

Agenda Number: 2 Project Number: 1009838 Case #: 13EPC-40142 November 14, 2013

## Staff Report

Agent Frank Fine, Leslee Richards, David Jones

*Applicant* The Vortex Theatre

**Requests** Zone Map Amendment (Zone Change)

Tract A, summary plat of Lots B & A, a

**Legal Description** portion of the NW 1/4, NW 1/4, NW 1/4,

Hayes Addition

**Location** 2900 Carlisle Blvd. NE

Size Approximately 0.6 acre

Existing Zoning C-1 Neighborhood Commercial

**Proposed Zoning** SU-1 for C-1 and Community Theatre

## Staff Recommendation

APPROVAL of 13EPC-40142, based on the Findings beginning on Page 12 and subject to the Condition of Approval on Page 14.

Staff Planner

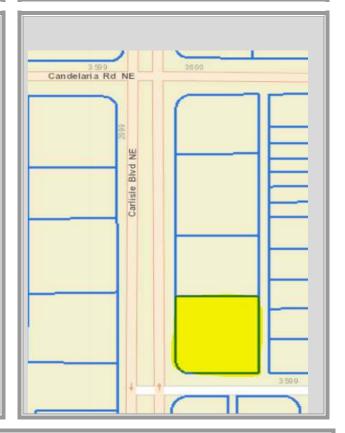
Catalina Lehner, AICP-Senior Planner

## Summary of Analysis

The request is for a zone map amendment (zone change) for an approximately 0.6 acre site located on Carlisle Blvd. NE, between Los Arboles Ave. and Candelaria Rd. NE, zoned C-1. The applicant proposes to change the zoning to "SU-1 for C-1 and Community Theatre" to allow a community theater to occupy an existing building. No changes are proposed to the building footprint or the site. Extensive interior renovations are planned, but these are not the purview of the EPC.

The subject site is in the Established Urban Area of the Comprehensive Plan. No sector development plans apply. The applicant has adequately justified the zone change request based on it being more advantageous to the community.

A facilitated meeting was recommended but not held. The applicant had met with neighbors, who generally support the request. The Bel Air Neighborhood Association submitted a letter of support. Staff recommends approval subject to one condition- that approval of the as-built site development plan for building permit be delegated to the Planning Director (administrative approval by Staff).



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#### I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	C-1 Neighborhood Commercial	Established Urban	Commercial retail (vacant building)
North	C-1	دد	Small office and retail uses
South	C-1	cc	Restaurant, single-family residential
East	R-1 Residential	cc	Single-family residential
West	C-1, then SU-1 for Trailer Court		Small office uses, single- family residential

#### II. INTRODUCTION

#### Request

The request is for a zone map amendment (zone change) for an approximately 0.6 acre site located on Carlisle Blvd. NE, between Los Arboles Ave. and Candelaria Rd. NE (the "subject site"). The subject site is zoned C-1 Neighborhood Commercial. The applicant proposes to change the zoning to "SU-1 for C-1 and Community Theatre" to allow a community theater group to occupy an existing building on the subject site. Justification of a zone change pursuant to R270-1980 is required and has been provided.

Because the proposed zoning is SU-1, an accompanying site development plan is required (see also Zoning section of this report). No changes are proposed to the building footprint or the site so an "as built" site development plan will suffice. Extensive interior renovations are planned, but these are not the purview of the EPC.

#### Environmental Planning Commission (EPC) Role

The EPC is hearing this case because the subject site is zoned SU-1 and zone change requests are required to receive approval from the EPC. 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. The request is a quasi-judicial matter.

#### **Context**

The subject site is located in the Established Urban Area of the Comprehensive Plan. It is not in a designated Activity Center (note: the American Square Community Activity Center begins at

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Claremont Blvd and extends to the south) or Metropolitan Redevelopment Area (MRA). No sector development plans apply.

The subject site and the land surrounding it have been developed for many years. To the north is a small office building. Further north is another small office building, followed by a convenience store and gas station on the SE corner of Candelaria Rd. and Carlisle Blvd. NE. South of the subject site is Los Arboles Ave. and a restaurant, then more small commercial and office uses. Across Carlisle Blvd. to the west are small office buildings, which appear to be mostly vacant, followed by a mobile home court. East of the subject site are single-family homes in the Bel-Air Neighborhood.

#### Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. Candelaria Rd. NE is an urban principal arterial. Carlisle Blvd. NE is an urban minor arterial. Los Arboles Ave. is a local road.

The subject site is accessible by Transit. Route #5, Montgomery-Carlisle, passes the site on Carlisle Blvd. and has service in the evenings and weekends. Route #7, Candelaria Commuter, runs along Candelaria Rd., just north of the subject site, but has limited service during the week.

## Carlisle Boulevard Corridor Study

The Carlisle Boulevard Corridor Study, completed in late June 2008 for the Department of Municipal Development (DMD), addresses Carlisle Blvd. NE from I-40 to Montgomery Blvd. and divides the corridor into four segments. The subject site is in Segment 2. The Goal of the study is to evaluate existing conditions, develop alternatives for improvement, evaluate the alternatives and provide recommendations.

The study addresses the intersections at Claremont, Candelaria and Comanche, accidents in the area, the lanes reduction (3 to 2) just north of Candelaria, signal timing, sidewalks and lighting along the corridor. Existing conditions are as of 2007. The horizon year (build and no build scenarios) is 2030. Alternative D was recommended. It includes the continuation of the third lane north of Candelaria, barrier wall, median improvements, lighting, ADA ramp improvements, signal interconnect and median cuts.

#### Public Facilities/Community Services

A few public facilities are within a mile of the subject site. About 0.75 mile away are two elementary schools. The Bel-Air/Miramontes Park is across Carlisle Blvd. from the subject site. Two fire stations are about 1 mile from the subject site.

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

## III. HISTORY

The subject site is located in an established part of Albuquerque that generally began developing in the 1950s. The area near Carlisle Blvd. NE and Candelaria Rd. NE is part of a larger area that was annexed into the City during that decade. Upon annexation, land is usually zoned R-1. This was the

case with the subject site, as early records indicate. In November 1956, the City Planning Commission (CPC) approved a zone change from R-1 to C-1 for the strip of land south of Candelaria Rd. and north of Los Arboles and bounded by Carlisle Blvd. on the west (Z-389, cross-referenced from Z-324, see attachment).

Though south of the subject site, it's interesting to note that the CPC denied a zone change from C-1 to C-2 along both sides of Carlisle, between Menaul Blvd. and Claremont Ave., in February 1957 (Z-409). Since then, the C-1 zoned strips of land along Carlisle Blvd. have remained.

Also, various zone changes to M-1, R-3 and O-1 were proposed in the area between Menaul Blvd. and Comanche Rd., and Claremont Ave. and Carlisle Blvd. (Z-1091). In August 1961, the CPC denied the M-1 portion and approved other zone changes and a plan for the Duke City Industrial Area, which included the Duke City Drive-In, in October 1961. However, the Duke City Industrial Area did not develop as planned. In 1986, the EPC approved a zone change and a site development plan for the northwest corner of Carlisle and Menaul Blvds., which became the American Square Shopping Center (Z-86-12).

## IV. ALBUQUERQUE COMPREHENSIVE ZONING CODE

#### Zoning

The subject site is currently zoned C-1 Neighborhood Commercial (Zoning Code §14-16-2-16). The purpose of the C-1 zone is to provide "suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas." The C-1 zone is often used for retail and service uses, such as restaurants, gas stations, banking, beauty salons, etc. that serve neighborhoods. Community theater is not allowed in the C-1 zone, which is why a zone change is needed in this case.

The SU-1 Special Use zone (Zoning Code §14-16-2-22) provides suitable sites for uses that are special because of infrequent occurrence, effect on surrounding property, safety, hazard or other reasons, and for which the appropriateness of the use to a specific location depends upon the character of the site design. A community theater is considered special use because it occurs infrequently and, as an SU-1 use, it would be site plan controlled.

A site development plan is required when requesting SU-1 zoning; the two are inextricably linked [Ref: §14-16-2-22(A)(1)]. In this case, the applicant has provided an "as built" site development plan for building permit. No changes are proposed to the site layout or configuration.

#### 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** 

Zoning Code §14-16-3-11 states that "Site Development Plans are expected to meet the requirements of adopted city policies and procedures." As such, Staff has reviewed the proposed site development plan for conformance with applicable goals and policies of the Comprehensive Plan.

