



**Environmental
Planning
Commission**

*Agenda Number: 7
Project Number: 1009750
Case #: 13EPC-40122
August 8, 2013*

Staff Report

Agent	High Mesa Consulting Group
Applicant	The Stroup Company
Request	Zone Map Amendment (Zone Change)
Legal Description	Lot 9, Block 4, North Albuquerque Acres, Tract 3, Unit 3
Location	on Alameda Blvd., between Barstow St. and Ventura St. NE
Size	Approximately 1 acre
Existing Zoning	R-D (Residential & Related Uses Zone, Developing Area) 5 DU/ac
Proposed Zoning	SU-1 for R-D 5 DU/ac and School Playground

Staff Recommendation

APPROVAL of 13EPC-40122, based on the Findings beginning on Page 13 and subject to the Conditions of Approval beginning on Page 15.

Staff Planner
Catalina Lehner, AICP- Senior Planner

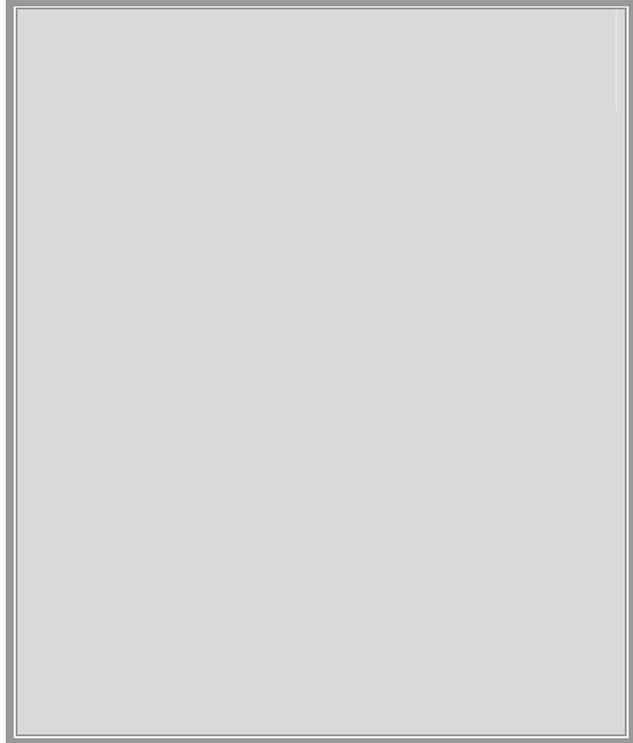
Summary of Analysis

The request is for a zone map amendment (zone change) from R-D 5DU/ac to “SU-1 for R-D 5 DU/ac and School Playground” for an approximately 1 acre site on Alameda Blvd. in North Albuquerque Acres (the “subject site”).

The applicant proposes to develop a playground for a charter school, to be located in an office building west of the subject site. A site development plan is required for a change to an SU-1 zone. Staff recommends that the applicant return to the EPC within 6 months of zone change approval with an amendment to the Hope Plaza site plans to include the subject site and change Building 1’s use from office to school.

The subject site is in the Developing Urban Area of the Comprehensive Plan and in the La Cueva Sector Development Plan (LCSDP) area. The applicant has adequately justified the zone change request.

A facilitated meeting was not held. Church representatives are concerned about impacts of the school use (ex. vehicle circulation) that the request would facilitate. Staff recommends approval subject to conditions.



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	R-D 5 DU/ac	Developing Urban Area La Cueva Sector Development Plan	Vacant
North	R-D 3 DU/ac	Developing Urban Area Facility Plan for Arroyos La Cueva Sector Development Plan	Vacant
South	R-D 5 DU/ac	Developing Urban Area Vineyard Sector Development Plan	Vacant, then Church (to the SW)
East	R-D 5DU/ac	Developing Urban Area La Cueva Sector Development Plan	Vacant
West	SU-2/O-1 and R-T, then SU-2/C-1	Developing Urban Area Vineyard Sector Development Plan	Vacant, then office buildings then vacant

II. INTRODUCTION

Request

This request is for a zone map amendment (zone change) for an approximately 1 acre site on the south side of Alameda Blvd., between Barstow St. and Ventura St. NE, in North Albuquerque Acres (the “subject site”). The zone change request is required to be justified pursuant to R270-1980.

