



**Environmental
Planning
Commission**

*Agenda Number: 8
Project Number: 1008586
Case #'s: 10EPC-40070/11EPC-40026
June 9, 2011*

Staff Report

Agent	Consensus Planning, Inc.
Applicant	RPS I-25 & Vassar, LLC
Requests	Annexation Establishment of Zoning
Legal Description	Lots 4-7, Town of Atrisco Land Grant, Lots 7, 14, 15, CH Hall
Location	South of I-40 and east of 98 th Street, between Bluewater Road alignment and Volcano Road
Size	Approximately 29.3-acres
Existing Zoning	County A-1
Proposed Zoning	SU-1/IP uses and C-2 permissive uses with exceptions (see exhibit "A" for exceptions)

Staff Recommendation

That a recommendation of APPROVAL for 10EPC-40070, be forwarded to the City Council based on the Findings beginning on Page 24, and subject to the Conditions of Approval on page 26.

That a recommendation of APPROVAL for 11EPC-40026, be forwarded to the City Council based on the Findings beginning on Page 27, and subject to the Conditions of Approval on page 30.

Staff Planner

Christopher Hyer, Senior Planner

Summary of Analysis

This is a two-part request: Annexation and Establishment of Zoning for an island of County land south of I-40 and east of the 98th street interchange. This request has a companion annexation request (project # 1008585) for another "island" of County land and the two sites are intended to be combined with a City piece that is between them, and all three sites will form a master planned industrial park.

The master planning will occur at a later time as the applicant intends to first have all the land in the same jurisdiction before proceeding. The site is in the Developing Urban Area and the applicant has adequately justified both the request for annexation and the establishment of City zoning based on applicable policies found in the Comprehensive Plan as well as R-270-1980 and R-54-1990.

A facilitated meeting was held on Sept. 26th. Staff recommends approval.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 4/4/2011 to 4/15/2011. Agency comments used in the preparation of this report begin on Page 32.

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	County A-1	Developing Urban; West Side Strategic Plan; West Route 66 SDP	Vacant
North	SU-1/IP	Developing Urban; West Side Strategic Plan	Vacant, then Interstate-40, then single-family
South	SU-2/PCA (planned commercial area)	Developing Urban; West Side Strategic Plan; West Route 66 SDP	Commercial, drainage pond
East	SU-1/IP, R-LT, SU-1/PRD for 20 du/acre	Developing Urban; West Side Strategic Plan; West Route 66 SDP	Vacant, single-family
West	County A-1 – SU-Permit/ truck stop and travel center, City SU-1/C-2	Developing Urban; West Side Strategic Plan	98 th Street, then truck stop, commercial and vacant

II. INTRODUCTION

Proposal

This is a two-part request: Annexation and Establishment of Zoning from the default County A-1 to SU-1/IP uses and C-2 permissive uses with exceptions (see Exhibit “A” for a list of exceptions) for Lots 4-7, Town of Atrisco Land Grant and Lots 7, 14 and 15, CH Hall, a site of approximately 29.3-acres, the “subject site”. This request is accompanied by a companion request for annexation and establishment of zoning (Project #1008585). There is a third piece of land that is vacant, already resides in the City, and lies between the subject site and the companion request. The three areas of land will be combined to form a large industrial park. The master plan for the industrial park will be created at a later time as the applicant is starting by having all the land in the same jurisdiction, i.e., in the City, first.

The ultimate master planned area will be approximately 170-acres. This larger area has many different landowners. The intent of the landowners is to begin by bringing all parcels within the “industrial park” under the same jurisdiction – the City. When that is completed, the landowners will then begin to master plan the area starting with a re-alignment of the right-of-ways (ROWS) for future roadways. This realignment is necessary in order to protect the adjacent neighborhoods as well as make the internal circulation flow better.

As a site development plan for subdivision or building permit has not been requested, a Traffic Impact Study is not required at this time. When the site plan request is made, the City Engineer will review the request and determine whether a traffic study should be performed before the request can proceed to the EPC. Regardless, an EPC review and public hearing is required. That is, the SU-1 portion requires that a site development plan for subdivision and a site development plan for building permit for each lot shall be presented in a site plan and publically reviewed. The IP portion of the zoning descriptor requires that a master plan be created for sites that are over 20-acres. Thus, there will be at least one more time that a public hearing will be required before any development can occur on the subject site.

The EPC is acting as a recommending body to the City Council regarding the annexation and zoning requests. That is, final adoption of annexations requires City Council action, §14-16-4-1 (C) (10) (6).

Context

The subject site is on the south side of Interstate-40, east of 98th Street and west of Unser Boulevard and is an “island” of County land – it has not yet been annexed into the City. There is an existing residential neighborhood directly east of the subject site, the Avalon Neighborhood. To the east of this neighborhood (across the Unser Diversion Channel) is Jimmy Carter Middle School and further east of the school is the Atrisco Business Park. Also east of the Unser Diversion Channel is the Sundance subdivision containing single-family homes.

West of the subject site, across 98th Street is a truck stop and it remains in the County. Just south of the truck stop is a commercial area that is in the jurisdiction of the City. South of the site is a commercial area and vacant land. These areas are within the West Route 66 Sector Development Plan as Central Avenue is directly south of them. Further, the southern half of the subject site is also included in this sector plan, but will be excluded in the revised sector plan that will soon be heard by the EPC. To the north is vacant land that was annexed in 2001 and zoned SU-1/IP.

There are several ROWs for future roads that were associated with the original platting that are at the north and south sides of the site and one that goes through the middle of the subject site. The applicant intends on realigning them for the following two reasons. The first is that there is no connectivity between existing roads and the alignment of future roads. This is mostly due to antiquated platting that exists within the area. Also, I-40 presents an obstacle to access to the north as well as 98th Street does to the west. The second reason is that the single-family neighborhood (Avalon) will need to have a buffer area around it to protect from the commercial traffic frequenting the industrial park. Once this property and its companion request are annexed into the City, the applicant intends to begin the master planning of the larger site and realignment of these roadways.

History

The area of the subject site has been mostly vacant due to the lack of access and antiquated platting (accompanied by the older rights of way). Nevertheless, the area was always seen as an ideal location for IP zoning. As an example, initial application for annexation for the Avalon Neighborhood requested to have R-LT zoning established for the 105-acres. The EPC recommended that this annexation be approved, but IP zoning be established instead. The EPC likely considered it’s close proximity to I-40 and that 98th Street is a principal arterial with the

potential to develop similar to Paseo del Norte. The result was that the Avalon Neighborhood was established on 71-acres of R-LT zoned land, 9-acres was established as IP zoned land and Jimmy Carter Middle School was developed on 22-acres. The City Council annexed the 80-acre property January 1998 (F/S O-109, enactment number 3-1998). The IP portion remains vacant.

The 57-acres that abuts the subject site on the north was annexed into the City on June 18, 2001 (O-01-100, enactment number 29-2001) and SU-1 for IP uses was established. All of this property remains vacant.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments, designates 98th Street as a Principal Arterial with a right-of-way of 124-feet (Established & Developing Urban). Unser Road is a minor arterial. 98th Street and Unser are currently 4-lane facilities. 98th has the potential to develop into a 6-lane facility.

Los Volcanes Road, Bluewater Road and Avalon Road are designated (or will be) future collectors. 90th Street and 94th Street are future local streets.

The traffic counts from 2009 show I-40 as having 65,900 daily trips and 98th Street south of the interstate having 26,600 daily trips and Unser Boulevard south of I-40 with 27,200 daily trips. Since this site abuts 98th Street along its western boundary, access is not an issue. Along the southern boundary is Volcano Road, also potential access. Further, there is a dirt road at Avalon that goes across the site to create a link between 98th and Bluewater, however, this dirt road veers away from dedicated ROW and will need to be addressed at the time of master planning the subject site.

There are no designated bicycle facilities shown of the Long Range Bicycle Plan.

There are no transit corridor designations within the immediate area of the site. Central Avenue is an enhanced transit corridor and is located within a quarter-mile south of the subject site.

Public Facilities/Community Services

There are few facilities and services in the vicinity of the subject site: the Jimmy Carter Middle School is the only public facility south of I-40 within the one-mile buffer. Painted Sky Elementary is the only other public facility within the one-mile buffer, but is north of I-40.

