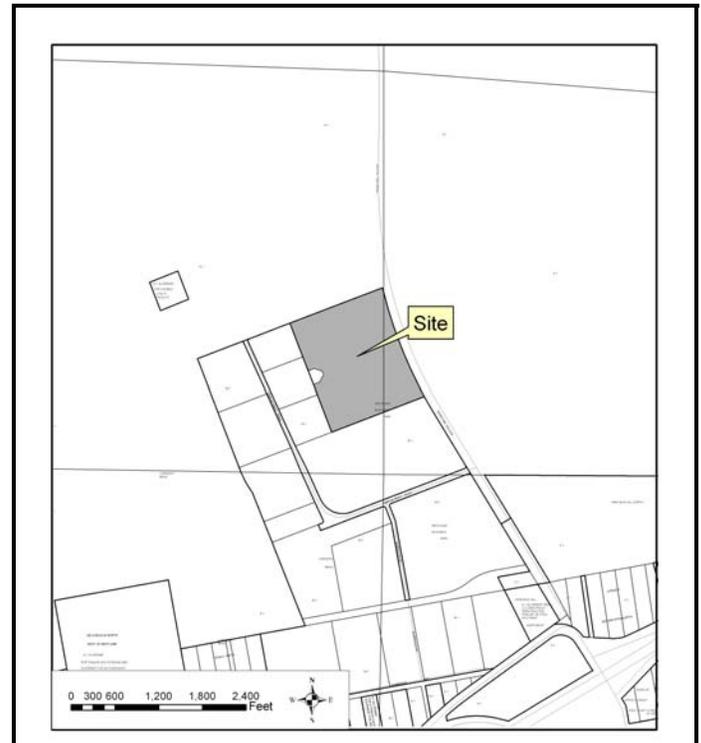


Applicant:	SunCal Companies
Agent:	Hartman & Majewski Design Group
Location:	701 Paseo del Volcan NW
Property Size:	48.15 acres (approximately)
Existing Zone:	A-1
Proposed Zoning/SUP	M-1
Recommendation:	Approval



Summary: This is a request for a zone change from A-1 to M-1 on a 48.15 acre parcel located along Paseo del Volcan to the north of I-40. The property falls within an area designated as "Industrial Park/M-1" in the Westland Master Plan, which was approved by the Board of County Commissioners in July, 1997.

Staff Planner: Catherine VerEecke, Program Planner

- Attachments:**
1. Application
 2. Area and Land Use Maps

Bernalillo County Departments and other agencies reviewed this application from to 1-29-08 to 2-11-08. Their comments were used in preparation of this report, and begin on Page 10.

AGENDA ITEM NO.: 13
County Planning Commission
March 5, 2008

CZ-80001 Hartman & Majewski Design Group, agent for SunCal Companies, requests approval of a zone map amendment from A-1 to M-1 on Tract E, Westland Business Park, located at 701 Paseo del Volcan NW, on the west side of Paseo del Volcan north of Tempur Pedic Parkway, and containing approximately 48.15 acres.(K-5)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

Site	Zoning	Land use
North	A-1	Vacant
South	M-1	Industrial Park (Tempur-pedic)
East	A-1	Vacant
West	M-1	Vacant

BACKGROUND:

The Request

The applicant is requesting a zone change from A-1 to M-1 for the subject site, which consists of a 48.14 acre (approximately) parcel located within the Westland Business Park Subdivision, about one mile north of Interstate-40 on the west side of Paseo del Volcan. The property includes the Campos de Suenos ball fields, which had a Special Use Permit (CSU 93-23) for recreation fields, but are no longer in use.

Request Justification.

The applicant states that the request is justified because it complies with the land use designations of the Westland Master Plan in which the 48 acre site is shown on the Plan's land use map as "Industrial Park//M-1." This request will allow the establishment of the appropriate zoning for this site. The request is also consistent with industrial development near the site, namely the Cordero Business Park which includes Tempur Pedic and Shamrock Foods Distributor.

