



**Environmental
Planning
Commission**

**Agenda Number: 3
Project Number: 1007712
Case #: 13EPC 40085
March 14, 2013**

Staff Report

Agent	Edward Fitzgerald/Architects
Applicant	Andrew Fowner
Request	Zone Map Amendment
Legal Description	Lots 17, 18, 19, & west one-half of vacated Morningside Drive, Block F, Timoteo Chavez Addn.
Location	Cutler Avenue, between Morningside Drive and Carlisle Boulevard
Size	Approximately 0.4 acres
Existing Zoning	C-3 (Heavy Commercial)
Proposed Zoning	P-R (Parking Reserve)

Staff Recommendation

APPROVAL of 13EPC 40085 based on the Findings beginning on Page 13.

**Staff Planner
Randall Falkner, Planner**

Summary of Analysis

This is a request for a zone map amendment from C-3 to P-R for Lots 17, 18, 19, & west one-half of vacated Morningside Drive, Block F, Timoteo Chavez Addn., on a 0.4 acre parcel of land located on Cutler Avenue, between Morningside Drive and Carlisle Boulevard. The P-R zone would allow the subject site to be used as a parking lot to meet the required off-street parking for a proposed climbing gym to be located across the street on Cutler Ave. Currently 39 more spaces are needed for the gym and 53 would be provided on the proposed P-R site. The applicant has provided an illustrative site plan and landscape plan.

The applicant has adequately justified the request for the zone map amendment from C-3 to P-R, based on applicable policies found in the Comprehensive Plan. There is no known opposition to the request and staff recommends approval.

City Departments and other interested agencies reviewed this application from 2/4/2013 to 2/15/2013
Agency comments used in the preparation of this report begin on Page 16.

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>	C-3	Established Urban	Vacant (listed as Vacant on the Land Use map and AGIS, but there are multiple vehicles on the site surrounded by a metal and barb wire fence)
<i>North</i>	Diversion Channel, C-3	Established Urban	Drainage, Office
<i>South</i>	C-3	Established Urban	Office, Public Facility
<i>East</i>	C-3	Established Urban	Office, Commercial
<i>West</i>	C-3	Established Urban	Office

II. INTRODUCTION

Request

This is a request for a zone map amendment from C-3 to P-R for Lots 17, 18, 19, & west one-half of vacated Morningside Drive, Block F, Timoteo Chavez Addn., on a 0.4 acre parcel of land located on Cutler Avenue, between Morningside Drive and Carlisle Boulevard. The P-R zone would allow the subject site to be used as a parking lot to meet the off-street parking requirements for a proposed climbing gym to be located across the street on Cutler Ave.

Currently, the subject site is entirely surrounded by a 6 foot metal and barb wire fence, and the interior of the site beyond the fence is not visible from the street. An aerial photo from AGIS reveals that there a number of cars parked on the subject site. The request would result in the metal and barb wire fencing being removed and replaced with new landscaping, lighting, curb, gutter, and sidewalks.

EPC Role

The EPC is hearing the case because zone map amendments must receive approval from the EPC. The applicant has provided justification for the zone map amendment pursuant to R-270-1980, and has included an illustrative site plan and landscape plan showing the proposed improvements. The EPC must decide if it wants to waive the landscape requirements pursuant to the O-1 zone (see Zoning Enforcement comments).

Context

The site is located in the Established Urban Area of the Comprehensive Plan. The site is not located within the boundaries of an Area or Sector Development Plan. The existing site is used to store old vehicles and is surrounded by a 6 foot metal and barb wire fence, so it is not visible from the street. There are currently no buildings on the subject site. To the north of the site is the Embudo Drainage Channel, while further north is land used for office and residential housing (a trailer park zoned C-3). To the south of the site is Cutler Avenue, various offices (including the property for the proposed climbing gym) and a public facility (Social Security Office), which are all zoned C-3. Further south is I-40. To the east of the site is Morningside Drive, office, commercial, and warehousing land uses (zoned C-3). To the west of the site are more office land uses, zoned C-3.

