

AGENDA ITEM NO.: 16
County Planning Commission
September 3, 2008

CZ-80004 JEL & Associates, agent for Sunshine Properties LLC, requests approval of a zone map amendment from A-1 to C-LI on Tracts 20 & 21, Row 1, Unit A, West of Westland, located at 10705 Central Avenue NW, and containing approximately 10 acres. (L-8)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

Site	Zoning	Land Use
	A-1 with a Special Use Retail MH and RV Storage	Vacant
North	A-1	Vacant
South	Right-Of-Way A-1 w/a Special Use Permit for a Public Utility Facility	Central Avenue Reservoir, Pump Stations, Well Building, Electrical Control Building and Valve Vaults
East	M-1	Existing Business
West	A-1	Vacant

BACKGROUND:

The Request

The subject site is comprised of two 5-acre lots divided by 114th Street that are graded and vacant. This site is currently zoned A-1 with a Special Use Permit for retail of mobile homes and sales of recreational vehicles (CZ-01-16). It is located within the Atrisco Park Community as identified in the West Side Strategic Plan where this area is designated for commercial and industrial activities.

Request Justification

The agent believes that the,” development of the surrounding area as well as the high traffic volume on Central Avenue makes these tracts highly undesirable for residential living.”

The application states that, “The existing zoning is inappropriate due to the development of the surrounding area and the permissive uses of the zone change are in fact less intrusive than the current Special Use Permit currently in place.”

Surrounding Land Use and Zoning

The site is surrounded by A-1 properties to the north and some A-1 and C-1 properties to the west. Immediately east is an approximately 15 acre lot zoned M-1. South and across Central Avenue from the subject site is the Westside Satellite Center, zoned A-1 with a Special Use Permit for a Public Utility Facility (CSU-80007). This was approved by the Board of County Commissioners on March 25, 2008, making it the most current zoning activity in the immediate area.

A zone map amendment from A-1 to C-LI was approved by the Board of County Commissioners on April 24, 2007 (CZ-70007) for a lot approximately 1250 feet east of the subject site. Also nearby is a property with a Special Use Permit for Specific Use for Self Storage Units (CSU-40039).

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Developing Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan. The Goal for this land use area is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities with the metropolitan area and which offers a variety and maximum choice in housing, transportation, work areas and life styles, while creating a visually pleasing built environment.

Policy a states that the Established and Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre.

Policy d states that 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, or recreational concern.

Policy e states that 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.

Policy i states that employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

Policy j states that where new commercial development occurs, it should generally be located in existing commercially zoned areas.

Policy l states that quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate in the Plan area.

West Side Strategic Plan

The subject site is located within the Atrisco Park, a 2,684 acres community, identified in the Westside Strategic Plan. The 400-acre Atrisco Business Park is also located in this community. The West Side Strategic Plan states, "The western portion of this Community has been platted into 5 acres tracts that are difficult to service with utilities and have poor access in their current configuration. These tracts should be master planned and replatted to provide future land for residential and industrial/office development, and additional commercial and service development near Central Avenue.

Policy 3.33

It is appropriate for new development, both residential and non-residential, to occur in the Community. Redevelopment efforts associated with the existing five acre tracts in this area shall be encouraged.

West Route 66 Sector Development Plan

The site is located within the boundaries of the West Route 66 Sector Development Plan (Plan), Section IV. The plan recommends SU-2 IP zoning (Special Use for Industrial Park).

2.a Policy

SU-2 IP as regulated by Section IV of the West Route 66 Sector Development Plan for those properties both north and south of Central Avenue between the municipal limits line and the Powerline Channel.

2.b. Justification

The properties north of Central Avenue are a mixture of County M-1, C-1, and Z-1 zoning. The existing M-1 zoning encompasses approximately 35 acres. This is interspersed with A-1 and C-1 zoning which is primarily vacant. The properties south of Central Avenue are Zone A-1 and C-1 and are also primarily vacant. The SU-2 IP zoning achieves a compatibility across the area and provides the opportunity for interface with less intense uses both north and south of the plan area.

