% more retail space was leased than office space in the past twelve months. The neighborhood would rather have occupied buildings as unoccupied structures invite vandalism and undesirable activities that do not promote the health, safety, morals and general welfare of our community.

Proposed Zoning compatible with adjacent zoning and land use - The adjacent lot 23 is zoned C-1 as are all the other lots to the North. The proposed change would make all the connected buildings on Lots 23, 24 and 25 zoned C-1. This would increase the number of commercially zoned Lots on this block by two. That would increase the amount of retail services available to the adjacent neighborhood. (See Exhibit 4)

Staff agrees that the proposed zone may bring stability to the neighborhood by increasing opportunities for neighborhood commercial activity. The change of zoning would stabilize land use and zoning in the area because it would allow the entire building to have the same zoning. The proposed zone would be complementary rather than destabilizing, as it allows a mix of office and neighborhood commercial uses.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a Goal to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.” The applicant has cited the following policies to justify the request:

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

If the existing buildings on Lots 24 and 25 are rezoned C-1 they will be consistent with the building on Lot 23 as all three contiguous buildings will be zoned C-1. This will allow additional retail services/shopping to complement the adjacent residential neighborhood. The current design of the three buildings and their parking will minimize any negative impact on lighting, noise or other pollution. The proximity of retail services to the neighborhood minimizes vehicle noise and pollution. The lighting will not change so there will be no impact from additional light falling on adjacent properties. The additional retail sites will provide additional employment opportunity for local residents.

Staff agrees. Allowing neighborhood commercial retail and services at this location will increase the likelihood that the development will serve area residents, opposed to office uses, which generally do not provide neighborhood-oriented services. In this way, the request will complement nearby residential areas.

The existing development was designed to minimize potentially harmful effects of non-residential development on the adjacent neighborhood. A setback variance to the rear setback was approved for the subject site to allow the building to be located closer to the alley. This layout encourages most vehicular traffic to access the site from Wyoming instead of from the alley.

Policy II.B.5.j: Where new commercial development occurs, it should generally be located in commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area-wide shopping centers located at intersections of arterial streets provided with access via mass transit; more than one shopping center should be allowed at an intersection only when transportation problems do not result.
- In free standing retailing and contiguous storefronts along streets in older neighborhoods.

If Lots 24 and 25 of the Sombra Del Monte Subdivision of this application are changed from O-1 to C-1 they will meet the criteria of Policy II. B. 5. j of the City/ County Comprehensive Plan as

outlined above. All three buildings would be free standing contiguous storefronts along a street in an older neighborhood. They are accessible to vehicular, pedestrian and bicycle traffic.

Staff agrees. This request will allow commercial uses in an existing building that is partially commercially zoned.

Staff also finds the following policies applicable to the request:

Policy II.B.5.a: The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The zone change allows the owner greater flexibility in the productive uses of the property, which could contribute to the vitality of the area. The allowable uses available to it will be consistent with the allowable uses in the northern portion of the building and the adjacent parcels.

Policy II.B.5.d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

There is no new development proposed with this zone change that would change the intensity, design, or resources of the neighborhood.

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

The request will foster economic and social vitality by allowing a mixture of complementary land uses including housing, retail, offices, and commercial services at or near the subject site. Allowing additional uses that are compatible with the neighborhood will help revitalize this development.

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.

** D 1: There were no errors when the zone map was created.*

** D 2: The only significant change in the community is an increase in the average age of the residents of this community. This is consistent with the general population and the general trend of senior residents to reside close to services and retail sites they use regularly. The additional*

retail sites available to the neighborhood would be helpful to this group of residents as they could walk or use bicycles to access close retail shops.