The subject site is zoned R-D (Residential & Related Uses Zone, Developing Area) 5 DU/ac (Dwelling Units per Acre). The proposed zoning is “SU-1 for R-D 5 DU/ac and School Playground”, which would allow the R-D uses currently allowed plus a school playground. The applicant proposes to eventually develop a playground, for use by a charter school to be located in an office complex west of the subject site. An exhibit showing the location of the charter school, existing office building and church, and site of the proposed playground is provided.

An associated site development plan is required for a zone change to an SU-1 zone; in this case, a site development plan is not proposed at this time. Pursuant to §14-16-2-22(A)(1), the applicant is required to return to the Environmental Planning Commission (EPC) for site development plan approval. Staff recommends that EPC approval of the site plan occur within 6 months of the date of a zone change approval.

Environmental Planning Commission (EPC) Role

The EPC is hearing this case because 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, because a zone change request is involved, 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

To the north of the subject site, across Alameda Blvd., is a vacant tract that the arroyo crosses (see aerial photo, attached). The “drainage/flood control” land use designation stops right before the vacant tract. Further north are single-family homes. To the south is vacant land, then Signal Ave. East of the subject site is a block of vacant land, then Ventura Blvd. To the immediate west is a long, vacant tract, followed by a small office complex directly west, vacant commercial land further west, and a church to the southwest.

The subject site is located in the Developing Urban Area of the Comprehensive Plan. The La Cueva Sector Development Plan (LCSDP) applies. The subject site is in Window I of the LCSDP and is not in a designated Activity Center.

The floodplain of the La Cueva Arroyo system is wide and runs east-west across the subject site, crosses Alameda Blvd. and enters a drainage channel about 300 feet to the northwest. The subject site is located within Flood Zone AO, which is shown on the AGIS system as crossing a significant portion of North Albuquerque Acres (especially along Alameda Blvd.) and aligning with the floodplain of the La Cueva Arroyo.

Related PRT Meeting

A pre-application review team (PRT) meeting was held on May 21, 2013 (see attachment) regarding a charter school proposed in the office complex west of the subject site. The charter school would occupy an existing building as an allowed use on a site zoned SU-2 for O-1 and R-T pursuant to the Vineyard Sector Development Plan. The approved site development plan (Project #1006520, 07EPC-40001 and 40002) will need to be amended to allow the charter school and include the subject site (see Condition of Approval).

History

The subject site is part of the 630 acres annexed into the City in 1995 by the NM State Boundary Commission. The annexed land covered the area from Florence Ave. to Palomas Ave. (north to south), and from Ventura Ave. to Louisiana Blvd. (east to west). The City established R-D zoning for much of the area, including the subject site (C/S O-1, Enactment 25-1996, in Appendix A of the LCSDP).

The La Cueva Sector Development Plan (LCSDP) was adopted in June 2000 (R-50, Enactment 65-2000) and updated in 2003. One of the reasons for this planning effort was to provide a mix of uses more suitable for a developing urban area; rezoning was one way to accomplish this. Enactment 65-2000 adopted Exhibit 12, a zoning map of the LCSDP area that shows the subject site as part of an area of R-D 5 DU/ac zoning (see attachment). Prior to Plan adoption, the subject site’s zoning was shown as “All Other Residential”. The subject site is included in Window I (see Exhibit 13) and has remained vacant. The LCSDP contains design regulations applicable to all SU-2 zoned properties, though these don’t apply to the subject site because it is zoned R-D 5 DU/ac.

Two EPC approvals relate to the subject site, though these sites are in the area of the Vineyard Sector Development Plan (VSDP) and are zoned SU-2 for O-1 and R-T. The VSDP states that the design regulations of the LCSDP shall apply to all properties in the VSDP zoned SU-2 for O-1 and R-T, and that sites are subject to development approval by the EPC (VSDP, p. 4.8).

In August 2002, the EPC approved a site development plan for building permit to develop the church site southwest of the subject site (Project #1002063, 02EPC-00990). One of the three approved buildings, the main church, has been built. The other two are for future phases. At that time, the church did not own the long, narrow strip of land between it and the subject site (see photo attachments). The church purchased this land later, apparently to help preserve views from the church site.

In July 2007, the EPC approved a site development plan for subdivision and building permit for the office complex (Hope Plaza) west of the subject site (Project #1006520/07EPC-4001 and 40002). The charter school would locate in a vacant building on the western side (Lot 5) of Hope Plaza, known as Office Building 1. The church and the office complex have a shared parking agreement.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. Alameda Blvd., Barstow Ave. and Ventura Ave. are classified as Urban Collectors near the subject site. Barstow and Ventura Aves., north of Alameda Blvd., are classified as local roadways.