Surrounding Land Use and Zoning

This general area has been the subject of several zone change requests since 2001. At this time, a 40 acre tract of land, known as "Tract A Westland Business Center," was created from unplatted Westland properties (SRP 01-18). (The subject property is Tract E of the Business Center). The owner then rezoned Tract A to M-1, and Tract A now houses the Tempur-pedic mattress company. Two other properties nearby this site have received permission for land use changes, including a 173 acre property that was rezoned to M-1 for the expansion of industrial activities at the Business Center and a 4 acre tract of land that received a Special Use Permit for a Public Utility Facility (water and wastewater) (CZ-40003; CSU-40023). In addition, a 380 acre tract of land to the north of the site nearby the Double Eagle II Airport received M-1 zoning in 2004 (CZ-40011). Two other sites along the I-40 Frontage Road recently received M-1 zoning (from A-1) (CZ-60002; CZ-60004).

Much of the surrounding area is zoned A-1, is unplatted, and is now owned by SunCal New Mexico. No development has taken place to the east, northwest, and north of the property extending up to the Double Eagle Airport. The City has annexed the airport and its environs and is planning industrial development nearby the airport.

To the south of the property nearby Central Avenue at I-40, several properties have been developed with non-residential uses. In 1990, Westland received a Special Use Permit for a truck, and tractor trailer storage facility on a property at the Freeway Interchange and the adjacent property was granted a zone change to C-2 (CZ 90-28). Another property has had Special Use Permits for Trailer Sales and Repair (CZ-97-20, CSU-50015). Other parcels nearby the Interchange are zoned A-1, some of which have Special Use Permits for such uses as gas stations, other trucking facilities, a tire store, and mobile home sales. A few have C-1 or C-2 zoning. This particular area is referred to in City and County Plans as the "Western Gateway to the City" and as the "Nine Mile Hill Area."

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Reserve area of the Albuquerque/Bernalillo County Comprehensive Plan. The principal goal for this area is to “allow opportunity for future development of high quality, mixed-use, largely self-sufficient planned communities, bounded by permanent open space, in appropriate outlying areas, and to protect the non-urban metropolitan areas as rural unless such planned communities are developed.”

Policy c for the Reserve Area states that development within reserve areas shall take place in accordance with an approved planned community master plan, or in accordance with the standards applicable to Rural Areas.

The Centers and Corridors Plan Map (adopted in 2002) within the Albuquerque/Bernalillo County Comprehensive Plan shows the subject property as adjacent to a ‘Proposed Major Activity Center.’ This type of Center provides the most highly concentrated locations of commercial, service, and employment uses in conjunction with area-wide needs.

West Side Strategic Plan

The West Side Strategic Plan was adopted by the City Council in 1997 and by the Board of County Commissioner’s in April 1998. The subject property is located in the Westland North Community in the Plan. It was amended by the City Council in 2002.

Policy 3.52 states that “Westland North is an appropriate Community to accommodate future growth for the City. This new Community will be developed consistent with the Planned Communities Guidelines criteria and shall be phased in a manner consistent with a future adopted city-wide Growth Management Strategy.”

Policy 3.57 states that the Westland North Community is a prime area for the expansion of future urban levels of development.

Policy 3.58 states that design guidelines developed as a result of this Plan will guide future development in this Community along with other existing plans and policies.

Policy 3.59 states that “appropriate village centers and employment centers will be identified in the planning process and in accordance with the general guidelines in the West Side Strategic Plan and in the Planned Communities Guidelines.” It identifies the Paseo del Volcan/I-40 area as the likely location of the Community’s employment center.

Westland Master Plan

“Westland North” now encompasses about 6400 acres and is one portion of the more than 60,000 acres that were owned by the Westland Development Corporation, which was established in 1967 to manage and develop the vast land of the Atrisco Land Grant. It is bounded on the south by I-40, and on the east by the Petroglyph National Monument and Unser Blvd. Its eastern portion includes the Atrisco Terrace Area and other undeveloped lands

closer to the City of Albuquerque. To the south are many undeveloped 5 acre tracts which characterize parts of the Atrisco Land Grant area. Some of these are under private ownership. The northerly boundary includes the Monument and the Airport, and to the property's west is other Westland property not included in the Master Plan.

The Westland North Master Development Plan was initiated by the Westland Company in the mid-1990s. The Board of County Commissioners and the City Council approved the Plan in 1997 and 1998, respectively. The Plan seeks to capture the area's potential as the western gateway and 'translate it into appropriate and flexible development guidelines that will provide for a variety of housing, commercial, office, and employment development with visual and recreational open spaces.'