**D 3: The City/ County Comprehensive Plan is designed to promote health, safety, morals and enhance general welfare by reasonable flexibility in order to deal with changes in the physical, economic and sociological aspects of the city. Should the zoning of Lots 24 and 25 be changed to C-1, the two additional retail spaces will offer local residents more retail outlets within walking or bicycling distance from their homes. Current economic conditions impact all residents including those in sales and rental businesses. Additional retail outlets provide more opportunity for local residents to minimize driving and gasoline expense. They also offer employment opportunities. The change to a C-1 zone will help owners keep their rental spaces occupied. That will help minimize vandalism and undesirable activities associated with vacant properties as enumerated under area stabilization above.*

In both sections D2 and D3, above, the applicant argues that the request is more advantageous to the community. The requested zone is more advantageous because neighborhood-scale commercial is more likely to serve the adjacent neighborhood. Providing goods and services close to residences can increase non-vehicular trips and reduce congestion, pollution, and transportation costs. The request furthers the preponderance of applicable policies cited in Section C of the R-270-1980 justification letter including the location of employment and services, location of commercial development, and rehabilitation of older neighborhoods.

- 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.

Applicants are not changing any aspects of the existing properties. They wish to maximize the opportunity to offer retail sales to local residents. The two contiguous spaces zoned O-1 would be zoned C-1 like adjacent Lot 23. The current parking lot arrangement fosters the inclusion of Lots 24 and 25 into a C-1 Zone so all three connected buildings can offer retail sales. It will allow the current tenant of Lots 23 and 24 to offer retail sales in both locations instead of one as allowed by current zoning. (Refer to Exhibit 5). The change in zoning will allow local retailers additional space to sell goods to neighborhood residents. The C-1 zone is consistent with residential commercial use. It does not allow any business that would be harmful to the adjacent community so there would be no increase in pollution, traffic, drainage or demands on park space or police and fire department services.

Staff agrees. The requested zoning allows more diverse uses along Wyoming Boulevard and serves to buffer the lower intensity residential neighborhood core. The permissive uses will be the same as those available to the northern-most unit of the same building as well as properties to the north of the subject site. The proposed C-1 zone will not be harmful to adjacent property, the neighborhood or the community.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
1. Denied due to lack of capital funds; or

2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The requested zone change will not result in un-programmed capital expenditures by the city. The buildings are existing structures and no new construction will take place if approved.

Staff agrees. This request will require no unprogrammed capital expenditures by the City.

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

The cost of land or other economic factors are not the determining factor for this application. Applicants proceeded with the application process after receiving responses from the neighborhood associations. It appeared to applicants the area could benefit from additional retail space. The 1952 plat indicates six retail C-1 spaces and fourteen office O-1 lots between Candelaria Road NE on the North and Claremont Avenue one block to the South. Applicants felt the area could use two additional retail sites to provide goods and employment opportunity to the local residents. The conversion of the two O-1 properties to C-1 will make them consistent with the adjacent Lot 23.

Staff agrees. The cost of land or other economic considerations is not used as the determining factor for a change of zone. The determining factor is the desire to provide additional retail sites for goods and employment opportunity for local residents.

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

No part of this application is justified by the location of the designated properties on a major street. Changing community conditions prompted this application.

Staff agrees. Although the site is located on an arterial street, which is an appropriate location for commercial uses, the applicant has not used it's location as a justification for commercial zoning.

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

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

This is not a spot zone change application. The combined application is being submitted to avoid both strip zone and spot zone issues. If approved, the combined properties will present a single structure containing C-1 zoned retail spaces for the neighborhood. (See Exhibit 7)

Staff agrees that this is not a spot zone. The requested C-1 zone is contiguous to other C-1 zoned properties.

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

This is not a strip zone change application. The combined application is being submitted to avoid both strip zone and spot zone issues. If approved, the combined properties will present a single structure containing C-1 zoned retail spaces for the neighborhood. (See Exhibit 7)

Staff partially disagrees. The subject site is currently a strip zone. The O-1 zone likely was approved because the site was deemed unsuitable for the uses allowed in the adjacent R-1 zone. Staff finds that this existing, developed site is already a strip zone, and the requested zone will not cause any additional negative impacts. Further, the applicant has justified the request as furthering the goals and objectives of the Comprehensive Plan.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

Albuquerque Public Schools indicated that the request will have no adverse impacts to the APS district. Solid Waste commented that the request is "Approved as long as they comply with SWMD Ordinance." There were no other substantive comments provided.