Bernalillo County Zoning Ordinance

Section 15.5. C-LI Commercial/Light Industrial Zone.

A. The regulations set forth in this section, or set forth elsewhere in this ordinance, when referred to in this section are the regulations in the Commercial/Light Industrial Zone. The purpose of this zone is primarily for community commercial uses, light manufacturing, light fabricating, warehousing, and wholesale distribution with off-street loading and off-street parking for employees, and with ready access to arterial highways or railroads. The regulations in this zone provide for the health, safety and welfare of the residents. The Commercial/Light Industrial Zone is suitable for mapping in areas adjacent to the M-1 or M-2 zones or in areas defined as commercial, industrial or primary employment centers in adopted Sector Development or Area Plans.

B. Use Regulations:

1. **Prohibited Uses.** The following uses are prohibited in this zone: Church and any residential use, except that each individual use may provide accommodations for one security resident employed on the premises, provided that such accommodations are not used as rental property. However, mixed use development may be permitted as noted under conditional uses in this section.

2. **Permissive Uses.** A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.

- a. Amateur Radio Antenna/Tower up to 65 feet as measured from grade.
- b. Arts and crafts objects retail sales, supplies plus their incidental creation.
- c. Automobile, motorcycle, bicycle, motorized bicycle (moped), all terrain vehicle, and small engine repairing, but no bodywork. Repairing shall be done within a completely enclosed building at least 20 feet from any residential zone. Storage of not more than five automobiles awaiting repair shall be permitted provided that the outdoor area in which such cars are stored shall be enclosed by a solid wall or fence at least six feet high.
- d. Auto parts and supply retail sales.
- e. Bakery goods shop or confectionery store wherein a majority of the products are sold on the premises and at retail costs.
- f. Banking and loaning money.
- g. Bicycle and motorized bicycle (moped) sales and rental, provided that outdoor display is permitted only 50 feet or more from any residential zone.
- h. Bottling plant.
- i. Books, magazines, newspapers, stationery for retail sales, but not an adult bookstore.
- j. Car wash.
- k. Clothing, shoes, dry goods for retail sales.
- l. Cold storage plant.
- m. Cosmetics, notions, hobby supplies for retail sales.
- n. Delivery service.
- o. Drive-thru facilities such as banks, drugstores, dry cleaners, restaurants and similar uses provided there is adequate on-site space for vehicle queuing and the vehicle movement plan is approved by the County.
- p. Drug store.
- q. Dry cleaning, laundry, clothes pressing, provided: Only nonflammable or noncombustible materials are used in the cleaning process.