The subject site is not directly accessible by Transit. Route 33, Wyoming, passes near the subject site and travels east on Alameda then south on Barstow until Wilshire, where it turns west. Route 2, Eubank, runs along Signal Ave., south of the subject site, and turns south onto Ventura Ave.

A trail and a bike lane are proposed for future development along Alameda Blvd., between Barstow and Ventura Avenues.

Public Facilities/Community Services

See attached Public Facilities Map for details.

III. ALBUQUERQUE COMPREHENSIVE ZONING CODE

Zoning

The subject site is currently zoned R-D (Residential & Related Uses Zone, Developing Area) 5 DU/ac (Dwelling Units per Acre). The R-D zone (Zoning Code §14-16-2-14) “permits a mixture of dwelling unit types and incidental related commercial activities.” Essentially, R-3 and C-1 permissive uses (except shopping centers) are allowed. Mobile home development is also allowed. However, a playground is not called out as a permissive or conditional use. Zoning Staff consulted with the applicant and determined that a zone change would be needed to accommodate the proposed playground.

The proposed zoning is “SU-1 for R-D 5 DU/ac and School Playground”, which would allow the R-D uses as currently allowed plus a school playground. The SU-1 special use zone (Zoning Code §14-16-2-

22) provides suitable sites for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design.

The office complex and church site (Hope Plaza) west of the subject site is zoned SU-2 for O-1 and R-T pursuant to the Vineyard Sector Development Plan (VSDP). The future charter school would locate here and is a permissive use, though the site development plan for Hope Plaza would need to be amended to change the approved office use to a school use. Like the LCSDP, the VSDP requires EPC review of site development plans for sites zoned SU-2.

A site development plan is required when requesting SU-1 zoning; the two are inextricably linked [ref: §14-16-2-22(A)(1)]. However, the site development plan may be approved later. The applicant has provided an exhibit to facilitate understanding of the request (see Section VI of this report) and intends to return to the EPC with the required site development plan at a later time.

Staff recommends that the school playground (the subject site of the current request) be included with the amendment to the Hope Plaza site development plans. The school use and the playground use are interdependent; the purpose of a site development plan is to show the relationships between the uses and buildings, vehicles, pedestrians as they relate to the whole site.

IV. 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***

The subject site is located in the area designated Developing Urban by the Comprehensive Plan. The Goal of Developing 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

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 zone change would facilitate development of a playground for a future charter school. Generally, the playground would contribute to variety and maximum choice in life styles because it would make another education choice available and would contribute to land use variety in the area. The request could help perpetuate the area’s tradition of low density development, which identifies the area as North Albuquerque Acres. The request generally furthers the Developing & Established Urban Goal.

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, and recreational concern.

The location and intensity of the development that the zone change would facilitate generally respect neighborhood values, natural environmental conditions, scenic resources and recreational concerns. The area is characterized by low density development, especially to the east, and is known to value scenic resources. The playground would complement these and would provide recreation for the students. Playgrounds and parks are often located in areas such as floodplains, where natural environmental conditions make other types of development more challenging. There is no known opposition. 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 subject site is vacant land that is contiguous to existing urban facilities, infrastructure, and services. The development that the zone change would facilitate would not compromise the integrity of existing neighborhoods. The request furthers Policy II.B.5e.

Water Management Policy II.D.2b: Maximum absorption of precipitation shall be encouraged through retention of natural arroyos and other means of runoff conservation within the context of overall water resource management.

Development of a playground, which the zone change would facilitate, would generally allow for maximum absorption of precipitation because only a portion of the subject site would be developed and, typically, parks and playground uses contain less impervious surface than most other types of development. The request generally furthers Policy II.D.2b.

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

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.

Policy II.B.5k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operations.

Transportation & Transit Policy II.D.4d: The frequency of driveways along principal and minor arterial streets will be reduced when possible, toward a spacing frequency of one or two drives per 300 feet of frontage on principal arterials, and one or two drives per 200 feet on minor arterials.

Staff finds that the four, above-mentioned policies do not apply to the current request because a site development plan is not available at this time. Therefore, it's not possible to evaluate design conformance to topographical features, siting and minimizing effects of noise, lighting, pollution, and traffic (II.B.5i), and frequency of driveways (II.D.4d). Alameda Blvd. is classified as an urban collector street near the subject site, and policy II.B.5k applies to arterial streets.