This plan is intended to provide the framework for development of the 6400 acre (approximately) property. A land use and zoning plan specifies prospective uses, including residential (high and low density), commercial (neighborhood, highway, town center), corporate office, industrial park, and trails and open space.

The Plan identifies a zone described as "Industrial Park – Zone: M-1" "This zone provides suitable uses 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. All regulations guiding the development within the M-1 zone (including conditional uses) are as defined within the Bernalillo County Comprehensive Zoning Code."

Other frameworks presented in the Plan include conceptual plans for community facilities, utilities, transportation, and phasing, together with design guidelines for site planning, architecture, landscaping and streetscaping, and signage.

The Westland Plan presents a Phasing Plan, with five major development phases to take place mainly before the year 2015. The general direction of development will be from east to west, as follows:

Phase I - residential development west of 98th Street

Phase II - residential development nearby the Atrisco Terrace, and an area of industrial park development to the south of the subject property

Phase III - residential development east of Atrisco Terrace and east of Paseo del Volcan, and the includes the industrial park area with the subject property

Phase IV – Town Center and residential development along Paseo del Volcan

Phase V - residential development in area adjacent to the Double Eagle II airport

The Plan also states that minor changes may be made administratively by the County Planning Director in such areas as Phasing, Infrastructure, Land Use Boundaries, Roadways, Public Facility Locations, and Roadway Alignments.

Bernalillo County Zoning Ordinance

Resolution 116-86 lists policies for evaluating a Zone Map changes and Special Use Permit applications.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error in the original zone map.
 - 2. Changed neighborhood or community conditions justify a change in land use or
 - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
 - 1. denied due to lack of capital funds; or
 - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use 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.

- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:
1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or 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 due to traffic or special adverse uses nearby.

ANALYSIS:

Surrounding Land Use and Zoning

This request is for a zone change from A-1 to M-1 to allow a 48 acre site to develop as a part of an industrial area on the west side of Paseo del Volcan north of I-40. The general vicinity of the site has begun to change in recent years, so that the site's A-1 zoning, which was originally adopted in the 1960s, is now less appropriate. Instead, travel-related, heavy commercial, and industrial uses have become more viable for the subject site and its vicinity. In addition, the Westland Business Park, in which this property is located, has begun to develop, with such businesses as Tempur-pedic and Shamrock Foods.

Plans

The request for a zone change on the subject property to allow industrial uses complies with the adopted plans for the area. The property is currently zoned A-1 and is located in the Reserve Area of the Albuquerque/Bernalillo County Comprehensive Plan, which calls for planned developments that support a variety of uses (including light industrial) and promote self-sufficiency in the provision of employment, goods, and services in the community. The Westland Master Plan is for such a planned community, while the West Side Strategic Plan also prescribes such planned developments in the Westland area. The Westland Master Plan itself more specifically designates the vicinity of the site as "IP" (Industrial Park/M-1), and it is an attempt to stimulate development in the Westland area through the establishment of a major employment center. The request, therefore, complies with all of these plans.

Zoning Ordinance

The request is for a zone change to M-1. The Westland Master Plan states for the IP/M-1 Zone "that this zone provides suitable uses 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." This request could thus facilitate the realization of the Westland Master Plan. The successful development of an industrial park or employment center would be advantageous to the community, as stipulated in Resolution 116-86 and in the Comprehensive Plan.

Agency Comments

Because this is a request for a zone change, agency comments are minimal and are oriented towards departmental permitting requirements. County Building, Zoning, Public Works, and Environmental Health comments indicate that when the site is developed departmental regulations (e.g., landscaping, water and sewer availability, grading and drainage plan) should be followed. Hydrology comments also note that there is a public well nearby the subject property and any development of the property must allow for a minimum 250-foot well head protection zone, which extends into the subject property.

Analysis Summary

Zoning	
Resolution 116-86	Use would not be harmful as the area is either undeveloped or already has heavy commercial and light industrial uses.
Requirements	Comply with departmental, agency requirements upon development.
Plans	
Comprehensive Plan	Consistent with Reserve Area land use and Activity Center designation.
Area Plan	Consistent with West Side Strategic Plan and the Westland Master Plan.
Other Requirements	
Environmental Health	Provide water and sewer availability statement, mosquito control plan, and air quality permit.
Public Works	No adverse comments. Note that a well-head protection zone extends into the property.