Neighborhood/Public

Property-owners within 100-feet of the subject site, the Sombra del Monte Neighborhood Association, the North Eastern Association of Residents, and the District 7 Coalition of Neighborhood Associations were notified of the request. The Sombra del Monte Neighborhood Association submitted a letter of support for the request. A facilitated meeting was not requested and no neighborhood objections or concerns were expressed.

V. CONCLUSION

This request is to rezone two lots from O-1, Office, to C-1, Neighborhood Commercial. The property owners believe that commercial zoning will prove more beneficial for the community. This requested zoning is consistent with the adjacent properties to the north.

The applicant has provided an adequate justification for the zone change per R-270-1980 by demonstrating that the request is consistent with a preponderance of applicable goals and policies in the Comprehensive Plan.

There is no known opposition to this request. Staff recommends approval.

FINDINGS – 12EPC-40054 – October 11, 2012 – Zone Map Amendment

1. This is a request for a Zone Map Amendment for Lots 24 and 25, Block A, Sombra del Monte Subdivision located on Wyoming between Candelaria Rd. and Menaul Blvd. and containing approximately 0.38 acres.
2. The subject site is zoned O-1. The applicant proposes to change the zone to C-1, which is consistent with adjacent property to the north.
3. The existing development consists of a single building with three units that share common walls and have a consistent front façade. The northernmost unit is zoned C-1, while the southern two units are zoned O-1.
4. The site is located within the Established Urban Area of the Comprehensive Plan.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The applicant provided a justification for the zone change per R-270-1980.
 - A. The proposed zone change is consistent with the health, safety, morals and general welfare of the city because there will be minimal or no impact to existing infrastructure and services. As an existing development, the site layout and scale are compatible with adjacent residential development.
 - B. The change of zoning will not destabilize land use and zoning in the area because it would allow the entire building to have the same zoning. The proposed zone would be complementary rather than destabilizing, as it allows a mix of office and neighborhood commercial uses.
 - C. The zone change is not in significant conflict with adopted elements of the Comprehensive Plan as described below:
 - i. Policy II.B.5.a – full range of urban land uses: The zone change allows the owner greater flexibility in the productive uses of the property, which could contribute to the vitality of the area. The allowable uses available to it will be consistent with the allowable uses in the northern portion of the building and the adjacent parcels.
 - ii. Policy II.B.5.d - There is no new development proposed with this zone change that would change the intensity, design, or resources of the neighborhood.

- iii. Policy II.B.5.i - employment and service uses shall complement residential areas and shall minimize adverse effects on residential environments: The request complements nearby residential areas by providing services and goods, increasing the likelihood that the development will serve area residents. The existing development was designed to minimize potentially harmful effects of non-residential development on the adjacent neighborhood, and no physical changes to the site are proposed.
 - iv. Policy II.B.5.j - new commercial development in free standing retailing and contiguous storefronts along streets in older neighborhoods: This request will allow commercial uses in an existing building that is partially commercially zoned. The development is a contiguous storefront along an arterial street in an older neighborhood.
 - v. Policy II.B.5.o - Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened: The request will foster economic and social vitality by allowing a mixture of complementary land uses including housing, retail, offices, and commercial services at or near the subject site. Allowing additional uses that are compatible with the neighborhood will help increase opportunities for neighborhood commercial activity.
- D. The applicant has adequately justified the request by demonstrating that the requested zone change is more advantageous to the community as articulated in the Comprehensive Plan. The request furthers the preponderance of applicable Comprehensive Plan policies cited in Section C, including the location of employment and services, location of commercial development, and rehabilitation of older neighborhoods. The requested zone is also more advantageous because neighborhood-scale commercial is more likely to serve the adjacent residences than office uses.
- E. The requested zoning allows more diverse uses along Wyoming Boulevard, and serves to buffer the lower intensity residential neighborhood core. The permissive uses will be the same as those available to the properties to the north of the subject site. The proposed C-1 zone will not be harmful to adjacent property, the neighborhood or the community.
- F. The request would not require unprogrammed capital expenditures by the City.
- G. The cost of land or other economic considerations pertaining to the applicant are not the determining factor for the zone change.
- H. The property's location on a major street is not used as the justification for this request.
- I. The proposed C-1 will not be a spot zone because it is consistent with adjacent property to the north.
- J. The existing development is a strip zone. The proposed zone change would not cause strip zoning.