D.7. Community Resource Management- Education

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

The request partially furthers the Education Goal. The zone change would facilitate development that would provide educational and recreational opportunities to the students of the charter school.

B) Facility Plan for Arroyos (Rank II)

The Facility Plan for Arroyos (1986) establishes guidelines and procedures for implementing Comprehensive Plan goals in order to create a multi-purpose network of recreational trails and open space along arroyos (p.11). The Facility Plan for Arroyos (FPA) is a Rank II facility plan that designates some arroyos for further study and development as recreational corridors. An arroyo is defined as a “small, steep-sided watercourse or gulch with a nearly flat floor” (p.75).

The La Cueva Arroyo system originates in the Sandia Foothills, crosses Sandia Pueblo and continues east-west across North Albuquerque Acres. The arroyo bed is shallow and tends to meander widely within its flood plain (FPA, p. 38). The arroyo runs east of the subject site, crosses Alameda Blvd. and mostly encompasses the lot to the north of the subject site. The NW corner of the lot to the north marks the beginning of the arroyo being channelized, from where it continues through the La Cueva area and is labeled the “La Cueva Channel” on the City’s GIS system. The FPA classifies the La Cueva Arroyo system as a potential Major Open Space Link arroyo.

C) La Cueva Sector Development Plan (Rank III)

The LCSDP was adopted in June 2000 and revised in October 2003 to expand Plan boundaries and add clarifying language. The general boundaries are Louisiana Blvd. on the west, Paseo del Norte Blvd. and Palomas Ave. on the south, Ventura St. on the east and Florence Ave. on the north. Exhibit 12 shows specific boundaries (see attachment).

The LCSDP sets forth goals and policies regarding land use, zoning and capital infrastructure priorities for vacant properties to promote sound urban development in the Plan area. The Plan contains overarching Guiding Principles (Section 1.3, p. 4) and Guiding Principles (in the Zoning Chapter, Section 5.1, p. 25). It also established Design Regulations applicable to all SU-2 zoned properties (Section 5.4.6, p. 31).

The following overarching Guiding Principles and Guiding Principles (Zoning) apply to the request:

1.3 OVERARCHING GUIDING PRINCIPLES (P. 4):

Bullet 1: Development patterns compatible with drainage patterns.

Bullet 4: Land uses that are compatible with existing development.

The request partially furthers overarching Guiding Principle, Bullet 1. Without a site development plan, it’s not possible to fully evaluate, though generally playgrounds and parks are used in areas that have drainage issues. The request generally furthers overarching Guiding Principle, Bullet 4.

The proposed use would be generally compatible with existing development in the area, which consists mostly of single-family homes and office uses.

5.1 ZONING- GUIDING PRINCIPLES (P. 25):

Principle 6: Alameda Blvd. is intended to be the second busiest east-west corridor through the plan area and is suitable for small-scale, non-residential uses.

Principle 8: The North Albuquerque community has identified “views” and “open space” as two valuable assets that identify the area.

The request furthers guiding land use Principle 6 because it would facilitate development of a school playground, which is a small-scale, non-residential use. The request also furthers Principle 8. The use it would facilitate would contribute to maintaining views and an open space quality to the area.

V. 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 analyzed here is the letter dated July 24, 2013 (see attachment). The subject site is currently zoned R-D (Residential & Related Uses Zone, Developing Area) 5 DU/ac. The proposed zoning is “SU-1 for R-D 5 DU/ac and School Playground”.

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 states 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 proposed addition of a school playground is consistent with the health, safety and welfare of the City. The proposal will further a preponderance of several applicable Policies

from the Comprehensive Plan. Specifically allowing a playground at this site will not jeopardize the health, safety and welfare of the City. School playgrounds are an integral part of communities.

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, in this case, the La Cueva Sector Development Plan. The applicant demonstrates this in the response to Section 1.C, and further states that the playground itself would not jeopardize health, safety and welfare. 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 proposed change maintains the existing RD designation. The SU designation ensures stability by requiring site development plan control. The change will not result in uses that are not consistent or compatible with the existing zoning.

Staff: Staff agrees that the proposed change would not result in a use that is inconsistent or incompatible with existing zoning, and therefore would not adversely affect stability of land use and zoning. 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 proposed change is not in conflict with any adopted City plans. The subject site is in the Developing Urban area and within the limits of the La Cueva Sector Development Plan (LCSDP).