- r. Feed or fruit storage or sales (wholesale), provided all outside storage is enclosed by a solid wall or fence six feet high on all sides abutting A-1, A-2, R-1, R-2, or M-H property.
- s. Foundry, casting of nonferrous metal, provided there shall be no fumes or odors discernible beyond the premises.
- t. Grocery Store.
- u. Health gymnasium.
- v. Ice plant (wholesale).
- w. Institution, including library, museum, school, day care center, but not disciplinary institutions or hospitals for human beings.
- x. Jewelry sales and supplies.
- y. Laboratory (experimental or testing).
- z. Laundry, cleaning, or dyeing works, including rug works and rug and carpet cleaning.
- aa. Nursery or greenhouse provided all outside storage other than plant material is enclosed by a six-foot high solid wall or fence on all sides.
- bb. Office.
- cc. Paint store.
- dd. Pet shop and/or pet grooming, provided there are no outside pens.
- ee. Photographic equipment sales and/or service.
- ff. Public utility structure and public building including fire and police stations.
- gg. Radio and/or television station, and/or motion picture industry activities.
- hh. Restaurant, provided there shall be no drive-in restaurant; and Alcoholic drink may be sold only under a restaurant license for sale of beer and wine, as provided by NMSA 1978, § 60-6A-4.
- ii. Sales and display rooms or buildings for wholesalers, distributors.
- jj. Service station, including the sale of liquefied petroleum gas, but not for resale, provided any tube or tire repairing, minor auto repair or battery charging shall be conducted within a completely enclosed building.
- kk. Sign, on premises, as regulated in the C-1 zone, provided that freestanding signs are limited to 10 feet in height and must be designed as monument signs with an enclosed base.
- ll. Tailoring, dressmaking.
- mm. The following uses must be conducted within a completely enclosed building or within an area enclosed on all sides by a wall or fence at least six feet high, which must be solid along the sides of the site facing or abutting land zoned A-1, A-2, R-1, R-2 or M-H, and provided further that products, items or materials stored on the site are not stacked to a height above the height of the required wall or fence:
 - (1) Building material storage and sales.
 - (2) Contractor's equipment storage, rental, or sale.
 - (3) Machine shop, blacksmith shop, ornamental iron shop, welding shop.
 - (4) Manufacturing, compounding, assembling, or treatment of articles made from the following materials: Bone, shell, cellophane, cork, fibre, fur, glass, horn, leather, precious or semiprecious metals or gems, paint (not involving a boiling process), paper, plastics, textiles, yarn, tobacco, or wood.
 - (5) Manufacturing, compounding, processing, packaging, treating, assembling, maintaining, repairing, overhauling, or rebuilding of the following products: bakery goods, candy, cosmetic goods, toiletries, dairy products, drugs, pharmaceutical goods, electrical appliances, mechanical devices, electronic instruments and devices, radios or phonographs, musical

instruments, pottery, figurines, ceramics provided only previously pulverized clay and kilns fired by electricity or gas shall be used, signs, including electric or neon, billboards, commercial advertising structures, toys, and novelties.

(6) Sheet metal working (light), including the making of heating or ventilating products or equipment, cornices, and eaves.

(7) Warehouse.

(8) Food processing.

nn. One residence per business for a security resident employed on the premises provided that such accommodations are not used as rental property.

oo. Wireless Telecommunications Facility, provided that it satisfies the requirements of section 22.5 of this ordinance, and as specifically allowed below:

(1) Face-mounted wireless telecommunications facility.

(2) Roof-mounted wireless telecommunications facility, up to 6 feet above the parapet of the building on which it is placed.

(3) Concealed wireless telecommunications facility.

(4) Wireless telecommunications facility for which all antennas are mounted on an existing vertical structure.

3. Conditional Uses. The following uses may be permitted, if approved by the Zoning Administrator, in accordance with the procedures and under the conditions set out in the Administration Section of this ordinance with additional requirements deemed necessary to safeguard the best interest of the adjoining property, neighborhood and community.

a. Amateur Radio Antenna/Tower 65 to 100 feet as measured from grade.

b. Mixed use development with residential and nonresidential uses combined in the same building or buildings. The nonresidential uses are limited to those allowed as permissive or conditional in the C-LI zone, plus incidental activities.

C. Height Regulations. The same regulations apply as in the C-2 Zone except as provided in the Supplementary Height and Area Regulation Section of this ordinance.

D. Area Regulations:

a. Front Yard. There shall be a front yard having a depth of not less than 30 feet.

b. Side Yard. None required except on the side of a lot abutting an A-1, A-2, R-1, R-2 or M-H zone, in which case there shall be a side yard of not less than five feet in width.

c. Rear Yard. Except as hereinafter provided in the Supplementary Height and Area Regulation Section, there shall be a rear yard having a depth of 15 feet.

d. Off-Street Parking and Loading and Unloading Spaces. Off-street parking spaces, and loading and unloading spaces, shall be provided in accordance with requirements for specific uses set forth in the Off-Street Parking, Loading and Unloading Regulation Section of this ordinance.

E. Landscape and Buffer Landscaping. Nonresidential uses facing or abutting on a principal or minor arterial, as identified in the Long Range Major Street Plan, shall provide landscaping as provided and regulated in the Landscaping and Buffer Landscaping Regulations Section of this ordinance.