III. ANALYSIS - Zoning

Albuquerque Comprehensive Zoning Code

The existing zoning of the subject site is A-1, which is currently in the jurisdiction of Bernalillo County. The proposed zoning is SU-1/IP uses & C-2 permissive uses with exceptions (see Exhibit "A" for a list of the exceptions), and upon annexation, would be in the jurisdiction of the City of Albuquerque. IP zoning permits a mixture of industrial park uses and basic commercial services as permissive. However, the SU-1 zoning allows the Conditional uses of the IP zone and the Permissive Uses of C-2 as well. This expands the range of allowable uses from manufacturing uses to include commercial uses and limited residential uses – minus the list of exceptions presented in Exhibit "A".

Section 14-16-2-17 C-2 Community Commercial Zone. This zone provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses.

Section 14-16-2-19 IP Industrial Park Zone. This zone provides suitable sites for a wide range of industrial and commercial uses, provided such uses are conducted in a compatible and harmonious manner within industrial environments achieved through a Development Plan.

For sites that are 20 acres or greater, the IP zone requires an EPC approved Master Development Plan to be in place before any building permits can be issued (Section 14-16-2-19 (H)). The Master Development Plan shall be “a duly adopted plan or any of its parts, for the development of the area within the planning and platting jurisdiction of the City for the general purpose of guiding and accomplishing coordinated, adjusted and harmonious development.”

Section 14-16-2-22 SU-1 Special Use Zone. This zone provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

The SU-1 portion of the zoning descriptor requires that “a Site Development Plan accompany the establishment of zoning and include, at a minimum, all the elements of a Site Development Plan for Subdivision. As part of the zone amendment action, **a Site Development Plan may be approved later.**” However, “no building permit shall be approved unless it is consistent with a complete site development plan for building permit and landscaping plan for the lot in question, approved by the Planning Commission or its designee.”(Section 14-16-2-22 (A) (1)).

Since the request is for annexation and establishment of zoning, and the requested zoning is SU-1, a site development plan must accompany this zoning request. The applicant has provided a site development plan for subdivision to meet the requirement of the establishment of the SU-1 zoning. However, the applicant is not requesting the EPC to approve the site development plan, therefore, the site development plan will not be reviewed at this time. Still, the site development plan for subdivision that has been submitted must meet the minimum requirements.

A Site Development Plan for Subdivision shall have the following elements:

- The site;
- The proposed use;
- Pedestrian and vehicular ingress and egress;
- Any internal circulation requirements;
- For each lot: Maximum building height; minimum building setback; and the maximum floor area ratio (F.A.R.).

Site Development Plan Submitted

The applicant has provided a Site Development Plan for Subdivision for the purposes of seeing what their intent is for this area and meeting the requirement of the Zoning Code. This site plan shows the subject site, proposed uses and the exceptions (as provided in Exhibit “A”), shows pedestrian and vehicular points of ingress and egress for the area of the site as well as general internal circulation and lists the maximum building heights, the minimum building setback and the maximum F.A.R.

Discussion of requested zoning

The proper description for the requested zoning is all uses allowed in IP (Permissively and Conditionally) with exceptions & C-2 permissive uses with exceptions. These exceptions are listed on Exhibit "A" attached to this staff report and are listed here for reference. The applicant has worked with the neighborhood associations to arrive at the list of restricted and prohibited uses. To begin the discussion, the applicant has reduced the allowable commercial uses to **only include those permissive in the C-2 zone and not the C-3 zone.**

However, there are a few restrictions on some uses that are permissive in the C-2 zone limiting how or when the use is allowed. These **restrictions** are as follows:

C-2 restrictions

1. Car washing in a self-serve facility (i.e., car washes are an allowed use, only the self-serve car washes are prohibited).
2. Automotive sales, rentals, service and storage are only permitted provided:
 - a. Major automotive repair is conducted within a completely enclosed building.
 - b. Shall not be permitted within 100 feet of a property zoned exclusively for houses.
 - c. There shall be no outdoors paging permitted.

IP restrictions

The list below is Permissive uses that are **prohibited** from the IP zone:

1. Adult amusement establishment or adult store.
2. Pawn.
3. Railroad right-of-way and incidental facilities.

M-1 restrictions

Conditional Uses of the IP zone allow uses Permissive and Conditional in the M-1 zone that are not already Permissive in the IP zone. Thus, the applicant has provided the following list of uses that are **prohibited** in this annexed area (as agreed to by the neighborhood associations) from the M-1 zone:

1. Uses first listed as permissive and as regulated in the C-3 zone ([§ 14-16-2-18\(A\)](#)).
2. Antenna, without limit as to height.
3. Automobile dismantling.
4. Commercial agricultural activity and incidental structures.
5. Emergency shelter.
6. Blacksmith shop.
7. Poultry or rabbit live storage or killing and dressing.
8. Concrete or cement products manufacturing, batching plant, processing of stone.
9. Gravel, sand stockpiling, processing, or distribution.
10. Community residential corrections program: up to 15 client residents.
11. Community residential program for substance abusers with up to 15 client residents.
12. Uses not completely enclosed by a wall or fence.

The following are uses that are **restricted** – they **will not be permitted within 100-feet** of a property zoned exclusively for single-family homes/town-houses:

1. Air separation plant for nitrogen, oxygen, and argon only.
2. Machine Shop.
3. Sheet metalworking.
4. Trailer sales, rentals, service, repair, and storage.
5. Truck terminal, tractor, trailer, or truck storage, including maintenance facilities.

This list of exceptions to portions of the zoning has been reviewed and vetted by the surrounding neighborhoods with the applicant and there is agreement by both parties to restrict or prohibit these uses. It is important to note that the neighborhood did not ask for these exceptions for the vacant property located directly south and west of the subject site when it was annexed into the City. This property abuts the neighborhood on the west and has less restrictive zoning than what is requested for the subject site – SU-1/IP (but **no exceptions**). Although not specifically addressed in the applicant’s justification letter, staff has had meetings with the applicant and understands the intention is to master plan the area - the subject site, its companion annexation request (project # 1008585) and the neighboring property north of the subject site.

The intent adds a level of complication, as the zoning for the already annexed land is different and less restrictive. As the larger industrial park area is likely to be re-platted, careful attention will need to be made when crafting the language of the allowable uses in the master planned area. Further, a problem with “floating lot lines” or “zone lines” will likely exist. An alternative would be for each area to be a phased planned area under a broader master plan – that is, a general master plan with three smaller “master plans” in it. The neighborhood realizes that the restricted or prohibited uses of the subject site are still allowed in this middle property. The applicant has stated that their intent is not to have noxious uses against the neighborhood.

IV. ANNEXATION

The annexation request for 29.3-acres has been reviewed by the County. The Board of Bernalillo County Commissioners approved this request for annexation at their January 11, 2011 hearing – BCC case # AXBC 2010-004.

The pre-annexation agreement spells out the conditions of annexation for the subject site to become a part of the incorporated City. Since this request is for annexation and establishment of zoning only, it is difficult to identify the necessary infrastructure requirements that will be provided by the applicant and the City at this time. The City Engineer has agreed that the applicant will be responsible for providing “the necessary infrastructure required “ as the development occurs and the City will not be responsible for any necessary improvements in the future.

Review of Pre-annexation Agreement

A draft pre-annexation agreement is attached for EPC review. Although the EPC is a recommending body to the City Council, review of this document is prudent, as the pre-annexation agreement will be transmitted to the City Council from the Mayor’s Office as part of this request. The City Engineer and the applicant have worked closely with City Legal to create

this agreement. Therefore, these parties may consider any changes suggested by the EPC and may or may not revise the pre-annexation agreement.

Resolution 54-1990 (Policies on Annexation to the City of Albuquerque)

This Resolution sets forth policies and requirements for annexation of territory to the City. Land to be annexed shall be generally contiguous to City boundaries, be accessible to service providers, and have provision for convenient street access to the City. The applicant must agree to timing of capital expenditures for any necessary major streets, water, sanitary sewer and other facilities. Additionally, the *Comprehensive Plan* area designation of the subject site, Developing Urban, corresponds to specific policies that must be met for approval of an annexation request.

As per the Zoning Code, a zone map amendment for the subject site must be filed and processed concurrently with an annexation action. The Environmental Planning Commission is charged with forwarding recommendations for these requests to the City Council.

Policy Citations are in Regular Text; *the applicant's response (or a summary of their justification) is italicized and staff analysis is in Bold Italics*. The applicant has addressed the annexation policies of R-54-1990 to support the request for annexation as follows:

Section 1: The subject site is located within the Developing Urban Area of the *Comprehensive Plan*, which makes it "particularly appropriate for the range of urban services which the City can provide, and annexation of such areas into the City is desired and encouraged. More specifically, annexation of areas planned to be urban intensity of development will be approved when the following policies are met":

Section 1a: Compliance with City policy regarding land dedication for public facilities is assured.

The applicant agrees to required land dedication associated with development of this parcel. Through cooperative planning among the property owners, future platting actions are anticipated to address issues of roadway and utility planning for the entire area.

The land to be annexed will become a portion of a future industrial park. The industrial park will provide new employment for residents of the City. The applicant will provide all land needed for the City services for the development of this new employment center through the normal development process. The applicant has also stated a willingness to cooperate with various landowners in the area to address issues regarding the roadways and utilities and agrees to possible re-platting as necessary.

Section 1b: The applicant shall agree in writing to timing of capital expenditures for necessary major streets, water sanitary sewer and storm-water-handling facilities:

- (1) The timing to be per a written City statement of intent as to when it or another public body will be able to provide such capital facilities, such City statement to be issued prior to annexation; and/or
- (2) The timing to remain indefinite but a substantial number of years in the future, based on a written City statement, made prior to annexation, that it will provide the facilities but no timing can be assured; and/or

- (3) A commitment by the land owner that he or his successors in interest will, in a manner that satisfies City standards, install and pay for such facilities or cause them to be installed and paid.

The applicant has agreed in writing, as indicated by the attached Petition for Annexation, to capital expenditures for necessary infrastructure and will install and pay for such facilities in a manner that meets City standards and the Development Process Manual.

The applicant has agreed to install and pay for all necessary infrastructure in a timely manner and assures to build the infrastructure to City standards as specified by the Development Process Manual. A pre-annexation agreement has been agreed to by the City and the developer and will be signed by the City upon City Council approval of this request. There will be no City capital expense used for this development's infrastructure.

Section 1c: The City may decline an annexation if necessary capital expenditures fall all or partly under paragraph b(2) above and the City concludes that it would be unreasonable to make landowners wait for the basic utilities and facilities as long as would probably be the case.

The area is adjacent to existing infrastructure. The applicant will undertake capital expenditures for development of this property in the City.

No City capital expenditures shall be needed. The applicant will be responsible for developing the needed infrastructure for this development.

Section 1d: Land annexed shall be to some extent contiguous to the City limits, except land owned by the City may be annexed when it is not contiguous where this is allowed by state statutes.

The subject parcel is surrounded by and adjacent to City limits.

Staff agrees with the applicant. The subject site is an "island" of County land.

Section 1e: Land to be annexed shall have provision for convenient street access to the City.

These properties are connected to the existing grid of streets that were platted prior to Interstate 40 being developed. The properties adjacent to 98th Street will provide for the realignment and connection of Bluewater Road to 98th Street. This will be accomplished through future cooperative platting following the annexation of the property.

Staff agrees with the applicant. The antiquated platting in conjunction with the alignment of Interstate-40 has rendered the current road network in this area defunct. Annexation of the subject site will allow the applicant to combine it with land that is vacant and already in the City and realign the road network through platting actions to be functional for both the existing neighborhood residents and the new industrial park users.

Section 1f: Land to be annexed shall have reasonable boundaries so that providers of public services can determine with ease where the City boundary is located and so that public services can be delivered under appropriate service extension policies at reasonable operating and capital cost to the City.

The subject properties, once annexed, will eliminate existing County islands that are surrounded by the City of Albuquerque

The subject site is an “island” of County land. Once annexed, this island will no longer exist and City services can be extended in an efficient manner throughout the area at reasonable operating and capital costs to the City.

Section 1g: City boundaries shall be established along platted lines which will make definite what the City limits are; annexation plats need not meet all requirements of a subdivision plat as specified by the Subdivision Ordinance.

The subject property is part of a platted subdivision.

Staff agrees with the applicant. The City limits will be easy to identify in this area as the subject site is defined, as are adjacent tracts, by a recorded plat.

V. ESTABLISHMENT OF ZONING

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

Policy Citations are in Regular Text; *the applicant’s response (or a summary of their justification) is italicized and staff 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 proposed zone change is consistent with the health, safety, morals, and general welfare of the City. The proposed change will remove existing county islands, which result in inefficient provision of municipal services and undue development restrictions. The SU-1/IP and C-2 zoning allows for a variety of uses that are appropriate to this area and requires Site Development Plan review prior to development. Once the property is annexed and under one jurisdiction, the appropriate roadway planning, vacations, dedications, and platting will be completed through the City process.

Staff agrees. In addition, the requested annexation and establishment of zoning would not result in development that places an undue burden on public facilities and services while expanding the limits of the City. This request supports this policy furthering the general welfare of the City.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The proposed zone change will not alter the stability of the land use and zoning for the area. The requested zoning to SU-1/IP and C-2 with exceptions will allow for a variety of retail, service, and employment uses that are needed in the area and consistent with adjacent uses. The SU-1 zoning designation requires this property to be site plan controlled which will require additional review and community input prior to development.

Staff agrees and notes that the requested zoning is similar to surrounding zoning and encourages uses associated with an industrial park/employment center, which establishes a more permanent and stable use.

- 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 subject site is in the Developing Urban Area as designated by the Comprehensive Plan. The site is within the boundaries of the West Side Strategic Plan and a small portion (south of Bluewater portion of Area A) is within the Route 66 Sector Development Plan which are Rank II and Rank III plans.

1.) Albuquerque/Bernalillo County Comprehensive Plan - Rank I

The subject site is located in the area designated Developing Urban by the Comprehensive Plan with a goal “to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities with the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.”

The applicant has cited the following policies to justify the request, but did not offer a justification for each individual policy. Rather, the applicant discussed the establishment of zoning in more of a discussion. Staff will offer an analysis of the general statements made by the applicant for the analysis of each policy when the applicant was not specific in their narrative:

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

The zone change request to SU-1/IP uses & C-2 permissive uses with exceptions will allow a wide range of urban land uses appropriate for this area in a new industrial park. Exceptions to allowable uses are intended to keep this area of high quality and protect the existing neighborhoods. The accepted uses will allow for compatible development to the surrounding area with a density similar to the surrounding residential development.

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

Annexation and establishment of SU-1 zoning provides for the property to be subject to one set of regulations, one process, and ensures site plan and neighborhood notification and inclusion in the process.

This policy is design focused, however, staff believes that discussion is warranted. Upon the completion of the annexation and establishment of zoning request, the larger area will be assembled with the combined tracts being re-platted and master planned. In conjunction with the re-platting process, the antiquated ROWs for road alignments will be vacated and the new alignments will take the commercial traffic away from the residential neighborhoods. The master planning process will place compatible uses against the neighborhoods to provide buffering from some of the more intense uses in the industrial park and from the noise and detrimental impacts from the interstate.

The following are additional policies from the Developing Urban section of the Comprehensive Plan staff believes to be relevant to this case.

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

The subject site is located adjacent to a major arterial and other properties that are zoned IP. The requested zoning of SU-1/IP uses & C-2 permissive uses with exceptions allows the applicant to master plan the area and the larger industrial park will create a buffer to the residential areas when developed, which in turn, respects neighborhood values.

Policy II.B.5.e: 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 surrounded by City land with various uses developed on it. The new growth that will occur from this site will utilize already existing urban facilities and services. When the larger industrial park area is master planned, the antiquated platting and older roadway ROWs will be revised. The applicant intends to utilize the existing City services when possible and to upgrade the older, out-of-date or non-existent infrastructure in order to ensure the integrity of the existing neighborhoods is maintained.

Policy II.B.5.k: 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 operation.