History

The old alignment of the Coronado Freeway was originally located just north of the subject site. In 1958 the old alignment of the Freeway instigated a zone change from R-1 to C-3 for the subject site and the property surrounding the subject site (Z-508). At that time it was recognized that the Freeway and existing commercial zoning were deterrents to development of any type of residential use. The new alignment of the Coronado Freeway was ultimately moved south of the subject site and Cutler Avenue, and eventually became Interstate 40. The old alignment of the Coronado Freeway became the alignment of the AMAFCA North Diversion Channel (also referred to as the Embudo Drainage Channel). The property to the south (4130 Cutler Ave.) that is proposing to build the climbing gym received C-3 zoning in September 1970 (Z-70-79).

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

Cutler Avenue and Morningside Drive are local streets.

There is an existing bicycle trail immediately north of the subject site along the Embudo Drainage Channel. Approximately 1,000 feet to the east, along Washington Street, there is an existing bicycle lane.

There is an existing bus stop for bus route 8 (Menaul) along Menaul Boulevard approximately 1,000 feet north of the subject site. There is another bus stop for bus route 5 (Montgomery/Carlisle) along Carlisle Boulevard approximately 1,500 feet from the subject site.

Public Facilities/Community Services

For more specific information, see the Public Facilities Map (attached).

III. ANALYSIS

Albuquerque Comprehensive Zoning Code

The existing zoning is C-3 (Heavy Commercial Zone, Section 14-16-2-18). This zone provides suitable sites for C-2 uses, wholesale commercial uses, and some light industrial uses which cause no vibration discernible beyond the premises. The C-3 zone allows everything that is allowed in the C-2 zone, but also permits certain light manufacturing as a principal use, as well as wholesaling, warehousing, and contractor's yards. Some allowable C-3 uses include the following: automotive engine manufacturing, bottling, dry cleaning, food manufacturing, sheet metal working, tire recapping, upholstering, warehousing and welding.

The proposed zoning is P-R (Reserve Parking Zone, Section 14-16-2-27). This zone designates lots reserved for off-street parking required by Section 14-16-3-1 of the Zoning Code with regard to a use on another lot. All regulations of the P zone apply. Either P or P-R zoning can be used as a parking lot, but a piece of property zoned P-R must be tied to another use nearby as required parking for that other use. Such P-R zoning cannot be rezoned or used for any other purpose without addressing the question of the required parking on the nearby lot. The P-R zone only allows parking lots reserved for off-street parking in the Off-Street Parking Regulations (Section 14-16-3-1) of the Zoning Code.

The P-R zone references the P (Parking Zone, Section 14-16-2-26). The P zone states the following under Permissive Uses, "Parking lot, as regulated in the O-1 zone, except the solid walls or fences shall be as approved by the Planning Commission; the Planning Commission may also require landscaping" (Section 14-16-2-26)(A)(2)). O-1 zoning states the following under Permissive Uses: "A parking lot hereafter developed shall include landscaping planted and maintained according to a Landscaping Plan approved by the Planning Director; however, the Planning Commission may waive this requirement where it is found not useful to achieving the intent of this Zoning Code" (Section 14-16-2-15)(A)(12)(f)). As a result, the EPC has discretion concerning the landscaping requirements.

Definitions (Section 14-16-1-5 of the Zoning Code)

Off- Street Parking: An area used for required temporary parking regulated by Section 14-16-3-1.

APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque / Bernalillo County Comprehensive Plan

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

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. Applicable policies include:

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

The applicant states that the request would allow a parking lot to serve the proposed climbing gym. The request for a parking lot would also allow the climbing gym to be relocated into a commercial neighborhood with other businesses of similar exercise/recreation activities. The proposed location is along a bicycle trail and would increase the convenience and safety of its use as transportation to the proposed climbing gym.

The zone change request would respect existing neighborhood values by improving a property that is currently entirely fenced off from the neighborhood and serves no real purpose other than to provide a place to store old vehicles. The surrounding neighborhood includes similar type businesses and uses such as gymnasiums/workout facilities, shooting ranges, water parks, and a proposed dance school. The request would provide additional activity, lighting, security, and sidewalks, in an area that is currently lacking these activities and amenities. The request furthers Policy II.B.5d.

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

The applicant states that the request would change an existing dirt lot that is surrounded by a metal panel and chain link fence into a P-R zone with landscaping and parking that would serve the proposed climbing gym across the street. The proposed infill development is appropriate for the area because the existing commercial neighborhood has businesses and facilities of similar use.