(Ord. No. 2006-3, § 1, 2-14-06; Ord. No. 2006-22, § 1, 9-26-06)

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

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- 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 of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- 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. An error in the original zone map.
 - 2. Changed neighborhood conditions, which justifies a change in land use or
 - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- 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. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- H. 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 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.
- I. 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 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.

Section 19 Landscaping and Buffer Landscaping Regulations:

Where a non-residential zone which is hereafter developed for a business purpose about a conforming residential use, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.
3. Sites of five acres or more:
- a. There shall be a landscaped setback along all streets of no less than 20 feet.
 - b. The landscaped setback shall not be counted toward the landscaping required as a result of paving.
 - c. All other requirements [shall be the] same as 1.b. and 1.c. above.

ANALYSIS:

Surrounding Land Use and Zoning

The subject site is predominantly surrounded by vacant properties. The adjacent properties are zoned A-1, C-1, M-1, and A-1 with special use permits for non-residential uses.

Plans

Albuquerque Bernalillo County Comprehensive Plan

This site is located in the Developing Urban Area as designated by the *Albuquerque/Bernalillo County Comprehensive Plan*. The request for a zone change is compatible with the goals for this area by offering a maximum choice in commercial and industrial uses while maintaining a distance from established residential neighborhoods.

West Side Strategic Plan

The subject site is located in the Atrisco Park Community of the West Side Strategic Plan. Policy 3.33 supports new non-residential development.

West Route 66 Sector Development Plan

The site is located within the boundaries of the West Route 66 Sector Development Plan, which recommends SU-2 IP (Special Use for Industrial Park). The proposed C-LI zone is consistent with uses associated with SU-2 IP zoning.

Zoning Ordinance

The subject site’s location adjacent to an M-1 zoned property makes it eligible for a change in zone from A-1 to C-LI.

Agency Comments

There were no adverse comments to this request. Upon the development of the site, the applicant must meet all Bernalillo County requirements including but not limited to securing Building, Water, Wastwater and Air Quality permits and the submittal of a Traffic Impact Analysis, Grading and Drainage Plan, Mosquito Control Plan, and a Storm Water Pollution Prevention Plan.

Analysis Summary

Zoning	
Resolution 116-86	The request is consistent with adopted polices of the Comprehensive Plan to support non residential development in this ‘Developing Urban Area’.
	Proposed zone change would be compatible with and/or less intense than immediately adjacent lots.
Plans	
Comprehensive Plan	The proposed zone provides the opportunity for economic development to benefit the residents in the surrounding neighborhoods.
West Side Strategic Plan	Supports locating non-residential development in the Atrisco Park Community.

Conclusion

The request C-LI zone is complementary to the surrounding C-1 and M-1 zoning. It would also permit the retail of mobile homes and sales of recreational vehicles which is already allowed under the current Special Use Permit. The subject site would remain compatible with the plans for the area and it’s proximity to residential development. Resolution 116-86 requires that a land use change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan. In this case, the change of zone to C-LI is consistent with industrial/commercial uses encouraged within the Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan, and the Route 66 Sector Development Plan for the area.

RECOMMENDATION:

Approval of CZ-80004 based on the following Findings:

Mari Simbaña,
Program Planner

FINDINGS:

1. This is a request for approval of a zone map amendment from A-1 to C-LI on Tracts 20 & 21, Row 1, Unit A, West of Westland, located at 10705 Central Avenue NW, and containing approximately 10 acres.
2. The property is located in the Developing Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and the Atrisco Park Community of the West Side Strategic Plan.
3. This request is consistent with the Albuquerque/Bernalillo County Comprehensive Plan, as articulated in **Policy i** which states that, "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."
4. This request is consistent with the Albuquerque/Bernalillo County Comprehensive Plan, as articulated in **Policy j** which states that, "where new commercial development occurs, it should generally be located in existing commercially zoned areas."
5. This request is consistent with Resolution 116-86 in that the request is more advantageous to the community as it will meet the future needs for employment and services to this part of the West Side.
6. This request is consistent with the health, safety and general welfare of the residents of the County.
7. The Special Use Permit for Retail of MH and RV Storage (CZ-01-16) is cancelled by the change of zone from A-1 to C-LI (CZ-80004).