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 Areas 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 policies include:

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

<u>Goal:</u> 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 generally <u>further</u> the Developing & Established Urban Goal. Adding the community theater use to existing C-1 zoning would generally help increase variety and choice in this established part of the NE heights.

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

Staff finds that Policy II.B.5e does not apply to the request because no new growth, or alterations to the existing site, is proposed.

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

In a broad sense, adding a new use to an existing building and occupying a vacant, established site can be considered a redevelopment effort. However, no rehabilitation (i.e.-site or exterior modifications) is proposed at this time. The request would facilitate interior remodeling, which wouldn't impact the older neighborhood (Bel-Air) directly. The request partially furthers Policy II.B.50.

#### C.7. Cultural Traditions and the Arts

<u>Policy II.C.7d:</u> A cultural Plan for the City of Albuquerque with topic specific goals, policies, and action strategies shall serve to implement the Comprehensive Plan. The Cultural Plan for the City shall be updated in the same fashion as all other Comprehensive Plan elements.\*

The discussion herein of the Cultural Plan (see V.B of this report) demonstrates that the request fulfills applicable objectives of the Cultural Plan, and therefore <u>furthers</u> Policy II.C.7d of the Comprehensive Plan.

<sup>\*</sup> The Cultural Plan is available separately (see Section V. B of this Staff report).

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#### D.6. Community Resource Management- Economic Development

<u>Goal</u>: To achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

The request would generally facilitate some economic development. Theatre goers, as well as actors, volunteers and students, are likely to patronize businesses in the area for dining and shopping/running errands. This would be generally balanced with the social and cultural goals of promoting and supporting arts opportunities in the community. The request generally furthers the Economic Development Goal.

#### D.7. Community Resource Management- Education

<u>Goal</u>: To provide a wide variety of education and recreational opportunities available to citizens from all cultural, age and educational groups.

The request would generally facilitate provision of a wide variety of arts education opportunities. The Community Theatre would provide classes for youth and adults, as well as acting, technical and volunteering opportunities available to citizens from various groups. The request generally <u>furthers</u> the Education Goal.

## B) Cultural Plan for the City of Albuquerque

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

The City's Cultural Plan was adopted in 2002 as an amendment to the Comprehensive Plan (R-02-150, see attachment). In 2001, City staff and the Albuquerque Arts Alliance worked together to involve the community in an update to the 1995 Cultural Plan. The 1995 goals were found to remain relevant, but were consolidated from six into three. Comprehensive Plan Policy II.C7d (see V.A of this report) was adopted at that time.

The Arts Alliance is the designated arts agency responsible for implementing the Cultural Plan. The Plan's three main goals, each with objectives, to: 1) Arts Education, 2) Increase Opportunities for Involvement in the Arts, and 3) Secure Sustainable Funding for Arts & Culture. The Cultural Plan, a ten page document, is available online at: <a href="http://www.cabq.gov/culturalservices/public-art/about-public-art/plans-and-process/cultural">http://www.cabq.gov/culturalservices/public-art/about-public-art/plans-and-process/cultural</a>. Applicable policies include:

Goal #2: Increase opportunities for involvement in the arts.

The request generally <u>furthers</u> Cultural Plan Goal #2. The expansion of a community theater, including the programs it offers for youth and adults, would generally help increase opportunities for involvement in the performing arts.

Objective 2.5: Support and advocate for adequate community-based facilities to provide office, meeting, rehearsal, exhibition and performance space.

The request would facilitate expansion of a community theater, which would provide meeting, rehearsal, exhibition and performance space in conjunction with performing arts activities. The request <u>furthers</u> Cultural Plan Objective 2.5.

Conclusion: Staff concludes that the request furthers a preponderance of applicable Goals and policies.

#### 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 October 21, 2013, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned C-1 Neighborhood Commercial. The request is for a zone change to "SU-1 for C-1 and Community Theatre".

Pursuant to Section 1.B of R-270-1980, 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 believes that the zone map amendment conforms to R270-1980 as elaborated below.

#### Analysis of Applicant's Justification (Response to Section 1, 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 zone map change is consistent with goals and policies as expressed in the Comprehensive Plan and the Cultural Plan for the City of Albuquerque. Please refer to the response to Section 1.C.