The site is listed as vacant on the Land Use map and AGIS, but there are multiple vehicles on the site surrounded by a metal and barb wire fence. Although the subject site is occupied, it does not presently add much to the surrounding neighborhood, as it is fenced off from the community and contains old vehicles. The request would improve the subject site by changing the site to a P-R zone, which would allow the proposed climbing gym across the street to meet their required off-street parking regulations. The request would ensure the integrity of the neighborhood by removing the existing metal and barb wire fencing and old vehicles on the lot, and allow it to be replaced with a paved parking lot that contains lighting, landscaping, and sidewalks. The request partially furthers Policy II.B.5e.

Policy II.B.5g: Development shall be carefully designated to conform to topographical features and include trail corridors in the development where appropriate.

The applicant states that many of those that use the climbing gym also use bicycle trails, and that the request would allow the development to take advantage of an existing bicycle trail and

increase the convenience and safety of the patrons of the climbing facility who use their bicycles to get to the gym.

The request is close to an existing bicycle trail along the Embudo Drainage Channel; however, the illustrative site plan does not show a trail corridor connection to the existing bicycle trail. There is no grading and drainage plan so it not known if it would conform to topographical features. It is unknown how many of the climbing gym patrons would actually use the bicycle trail, but it could potentially allow bicyclists the opportunity to access the climbing gym. The applicant is showing bicycle parking in front of the proposed climbing gym. The subject site for the proposed P-R zoning is located across the street from the proposed climbing gym. The request partially furthers Policy II.B.5g.

Policy II.B.5i: 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.

The applicant states that the zone change would allow the proposed climbing gym to be located in a commercial zone that is situated between two established neighborhood areas. Access to and from the proposed location is limited to larger arterial streets and does not pass through adjacent residential neighborhoods. Lighting on the proposed parking lot would be minimized with full cut-off parking lot lights.

The subject site and the property across the street (proposed climbing gym) are not close to any residentially zoned areas and are surrounded by commercial zoning. The applicant has attempted to minimize any adverse effects of noise, lighting, pollution, and traffic by proposing full cut-off parking lot lights, landscaping, sidewalks, and curb and gutter, which the existing site does not contain. The proposed parking area would greatly reduce the chance of vehicles parking up and down Cutler Avenue or Morningside Drive by climbing gym patrons, since they would be meeting off-street parking requirements by parking on the subject site and across the street at the proposed parking gym. The effects of noise, lighting, pollution, and traffic on the surrounding neighborhood along Cutler and Morningside would be lessened by concentrating the parking to designated parking lots instead of along the streets. The request furthers Policy II.B.5i.

Policy II.B.5j: Where new commercial development occurs, it should generally be located in existing 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 and 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.

The applicant states that the zone change would permit the proposed climbing gym to meet their off-street parking requirements, allow the proposed gym to be located in an existing commercial zone, and is close to a major bicycle trail.

The request is in a predominantly commercially zoned area and close to an existing bicycle trail and bicycle lane that provide the opportunity for access to the proposed climbing gym. There is a residential area north of the Embudo Channel that contains a trailer park (zoned C-3) and there are residential areas south of I-40 that can be accessed by a bicycle route along Washington Street. The request would allow the proposed climbing gym to meet their required parking requirements. The existing parking lot for the proposed climbing gym only provides 53 parking spaces, which is well short of the 92 that are required. The request for P-R zoning is not a commercial zone; however, the proposed zoning would facilitate the building of the climbing gym across the street which is in a commercial zone (C-3). The request partially furthers Policy II.B.5j.

Policy II.B.5l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

The applicant states that the request would allow the applicant to change an existing dirt lot surrounded by metal panel and chain link fencing into an attractive landscaped parking lot, as well as allow the future remodeling of two existing warehouses into a climbing gym.

The request would allow the proposed climbing gym to meet their off-street parking requirements and improve the subject site by providing paved parking, landscaping, lighting, sidewalks, curb and gutter, and removing the existing metal and chain link fencing which currently surrounds the site. The request provides quality improvements; however, they are not particularly innovative. The request partially furthers Policy II.B.5l.

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

The applicant states that the zone change would allow for the redevelopment of an existing dirt lot, surrounded by metal panels and chain link fencing, and of two existing warehouses across the street in an older neighborhood. The applicant believes that the proposed climbing gym will breathe new life into the existing neighborhood.