7. The parking requirements for office uses and C-1 retail uses are the same – 1 space/200sf. The change in use will have no negative impact. However, the C-1 zone allows restaurants, which has a different parking requirement – 1 space per 4 seats. The General Parking Regulations do not allow a change of use unless the required parking is met on-site. Restaurant use would be limited, based on available parking.
8. Property-owners within 100-feet of the subject site, the Sombra del Monte Neighborhood Association, the North Eastern Association of Residents, and the District 7 Coalition of Neighborhood Associations were notified of the request. The Sombra del Monte neighborhood association supports this request and there is no known opposition.

RECOMMENDATION – 12EPC-40054 – October 11, 2012 – Zone Map Amendment

APPROVAL of 10EPC-40071, a request for Zone Map Amendment, from O-1 to C-1, for Lots 24 and 25, Block A, Sombra del Monte Subdivision, based on the preceding Findings.

***K. Carrie Barkhurst
Planner***

Notice of Decision cc list:

Bill O'Brien, Future Enterprises, 4608 Fulton Court NE, Albuquerque, NM 87111
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Ellen Gatewood, 1908 Saint St. NE, Albuquerque, NM 87112
Pam Pettit, 2710 Los Arboles Pl NE, Albuquerque, NM 87112
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Ray Leverich, 2709 Texas NE, Albuquerque, NM 87110
Bill Hoch, 813 Calle del Corte NE, Albuquerque, NM 87110
Lynne Martin, 1531 Espejo NE, Albuquerque, NM 87112

Attachments

Site Photos
R-270-1980
Notice of Decision, 1960, 1962, and District Court ruling, 1962
Existing Zoning - O-1, §14-16-2-15 / Proposed Zoning - C-1, §14-16-2-16
Application, TIS form
Project letters
Neighborhood Notification Information
Letter of Support from Sombra del Monte NA

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

If approved the proposed zone change from O-1 to C-1 will allow uses as regulated in the C-1 Neighborhood commercial zone.

Office of Neighborhood Coordination

North Eastern Assoc. of Residents (R), Sombra Del Monte NA (R), District 7 Coalition of NA's

Long Range Planning – No Comments Received

Metropolitan Redevelopment

Amendment to Zone Map. The subject property is not within a Redevelopment Area, and therefore Metropolitan Redevelopment Section staff have no comments on this application.

CITY ENGINEER

Transportation Development

Reviewed, no comment.

Hydrology

Hydrology has no objection to the Zone Map Amendment.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning – No Comments Received

Traffic Engineering Operations – No Comments Received

Street Maintenance – No Comments Received

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval of the proposed Amendment to Zone Map shall include: None.

WATER UTILITY AUTHORITY

Utility Services – No Comments Received

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division – No Comments Received

Environmental Services Division – No Comments Received

PARKS AND RECREATION

Planning and Design

Reviewed, no objection.

Open Space Division – No Comments Received

POLICE DEPARTMENT/Planning

EPC 1009403 is in the Northeast Area Command. No Crime Prevention or CPTED comments concerning the proposed Amendment to Zone Map request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved as long as they comply with SWMD Ordinance.

FIRE DEPARTMENT/Planning

No Comments

TRANSIT DEPARTMENT

Adjacent and nearby routes: Route #31, Wyoming route and Route #98, Wyoming commuter route pass by the site on Wyoming Blvd.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY – No Comments Received

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY – No Comments Received

ALBUQUERQUE PUBLIC SCHOOLS

Sombra Del Monte, Lot 24 & 25 Block A, is located on Wyoming NE between Menaul NE and Candelaria NE. The owner of the above property requests a Zone Change from O-1 to C-1 for an existing commercial shopping center including a restaurant. 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.