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 cross-references Section 1.C,

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which contains the applicant's demonstration of consistency with applicable goals and policies. 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): The subject property is a buffer site between a stable neighborhood and various commercial activities. Community theatre provides a low-impact buffer between those commercial activities and the neighborhood. The request will maintain the stability of the area. Furthermore, we aren't asking to change the current C-1 zoning; we're asking that a community theatre be allowed.

Staff: Staff agrees that the request would not adversely affect stability of land use and zoning in the area, which is zoned for a variety of commercial uses (C-1 and C-2). The C-1 zone is used to buffer the established single-family homes. The Community Theatre use would be added to the current zoning under the framework of the SU-1 zone, which equates to site development plan control of the subject site that would help to further ensure stability. The applicant has provided an acceptable justification for the proposed change. 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 application is in keeping with the Albuquerque/Bernalillo County Comprehensive Plan. That Plan incorporates the Cultural Plan by reference.

Citations: Community Resource Management- 6) Economic Development Goal, and 7) Education Goal; Land Use policies II.B.5e and 5o; Cultural Plan Goal #2 and Objective 2.5.

Staff: Staff agrees with most of the applicant's citations of applicable Goals and policies, except for Land Use Policy II.B.5e because it pertains to new growth/development. Staff added Policy II.C.7d, from C.7. Cultural Traditions and the Arts.

The explanations show that the applicant has given thoughtful consideration to policy. 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.

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Applicant (summarized): Referring to Item 3, the existing zoning is inappropriate. The proposed change is more advantageous to the community as articulated in the Comprehensive Plan. The subject property will be a community-based resource and a positive addition to the neighborhood, which is lacking in cultural and arts facilities. Please note the citation and discussion of the Comprehensive Plan in Section 1-C above.

Staff: The applicant has shown that a different use category is more advantageous to the community because the request furthers a preponderance of applicable Goals, policies and objectives in the Comprehensive Plan and the City's Cultural Plan, as shown in the applicant's response to Section 1-C. The community-based arts resource would be a benefit to the community and nearby neighborhoods. The response to Section 1.D is sufficient.

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 property is currently zoned for C-1 uses. There are no harmful uses related to C-1 zoning. The addition of a community theatre will not be harmful to the neighborhood. It will not create any unwelcome noise or activity and adequate parking is available. Parking available exceeds minimum requirements on-site. Five cars can park on Los Arboles Ave. adjacent to the property. There is no need for patrons to park in neighboring residential areas.

Staff: The intent of the C-1 zone is to provide services to nearby neighborhoods, so by definition C-1 uses are generally not considered harmful to neighborhoods. More intense uses are allowed in the C-2 and C-3 commercial zones, which are Community and Heavy Commercial zones, respectively. Staff points out that the use of the SU-1 descriptor, which ties the zone change to a site development plan, is often used to ensure compatibility of a special use with nearby residential areas, as is being done in this case.

The parking calculation information is explained herein. Please refer to Section VII of this report for a discussion.

- 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): The zone map change will not require any major or unprogrammed capital expenditures by the City. The City is not bound to provide any capital improvements.

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

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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: Neither the cost of the existing building nor any other economic consideration is a determining factor in this application.

Staff: Staff finds that economic considerations are a factor, but that they are not the determining factor for the request. Many other factors, such as location, site size and available space in the existing building, figure in. 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.

Applicant: The property's location on a major street is not in itself the justification for this application.

Staff: Staff agrees that location on a major street (an urban minor arterial) is not being used, in itself, as justification for the proposed 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): Referring to item 2, the application is not for a spot zone change. Across the street is C-2 zoned property and SU-1 for Trailer Court property. Other properties are zoned C-1 or C-1. Our request retains the C-1 zoning that adjoins the site, but adds the Community Theatre use within the context of the C-1 zone.

Staff: Staff finds that the request is for a spot zone because, by definition, the SU-1 zone is a spot zone. However, it is a justifiable spot zone because the change would clearly facilitate realization of the Comprehensive Plan and Cultural Plan (1). Also, the immediate area is characterized by a mixture of C-1, C-2 and SU-1 zoning as explained above. 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:

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- 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): Referring to item 2, the application is not for strip commercial zoning. It is by definition not part of a strip development. Our request retains the C-1 zoning that adjoins the site, but adds the Community Theatre use within the context of the C-1 zone.