The request would allow for the redevelopment and rehabilitation of an older neighborhood in the Established Urban area. The request would greatly improve the existing subject site by eliminating metal panel and barbed wire fencing that surrounds the property, and by providing paved parking, lighting, landscaping, curb and gutter, and sidewalks. The request allows the proposed climbing gym to meet their parking requirements and to become a valuable member of the existing neighborhood. The proposed climbing gym cannot occupy the building without meeting the off-street parking requirements. The request furthers Policy II.B.5o.

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.

The applicant states that the zone change will improve the safety of the area through an increase of activity, site lighting, and installation of curb, gutter and sidewalk. At present there is no lighting, curb, gutter, or sidewalk at the subject site. Currently, during the late afternoon, evening, and weekend periods this area has become somewhat vacant. The peak times of operation for the proposed climbing gym across the street would be during the afternoon, evening, and weekend periods. The zone change will have a positive effect on the environment (air quality) by not allowing C-3 uses such as automotive engine manufacturing, dry cleaners, ceramic/pottery kilns, and commercial welding.

The request is consistent with the health, safety, morals and general welfare of the City because it has been demonstrated to further a preponderance of Comprehensive Plan policies. The request would allow P-R zoning and would improve an existing site by providing increased activity, lighting, landscaping, sidewalks, and curb and gutter to a site that currently does not have these amenities.

- 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.

The applicant states that the proposed zone change would allow for a climbing gym across the street, and this proposed use is similar to other uses surrounding the site, such as a shooting range, gym, water park, and a proposed dance school.

The request would allow the proposed climbing gym to meet their off-street parking requirements and would not destabilize surrounding land use and zoning. The zone change to

P-R would tie the proposed parking lot to the property across the street (proposed climbing gym), and ensure that it could not be sold later as an independent parking lot. The request would minimize traffic disruption by allowing climbing gym patrons to park in a lighted and landscaped parking lot, instead of parking up and down Cutler and Morningside.

- 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.

The request is not in significant conflict with adopted elements of the Comprehensive Plan. Refer to the policy analysis beginning on page 3.

- 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.

The applicant states that the zone change request would be more advantageous to the community as articulated in the Comprehensive Plan. The applicant referred to the following policies: II.B.5d, II.B.5e, II.B.5g, II.B.5i, II.B.5j, II.B.5l, and II.B.5o. Please refer to the policy analysis beginning on page 3.

- 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.

The applicant states that the P-R zone will not have permissive uses that will be harmful to adjacent properties and that landscaping added to this property will actually enhance the adjacent properties.

The request would not allow permissive uses that would be harmful to the 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 applicant states that the zone change will not require capital expenditures by the City.

The subject site is already served by City infrastructure and does not require major and 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 applicant states that this zone change is not due to economic considerations, but that it is due to meeting the City of Albuquerque's off-street parking requirements.

The cost of land or other economic considerations are not the determining factor for the requested zone change.

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

The applicant states that this property is not located along a major collector street.

The subject site is located along Cutler Avenue and Morningside Drive, which are not collector or major streets, but rather local streets.

- 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.

The applicant states that the request is a spot zone, but that it is consistent with policies of the Comprehensive Plan.

The proposed zoning (P-R) would result in a spot zone; however, the change clearly facilitates realization of the Comprehensive Plan.

- 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.

The applicant states that the zone change is not a strip zone.

The request does not constitute a strip zone.

SITE DEVELOPMENT PLAN

The applicant has provided an illustrative site plan and landscape plan in order to show the subject site and the proposed parking, landscaping, lighting, and sidewalks on the site. Included as part of the illustrative site plan is the proposed climbing gym across the street that is deficient in off-street parking. The P-R zoning is needed in order for the applicant to meet the off-street parking requirements. Since this is a zone change request it will not go to the Development Review Board (DRB) for final sign off. If the zoning is approved and the applicant can meet their off-street parking requirements then the proposed climbing gym can then apply for a building permit; however, this will be done at the City's Building Permit counter and not through the EPC.