The subject site is adjacent to arterial streets and the interstate. There is a neighborhood that is between 98th Street and Unser Boulevard and relatively close to I-40. The establishment of SU-1/IP uses & C-2 permissive uses with exceptions zoning requires that the area be master planned and that each development be presented in a public hearing. From this process, the established residential neighborhood will have the benefit of a planned (and public review of those plans) area to ensure livability and safety is maintained from the harmful effects of heavy traffic.

D. COMMUNITY RESOURCE MANAGEMENT

4. Transportation and Transit

Goal: to develop corridors, both streets and adjacent land uses that provide a balanced circulation system, efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

Policy II.D.4.g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

The proposed annexation and zone map amendment furthers the above cited Transportation and Transit goal and policy. Unser Boulevard to the east is designated as an express corridor and Central Avenue to the south is an Enhanced Transit Corridor. The proposed change will add to the variety of commercial services and employment uses provided in this area at an efficient location. The SU-1 requirements will help to ensure that adequate bicycle and pedestrian facilities are included as development occurs in the future.

Interstate access will help to enhance mobility to and from the site for commercial deliveries. This increased access to arterial roads will expand possible routes for transit and transportation.

6. Economic Development

Goal: to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

Business park, industrial, and commercial/retail uses are planned for the sites consistent with much of the zoning and development that has already occurred in the area. The requested zoning is the same that already exists on adjacent and proximate properties. The area is developing as a major employment center with many large employers in the area. The location of a business park and other industrial uses will provide jobs in a growing part of Albuquerque, thus providing jobs near the developing residential areas located to the south.

Commercial and Retail Services are badly needed to service the surrounding neighborhoods and businesses. In addition, the fact that many high technology and manufacturing firms are already located in this area may be attractive to firms doing similar work, clustering similar industries together. The commercial uses planned for the subject property would also serve the residential community, which has to drive quite a way to obtain such services.

Annexation and establishment of the similar zoning will help this area develop faster as there will not be County "islands" in the middle of City land. The road network can be re-aligned much easier as there will be only one jurisdiction to work with. The addition of commercial and retail services adjacent to residential neighborhoods will provide needed nearby employment and encourage economic vitality.

Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The proposed annexation and zoning will provide opportunities for new jobs in the retail/service industries, manufacturing, and office in an area with excellent and convenient access to existing neighborhoods and population.

The applicant's justification to the Goal also supports this objective.

Policy II.D.6.b: Development of local businesses as well as the recruitment of outside firms shall be emphasized.

The proposed annexation and zoning will provide sites to accommodate a wide range of uses and provide opportunities for both local and outside firms to locate in the area.

Staff agrees.

Policy II.D.6.e: A sound fiscal position for local government shall be maintained.

The proposed annexation and zoning will provide for the consistent regulation of these properties. It will also eliminate inefficient County islands with the existing urban area thereby reducing the inefficient use of City and County resources. Most importantly, it will allow for the efficient use of the property in a way that is not constrained by arbitrary jurisdictional boundaries where the rules and regulations change along with approval processes.

Staff agrees.

Policy II.D.6.f: The City and County should remove obstacles to sound growth management and economic development throughout the community.

The proposed annexation and zoning will provide for these properties to be regulated by the City in a consistent and efficient manner following sound growth policies. Economic development is needed in this area to serve the extensive residential development in the area that currently has to travel to the east side of the river straining the existing transportation resources.

Development of this area as an employment center will help equalize the inconsistencies in the jobs, housing balance between the east and west sides of the river.

Policy II.D.6.g: Concentrations of employment in Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel.

The proposed annexation and zoning, while not in a designated activity center will provide for the logical extension of the Atrisco Business Park. The property is also located to provide for jobs in an area where they are needed – see response to policy f above.

Staff agrees.

2.) West Side Strategic Plan - Rank II

The *West Side Strategic Plan (WSSP)* was first adopted in 1997 and amended in 2002 and 2009. The WSSP area is bounded by the Sandoval County line on the north, the Rio Puerco Escarpment on the west, a line south of Gun Club Road (the Atrisco Grant line) on the south, and the Rio Grande on the east for areas north of Central, and Coors Boulevard on the east for areas south of Central. It encompasses over 96,000 acres of land, or approximately 150 square miles. Specific boundaries are shown on the Plan Boundary map on p.2 in the *WSSP*.

The *WSSP* identifies thirteen communities in established areas of the West Side that are partially developed and describes how community concepts can be applied. A Community is comprised of a Neighborhood Center(s) and Community Center(s), and the Plan outlines uses that should occur within the centers, as well as uses that should occur in areas adjacent to the centers. The *WSSP* emphasizes throughout its text the concept of commercial development in cluster configurations in contrast to the traditionally evolved strip commercial development.

The 2002 amendments to the *WSSP* include several changes to policies, activity center boundaries and locations, and clarifications of conflicting and unclear policies. The adopting resolution for the amendments (R-01-278, Enactment No. 35-2002) has a section that reads:

“Section 3. The West Side Strategic Plan is a Rank 2 Plan and its provisions shall be mandatory except where they conflict with existing zoning.”

The *WSSP* also lists several Goals and Objectives that it seeks to achieve. The objective that is directly related to this request is as follows:

Plan Objective 1: Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side.

The proposed annexation and establishment of SU-1/IP with exclusions implements this objective.

Staff agrees. Establishment of SU-1/IP uses & C-2 permissive uses with exceptions zoning will provide opportunities for large-scale employment to minimize cross-river trips.

Employment Centers: The Atrisco Business Park is a full-service business park with existing utilities, several existing manufacturing and research facilities, and excellent access. It is destined to become a major Employment Center for both the Southwest and Northwest Mesas, and will include manufacturing/distribution facilities and high technology/research and development firms.

While the annexation areas are not within the Atrisco Business Park boundaries, they are adjacent and to the west. The proposed annexation areas share the potential to assist in meeting the WSSP's goal for job creation.

The two areas requested to be annexed, the subject site and the companion request (project # 1008585), will be additive to the Atrisco Business Park's function in expanding similar uses further to the west. This expansion may accelerate development within the area as the future larger industrial park, which incorporates this site, is closer to the freeway and brings better location and visibility to companies that depend on ease of access to intrastate and interstate transportation and shipping.

Policy 1.6: Large areas dedicated to employment uses shall be preserved on the West Side at Seven Bar Ranch, Atrisco Business Park, and Double Eagle II Airport. Additional employment center development is also encouraged. The City of Albuquerque and Bernalillo County economic development programs shall actively encourage employers to locate in these employment centers.

The annexation area, and surrounding vacant city lands provide a logical expansion of the Atrisco Business Park and provide opportunities for large scale economic development in this area.

As with the objective and the applicant's response above, the larger industrial park incorporating the two annexation areas (and combined with the Atrisco Business Park), create a large area of non-residential zoned land that will grow to be a very large employment center.

Jurisdictional Issues: The map provided illustrates the "long-term annexation boundary between the two entities".

This map clearly shows this area as being appropriate for city annexation.

Staff agrees.

Atrisco Park Community: The Atrisco Park Community is the triangular wedge of land located between I-40 and Central Avenue and west of Coors Boulevard.

The annexation parcels fall within the Atrisco Park Community.

Staff agrees.

Policy 3.33: It is appropriate for new development, both residential and non-residential, to occur in this community. Redevelopment efforts associated with the existing 5-acre tracts shall be encouraged.

The annexation parcels include the originally platted 5-acre tracts and are appropriate for redevelopment, which will be encouraged through the proposed annexation and zoning. Residential redevelopment has already occurred in the areas closest to the Jimmy Carter Middle School.

The subject site will be assembled as part of a larger industrial park that is intended to be master planned. During that master planning, the existing residential land use, and the adjacent middle school, will be buffered from the non-residential activities. As mentioned before, the applicant intends to go through the process of realigning the roadway network to help achieve this goal.

Policy 3.34: The City of Albuquerque Planning Department and Economic Development Office shall work with AED, industrial real estate brokers, the State of New Mexico Economic Development Office, the landowners, and others to promote job growth within the Atrisco Business Park. Expansion of existing local businesses in this Park will be initiated.

The property owners are working cooperatively with each other and the City of Albuquerque to facilitate the annexation and zoning of these properties in order to provide opportunities for business and job creation west of the Atrisco Business Park.

There are many parties involved and they all have the same objective to successfully expand/develop the area around the Atrisco Business Park into a large activity/employment center.