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

## 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)(6). In this case, the applicant has provided an "as built" site development plan for building permit (see attachment). No alterations are proposed to the site layout or the exterior.

Interior remodeling, however, will be extensive and will consist of adding the theatre space, rehearsal space, lobby, green room (actors' backstage room), dressing rooms, restrooms, and rooms for sets, props, costumes and tech (light and sound). Lettering on the existing pole sign will be changed, as will the building-mounted signs. Staff notes that parking lot striping and some landscape maintenance would also be needed.

#### Parking

Regarding parking, the number of spaces on-site meets the minimum parking requirement pursuant to §14-16-3-1, General Parking Regulations. The calculation is as follows: the theatre will have 99 seats. Parking for theaters is provided at the rate of 1 space per 4 seats.  $99/4\approx25$  spaces. With a 10% reduction (2.5 spaces) due to the adjacent bus line, the minimum parking requirement is 22.5, or  $\approx23$ , spaces. 31 spaces are provided, so the requirement is met.

The applicant states that there are five on-street spaces available on Los Arboles Ave., adjacent to the subject site. Staff points out that a shared parking agreement could be obtained with the small office uses on the site's northern side. This would add about 18 spaces for theater use during peak times (evenings and weekends).

#### Process

Since no modifications are proposed to the building's exterior or to the site, and the site development plan in for an "as built" site, 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, and there are no EPC conditions pertaining to the site. 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.

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#### VIII. AGENCY & NEIGHBORHOOD CONCERNS

#### Reviewing Agencies/Pre-Hearing Discussion

City Departments and other agencies reviewed this application from 9/30/'13 to 10/11/'13. One significant comment was submitted: Transportation Staff comment that a Transportation Circulation Layout (TCL) to address parking and vehicular and pedestrian access and circulation may be required prior to obtaining a certification of occupancy (C.O.). Zoning Enforcement Staff note that the zone change would allow the existing building to be used as a theatre. The Police Department recommends the usage of video surveillance cameras.

#### Neighborhood/Public

The affected neighborhood associations (NAs), homeowner associations (HOAs) and Coalitions, as cited by the Office of Neighborhood Coordination (ONC), are the Bel-Air NA and the District 7 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. A "No Meeting Report" was produced (see attachment). The applicant had met previously with the neighborhood association and results were favorable, so a facilitated meeting was not needed. The Bel-Air NA sent a letter of support (see attachment). The letter states that the neighborhood strongly supports the zone map amendment. Their only concern was potential spill-over parking into the neighborhood. The applicant agreed to investigate shared parking opportunities and place signage to discourage parking in the neighborhood. There is no known opposition.

#### VIII. CONCLUSION

This request is for a zone change from C-1 Neighborhood Commercial to "SU-1 for C-1 and Community Theatre" for an approximately 0.6 acre site located on Carlisle Blvd. NE, between Los Arboles Ave. and Candelaria Rd. NE. The applicant proposes to occupy an existing building and site with a community theatre use.

The subject site is in the Established Urban Area of the Comprehensive Plan. No sector development plans apply. The applicant has adequately justified the zone change request pursuant to R270-1980.

The affected neighborhood organizations are the Bel-Air Neighborhood Association (NA) and the District 7 Coalition. A facilitated meeting was recommended, but not held. The applicant had met previously with the Bel-Air neighborhood association, which submitted a letter of support. There is no known opposition.

Staff recommends approval subject to one condition: that the EPC delegate its approval authority for the associated, "as built" site development plan for building permit to the Planning Director (administrative approval by Staff).