Site Plan Layout / Configuration

The applicant is not applying for a site development plan for building permit; however, the applicant did provide an illustrative site plan. The illustrative site plan shows the layout of the proposed parking lot and climbing gym as well as landscaping and sidewalks. The proposed parking lot and P-R zone will be directly across Cutler Avenue from the proposed climbing gym.

Vehicular Access, Circulation and Parking

Vehicles will be able to access the subject site via a driveway along Cutler and another on Morningside. Both driveways allow vehicles to enter and exit. The subject site contains 53 parking spaces. The illustrative site plan also shows the proposed climbing gym across the street and it also contains 53 parking spaces. Off-street parking regulations require 92 spaces. The total number of spaces provided would be 106. The purpose of the requested zone change is to allow the property to meet its off-street parking requirements.

Pedestrian and Bicycle Access and Circulation, Transit Access

The subject site is proposing new sidewalks that will provide improved pedestrian access. There is an existing bicycle trail immediately north of the subject site along the Embudo Channel. Approximately 1,000 feet to the east, along Washington Street, there is an existing bicycle lane. Patrons of the climbing gym would potentially be able to access the gym via the existing bicycle trail. There is an existing bus stop for bus route 8 (Menaul) along Menaul Boulevard approximately 1,000 feet north of the subject site. There is another bus stop for bus route 5 (Montgomery/Carlisle) along Carlisle Boulevard approximately 1,500 feet from the subject site.

Walls/Fences

There is an existing metal and barb wire fence that surrounds the subject site. The applicant proposes to remove the existing fencing and replace it with landscaping.

Lighting and Security

There is no existing lighting on the subject site. The illustrative site plan shows that the applicant is proposing to add 16' tall full cut-off parking lot lights to the property. This will provide safety and security to those that wish to park at the site.

Landscaping

The subject site does not contain any existing landscaping. The illustrative site plan shows that the applicant is proposing landscaping around the parking lot. Zoning Enforcement has the following comment concerning landscaping: "If landscaping is required by the EPC, then a copy of the landscaping plan needs to be forwarded to the Zoning office with a site inspection to follow upon completion of the installation. The landscaping plan should show the size and type of plants including their botanical names, quantities of trees and shrubs and their mature height and spread, the parties responsible for the maintenance of the landscaping, and the type of irrigation system".

The applicant has provided an illustrative landscape plan. The illustrative landscape plan shows landscape area calculations required and provided, the location of plants, type of irrigation system (drip), the number of trees required and provided per parking space, a limited plant legend that shows the minimum acceptable sizes of plants at the time of planting, and notes that state that landscape maintenance will be the responsibility of the property owner, the plan will comply with the City of Albuquerque water conservation ordinance and landscaping regulations in the Zoning Code (Section 14-16-3-10), and a final landscaping plan will be included with the final construction documents for building permit. The landscape plan does not show mature plant sizes (height & spread), water use, square footage for each separate area of landscaping, or the specific number of each individual plant in the plant legend.

The PR zone references the P (Parking Zone, Section 14-16-2-26), which states that the "Planning Commission may also require landscaping" Section 14-16-2-26(A)(2)). The P zone references the O-1 zone which states that "the Planning Commission may waive this requirement where it is found not useful to achieving the intent of this Zoning Code" (Section 14-16-2-15)(A)(12)(f)). As a result, the EPC has discretion concerning the landscaping requirements. Planning staff believes that parking lot landscaping pursuant to the O-1 zone (Section 14-16-2-15)(A)(12)(f)) should be required because the landscaping would achieve the intent of the Zoning Code and would help further applicable Comprehensive Plan policies.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

City Departments and other interested agencies reviewed this application from 2/4/2013 to 2/15/2013. Few comments were received; however, Zoning Enforcement did provide comments. Agency comments can be found on page 16.

Neighborhood/Public

The District 7 Coalition of Neighborhood Associations is the only affected Neighborhood Association and/or Homeowner Association and Coalition. Staff has received no letters of opposition concerning the proposed request. A facilitated meeting was not recommended by the Office of Neighborhood Coordination. There is no known opposition to the request.

V. CONCLUSION

This is a request for a zone map amendment from C-3 to P-R for Lots 17, 18, 19, & west one-half of vacated Morningside Drive, Block F, Timoteo Chavez Addn., on a 0.4 acre parcel of land located on Cutler Avenue, between Morningside Drive and Carlisle Boulevard. The P-R zone would allow the subject site to be used as a parking lot to meet the required off-street parking for a proposed climbing gym to be located across the street on Cutler Ave. Currently, the site has 53 parking spaces; however, 92 are required and 106 would be provided with the request. The applicant has provided an illustrative site plan and landscaping plan.