Citations: Developing and Established Urban Goal, Land Use policies II.B.5a, 5d, 5e, 5g, 5i and 5k; Water Management Policy II.D.2b and Transportation & Transit Policy II.D.4d. LCSDP Guiding Principles (2) and LCSDP Zoning Guiding Principles (2).

Staff: Staff agrees with most of the applicant's citations of applicable Goals and policies, but finds that Land Use policies 5g- site design/topography, 5i-siting of employment/service uses, 5k-land adjacent to arterial streets, Transportation & Transit Policy II.D.4d- frequency of driveways, and LCSDP Zoning Guiding Principle 9, do not apply (see Section IV of this report). LCSDP Zoning Guiding Principle 6 could have been used.

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.

Applicant (summarized): The existing zoning is inappropriate because a different use is more advantageous to the community. Adding an additional use to the existing zoning, along with site development plan control, would facilitate a charter school occupying a nearby building. The school would provide educational and employment opportunities that do not currently exist, thereby providing a benefit. Though a school is allowed under RD zoning, the scenario with a playground nearby is unique; the infrequent occurrence necessitates SU-1 zoning, and is more advantageous to the community as demonstrated by the preceding Comprehensive Plan policies.

Staff: The applicant has shown that a different use category is more advantageous to the community (3) because the request furthers a preponderance of applicable policies in the Comprehensive Plan and applicable guiding principles in the La Cueva Sector Development Plan. The charter school use, which the zone change would facilitate, would provide some educational and employment opportunities. It is possible that these opportunities would more likely benefit the larger community than the neighborhood, because charter schools usually attract students and teachers from various locations. Overall, 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 proposed change will only allow one specific use in addition to those currently permitted. Site development plan control would be imposed under the SU designation, adding an additional control. This control, through the public hearing process, will ensure that the proposed change will not result in a development that is harmful to adjacent property, the neighborhood or the community.

Staff: The request would add another permissive use, playground, to the site's zoning. The addition of this use itself is not likely to be harmful to adjacent property, the neighborhood, or the community, though the required, associated site development plan is not being considered at this time. The response to Section 1.E is sufficient.

- 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 project will not require any major and unprogrammed capital expenditures by the City. The playground will not require any utilities, and the sole access will be pedestrian access back and forth from the school.

Staff: *The request will not require any major or unprogrammed capital expenditures by the City. The playground will not require any utilities, and the sole access will be pedestrian access. The response to Section 1.F is sufficient.*

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

Applicant (summarized): The cost of land is not a determining factor for this request. The determining factor is the proximity of the land to a vacant building that a charter school wishes to occupy. The request will allow development of a use that is consistent with the current zoning, but not explicitly allowed.

Staff: *The cost of land is a factor in this request, though it is not the determining factor. The subject site's location in a floodplain makes it less expensive than other land in the area. However, other factors come into consideration: floodplain sites are commonly used for recreation areas, the church's vacant land is for future phased development, and land to the west is part of a strip of land zoned to provide neighborhood commercial uses. 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 (summarized): The location of this site on a collector or major street is not a part of this justification. Vehicular access from the street is not proposed, and this is not a request for apartment, office, or commercial zoning.

Staff: *The subject site's location on a major street (a collector) is not being used as justification, and the request is not apartment, office, or commercial zoning. 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): SU zoning in this case could be considered a "spot zone" given that it will only apply to one parcel and a small area. It is appropriate in this case because this proposal will facilitate realization of the Comprehensive Plan by furthering a preponderance of several applicable Policies as demonstrated earlier in this justification.

Staff: *The applicant chose reason 1 and has demonstrated (see the response to Section 1.C) that the request will facilitate realization of the Comprehensive Plan and applicable sector development plan, and therefore would not create a spot-zone. The response to Section 1.I is sufficient.*

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

Applicant (summarized): This request applies to a single parcel that does not correspond to a “strip of land along a street.”

Staff: *Staff agrees that 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.*

VI. EXHIBIT & PRELIMINARY SITE ISSUES

Though a site development plan is required when requesting SU-1 zoning, it can be provided concurrently or later (see Zoning section of this report). Within six months of approval of a zone change request is suggested. In lieu of a site development plan at this time, the applicant provided an illustrative exhibit with this request (see attachment).

The exhibit shows the location of the subject site, the proposed playground area, in relation to the office building (in Hope Plaza) that the future charter school would occupy. The pathway between the charter school and the subject site runs from the building to Alameda Blvd., and eastward along Alameda Blvd. to the subject site. The pathway is shown just north of the property line of the Hope Plaza site and just north of the vacant land owned by the church. The pathway would be in the public right-of-way, so there would be no trespassing on privately-owned land.

The vacant land west of Hope Plaza is closer to the location of the future charter school than the subject site. However, these four lots are zoned SU-2/C-1 and are the last neighborhood commercial zoned land remaining in the area. Though it would be closer, a playground may not be the best use for these lots and is not allowed in the C-1 zone.

Note that the alignment of Alameda Blvd. NE ends near the NW corner of the vacant land owned by the church. It appears that the roadway could be expanded in the future, though at this time it’s unclear when this would occur and how it could impact the subject site.

VII. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

City Departments and other agencies reviewed this application from 7/1/'13 to 7/12/'13. Parks and Recreation Staff comment that the appropriateness of the location of playground equipment will need to be evaluated when the site development plan for building permit is requested, due to the site's drainage and topography and the potential for safety and maintenance issues. Long-range planning Staff asks how the children would access the playground. Transportation Staff notes that the site would be required to be built in accordance with Development Process Manual (DPM) and current ADA standards/requirements.

Neighborhood/Public

The affected neighborhood associations (NAs) and Coalition, as cited by the Office of Neighborhood Coordination (ONC), are the Nor Este NA, Vineyard Estates NA and the District 4 Coalition. Property owners within 100 feet of the subject site were also notified as required.

A facilitated meeting was neither recommended nor held. The applicant was contacted by a member of the Nor Este NA who apparently did not have any concerns. A representative of the church contacted Staff and elaborated his concerns in an email (see attachment). He stated that the charter school, which the current request would facilitate, would be for 250 students. The major concern is about vehicular impacts such as drop-off/pick-up of students, queuing and potential traffic jams, to the Hope Plaza site. A small residential development is being contemplated on a vacant portion of the church site, and there is concern that traffic could adversely affect it.

VIII. CONCLUSION

This request is for a zone change from R-D 5DU/ac to "SU-1 for R-D and School Playground" for an approximately 1 acre site on the south side of Alameda Blvd., in North Albuquerque Acres (the "subject site").

The subject site is in the Developing Urban Area of the Comprehensive Plan. The La Cueva Sector Development Plan (LCSDP) also applies. The applicant has adequately justified the zone change request and has provided an illustrative exhibit. A site development plan, required with a request to SU-1 zoning, is recommended to be approved within six months of the zone change approval date. The applicant is aware that the site development plan is required to return to the Environmental Planning Commission (EPC).

The affected neighborhood organizations are the Nor Este NA, Vineyard Estates NA and the District 4 Coalition. Property owners within 100 feet of the subject site were also notified as required. A facilitated meeting was neither recommended nor held. A representative of the nearby church expressed concern about vehicular impacts to the Hope Plaza site west of the subject site. Staff recommends approval with the condition that an amended site development plan, to include the subject site with the Hope Plaza site, be approved by the EPC within six months of the zone change approval date.

FINDINGS – 13EPC-40122, August 8, 2013, Zone Map Amendment (Zone Change)

1. The request is for a zone map amendment (zone change) for Lot 9, Block 4, North Albuquerque Acres, Tract 3, Unit 3, an approximately 1 acre site on the south side of Alameda Boulevard, between Barstow Street and Ventura Street NE (the “subject site”).
2. The subject site is zoned R-D (Residential & Related Uses Zone, Developing Area) 5 DU/ac (Dwelling Units per Acre). The proposed zoning is “SU-1 for R-D 5 DU/ac and School Playground”, which would allow the currently allowed R-D uses plus a school playground.
3. The applicant proposes to eventually develop a playground, for use by a charter school to be located in an office complex west of the subject site. An exhibit showing the location of the charter school, existing office building, church and proposed playground is provided.
4. A site development plan is required for a zone change to an SU-1 zone pursuant to §14-16-2-22(A)(1). As part of a zone change request, a site development plan may be approved concurrently or later. The applicant should return to the Environmental Planning Commission (EPC) with an amendment to the Hope Plaza site development plan (Project #1006520/07EPC-4001 and 40002), to change Building 1’s use and to include the playground site, within six months of the zone change approval date.
5. The subject site is located in the Developing Urban Area of the Comprehensive Plan and in the boundaries of the La Cueva Sector Development Plan (LCSDP).
6. The Albuquerque/Bernalillo County Comprehensive Plan, the LCSDP and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The request furthers the Developing & Established Urban Areas Goal (II.B.5) and partially furthers the Education Goal (II.D7). A playground for a future charter school would generally contribute to variety and maximum choice in life styles. Another education option would be available. The request could help perpetuate the tradition of low density development that identifies the area and contribute to land use variety (Developing & Established Urban Areas). The request partially furthers the Education Goal because it would facilitate provision of educational and recreational opportunities to students of the charter school, but not to citizens from all cultural, age and educational groups (Education).
8. The request furthers the following, applicable Comprehensive Plan policies for Developing Urban Areas:

- A. Policy II.B.5d- neighborhood/environmental/resources. The location and intensity of the development that the zone change would facilitate generally respect neighborhood values, natural environmental conditions, scenic resources and recreational concerns. The area is characterized by low density development, especially to the east, and is known to value scenic resources. The playground would complement these and would provide recreation for the students. Playgrounds and parks are often located in areas such as floodplains, where natural environmental conditions make other types of development more challenging. There is no known opposition to the request.
 - B. Policy II.B.5e- new growth/existing services/neighborhood integrity. The subject site is vacant land that is contiguous to existing urban facilities, infrastructure, and services. The development that the zone change would facilitate would not compromise the integrity of existing neighborhoods.
 - C. Water Management Policy II.D.2b- Precipitation absorption /runoff conservation. Development of a playground would generally allow for maximum absorption of precipitation. A portion of the subject site would be developed and parks and playground uses typically contain less impervious surface than most other types of development.
9. The request furthers the following Guiding Principles of the La Cueva Sector Development Plan (LCSDP):
- A. Overarching Principle 4: The resulting use would be generally compatible with existing development in the area, which consists mostly of single-family homes and office uses.
 - B. Principle 6 (Zoning): The request would facilitate development of a school playground, which is a small-scale, non-residential use.
 - C. Principle 8 (Zoning): The request would facilitate a use that would contribute to maintaining views and an open space quality to the area.
10. The zone change request is justified pursuant to Resolution 270-1980 as follows:
- A. Section 1A: The request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and the La Cueva Sector Development Plan (LCSDP) and therefore is generally consistent with the City's health, safety and welfare. The new use, a playground, would not jeopardize health, safety and welfare.
 - B. Section 1B: The request would result in a use that is generally consistent or compatible with existing zoning, and therefore would not adversely affect stability of land use and zoning. The applicant has provided an acceptable justification for the proposed change.
 - C. Section 1C: The request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan and the LCSDP. There is no "significant conflict" with an adopted element of either.

- D. Section 1D: A different use category is more advantageous to the community. The request furthers a preponderance of Goals and policies in the Comprehensive Plan and the LCSDP. The charter school use, facilitated by the request, would provide educational and employment opportunities that could benefit the neighborhood and community.
 - E. Section 1E: The request would add another permissive use, playground, to the site's current zoning. The addition of this use itself is not likely to be harmful to adjacent property, the neighborhood, or the community, though the required, associated site development plan is not being considered at this time.
 - F. Section 1F: The request will not require any major or unprogrammed capital expenditures by the City. The playground will not require any utilities, and the sole access will be pedestrian access.
 - G. Section 1G: The cost of land or other economic considerations is a factor, but it is not the determining factor for the proposed zone change.
 - H. Section 1H: Location on a major street (a collector) is not being used as justification for the request, which is not for not apartment, office, or commercial zoning.
 - I. Section 1I: The request will facilitate realization of the Comprehensive Plan and applicable sector development plan, and therefore would not create a spot-zone (reason 1).
 - J. Section 1J: The request would not result in a strip zone because the subject site does not constitute a "strip of land along a street".
11. The affected neighborhood associations (NAs) and Coalition are the Nor Este NA, Vineyard Estates NA and the District 4 Coalition. Property owners within 100 feet of the subject site were also notified as required. A facilitated meeting was neither recommended nor held. A representative of the nearby church expressed concern about vehicular impacts to the Hope Plaza site west of the subject site.

RECOMMENDATION - 13EPC-40122, August 8, 2013, Zone Map Amendment (zone change)

APPROVAL of 13EPC-40122, a request for a zone map amendment (zone change) for Lot 9, Block 4, North Albuquerque Acres, Tract 3, Unit 3, from R-D 5 DU/ac to "SU-1 for R-D 5 DU/ac and School Playground", based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 13EPC-40122, August 8, 2013, Zone Map Amendment (zone change)

1. The applicant shall return to the Environmental Planning Commission (EPC) for an amendment to the 2007 site development plan for building permit and site development plan for subdivision for Hope Plaza (Project #1006520/07EPC-40001 and 40002) to include the subject site and to change

the use for Building 1 from “office” to “school”. Playground details shall also be shown on the amended site development plan.

2. Approval of the amended site development plans shall occur within six (6) months of the date of approval of the zone change.
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***Catalina Lehner, AICP
Senior Planner***

Notice of Decision cc list:

High Mesa Consulting Group, Attn: Graeme Means, PE, 6010-B Midway Park Blvd. NE, Albuquerque, NM 87109

Nor Este NA, Attn: Jeff Peterson, 7800 Eagle Rock Ave., Albuquerque, NM 87122-2723

Nor Este NA, Attn: Joe Yardumian, 7801 RC Gorman Ave., Albuquerque, NM 87122-2748

Vineyard Estates NA, Attn: Elizabeth Meek, 8831 Hampton Ave., Albuquerque, NM 87122

Vineyard Estates NA, Attn: Tony Huffman, 9712 Sand Verbena Trl. NE, Albuquerque, NM 87122-3667

District 4 Coalition of NAs, Attn: Wim Kramer, 10220 Jarash Pl. NE, Albuquerque, NM 87109

District 4 Coalition of NAs, Attn: Erica Vasquez, PO Box 92315, Albuquerque, NM 87199

Hope Episcopal Church, Attn: Jack Sloane, 8700 Alameda Blvd. NE, Albuquerque, NM 87122

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Reviewed. No comments.

Office of Neighborhood Coordination

Nor Este Neighborhood Association (NA), Vineyard Estates NA, District 4 Coalition of NAs

Long Range Planning

The proposed use, school, is usually seen as compatible with residential development. How will the children access the playground? It does not look the site is adjacent to the school grounds.

Metropolitan Redevelopment

The subject property is not within a Redevelopment Area, and therefore Metropolitan Redevelopment Section staff has no comments on this application.

CITY ENGINEER

Transportation Development Services:

Transportation Development (City Engineer/Planning Department):

- Reviewed, no comments regarding zone change request.
- Applicant states: "Although the specific details of the playground are not available and are not proposed for construction at this time, it is recognized and anticipated that they will be minimalistic." Please be aware that the Developer will be required to develop the site to comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.
- The Developer will be responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
- Right-of-way dedication to the City of Albuquerque may be required at DRB prior to development.
- If the applicant is requesting delegation of future site development plans for building permit to the DRB or other approval body, a site plan for building permit must be submitted, providing all dimensions, classifications and proposed infrastructure within the site to guide the future development.

Hydrology Development (City Engineer/Planning Department):

- Hydrology has no objection to the Zone Map amendment.
- An approved Floodplain Development Permit is required prior to any improvement at this site.

Transportation Planning (Department of Municipal Development):

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- Per the Long Range Bikeway System, Alameda Blvd. is identified as having bike lanes and multi-use trail between Barstow St. and Ventura St. The lots directly south and southeast contain the La Cueva Arroyo Signal Dike. The proposed site is located within Flood Zone AO.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- The NMDOT has no objections to the zone map amendment from RD (Residential and Related Uses Zone, Developing Area) to SU-1 (Special Use Zone) for RD and School Playground.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT: None

WATER UTILITY AUTHORITY

Utility Services

No adverse comment.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

At such time as request for Site Development Plan for Building Permit, the appropriateness of the specific location of playground equipment shall be evaluated due to the drainage and topography of the site and, therefore, the potential for safety and maintenance issues.

Open Space Division

POLICE DEPARTMENT/Planning

No Crime Prevention or CPTED comments concerning the proposed Amendment to Zone Map - Establishment of Zoning or Zone Change request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Project # 1009750, 13 PC-40122 <i>AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG)</i> LOTS 9 BLOCKS 3 & 4, NORTH ALBUQUERQUE ACRES UNITS 3 ZONED RD TO SU-1 FOR RD AND SCHOOL PALYGROUND LOCATED ON ALAMEDA BETWEEN BARSTOW AND VENTURA. (approx. 0.9acres)	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

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

Project #1009750 13EPC-40122 AMNDT TO ZONE MAP (ESTB ZONING/ZONECHG)	North Albuquerque Acres, Lot 9, Blocks 3 and 4, is located on Alameda between Barstow and Ventura. The owner of the above property requests approval of a Zone Change from RD to SU-1 for RD and School Playground for a Charter school. This will have no adverse impacts to the APS district.
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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.