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## FINDINGS – 13EPC-40142, November 14, 2013, Zone Change

- 1. The request is for a zone change for an approximately 0.6 acre site located on Carlisle Blvd. NE, between Los Arboles Ave. and Candelaria Rd. NE (the "subject site"). A vacant building exists on the subject site.
- 2. The applicant proposes to change the subject site's zoning from C-1 Neighborhood Commercial to "SU-1 for C-1 and Community Theatre", in order to allow a community theatre to operate on the subject site.
- 3. 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). The applicant has provided an "as built" site development plan for building permit. No changes are proposed to the subject site's layout or configuration.
- 4. The subject site is located in the Established Urban Area of the Comprehensive Plan. It is not within a designated Activity Center or Metropolitan Redevelopment Area (MRA). No sector development plans apply.
- 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 zone change request is justified pursuant to Resolution 270-1980 as follows:
  - A. Section 1A: The request is consistent with the City's health, safety and general welfare because it furthers applicable policies in the Comprehensive Plan and the City of Albuquerque Cultural Plan, as demonstrated in the response to Section 1C.
  - B. Section 1B: The request would not adversely affect stability of land use and zoning in the area, which is zoned for a variety of commercial uses (C-1 and C-2). The Community Theatre use would be added to the current C-1 zoning under the framework of the SU-1 zone; site development plan control of the subject site will help further ensure stability. The applicant has provided an acceptable justification for the change.
  - C. Section 1C: The request furthers applicable Goals, policies and objectives in the Comprehensive Plan and the City's Cultural Plan. There is no "significant conflict" with an adopted element of either.
  - D. Section 1D: A different use category is more advantageous to the community because the request furthers applicable Goals, policies and objectives in the Comprehensive Plan and the City's Cultural Plan. The community-based arts resource would be a benefit to the community and nearby neighborhoods.
  - E. Section 1E: By definition, the C-1 zone provides services to nearby neighborhoods, and such uses are generally not considered harmful to neighborhoods. The C-1 zoning will remain. The

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- SU-1 descriptor ties the zone change to a site development plan and is often used to ensure compatibility of a special use with nearby residential areas.
- F. Section 1F: The request will not require major or unprogrammed capital expenditures by the City.
- G. Section 1G: Economic considerations are a factor, but that they are not the determining factor for the request. Many other factors figure in, such as location, site size and available space in the existing building.
- H. Section 1H: Location on a major street (an urban minor arterial) is not being used, in itself, as justification for the proposed zone change.
- I. Section 1I: A spot zone will not be created because the change would clearly facilitate realization of the Comprehensive Plan and the Cultural Plan, and because the immediate area is characterized by a mixture of C-1, C-2 and SU-1 zoning.
- J. Section 1J: The request will not result in a strip zone because the subject site does not constitute a "strip of land along a street".
- 7. The request furthers the following applicable Comprehensive Plan Goals and policy:
  - A. Developing & Established Urban Goal. Adding the community theater use to existing C-1 zoning would generally help increase variety and choice in this established part of the NE heights.
  - B. Economic Development Goal. The request would facilitate some economic development. Theatre goers, actors, volunteers and students, are likely to patronize area businesses. This would be generally balanced with the social and cultural goals of promoting and supporting arts in the community.
  - C. Education Goal. The request would facilitate provision of a wide variety of arts education opportunities, such as classes for youth and adults. Acting, technical and volunteering opportunities would be available to citizens from various groups.
  - D. Policy II.C.7d- Cultural Plan for the City of Albuquerque. The request fulfills applicable objectives of the Cultural Plan and therefore furthers this policy.
- 8. The request partially furthers Policy II.B.5o- Redevelopment and rehabilitation of older neighborhoods. In a broad sense, adding a new use to an existing building and occupying a vacant, established site can be considered a redevelopment effort. However, no rehabilitation (i.e.-site or exterior modifications) is proposed. The request would facilitate interior remodeling, which wouldn't impact the older neighborhood (Bel-Air) directly.

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- 9. The request furthers the following Goal and Objective of the Cultural Plan for the City of Albuquerque:
  - A. Goal #2. The expansion of a community theater, including the programs it offers for youth and adults, would generally help increase opportunities for involvement in the performing arts.
  - B. Objective 2.5. The request would facilitate expansion of a community theatre, which would provide meeting, rehearsal, exhibition and performance space in conjunction with performing arts activities.
- 10. The affected neighborhood organizations are the Bel-Air Neighborhood Association (NA) and the District 7 Coalition. A facilitated meeting was recommended, but not held. The applicant had met previously with the Bel-Air neighborhood association, which submitted a letter of support. There is no known opposition.

## RECOMMENDATION - 13EPC-40142, November 14, 2013, Zone Change

APPROVAL of 13EPC-40142, a request for a Zone Change from C-1 Neighborhood Commercial to "SU-1 for C-1 and Community Theatre", for Tract A, summary plat of Lots B & A, a portion of the NW ¼, NW ¼, NW ¼, Hayes Addition, based on the preceding Findings and subject to the following Condition of Approval.