The applicant has adequately justified the request for the zone map amendment from C-3 to P-R, based on applicable policies found in the Comprehensive Plan. There is no known opposition to the request and staff recommends approval.

FINDINGS – 13EPC 40085, 3/14/2012, Zone Map Amendment

1. This is a request for a zone map amendment from C-3 to P-R for Lots 17, 18, 19, & west one-half of vacated Morningside Drive, Block F, Timoteo Chavez Addn., on a 0.4 acre parcel of land located on Cutler Avenue, between Morningside Drive and Carlisle Boulevard.
2. The P-R zone would allow the subject site to be used as a parking lot to meet the required off-street parking for a proposed climbing gym to be located across the street on Cutler Ave.
3. The P-R zone references the P (Parking Zone). The P zone states that the EPC “may also require landscaping” as regulated in the O-1 zone (Section 14-16-2-26)(A)(2)). The O-1 zone states that “A parking lot hereafter developed shall include landscaping planted and maintained according to a Landscaping Plan approved by the Planning Director; however, the Planning Commission may waive this requirement where it is found not useful to achieving the intent of this Zoning Code” (Section 14-16-2-15)(A)(12)(f)).
4. The applicant has provided an illustrative site plan. The illustrative site plan shows the number of parking spaces required (92) and the number of spaces provided (106). The illustrative site plan also shows the location of the subject site (proposed parking lot for P-R zoning) and the proposed climbing gym across Cutler Avenue, which are both needed in order for the climbing gym to meet the off-street parking requirements.
5. The applicant has provided an illustrative landscape plan. The illustrative landscape plan shows landscape area calculations required and provided, the location of plants, type of irrigation system (drip), the number of trees required and provided per parking space, a limited plant legend that shows the minimum acceptable sizes of plants at the time of planting, and notes that state that landscape maintenance will be the responsibility of the property owner, the plan will comply with the City of Albuquerque water conservation ordinance and landscaping regulations in the Zoning Code (Section 14-16-3-10), and a final landscaping plan will be included with the final construction documents for building permit.
6. The subject site is within the area designated Established Urban by the Comprehensive Plan and is not within the boundaries of an Area or Sector Plan.
7. 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.

8. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
 - A. The request is consistent with the health, safety, morals and general welfare of the City because it has been demonstrated to further a preponderance of Comprehensive Plan policies. The request would allow P-R zoning and would improve an existing site by providing increased activity, lighting, landscaping, sidewalks, and curb and gutter to a site that currently does not have these amenities. The request will not have a substantial effect on the environment, public facilities and services, roadways, schools, parks or drainage facilities.
 - B. The request would not destabilize surrounding land use and zoning. The zone change to P-R would tie the proposed parking lot to the property across the street (proposed climbing gym), and ensure that it could not be sold later as an independent parking lot. The request is compatible with adjacent zoning and land uses.
 - C. The following Comprehensive Plan policies are furthered by the request:
 1. Policy II.B.5d – The zone change request would respect existing neighborhood values by improving a property that is currently entirely fenced off from the neighborhood and serves no real purpose other than to provide a place to store old vehicles. The proposal provides additional activity, lighting, security, and sidewalks, in an area that is currently lacking these activities and amenities.
 2. Policy II.B.5i – The subject site and the property across the street (proposed climbing gym) are not close to any residentially zoned areas and are surrounded by commercial zoning. The applicant is proposing full cut-off parking lot lights, landscaping, sidewalks, and curb and gutter, which the existing site does not contain.
 3. Policy II.B.5o – The request would allow for the redevelopment and rehabilitation of an older neighborhood in the Established Urban area. The request would greatly improve the existing subject site by eliminating metal panel and barbed wire fencing that surrounds the property, and by providing paved parking, lighting, landscaping, curb and gutter, and sidewalks.
 - D. The request would be more advantageous to the community as articulated in the Comprehensive Plan. The applicant cited a preponderance of policies that further the request.
 - E. The request would not allow permissive uses that would be harmful to the adjacent property, the neighborhood, or the community.
 - F. The subject site is already served by City infrastructure and does not require major and unprogrammed capital expenditures by the City.
 - G. The cost of land or other economic considerations are not the determining factor for the requested zone change.
 - H. The subject site is located along Cutler Avenue and Morningside Drive, which are not collector or major streets, but rather local streets.

- I. The proposed zoning (P-R) would result in a spot zone; however, the change clearly facilitates realization of the Comprehensive Plan.
 - J. The request does not constitute a strip zone.
9. There is no known opposition to the request.
10. The EPC finds that parking lot landscaping pursuant to the O-1 zone (Section 14-16-2-15(A)(12)(f)) is required because the landscaping would achieve the intent of the Zoning Code and would help further applicable Comprehensive Plan policies.
11. The illustrative site plan and landscaping plan are together and need to be submitted along with the application for building permit for the proposed climbing gym.

RECOMMENDATION - 13EPC 40085, 1/10/2012, Zone Map Amendment

APPROVAL of 13EPC 40085, a zone map amendment from C-3 to P-R for Lots 17, 18, 19, & west one-half of vacated Morningside Drive, Block F, Timoteo Chavez Addn., based on the preceding Findings.

***Randall Falkner
Planner***

Notice of Decision cc list:

Edward Fitzgerald/Architects, 121 Jefferson Street NE, Albuquerque, NM 87108
Andrew Fowner, 2408 Morningside NE, Albuquerque, NM 87110
Bill Hoch, 813 Calle del Norte, Albuquerque, NM 87110
Lynne Martin, 1531 Espejo NE, Albuquerque, NM 87112

Attachments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

If approved the proposed zone change from C-3 to PR will allow the proposed climbing gym located directly across the street to satisfy it's quantity of required off-street parking spaces. The site plan should show an analysis of the required off-street parking- for example: the total number of required off-street parking for the gym, number of spaces provided on site, and the number of spaces provided on the adjacent lot to be zoned PR. If landscaping is required by the EPC, then a copy of the landscaping plan needs to be forwarded to the Zoning office with a site inspection to follow upon completion of the installation. The landscaping plan should show the size and type of plants including their botanical names, quantities of trees and shrubs and their mature height and spread, the parties responsible for the maintenance of the landscaping, and the type of irrigation system.

Office of Neighborhood Coordination

**No NA/HOA's
District 7 Coalition of NA's**

Long Range Planning

The site is within the Established Urban area of the Comprehensive Plan, there are no Area or Sector plans.

The proposed zone would be compatible with the existing zoning and land use around the subject site.

Metropolitan Redevelopment Agency

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 (City Engineer/Planning Department):

- Reviewed, no comment.

Hydrology Development (City Engineer/Planning Department):

- Reviewed, no objection.

Transportation Planning (Department of Municipal Development):

- Proposed plan indicates the installation of new sidewalk and driveway along the west side of Morningside Dr. and new sidewalk and driveway along the north side of Cutler Ave. There is no internal pedestrian circulation, thus the configuration causes the pedestrian/wheelchair to occupy the driveway to access the sidewalks. There is an existing wheelchair ramp on the northwest corner of the Morningside Dr./Cutler Ave. intersection. The proposed improvements will also have to ensure the ramp is ADA compliant. The proposed plan does not provide perpendicular access from the existing ramp located on the northwest corner of

Morningside/Cutler to the south side of Cutler Ave. Nearest pedestrian crossing is approximately 1100' east (Washington St.)

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Amendment to Zone Map shall include: none

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

Open Space Division has no adverse comments.

City Forester

POLICE DEPARTMENT/Planning

This project is in the Northeast Area Command

- Plans for the proposed parking lot show a conflict with landscaping and pole lighting. Suggest removing from the plans any large variety trees, which are immediately adjacent to the pole lights surrounding the property. The tree canopy will eventually diminish the effectiveness of the planned illumination.

- Recommend installing video surveillance cameras to cover the entire parking lot as well as the vehicular access point. Each camera should be monitored and recorded for real-time and historical use.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved as long as they comply with SWMD Ordinance.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

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

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No objection to zone change request. AMAFCA will review the site plan drainage with respect to development adjacent to the Embudo Channel.

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comments based on information provided to date.