Policy 3.36: The City of Albuquerque should support redevelopment efforts of the 5-acre tracts located west of the Business Park, and look for innovative ways to encourage redevelopment in this area.

The annexation parcels include the originally platted 5-acre tracts and are appropriate for redevelopment, which will be encouraged through the proposed annexation and zoning. The property owners are cooperating and working together to facilitate this effort. Establishment of SU-1/IP uses & C-2 permissive uses with exceptions zoning will allow the flexibility needed to encourage redevelopment, while the inclusion of site plan control will ensure that the development is of high quality and done in a manner to mitigate any negative impacts to the neighborhoods.

Staff agrees.

Encouraging Employment Growth on the West Side: During the course of reviews of West Side Strategic Plan drafts, the City Council Department became concerned about both the importance of achieving the West Side job creation objectives and the need for additional policy direction with regard to achieving these objectives. The Strategic Plan called for a significant increase in West Side jobs: 36,250 new jobs between 1995 and 2020.

The proposed annexation, zoning, and redevelopment of these properties is critical to the City's achievement of their job creation goals.

The larger industrial park, that incorporates the annexation areas, combined with the Atrisco Business Park, have the potential to help the City achieve this goal.

Policy 3.85: The City of Albuquerque shall emphasize the creation of base or export jobs and regionally-based jobs on the West Side. A small number (one or two) export industries shall be identified and targeted for location on the West Side.

The proposed annexation, zoning, and redevelopment of these properties will provide needed property to develop base employment opportunities.

Staff agrees.

Policy 3.86: The time required for development approvals shall be reduced by the City of Albuquerque for companies bringing targeted base or export jobs to the West Side. This might be done through such means as making the Atrisco Business Park a one-stop regulatory demonstration site; providing that sufficient property is served with adequate, appropriate infrastructure; insuring that a well training labor force is available; and establishing or fostering a high quality office/industrial park which is development-ready.

Getting these properties annexed and zoned will significantly reduce the entitlement process required to locate an economic development project in this location.

The subject site (and the companion annexation request) resides in the County with City land between them. The applicant desires to have all properties within the same jurisdiction in order to master plan the larger area, realign the roadways and create an industrial park that will become an employment center.

Policy 3.88: Economic development and job creation south of Interstate 40 will require redevelopment efforts by the City of Albuquerque. Such efforts may include assembly of relatively small parcels of land especially in the Atrisco Community, facade and streetscape improvements on Central and Old Coors especially; small business development efforts: enhancement to the Atrisco Business Park, the creation of a business incubator in or near the Atrisco Business Park; and job placement efforts.

The proposed annexation, zoning, and redevelopment of these properties assist in creating economic development south of I-40 and within the Atrisco Park community, as well as with land assembly to create a unified site.

Staff agrees.

Phasing Plan Decade I & II: This map shows the development priorities for the City and County lands.

The Atrisco Park Community is identified as City Service Area Priority #1, which supports the annexation, zoning, and ultimately the development of these properties.

Staff agrees.

3.) West Route 66 Sector Development Plan - Rank III

The West Route 66 Sector Development Plan was adopted on November 24, 1987. The Plan area generally encompasses 1,765 acres and stretches 6.63 miles along Central Ave from the Rio Grande west to its intersection with Interstate 40 (what is commonly known as the top of “nine-mile hill.” The north and south boundaries of the plan area essentially encompass only the lots adjacent to Central Ave. The exception to this is between Unser Boulevard and 98th Street where the northern boundary extends to Avalon Road and the southern boundary extends to Sunset Gardens Road.

The plan area has been divided into three segments. Segment One includes the plan area from the Rio Grande River west to North Coors Boulevard; Segment Two extends from North Coors Boulevard west to the City limits, prior to October 19, 1987 (at approximately 106th Street; and Segment Three begins from that point and extends west to Central Avenue’s intersection with Interstate 40. The subject site’s southern half is within the boundaries of segment two.

Purpose: to enhance the negative community image of West Central and instill community confidence in this area as a developable segment of the City.

The annexation and establishment of SU-1/IP uses & C-2 permissive uses with exceptions zoning will provide development opportunities for this small portion of the annexation area that falls within the Sector Plan boundaries. The SU-1 designation and site plan control will help to ensure that the design guidelines established in the sector plan are followed.

Since it is only the southern half of the subject site is within this sector plan area, the design standards that will be a part of the master plan and the SU-1 portion of the zoning will help to ensure the entire site is developed to the standards of the sector plan.

Segment Two: The boundaries of Segment Two, which extend from North Coors Boulevard to the municipal limits, prior to October 19, 1987, at approximately 106th Street, are shown on Figure 7.

The portion of the annexation Area A south of Bluewater Road is within Segment Two of the West Route 66 Sector Plan.

Staff agrees and the Plan calls for these parcels to be commercial.

Land Use and Zoning: Much of the Central Avenue zoning within the West Route 66 Sector Development Plan is the original zoning dating from the adoption of the Comprehensive City Zoning Code in 1959.

A pattern for development in Segment Two is not well established since at least half of the land in this segment remains vacant.

The existing A-1 zoning is as it existed in 1973 when County zoning was established. Annexation and zoning of this property will help to facilitate the development of retail and commercial services at this location, which are badly needed to serve the surrounding neighborhoods.

The subject site is to be part of a larger industrial park. This industrial park will likely be developed in phases with the first portion being developed closer to Central Avenue and the residential neighborhood within this area. Staff supports the applicant's justification that retail and commercial development is badly needed in this area and the assembly of land (including the subject site) into a master planned development will encourage development of non-residential uses in the area.

Approved Zoning Segment Two: Figure 25.

The zoning map included in the plan seems to indicate that the zoning was established at the time of the sector plan's adoption. This is not the case for the subject property, which remains County A-1. The character of this area has changed since the plan was developed in 1986 and is now included in the West Side Strategic Plan Atrisco Park Community. The relocation of Bluewater, the signalized intersection at Bluewater and 98th, and the commercial development on the west side of 98th Street are all changed conditions since the 1986 adoption of the plan. The requested SU-1/IP uses & C-2 permissive uses with exceptions zoning will serve the community better and facilitate the implementation of numerous Comprehensive and West Side Strategic Plan goals and policies. The owners may wish to add the ability to accommodate multi-family housing within the annexation and development area, but this should be as an addition to the commercial and employment uses rather than a limitation to multi-family only.

Staff agrees with the applicant. The subject site still resides in the County and does not carry a City zoning descriptor. In fact, it is the intention of the updated West Route 66 Plan, still being developed, to drop lands that are not in the City from the Plan's area. Since the request is for annexation and establishment of zoning to SU-1/IP uses & C-2 permissive uses with exceptions, the subject site will be under the control of a master plan and design standards. The zoning intends for the site to be part of the industrial park/employment center, which will provide non-residential services to the existing residents. As the applicant states, this will be the primary focus for this site; a residential component may be desired in the future, but will not drive the development of this site or be the primary use.

Conclusion

The applicant has discussed and adequately justified how the requested annexation and the associated establishment of zoning furthers the following Goals and Policies that are presented in the Comprehensive Plan, the West Side Strategic Plan and the West Route 66 Sector Development Plan. The request will further the Developing Urban Goal by adding work areas and life styles to the built environment. This request is not in conflict with any of the adopted elements of the Comprehensive Plan or the lower ranked plans.

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.

Annexation and establishment of SU-1/IP uses & C-2 permissive uses with exceptions zoning is more advantageous to the community as articulated by the Comprehensive Plan and West Side Strategic Plan. The specific policies are identified in the response to "C" above. These properties are identified for future annexation, redevelopment, and job creation in the City's West Side Strategic Plan, which looked at development issues on the entire West Side of Albuquerque. One of the key strategies of the plan is the creation of jobs in order to protect and enhance the quality of life for current and future residents and to minimize the need for river crossings for work trips.

Staff agrees with the applicant's justification. The request asks for annexation of land that is surrounded by the City and is vacant and establishment of City zoning (SU-1/IP uses & C-2 permissive uses with exceptions). The subject site is intended to be part of a larger master planned industrial park, which will encourage a wide variety of businesses to locate there. This implies that employment will be created and this directly will impact the balance of jobs and housing on the west side. The creation of jobs will impact the quality of life for current and future residents of the community as a whole, but the location will be west of the river, which directly furthers City policy, and thus, this is more advantageous to the community.

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 present zone change request will not harm the adjacent property, the neighborhood, or the community. The applicant has proposed to voluntarily restrict those uses that could be harmful to the adjacent properties. The SU-1 designation will require site planning for any future development of the properties.

Staff agrees with the applicant's justification. The requested change of zoning from County A-1 to the City's SU-1/IP uses & C-2 permissive uses with exceptions zone allows for a wide range of non-residential uses including retail and commercial services. The applicant has also been working with the adjacent neighborhoods in order to restrict and prohibit uses that would be harmful for the surrounding area. The SU-1 portion of the zoning descriptor requires that a public hearing occur for all future developments and again, allow input from surrounding property owners before development can proceed. Thus, this request furthers this portion of the zone change policy and is more restrictive in that it requires public review for all developments.

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 annexation is a logical expansion of the City, is consistent with the jurisdiction plan in the West Side Strategic Plan, and removes two existing County islands. Utility extensions and capital improvements will follow the standard City development process.

This annexation request will eliminate an “island” of County land and allow a more efficient use of City infrastructure and services. The request will not result in unprogrammed capital expenditures.

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

Economic considerations pertaining to the applicant are not being used to justify this request; however, additional commercial services and employment uses at this location will have a positive impact to the city.

Staff agrees with the applicant’s reason that the cost of land or other economic considerations are not the determining factor for this request.

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

The subject site is located on a major street, 98th Street with excellent access to I-40, but this optimal location for services and job creation is not the sole factor justifying this request.

Staff agrees.

- 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 proposed zone change request is not considered a spot zone because it is an SU-1 zone. The request is appropriate because it facilitates realization of the Comprehensive and West Side Strategic Plans, as detailed above. The property is also adjacent to existing SU-1 for IP Use zoning.

Further, the requested zoning is compatible with other properties within the adjacent area.

- 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 proposed zone change is not considered "strip zoning" due to the size and location of the site.

Also, as stated in the previous policy, the requested zoning is consistent with other properties within the adjacent area.

VI. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies/Pre-Hearing Discussion

The City engineer has made one comment as a condition of approval: The applicant is required to enter into a Pre-annexation Agreement with the City. A draft agreement is attached and is subject to change.

The County of Bernalillo made its approval of the annexation request contingent upon the requirement that truck traffic through adjacent residential neighborhoods should be limited. There also is a comment that onsite development will need to be coordinated with the County Floodplain Administrator and grading and drainage plans should be provided to the Bernalillo County Public Works Division for review. This will ensure that development of this property accommodates drainage concerns on unincorporated property in the immediate area.

The Public Service Company of New Mexico places two conditions of approval: the applicant shall determine if existing utility easements exist that cross the property and to abide by any conditions or terms of those easements; and the screening of all utility facilities allow for access - utility pads are to allow 10-feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides to ensure safe operation, maintenance and repair.

Neighborhood/Public

The Avalon Neighborhood Association, the South Valley Coalition of Neighborhood Associations, the South West Alliance of Neighbors (SWAN) and the Westside Coalition Neighborhood Associations were notified. A facilitated meeting was held on April 26, 2011, with the applicant. Area residents expressed concerns regarding some of the allowed uses of the SU-1/IP zone. The applicant has worked with the residents to prohibit uses that are not desired.

The Avalon Neighborhood Association has provided a list of additional restrictions they would like to have added to the applicant's original list of exceptions. However, there may be some duplication of restricted or prohibited uses as the neighborhood may have not completely understood the applicant's language or they want the applicant's list to be more restrictive. The neighborhood's list is as follows:

1. No cell phone towers
2. No business shall be permitted to have outside paging
3. No business shall be permitted dirt or gravel lots
4. No contractor's equipment storage, or contractor's plant
5. No feed or fuel storage or sales
6. No rental, sales, display, and repair of operative contractor's and heavy farm equipment
7. No salvage yard for storage and sale of used material
8. No community residential corrections program
9. No community residential program for substance abusers

From this list:

- Cell towers are already restricted from the applicant's list in the M-1 zone as prohibition of antennas of any height. There are also separate ordinances that regulate Wire-less Telecommunications Facilities (WTFs), which would regulate this type of facility.
- The "no outside paging" goes beyond the limitation of automotive uses and should be considered, as it is different.
- The "no community residential corrections programs or programs for substance abusers" is more restrictive than the applicant's list and should be considered, as it is different.

The rest are in addition to the applicant's list. The applicant may wish to add these requests, or not – that is the applicant's prerogative.

This discussion of what uses are to be restricted only shows that the negotiation between the applicant and the neighborhood is continuing, but seems to be coming to an end as the list presented by both parties is clear. The neighborhood also is able to identify the remaining uses they would like to see restricted.

The facilitated meeting resulted in no party against the annexation or establishment of the SU-1/IP uses & C-2 permissive uses with exceptions zoning.

There is no known opposition of this request.

VII. CONCLUSION

This is a two-part request: annexation and establishment of zoning from the default County A-1 zoned land to SU-1/IP uses & C-2 permissive uses with exceptions for Lots 4-7, Town of Atrisco Land Grant and Lots 7, 14 and 15, CH Hall, which consists of approximately 29.3-acres, into the City of Albuquerque and is located south of I-40 and on the north side of Volcano Road and the east side of 98th Street, west of the Unser Boulevard. The restricted uses are listed in Exhibit "A".

The applicant has provided an adequate justification for annexation in reference to R-54-1990 and for the establishment of zoning through the justification of policies found in R-270-1980 and by demonstrating that the request is consistent with a preponderance of applicable goals and policies in the Comprehensive Plan.

A satisfactory pre-annexation agreement that is accepted by the City and the applicant is a Condition of approval by the City Council for this request. The City Engineer will forward a

final copy of the pre-annexation agreement to the City Council when the City and the applicant have finished the negotiation process. A draft of the pre-annexation agreement is attached to this staff report for the EPC's review.

The Avalon Neighborhood Association, South Valley Coalition, the SW Alliance of NA's and the Westside Coalition of NA's were notified and a facilitated meeting was held on April 26, 2011. There was no opposition to the annexation or the establishment of SU-1/IP uses & C-2 permissive uses with exceptions zoning as a result of the facilitated meeting.

There is no known opposition to these requests. Staff recommends approval.

FINDINGS – 10EPC 40070 (6/9/2011) -- Annexation

1. This is a request for annexation for Lots 4-7, Town of Atrisco Land Grant and Lots 7, 14 and 15, CH Hall, which consists of approximately 29.3-acres, into the City of Albuquerque and is located south of I-40 and on the north side of Volcano Road and the east side of 98th Street, west of the Unser Diversion Channel.
2. The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the West Side Strategic Plan.
3. This request for annexation is accompanied by a request for the establishment of SU-1/IP uses & C-2 permissive uses with exceptions zoning, Project #1008586, 11EPC-40026. Approval of the SU-1/IP uses & C-2 permissive uses with exceptions zoning is contingent upon approval of the request for annexation.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan, the West Route 66 Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. A site plan is attached and shows the subject site, Area A, its companion annexation site, Area B (project #1008585), and the property already annexed into the City, as the intended larger master plan area for the overall industrial park south of I-40 and west of the Atrisco Business Park.
6. The request for annexation furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:

A. DEVELOPING URBAN AREA POLICIES

This request for annexation furthers applicable Comprehensive Plan policies by facilitating the assembly of land in an effort to create a Planned Industrial Park that will provide a variety of jobs and services in an area that is contiguous to existing and programmed urban facilities. (Comprehensive Plan Policy II.B.5.a, d and e)

The added potential of employment and service uses will complement adjacent residential areas while creating a buffer from noise and traffic on the adjacent interstate and arterial streets. The land of the subject site and the surrounding area will help to protect established residential neighborhoods from traffic impacts of adjacent arterial streets and the interstate, promoting livability and safety of the surrounding area. (Comprehensive Plan Policies II.B.5.i & II.B.5.k)

B. COMMUNITY RESOURCE MANAGEMENT POLICIES

This request for annexation will allow a variety of non-residential uses creating employment and an increase in demand for transit, pedestrian and bicycle uses. The area is developing as a major employment center with many large employers in the area, which will help provide service

commercial and the retail that is needed in the area. These, new employment opportunities will offer a wide range of occupational skills and salary levels and will help to equalize the jobs/housing balance and encourage economic vitality. (Comprehensive Plan Policy II.D.4.g & Economic Development Goal II.D.6 and Policy II.D.6.a, b and g)

The annexation of this site will allow for the efficient use of the property in a way that is not constrained by jurisdictional boundaries that have different rules and regulations regarding approval processes of development. This furthers the objective of removing obstacles to sound growth management and economic development. (Comprehensive Plan Policies II.D.6.e & II.D.6.f)

7. The Request for annexation furthers the West Side Strategic Plan policies by providing potential for a complete mix of land uses on the West Side, including large-scale employment, which will help to minimize the needs for cross-metro trips. This request furthers the encouragement of employment opportunities on the West Side. (WSSP Objective 1)

The annexation request will assist the applicant to assemble this site and nearby land into an industrial park and plan an employment center that will benefit nearby residents. Through this action, the applicant will be able to eliminate antiquated platting and reestablish new lot lines and utilize a re-alignment of ROWs that fit with current development of this area while buffering adjacent neighborhoods from more intense non-residential uses. (WSSP Policies 1.6, 3.33, 3.34, 3.36, 3.85, 3.86 & 3.88, WSSP Jurisdictional Issues, Atrisco Park Community & Encouraging Employment Growth of the West Side)

8. The annexation request furthers the West Route 66 Sector Development Plan policies by helping to enhance the negative community image of West Central and instill community confidence in this area as a developable segment of the City. (WR66SDP Purpose) In addition, the request will fulfill the objective of providing these services for the surrounding neighborhoods. (WR66SDP Land Use and Zoning objective)
9. The applicant has adequately justified the annexation request pursuant to Resolution 54-1990.

Section 1a: The applicant will provide all land needed for the City services for the subject site. The site and adjacent land are intended to become a new employment center. The applicant has also stated a willingness to cooperate with various landowners in the area to address issues regarding the roadways and utilities and agrees to possible re-platting as necessary to ensure the success of the larger area. The applicant has stated that he is willing to dedicate land, which is needed to fulfill this policy.

Section 1b: The applicant has agreed to install and pay for all necessary infrastructure in a timely manner and then dedicate it to the City. A pre-annexation agreement has been agreed to by the City and the applicant and will be signed by the City upon City Council approval of this request. There will be no City capital expense used for this development's infrastructure.

Section 1c: No capital expenditures shall be needed. The applicant will be responsible in developing the needed infrastructure for this development.

Section 1d: The subject site is an "island" of County land and is therefore, contiguous on all sides.

Section 1e: The antiquated platting in conjunction with the alignment of Interstate-40 has rendered the current road network in this area defunct. Annexation of the subject site will allow the applicant to combine it with land that is vacant and already in the City and realign the road network through platting actions to be functional for both the existing neighborhood residents and the new industrial park users.

Section 1f: The subject site is an “island” of County land. Once annexed, this island will no longer exist and City services can be extended in an efficient manner throughout the area at reasonable operating and capital costs to the City.

Section 1g: The subject property is part of a platted subdivision. The City limits will be easy to identify in this area as the subject site is defined, as are adjacent tracts, by a recorded plat.

10. Albuquerque Public Schools will not be impacted by this annexation.

11. There is no neighborhood or other known opposition to this request.

RECOMMENDATION - 10EPC 40070 – (6/9/2011) -- Annexation

A recommendation of APPROVAL of 10EPC 40070, an annexation for Lots 4-7, Town of Atrisco Land Grant and Lots 7, 14 and 15, CH Hall, be forwarded to the City Council based on the preceding Findings, and subject to the following Conditions.

CONDITIONS OF APPROVAL - 10EPC 40070 – (6/9/2011) – Annexation

1. A pre-annexation agreement, between the Applicant and the City of Albuquerque, as approved by the City Engineer, is required.

FINDINGS – 11EPC 40026 – (6/9/2011) – Establishment of Zoning

1. This request is for the establishment of zoning from County A-1 to SU-1/IP uses & C-2 permissive uses with exceptions (see Exhibit “A” for a list of exceptions) for Lots 4-7, Town of Atrisco Land Grant and Lots 7, 14 and 15, CH Hall, located south of I-40 and on the north side of Volcano Road and the east side of 98th Street, west of the Unser Diversion Channel.
2. This request for establishment of zoning is accompanied by a request for annexation of the subject site - Project #1008586, 10EPC 40070 and is contingent upon approval of that request.
3. The subject site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the West Side Strategic Plan and the southern half of the subject site is in the West Route 66 Sector Development Plan.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan, the West Route 66 Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The accompanying annexation combined with establishment of zoning of the subject site will allow the applicant to assemble surrounding lands with the subject site in an attempt to create an industrial park south of I-40 and west of the Atrisco Business Park. The surrounding properties have similar zoning, SU-1/IP, which is compatible to the zoning of this request.
6. A site plan is attached and shows the subject site, Area A, its companion annexation site, Area B (project #1008585), and the property already annexed into the City, as the intended larger master plan for the overall industrial park. Section 14-16-2-22 (A) (1) of the Zoning Code states that a site development plan may be approved at a later date when establishing SU-1 zoning. This request is accompanied by an illustrative site plan showing the applicant’s intent for master planning a larger area, which includes the subject site. The applicant is required to return to the EPC for site development plan approval at a later date. Development cannot occur on the site until a site development plan is approved by the EPC.
7. The applicant has adequately justified the zone map amendment request pursuant to Resolution 270-1980.
 - a. The requested annexation and establishment of zoning is consistent with the health, safety, morals, and general welfare of the City. The proposed change will remove existing county islands, which result in inefficient provision of municipal services and undue development restrictions. The SU-1/IP uses & C-2 permissive uses with exceptions zoning allows for a variety of uses that are appropriate to this area and requires Site Development Plan review prior to development. In addition, this request

will not place an undue burden on public facilities and services while expanding the limits of the City. This request supports this policy furthering the general welfare of the City.

- b. The proposed zone change will not alter the stability of the land use and zoning for the area. The requested zoning to SU-1/IP uses & C-2 permissive uses with exceptions will allow for a variety of retail, service, and employment uses that are needed in the area and consistent with adjacent uses. The SU-1 zoning designation requires this property to be site plan controlled which will require additional review and community input prior to development. Further, the requested zoning is similar to surrounding zoning and encourages uses associated with an industrial park/employment center, which establishes a more permanent and stable use.
- c. The subject site is in the Developing Urban Area as designated by the Comprehensive Plan and within the boundaries of the West Side Strategic Plan and partially within the West Route 66 Sector Development Plan. The following Plan policies are furthered by this request:

A. COMPREHENSIVE PLAN DEVELOPING URBAN AREA POLICIES

The establishment of the SU-1/IP uses & C-2 permissive uses with exceptions zoning will allow a full range of urban land at a density compatible with the surrounding neighborhoods. The added employment and service uses will complement adjacent residential areas while creating a buffer from noise and traffic on the adjacent arterials. The new industrial park will be master planned and respect existing neighborhood values. The subject site is contiguous to vacant City land that is similarly zoned and urban facilities and services can be efficiently provided while maintaining the integrity of existing neighborhoods. The subject site and the surrounding area will help to protect established residential neighborhoods from traffic impacts of adjacent arterial streets and the interstate, promoting livability and safety of the surrounding area. (Comprehensive Plan Policies II.B.5.a, d, e, k and i)

B. COMMUNITY RESOURCE MANAGEMENT POLICIES

This request for establishment of zoning will allow a variety of non-residential uses creating employment and an increase in demand for transit, pedestrian and bicycle uses. The area is developing as a major employment center with many large employers in the area, which will help provide service commercial and the retail that is needed in the area. These, new employment opportunities will offer a wide range of occupational skills and salary levels and will help to equalize the jobs/housing balance and encourage economic vitality. (Comprehensive Plan Policy II.D.4.g & Economic Development Goal II.D.6 and Policy II.D.6.a, b and g)

C. WEST SIDE STRATEGIC PLAN POLICIES

This establishment of zoning request furthers the West Side Strategic Plan policies by providing potential for a complete mix of land uses on the West Side, including large-scale employment, which will help to minimize the needs for cross-metro trips. This request furthers the encouragement of employment opportunities on the West Side. (WSSP Objective 1)

This request also will assist the applicant to assemble this site and nearby land into an industrial park and plan an employment center that will benefit nearby residents. Through this action, the applicant will be able to eliminate antiquated platting and reestablish new lot lines and utilize a re-alignment of ROWs that fit with current development of this area while buffering adjacent neighborhoods from more intense non-residential uses. (WSSP Policies 1.6, 3.33, 3.34, 3.36, 3.85, 3.86 & 3.88, WSSP Jurisdictional Issues, Atrisco Park Community & Encouraging Employment Growth of the West Side)

D. WEST ROUTE 66 SECTOR DEVELOPMENT PLAN POLICIES

This request for annexation and establishment of SU-1/IP uses & C-2 permissive uses with exceptions zoning will help to enhance the negative community image of West Central and instill community confidence in this area as a developable segment of the City. (WR66SDP Purpose)

The annexation and establishment of SU-1/IP uses & C-2 permissive uses with exceptions zoning of the subject site helps facilitate the implementation of numerous Comprehensive Plan and West Side Strategic Plan goals and policies and the development of retail and commercial services at this location fulfills the objective of providing these services for the surrounding neighborhoods. (WR66SDP Land Use and Zoning objective)

- d. The annexation and establishment of SU-1/IP uses & C-2 permissive uses with exceptions zoning of the subject site is more advantageous to the Community as articulated in item C. above. This will be achieved primarily through the subject site being a part of an expansion of the Atrisco Business Park. The creation of jobs will impact the quality of life for current and future residents of the community as a whole, and the location is west of the river, which directly furthers City policy, and thus, is more advantageous to the community.
- e. The requested zone change will not harm the adjacent property, the neighborhood, or the community. The applicant has proposed to voluntarily restrict those uses that could be harmful to adjacent properties. The SU-1 designation will require site planning for any future development of the properties.
- f. This request will not result in unprogrammed capital expenditures.
- g. The cost of land or other economic considerations are not the determining factor for this request.
- h. The subject site is located on a major street, 98th Street with excellent access to I-40, but this optimal location for services and job creation is not the sole factor justifying this request.
- i. The proposed zone change request is considered a spot zone because it is an SU-1 zone. However, the requested zoning is appropriate because it facilitates realization of the Comprehensive and West Side Strategic Plans, as detailed in item C. above.
- j. The proposed zone change is not considered “strip zoning” due to the size and location of the site; and is consistent with other properties within the adjacent area.

8. There is no neighborhood or other known opposition to this request, however, the neighborhood has expressed concern regarding future traffic impacts from development of the area. The applicant has agreed with the neighborhood to exclude unwanted uses and uses that are seen as increasing noise and truck traffic in the area, however the neighborhood has additional restrictions to be considered. See Exhibit A for a list of these excluded uses.

RECOMMENDATION - 11EPC 40026 – (6/9/2011) – Establishment of Zoning

A recommendation of APPROVAL of 11EPC 40026, the Establishment of SU-1/IP uses & C-2 permissive uses with exceptions zoning, as listed in Exhibit “A”, for Lots 4-7, Town of Atrisco Land Grant and Lots 7, 14 and 15, CH Hall, be forwarded to the City Council based on the preceding Findings, and subject to the following Conditions.

CONDITIONS OF APPROVAL - 11EPC 40026 (6/9/2011) – Establishment of Zoning

1. A pre-annexation agreement, between the Applicant and the City of Albuquerque, as approved by the City Engineer, is required.
 2. The applicant is required to return to the EPC for site development plan approval. No development shall occur until a Site Development Plan for Subdivision has been approved by the EPC.
 3. Upon review and approval of a master plan and/or site development plan, truck traffic through adjacent neighborhoods shall be limited.
 4. The development shall be coordinated with the County Floodplain Administrator and grading and drainage plans shall be provided to the Bernalillo County Public Works Division for review.
 5. The applicant shall determine if existing utility easements cross the property and abide by any conditions or terms of those easements.
 6. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide for specifications.
-

***Christopher Hyer
Senior Planner***

Cc: Consensus Planning, 302 8th Street NW, Albuquerque, NM, 87102
RPS I-25 & Vassar, LLC, 6300 Riverside Plaza Lane NW, Albuquerque, NM, 87120
Kelley Chappelle, 9135 Santa Catalina Avenue NW, Albuquerque, NM, 87121
Evonne Hight, 8624 Hatteras Place NW, Albuquerque, NM, 87121
Andres Lazo, 3220 Grasshopper Drive SW, Albuquerque, NM, 87121
Marcia Fernandez, 2401 Violet SW, Albuquerque, NM, 87105
Klarissa Pena, 6525 Sunset Gardens SW, Albuquerque, NM, 87121
Louis Tafoya, 6411 Avalon Road NW, Albuquerque, NM, 87105
Gerald Worrall, 1039 Pinatubo Place NW, Albuquerque, NM, 87120
Candy Patterson, 7608 Elderwood NW, Albuquerque, NM, 87120

Attachments

1. Exhibit "A"
2. Site Plan
3. Staff photos

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Reviewed, no comment.

Office of Neighborhood Coordination

Avalon NA (R)
South Valley Coalition of NA's
South West Alliance of Neighbors (SWAN)
Westside Coalition of NA's
4/4/11 – Recommended for Facilitation - siw

Long Range Planning

No Comments Received.

CITY ENGINEER

Transportation Development (City Engineer/Planning Department):

The applicant is required to enter into a Pre-annexation Agreement with the City.

Hydrology Development (City Engineer/Planning Department):

- Reviewed, and no comments.

Transportation Planning (Department of Municipal Development):

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

Traffic Engineering Operations (Department of Municipal Development):

- *No comments received.*

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

Conditions of approval for the proposed Annexation shall include:

1. The applicant is required to enter into a Pre-annexation Agreement with the City.

WATER UTILITY AUTHORITY

Utility Services

No Comment.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

No Comments Received.

Environmental Services Division

No Comments Received.

PARKS AND RECREATION

Planning and Design

No Comments Received.

Open Space Division

Open Space has no adverse comments

City Forester

No Comments Received.

POLICE DEPARTMENT/Planning

This project is in the Southwest Area Command.

No Crime Prevention or CPTED comments concerning the proposed Annexation request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved must comply with SWMD Ordinance.

FIRE DEPARTMENT/Planning

No Comments Received.

TRANSIT DEPARTMENT

<p>Project # 1008586 10 EPC-40070 ANNEXATION 11 EPC-40026 ESTAB. OF ZONING.</p>	Adjacent and nearby routes	None.
	Adjacent bus stops	None.
	Site plan requirements	None.
	Large site TDM suggestions	N/A
	Other information	None.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

Consideration of the following issues raised during the County's review should occur:

- Any approvals should include requirements for limiting truck traffic through adjacent residential neighborhoods, with particular concern for realignment of streets to prevent through traffic from Unser to 98th along Bluewater, Los Volcanes and 90th.
- For the property included in AXBC 2010-004, onsite development will need to be coordinated with the County Floodplain Administrator and grading and drainage plans associated with this development will need to be provided to Bernalillo County Public Works Division for review, in order to ensure that development of this property accommodates drainage concerns on unincorporated property in the immediate area.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No Comments Received.

ALBUQUERQUE PUBLIC SCHOOLS

Project #1008586 10EPC-40070 ANNEXATION 11EPC-40026 ESTAB. OF ZONING	Town of Atrisco Land Grant , Lots 4-7/7, 14 and 15, is located on 98 th St SW between Volcano Rd SW and Bluewater Rd SW. The owners of the above properties request an annexation and establishment of zoning for two separate areas south of I-40 and east of 98 th St. These two areas are currently County islands surrounded by the City of Albuquerque. This will have no adverse impacts to APS.
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MID-REGION COUNCIL OF GOVERNMENTS

For informational purposes, Bluewater has been classified as a proposed urban collector from 98th St to 90th St as per the Current Roadway Functional Classification System map.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No Comments Received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

1. As a condition, it is the applicant's obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements.

2. Screening should be designed to allow for access to utility facilities. As a condition, all screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide for specifications.