## CONDITION OF APPROVAL - 13EPC-40142, November 14, 2013, Zone Change

1. The EPC delegates its approval authority for the associated "as built" site development plan for building permit to the Planning Director (administrative approval by Staff).

## Catalina Lehner, AICP Senior Planner

#### Notice of Decision cc list:

The Vortex Theatre, Attn: David Jones. 2004 ½ Central Ave. SE, Albuquerque, NM 87106
Barb Johnson, Bel-Air Neighborhood Association, 2700 Hermosa Dr. NE, Albuquerque, NM 87110
Amy Henne, Bel-Air Neighborhood Association, 2713 Monroe Dr. NE, Albuquerque, NM 87110
Bill Hoch, District 7 Coalition of NAs, 813 Calle del Corte NE, Albuquerque, NM 87110
Lynne Martin, District 7 Coalition of NAs, 1531 Espejo Dr. NE, Albuquerque NM 87112

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# CITY OF ALBUQUERQUE AGENCY COMMENTS

#### PLANNING DEPARTMENT

#### Zoning Enforcement

Reviewed- If approved, a map amendment from C-1 to SU-1 / C-1 and Community Theatre would allow the proposed use of the existing building as a drama theatre.

## Office of Neighborhood Coordination

Bel-Air NA (R), District 7 Coalition of NAs 9/30/13 – Recommended for Facilitation – sdb 9/30/13 – Assigned to Philip Crump – sdb

<u>10/8/13 – a "No Meeting Report" was done by the facilitator as the applicant/agent has meet with the affected NA – Bel-Air NA - siw</u>

## Long Range Planning

No comments received.

#### Metropolitan Redevelopment

No comments received

#### **CITY ENGINEER**

#### Transportation Development Services:

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

- Review, no comments regarding Amndt to Zone Map.
- The site may require a Transportation Circulation Layout (TCL) to address parking and vehicular & pedestrian access and circulation prior to certificate of occupancy.

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

• Hydrology has no objection.

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

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

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

No comments received.

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

No comments received.

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

No comments received.

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

Conditions of approval for the proposed Site Development Plan for Building Permit shall include: None.

#### 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 Northeast Area Command.

- Amendment To Zone Map
- If project is approved to continue, recommend that the "extensive renovations" include the installation of a video surveillance system, particularly outside the building. Cameras should be positioned to view all vehicle access points, parking areas, walkways, common areas and building entrance approaches. Each camera should be have the ability to be monitored and recorded for real-time and historical use.
- Landscaping should not be in conflict with any proposed exterior lighting. Low-level variety landscaping should maintained at a level no more than three feet off the ground for optimal natural surveillance.

## SOLID WASTE MANAGEMENT DEPARTMENT

#### Refuse Division

No comments received.

#### FIRE DEPARTMENT/Planning

No comments received.

#### TRANSIT DEPARTMENT

Project # 1009838	Adjacent and nearby routes	Route #5, Montgomery-Carlisle route passes the site on Carlisle.
13 EPC-40142 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG)	Adjacent bus stops	There is an existing bus stop adjacent to the property serving the above-mentioned route on Carlisle.
LOTS TR A SUMMARY PLAT OF	Site plan requirements	None.
LOT B & A PORT OF NW 1/4 HW 1/4. HAYES ADDITION ZONED C-1 TO	Large site TDM suggestions	None.
SU-1/C-1 LOCATED ON 2900 CARLISLE BLVD NE. (APPROX 0.57 ACRES)(J-13)	Other information	None.

# COMMENTS FROM OTHER AGENCIES

## **BERNALILLO COUNTY**

No comments received.

## ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

#### ALBUQUERQUE PUBLIC SCHOOLS

Project #1009838	Hayes Addition, Tract A summary Plat of Lot B and A, is located on 2900 Carlisle Blvd
13EPC-40142	NE. The owner of the above property requests a Zone Change fron C-1 to SU-1/C-1 for
AMNDT TO ZONE	Community Theater. This will have no adverse impacts to the APS district.
MAP (ESTB	
ZONING/ZON CHG)	
,	

#### **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.