BERNALILLO COUNTY DEPARTMENT COMMENTS

Zoning Administrator:

7/29/08

The intent of the C-LI zone is to "primarily for community commercial uses, light manufacturing, light fabricating, warehousing, and wholesale distribution with off-street loading and off-street parking for employees, and with ready access to arterial highways or railroads" (Sec. 15.5. A.).

The C-LI zone provides for a variety of retail, service, and light manufacturing uses, including the existing uses (MH sales & RV storage) currently permitted for the site. If approved, other applicable zoning standards would be in effect, such as landscaping, off-street parking, and signage limitations.

Environmental Health:

8/13/08

1. Provide a water and sewer availability statement.
2. Upon development a mosquito control plan is required for on-site ponding.
3. Upon development a drinking water system and a wastewater system meeting the most current Bernalillo County Ordinance shall be met.
4. Fugitive dust permits may be required at time of development.

Fire:

7/30/08

NO ADVERSE COMMENTS AT THIS TIME.

Zoning Enforcement Manager:

8/1/08

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

There are no zoning violations on the property.

Building Department Manager:

07/30/08: BUILDING AND RELATED PERMITS AND REQUIRED INSPECTIONS SHALL BE OBTAINED THROUGH PERMITTING PROCESS FOR ANY CONSTRUCTION.JS

Public Works:

DRAN:

8/5/08

1. A Grading and Drainage plan was approved for this property in 2003 (PWDN 30059) Site regrading was undertaken but the permitted use was never constructed and final

drainage improvements, including rip rap on the channel at 114th Street, was never completed.

2. Additional drainage improvements consistent with an approved plan will be required. Significant changes to proposed uses and lot coverage will require submittal and approval of a revised drainage plan at the time of building permit.

3. This site requires a Storm Water Pollution Prevention Plan (SWPPP) in accordance with EPA NPDES Phase II regulations. Undeveloped disturbed areas must be reseeded.

3. This site requires an Air Quality Fugitive Dust Permit.

DRE

8/5/08

1. A TIA will be required with development of this property.

Parks & Recreation:

8/12/08

REVIEWED NO COMMENT

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

7/31/08

Central Av is designated on the ITS Implementation Map as having fiberoptic cable and other ITS improvements installed in the near-term, ie before 2015. Coordination with the County representative on the ITS Subcommittee is recommended.

For information purposes, Central Av has a functional classification of urban principal arterial.

AMAFCA:

8/8/08 No comment.

City Planning Department/Development Services:

8/8/08

Reviewed, no comment.

City Public Works:

Transp. Planning:

No comments received.

Transp. Development:

8/5/08 No adverse comments. (Salgado)

City Transit:
No comments received.

ABCWUA/Utility Development Section:
8/12/08
No comment

City Environmental Health:
No comments received.

City Open Space:
8/11/08
Open Space has no adverse comments

NM Department of Transportation:
8/3/08

Possible Impacted NMDOT roadway(s): Old US 66 (Central Avenue).

Departments Comments: Access to the property(s) will have to be made through 114th street. No direct access will be granted from Central Avenue. Furthermore, the property owner is still required to provide a traffic study to the state in conjunction with any commercial development on the property. That being said, the NMDOT has no objections with the zone change.

Albuquerque Public School:
8/11/08
This will have no adverse impacts to the APS district.

PNM:
8/12/08
No comment based on the information provided to date.

NEIGHBORHOOD ASSOCIATIONS:

South Valley Coalition of Neighborhood Associations
South Valley Alliance of Neighbors