Conclusion

This request seeks to provide specific zoning (M-1) for a tract of land within the Westland Master Plan Area. The request seems appropriate given the designation of the tract in the Westland Master Plan as “Industrial Park/M-1” and the existing and anticipated industrial developments in the area near the site.

RECOMMENDATION:

APPROVAL of CZ-80001 based on the following Findings.

Catherine VerEecke
Program Planner

FINDINGS:

1. This request is for approval of a zone map amendment from A-1 to M-1 on Tract E, Westland Business Park, located at 701 Paseo del Volcan NW, on the west side of Paseo del Volcan north of Tempur Pedic Parkway, and containing approximately 48.15 acres.
2. The property is zoned A-1 and is located in the Reserve Area of the Albuquerque/ Bernalillo County Comprehensive Plan.
3. The Special Use Permit (CSU-93-23) previously on this property is removed by this zone change.
4. The property is located in the Westland North Community of the Westside Strategic Plan and within the area covered by the Westland Master Plan, approved by the Board of County Commissioners in 1997.
5. The request is consistent Resolution 116-86 in that the proposed zone change will clearly facilitate the realization of the Westland Master Plan land use map, which designates the property as IP/M-1 (Industrial Park/M-1 zoning).
6. The request is consistent with the Albuquerque/Bernalillo County Comprehensive Plan Centers and Corridors Plan that designates the subject property as a 'Proposed Major Activity Center.'
7. This request is consistent with the health, safety, and general welfare of the residents of the County.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Building Department:

No comments received.

Environmental Health:

1. Provide a current water and sewer availability statement from the ABCWUA.
2. Mosquito control plan for on-site ponding.
3. COA air quality div. permits for fugitive dust.

Zoning Administrator:

No comments received.

Zoning Enforcement:

Based on the above comments there is no adverse comments at this time.
No zoning violaton.

Fire:

NO ADVERSE COMMENTS AT THIS TIME.

Public Works:

DRAN:

A grading and drainage plan is not required, at this time, for this zone change request. However, a formal grading and drainage plan with full report and analysis meeting the requirements of Bernalillo County Code Chapter 38, "Floods", prepared by an engineer licensed in the state of New Mexico and approved by Bernalillo County Public Works, may be required prior to any development, re-grading or re-surfacing.

DRE:

1. No adverse comment.
2. A Traffic Impact Analysis (TIA) may be required at the time of development.

HYDRO:

1. No adverse comment to proposed zoning change. However, applicant should be advised of existence of a publically-owned well located in inset "D" as shown on Zone Map K-5-A. Any planned development of the property must allow for a minimum 250-foot well head protection zone, which extends into the subject property.

Parks & Recreation:

Reviewed, no adverse impact to Parks or Open Spaces.

For informational purposes, the Long Range Bikeway System Map identifies a proposed trail and bike lane on Paseo del Volcan.

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

Paseo del Volcan has been identified as a corridor for ITS facilities. Coordination with County's representative on the ITS Subcommittee is recommended to insure development consistent with planned infrastructure improvements.

AMAFCA:

Westland Business Park, Tract E, Paseo del Volcan (K-5)

No objection to zone change request. AMAFCA holds drainage easements adjacent to the property and will review future development plans with respect to compliance with the "West I-40 Drainage Management Plan".

City Planning Department:

No comments received.

City Public Works:

Transportation Planning: No comments received.

Transportation Development: No adverse comments.

Water Utility Authority: No comments received.

City Transit:

No comments received.

City Open Space:

Open Space has no adverse comments.

NMDOT

Case Number: ZCSU 80001

Case description: Zone change request A1 to M1

Location: 701 Paseo Del Volcan NW, Albuquerque NM 87121

Type of development (Residential/commercial): Commercial

Possible Impacted NMDOT roadway(s): I-40 and Paseo Del Volcan Interchange.

Departments Comments: NMDOT has no objection to the Zone Change. However once the developer has a development plan for the property, a Traffic Study shall be prepared to document the impact of the development onto the state system.

Albuquerque Public Schools

No comments received.

COUNTY PLANNING COMMISSION
MARCH 5, 2008
CZ-80001

NEIGHBORHOOD ASSOCIATIONS: