



# *City of Albuquerque*

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

December 4, 2001

To whom it may concern:

REF: 00114 01763 / 00110 01764 / Project # 1000976  
(Council Bill No. 0-01-130, Enactment No. 48-2001)

Enclosed is a copy of a new annexation that was approved through our office on the above referenced case. **The subject property is now eligible for City services.** The annexation and simultaneous establishment of zoning is effective five (5) days after publication of the Ordinance. The existing addresses within the annexed area are:

**2503 Coors Blvd. SW 87121**

"Existing addresses" listed for this annexation may be incomplete. If you are aware of any additional "existing addresses" for this annexation, please feel free to contact me at (505) 924-3889.

Sincerely,

*Crystal Ortega*  
Crystal Ortega  
Administrative Assistant  
City Planning Department

Enclosure

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**CITY of ALBUQUERQUE  
FOURTEENTH COUNCIL**

COUNCIL BILL NO. 0-01-130 ENACTMENT NO. 48-2001

SPONSORED BY: Adele Baca-Hundley, by request

1 **ORDINANCE**  
2 **ANNEXATION, 00114 01763, ANNEXING 40 ACRES MORE OR LESS,**  
3 **LOCATED ON ERVIEN LANE SW BETWEEN COORS BOULEVARD SW AND THE**  
4 **AMOLE DIVERSION CHANNEL AND AMENDING THE ZONE MAP TO**  
5 **ESTABLISH CITY M-H ZONING.**  
6 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**  
7 **ALBUQUERQUE:**

8 **Section 1. AREA PROPOSED FOR ANNEXATION.** The owner of the area  
9 proposed for annexation per City Engineers/Public Works requirements hereby  
10 presented a signed petition to annex the following territory: 40 acres more or  
11 less, located on Ervien Lane SW; and particularly described as follows:

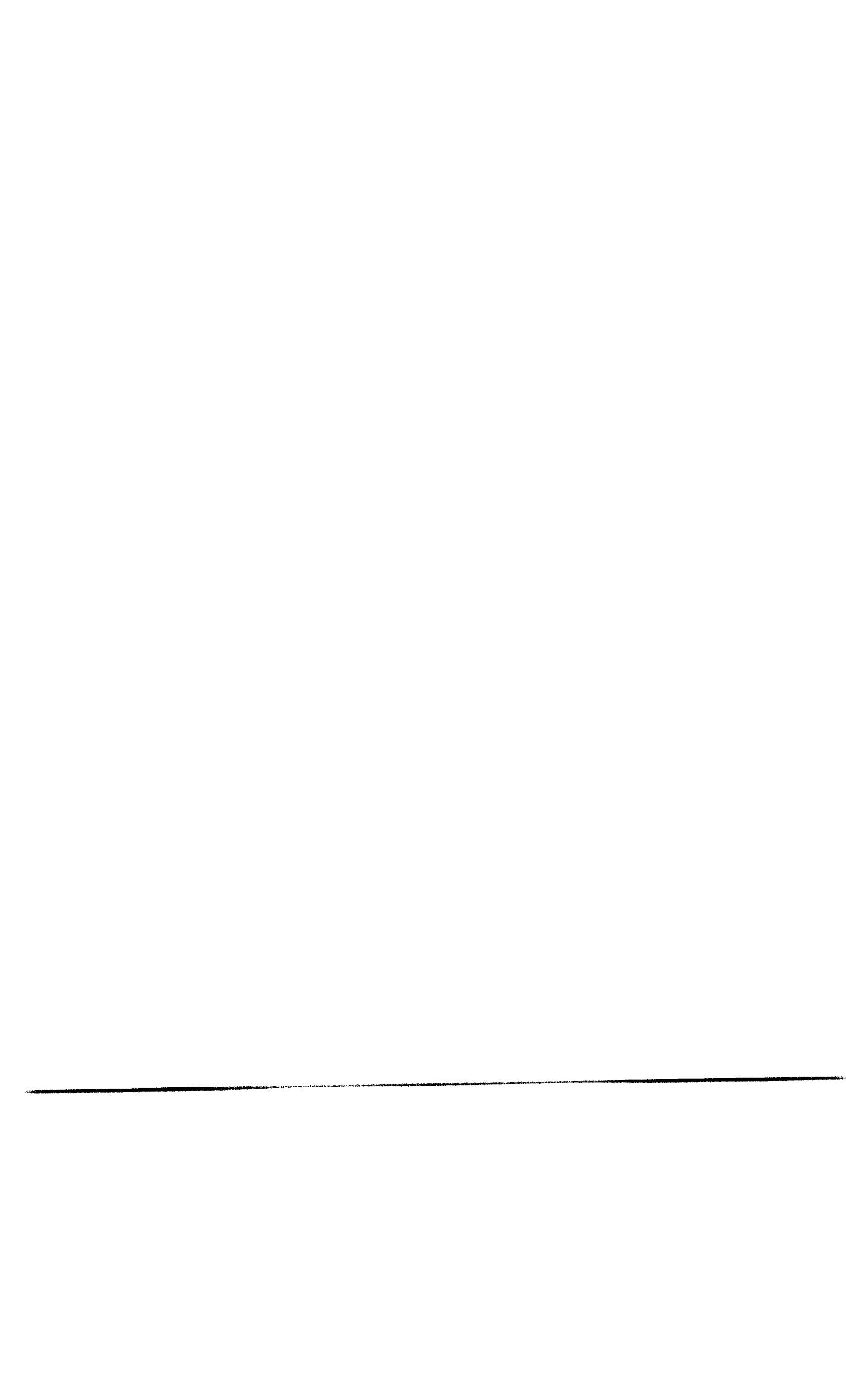
- 12 **A. Tract A, Lands of Tony Sena, Section 34, T10N, R2E, Atrisco Grant,**  
13 **NMPM;**
- 14 **B. Lands of George Sena, Section 34, T10N, R2E, Atrisco Grant, NMPM**  
15 **and Section 3, T9N, R2E, Atrisco Grant, NMPM;**
- 16 **C. All of the right-of-way adjoining the land described in A and B of this**  
17 **section to the extent it is not already in the City.**

18 **Section 2. ANNEXATION ACCEPTED.** The petition and the area specified in  
19 Section 1 above are accepted and the above territory is hereby annexed.

20 **Section 3. ZONE MAP AMENDMENT.** The annexation creates a changed  
21 community condition that justifies the zoning. The zone map adopted by  
22 Section 14-16-1-1 et. seq. R.O. A. 1994 is hereby amended, establishing M-H  
23 zoning.

24 **Section 4. FINDINGS ACCEPTED.** The Environmental Planning Commission  
25 took no action on the Zone Map Amendment at the 18 May 2001 EPC Hearing.

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1 Section 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
2 clause, word or phrase of this ordinance is for any reason held to be invalid or  
3 unenforceable by any court of competent jurisdiction, such decision shall not  
4 affect the validity of the remaining provisions of this ordinance. The Council  
5 hereby declares that it would have passed this ordinance and each section,  
6 paragraph, sentence, clause, word or phrase thereof irrespective of any  
7 provisions being declared unconstitutional or otherwise invalid.

8 Section 6. EFFECTIVE DATE AND PUBLICATION. This ordinance shall  
9 become effective five or more days after publication in full when a copy of the  
10 ordinance and a plat of the territory hereby annexed is filed in the office of the  
11 County Clerk.

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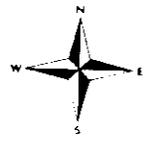
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Proposed annexation in Zone Map M-10  
 AX-00114-00000-01763



Map Scale: 1" = 500'

Map Printed September 06, 2001

-  MUNICIPAL LIMITS
-  AREA PROPOSED FOR ANNEXATION
-  GI

**CITY OF**  
**Albuquerque**  
**A**lbuquerque **G**eographic **I**nformation **S**ystem  
 PLANNING DEPARTMENT

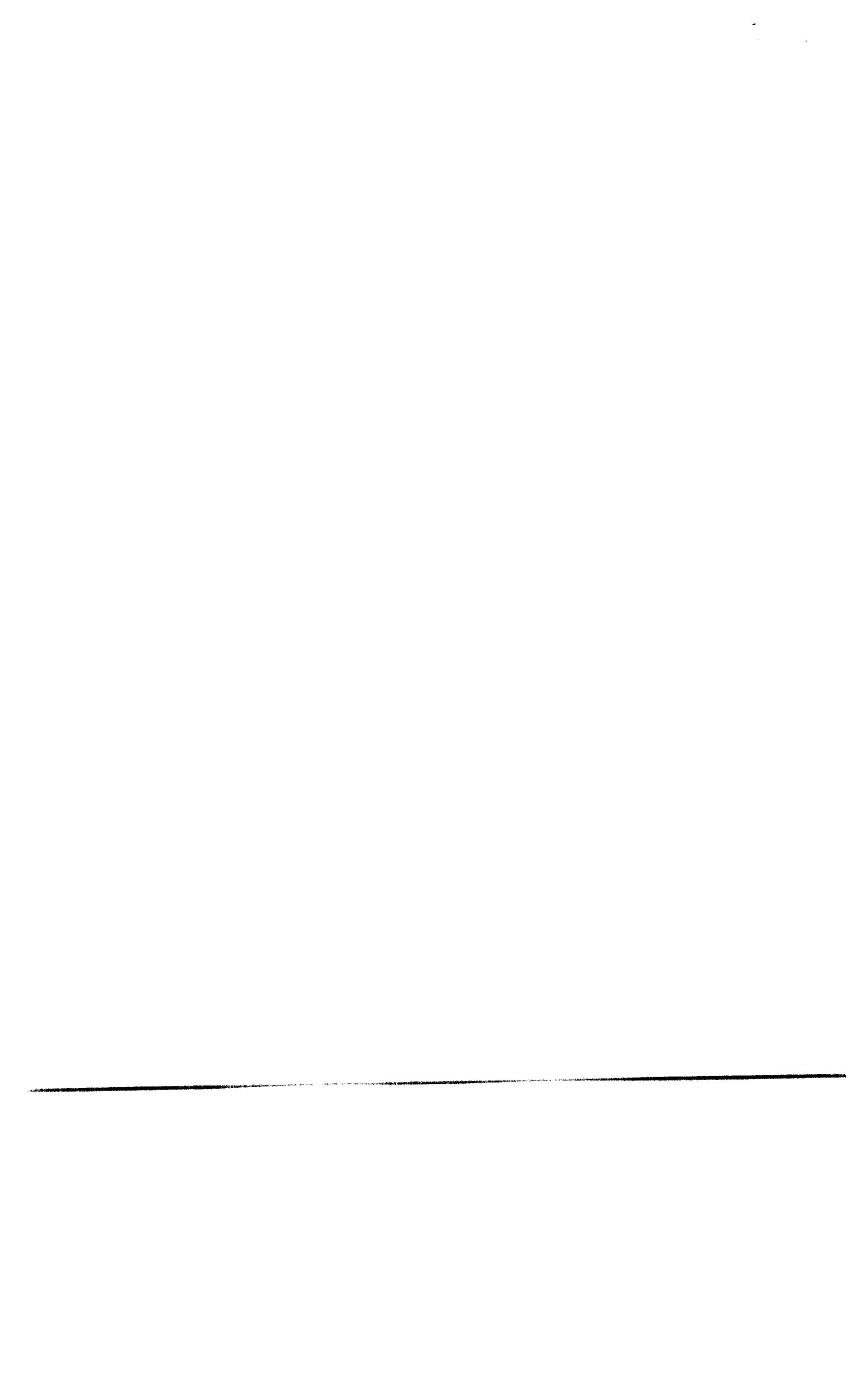


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Mary Herrera

Bern. Co. ORDN

R 13.00



1 PASSED AND ADOPTED THIS 15th DAY OF OCTOBER, 2001  
2 BY A VOTE OF: 9 FOR 0 AGAINST.  
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11 Brad Winter

12 Brad Winter, President  
13 City Council  
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17 APPROVED THIS 24 DAY OF October, 2001 *Rem*  
18

19 Bill No. O-130

20 Jim Baca

21 Jim Baca, Mayor  
22 City of Albuquerque  
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25 ATTEST:

26 Mary Herrera

27 City Clerk  
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CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT, DEVELOPMENT SERVICES DIVISION  
P.O. BOX 1293, ALBUQUERQUE, NM 87103

Tony Sena  
2503 Coors SW  
Albuquerque, NM 87121

November 29, 2001

**CERTIFICATE OF ZONING**

FILE: 00114-01763/00110-01764/Proj. #1000976  
(Council Bill #O-01-130, Enactment #48-2001)  
DATE OF FINAL ACTION: October 15, 2001  
LEGAL DESCRIPTION: for Tract A, Lands of  
Tony Sena, Section 34, T10N, R2E Atrisco Grant  
and Lands of George Sena and Section 3, T9N, R2E  
Atrisco Grant, located on Ervien Lane SW between  
Coors SW and the Amole Diversion Channel,  
containing approximately 40 acres. (M-10)  
Russell Brito, Staff Planner.

The City Council approved your request to annex and amend the zone map as it applies to the above-cited property. The possible appeal period having expired, the property status is now changed as follows:

**CITY M-H ZONING**

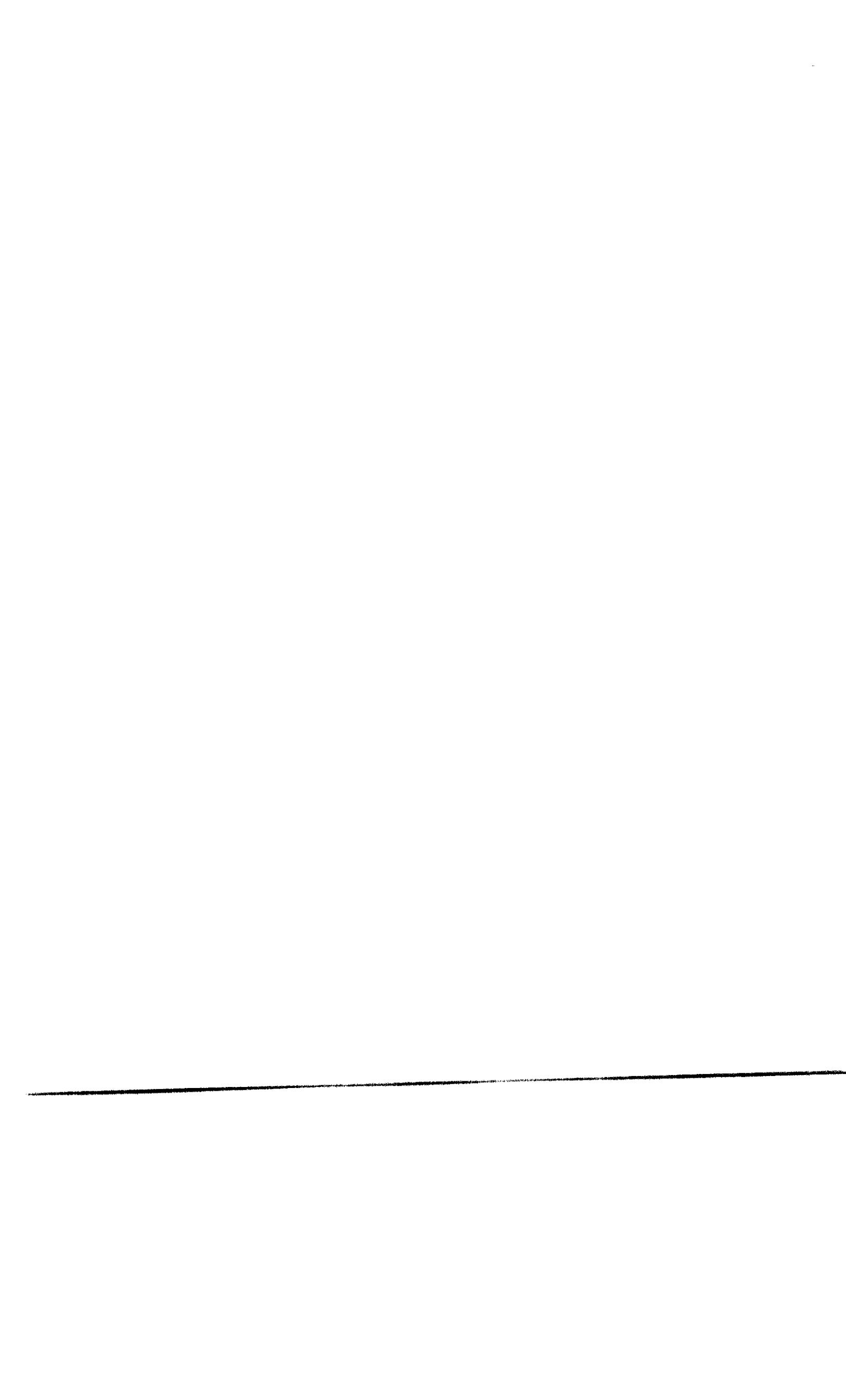
Successful applicants are reminded that other regulations of the City must be complied with, even after approval of the zoning is secured. Approval of a zone map amendment does not constitute approval of plans for a building permit. Site and building plans need to be reviewed, approved and signed-off by the Environmental Planning Commission, the Development Review Board, the Design Review Committee and/or the Building and Safety Division, as applicable and as required by the site's zoning, before a building permit will be issued.

Sincerely,

  
for Robert McCabe, AIA, APA  
Planning Director

RM/co

cc: ABQ Engineering Inc., 1631 Eubank NE, Albuquerque, NM 87112  
Mike Seay, 6919 Acoma SE, Albuquerque, NM 87108  
Lloyd Howard, 5513 Camino Soledad NW, Albuquerque, NM 87120



Page 2 of 2

Certificate of Zoning

00114-01763/00110-01764/Proj. #1000976

Andrew Lopez, 1124 Nutrias SW, Albuquerque, NM 87105  
Loretta Chavez, 2732 Barcelona Pl. SW, Albuquerque, NM 87121  
George Sena, 2503 Coors, Albuquerque, NM 87121  
Wanda Sena, 2503 Coors, Albuquerque, NM 87121  
Ernest Chavez, 2503 Coors, Albuquerque, NM 87121  
Steve Sena, 2503 Coors, Albuquerque, NM 87121  
George Sena Jr., 2503 Coors Albuquerque, NM 87121  
Zoning Code Services Division  
Neal Weinberg, AGIS Division







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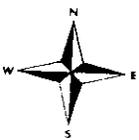
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Proposed annexation in Zone Map M-10  
 AX-00114-00000-01763



Map Scale: 1" = 500'

Map Printed September 06, 2001

- MUNICIPAL LIMITS
-  AREA PROPOSED FOR ANNEXATION
-  GF

**A** CITY OF  
**Albuquerque**  
**A**buquerque **G**eographic **I**nformation **S**ystem  
 PLANNING DEPARTMENT



Mary Herrera

Bern. Co. ORDN

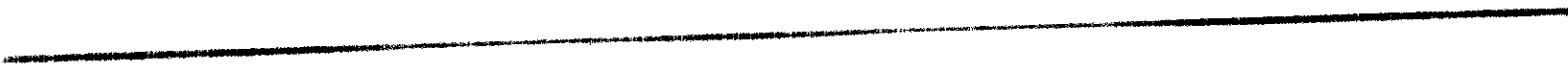
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1 PASSED AND ADOPTED THIS 15th DAY OF OCTOBER, 2001  
2 BY A VOTE OF: 9 FOR 0 AGAINST.  
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Brad Winter

Brad Winter, President

City Council

17 APPROVED THIS 24 DAY OF October, 2001 *Ram*

18  
19 Bill No. O-130

Jim Baca

Jim Baca, Mayor

City of Albuquerque

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25 ATTEST:

Mary Herrera

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28 City Clerk  
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Mary Herrera

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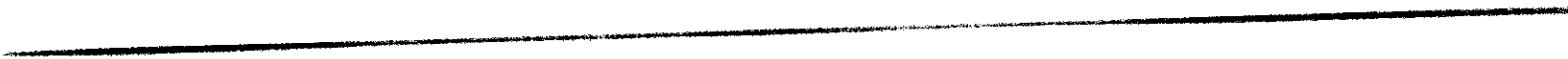
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- O-01-122      Annexation, Annexing 19.97 Acres Located on Coors SW between Arenal and Blake SW; Amending Zone Map to Establish City M-1 Zoning (Hundley)  
(Exhibit 47)  
Vice-President Hundley moved that this matter be Passed. Seconded. The motion carried by the following vote:  
For: 8 - Council Members: Winter, Hundley, Armijo, Griego, Kline, Yntema, Payne and Brasher  
Against: 0  
Excused: 1 - Council Member: McEntee
- Councillor Payne moved reconsideration of Bill No. O-01-130. Seconded. The motion carried by the following vote:  
For: 8 - Council Members: Winter, Hundley, Armijo, Griego, Kline, Yntema, Payne and Brasher  
Against: 0  
Excused: 1 - Council Member: McEntee
- O-01-130      Annexation - Annexing 40 Acres Located on Ervien Lane SW between Coors SW and the Amole Diversion Channel; Amending Zone Map to Establish City M-H Zoning (Hundley, by request)  
Councillor Payne moved Amendment No. 1 (Exhibit 48). Seconded. The motion carried by the following vote:  
For: 9 - Council Members: Winter, Hundley, Armijo, Griego, Kline, Yntema, McEntee, Payne and Brasher  
Against: 0
- 7 (Exhibit 49)  
Vice-President Hundley moved that this matter be Passed as Amended. Seconded. The motion carried by the following vote:  
For: 9 - Council Members: Winter, Hundley, Armijo, Griego, Kline, Yntema, McEntee, Payne and Brasher  
Against: 0
- R-01-304      Albuquerque/Bernalillo County Comprehensive Plan Amendment; Amending the Plan Map of the Comprehensive Plan to Change the Land Use Designation of the Unincorporated Area of North Albuquerque Acres from Developing Urban and Semi-Urban to Rural (Winter, by request)  
President Winter moved Amendment No. 1 (Exhibit 50). Seconded. The motion carried by the following vote:  
For: 9 - Council Members: Winter, Hundley, Armijo, Griego, Kline, Yntema, McEntee, Payne and Brasher  
Against: 0
- Vice-President Hundley moved Amendment No. 2 (Exhibit 51). Seconded. The motion failed by the following vote:  
For: 3 - Council Members: Hundley, Armijo and Griego  
Against: 5 - Council Members: Winter, Kline, McEntee, Payne and Brasher  
Excused: 1 - Council Member: Yntema
- (Exhibit 52)  
Vice-President Hundley moved that this matter be Passed as Amended. Seconded. The motion carried by the following vote:  
For: 9 - Council Members: Winter, Hundley, Armijo, Griego, Kline, Yntema, McEntee, Payne and Brasher  
Against: 0





# City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

## NOTICE OF HEARING

September 26, 2001

Tony Sena  
2503 Coors SW  
Albuquerque, NM 87121

**Council Bill O-01-130** (00114-01763/00110-01764/Project #1000976) The Environmental Planning Commission recommends DENIAL of annexation and no recommendation for establishment of M-H zoning for Tract A, Lands of Tony Sena, Section 34, T10N, R2E Atrisco Grant and Lands of George Sena, Section 34, T10N, R2E and Section 3, T9N, R2E Atrisco Grant; located on Ervien Lane SW between Coors SW and the Amole Diversion Channel, containing approximately 40 acres. (M-10) Russell Brito, Staff Planner.

The above case will be heard by the Land Use, Planning and Zoning Committee (LUPZ) of the City Council on **Wednesday, October 10, 2001**. The hearing begins at 5:00 p.m. and will be held in the Council/Committee Room, 9th Floor, City/County Government Center, One Civic Plaza, NW.

If you have any questions or if I can be of further assistance, you can contact me at (505) 924-3889.

Sincerely,

Crystal Ortega  
Administrative Assistant

cc: ABQ Engineering Inc., 1631 Eubank NE, Albuquerque, NM 87112  
Mike Seay, 6919 Acoma SE, Albuquerque, NM 87108  
Lloyd Howard, 5513 Camino Soledad NW, Albuquerque, NM 87120  
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Wanda Sena, 2503 Coors, Albuquerque, NM 87121  
Ernest Chavez, 2503 Coors, Albuquerque, NM 87121  
Steve Sena, 2503 Coors, Albuquerque, NM 87121  
George Sena Jr., 2503 Coors Albuquerque, NM 87121



0-130

# CITY OF ALBUQUERQUE

Albuquerque, New Mexico

## Office of the Mayor

INTER-OFFICE MEMORANDUM      August 6, 2001

**TO:** Brad Winter, President, City Council

**FROM:** Jim Baca, Mayor

**SUBJECT:** 00114-01763/00110-01764/Project #1000976 The Environmental Planning Commission recommends denial of annexation and no recommendation for establishment of M-H zoning for Tract A, Lands of Tony Sena, Section 34, T10N, R2E Atrisco Grant and Lands of George Sena, Section 34, T10N, R2E and Section 3, T9N, R2E Atrisco Grant; located on Ervien Lane SW between Coors SW and the Amole Diversion Channel, containing approximately 40 acres. (M-10) Russell Brito, Staff Planner.

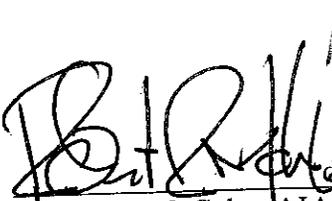
This request for annexation and establishment of zoning is for the continuance of utility service at the subject site as per the City's utility extension policies (Resolution 20-1984, water and sewer expansion policy). The applicant has stated a desire to continue utility service for the subject site, but apparently does not want to annex his property into the City. Regardless of the owner's desire to annex or not, in order for the applicant to continue to be a City Utility customer, City policy requires annexation unless waived by City Council, who created the policy (R-20-1984).

At the time of initial temporary service, the property was not contiguous to City limits as it is now. The applicant is not getting additional service; he has just switched to the permanent water pressure zone. Annexation was always and is a requirement for service.

The Planning Department believes that the annexation meets all of the requirements of Resolution 54-1990, the City's adopted policies on annexation to the City of Albuquerque. The subject site is designated Developing Urban by the *Comprehensive Plan*, which is particularly appropriate for the range of urban services the City can provide and annexation of such areas is desired and encouraged. (R-54-1990, Section 1). The site is contiguous to the City limits, has provision for convenient access to the City and has reasonable boundaries. Utility and infrastructure requirements can be addressed at the Development Review Board at the time of platting, negating the need for a pre-annexation agreement.

The Environmental Planning Commission (EPC) heard the subject request on 18 May 2001 and recommends denial of the annexation request with a solitary finding: "The site does not have convenient access to the City." The EPC took no action on the zone map amendment request to establish M-H zoning.

The Planning Department believes that that the property should be annexed to comply with the City's water and sewer expansion policy (R-20-1984) and to permit annexation of the adjacent property to the north by creating contiguity for that property (Project #1001144). The Planning Department staff report to the EPC recommends approval of the annexation and zone map amendment requests.

  
date: 13 SEPT 2001  
Robert R. McCabe, AIA, APA  
Planning Director

date: \_\_\_\_\_  
Robert M. White  
City Attorney

ACKNOWLEDGED:

date: \_\_\_\_\_  
Lawrence Rael  
Chief Administrative Officer

**Cover Analysis**  
**00114-01763/00110-01764/Project #1000976**

**1. What is it?**

Annexation and establishment of zoning for an existing mobile home site that wishes to expand with City utilities.

**2. What will this piece of legislation do?**

Annex the site into the City and establish M-H zoning.

**3. Why is the project needed?**

Annexation is required by the City's utility extension policies for continued utility service at the subject site (Resolution 20-1984, water and sewer expansion policy).

**4. How much will it cost and what is the funding source?**

See the attached Fiscal Impact Analysis.

**5. What will happen if the project is not approved?**

The site will remain in the unincorporated County.





1 Section 4. FINDINGS ACCEPTED. The Environmental Planning  
2 Commission took no action on the Zone Map Amendment at the 18 May 2001  
3 EPC Hearing.

4 Section 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
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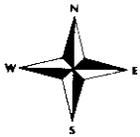
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Proposed annexation in Zone Map M-10  
 AX-00114-00000-01763



Map Scale: 1" = 500'

Map Printed September 06, 2001

- MUNICIPAL LIMITS
-  AREA PROPOSED FOR ANNEXATION
-  GRAY SHADING INDICATES COUNTY



**FISCAL IMPACT ANALYSIS**

TITLE: 00114-01 23 R- \_\_\_\_\_ O- \_\_\_\_\_  
00110-01764 FUND: 0110  
Proj # 1000976 DEPT: Planning

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	<u>CURRENT YEAR*</u>	<u>NEXT YEAR*</u>
Base Salary/Wages	\$ _____	\$ _____
Fringe Benefits at _____ % Subtotal Personnel	\$ _____	\$ _____
Operating Expenses	_____	_____
Property	_____	_____
Indirect Costs	_____	_____
Total	<u>\$ _____</u>	<u>\$ _____</u>
<input type="checkbox"/> Estimated revenues not affected	\$ _____	\$ _____
<input type="checkbox"/> Estimated revenue impact	<u>\$ _____</u>	<u>\$ _____</u>

\* These estimates do not include any adjustment for inflation.  
 \* Range if not easily quantifiable.

Number of Positions \_\_\_\_\_

**COMMENTS:**

*See attached.*

**COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:**

PREPARED BY:

*[Signature]*  
FISCAL ANALYST

APPROVED:

*[Signature]*  
DIRECTOR

*[Signature]*  
(date)

REVIEWED BY:

*[Signature]*  
EXECUTIVE BUDGET ANALYST

REVIEWED BY:

*[Signature]*  
BUDGET OFFICER

REVIEWED BY:

*[Signature]*  
CITY ECONOMIST

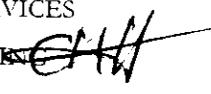
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## MEMORANDUM

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**DATE:** 8/8/2001

**TO:** RUSSELL BRITO, CASE PLANNER, DEVELOPMENT SERVICES

**FROM:** CHRISTOPHER HYER, ECONOMIST, ADVANCE PLANNING 

**RE:** FISCAL ANALYSIS, CASE # 00110 0000 01764/00114 00000 01763

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The fiscal impact resulting from the approval of this Annexation and the Zone Amendment were analyzed using the City's FISCALS Model. The results show a net gain to the City. The assumptions of the analysis are as follows:

- The site is contiguous to existing City limits to the west (across AMAFCA's Amole Diversion Channel) and on the western part of the northern boundary;
- Requested zoning would be changed from County A-1 and A-1 with SU permit for MH to City SU-1 for MH use;
- The entire site's acreage is 40 acres with an existing mobile home park on 10 – 15 acres. The site has 85 existing trailer park lots and is expected to have 255 spaces available – however, no subdivision plat has been submitted;
- A sewer line does cross the property but does need to be expanded to allow for increased capacity. Water lines exist on the contiguous property to the west and will have to cross AMAFCA's Amole del Norte Diversion Channel when extended to the site. Another waterline follows Coors Boulevard; and a connection will have to be made to the site;
- Hydrology will be addressed through a drainage plan yet to be submitted. However, on-site grading may be linked to the adjacent Amole Diversion Channel;
- Developer to pay all on-site infrastructure costs;
- Currently the site has only one point of access, the accessibility to the site will need to be improved upon annexation;
- Coors Boulevard is a State Highway and access to the subject property will require permitting from the State Highway Department. Additionally, acceleration and deceleration lanes will need to be added for access to the property (for both points of access) at the property owner's expense.
- Public safety, police and fire, would have to expand their respective service areas which would add to their annual O&M costs;
- If site remains in County, development may be unable to expand do lack of City water and sewer services. Alternative to City utilities would be well and septic.

The results from the FISCALS model show there are costs to the City, yet a net gain is obtained over the 20-year projection period. Provision of infrastructure (mainly water and sewer) expected with annexation and extension of these service areas are the largest cost components. Other large cost infrastructure improvements include roads serving this development) and storm drainage. Public Safety service areas will need to be expanded as well.

One-time construction gross receipts tax, \$145,393, and water/waste-water revenues will be collected. The collection of expenditure GRT is estimated to be \$2,539,829 for the model's 20-year estimation period. Because the collection of expenditure GRT is directly connected to the residential land-use – this project is all residential land – this estimation is the total direct addition of expenditure GRT from this site -- assuming that all expenditures will be made within the City -- and therefore may be high. Nevertheless, the 20-year net result for the General Fund is estimated at \$1,013,076.

The 20-year net result for the capital fund is a negative (\$554,316), the only capital expense would be for transportation improvements – the rest of the capital expenditures are considered on-site costs and are the developer's responsibility. The utility fund is also a negative (\$418,947) reflecting that the extension of the water and sewer lines across the AMAFCA Amole Diversion Cannel will be costly.

The overall 20-year result from the FISCALS model is a positive \$39,813 to the City. This number only represents the direct net cost to the City in providing City services. This number does not incorporate indirect costs and benefits the site would promote. See attached FISCALS Results page for detailed annual revenue information.

Attached is the more detailed annual projections provided by the FISCALS model.

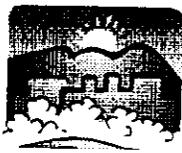
Note: The FISCALS model is regarded as only a tool to help provide input to analysis of various development projects. Decisions should be with its output as a reference, not a conclusion.



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**00114-01763/00110-01764/Project #1000976**

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Agenda Number: 4  
Case Number: 00114 00000 01763  
/00110 0000 01764  
May 17, 2001

### Staff Report

<b>Agent</b>	ABQ Engineering Inc.
<b>Applicant</b>	Tony Sena
<b>Requests</b>	<b>Annexation</b> <b>Establishment of Zoning</b>
<b>Legal Description</b>	Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant
<b>Location</b>	Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel
<b>Size</b>	Approximately 40 acres
<b>Existing Zoning</b>	County A-1 & A-1 with a Special Use permit for a MH park
<b>Proposed Zoning</b>	M-H

**Staff Recommendation**

*That APPROVAL of 00114 00000 01763 be forwarded to the City Council, based on the findings on pages 12 - 13, and subject to the conditions of approval on page 13.*

*That APPROVAL of 00110 00000 01764 be forwarded to the City Council, based on the findings on pages 13 - 14, and subject to the conditions of approval on page 14.*

**Staff Planner**

*Russell Brito, Senior Planner*

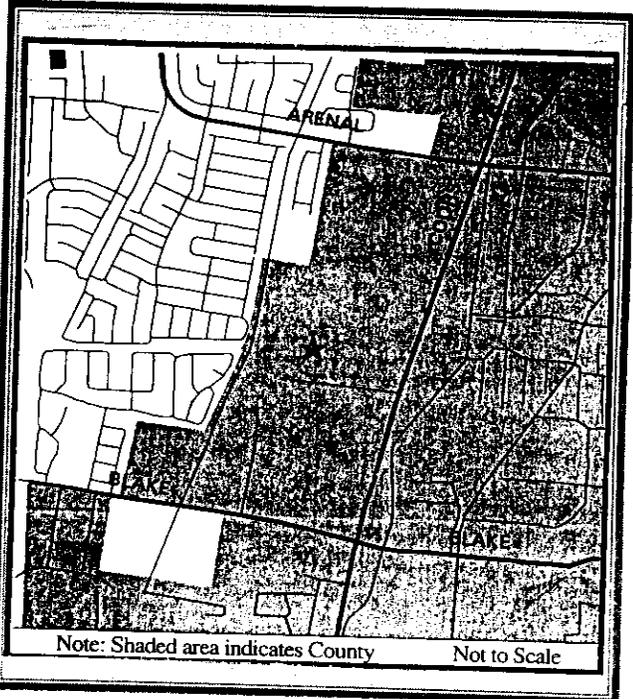
#### Summary of Analysis

This case was deferred at the 15 February 2001 EPC hearing at the request of the applicant. The applicant submitted no additional information or materials. Staff analysis and recommendations are unchanged.

The annexation and zone map amendment requests further the applicable Goals, policies and intents of the *Comprehensive Plan*, the *West Side Strategic Plan* and the *Southwest Area Plan*.

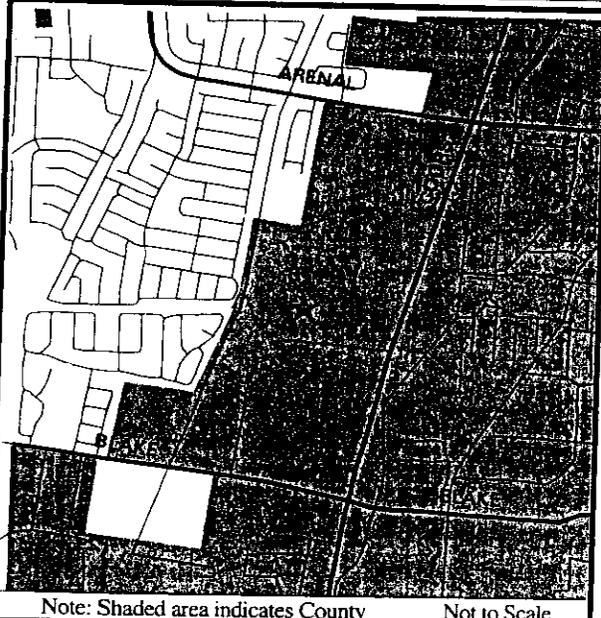
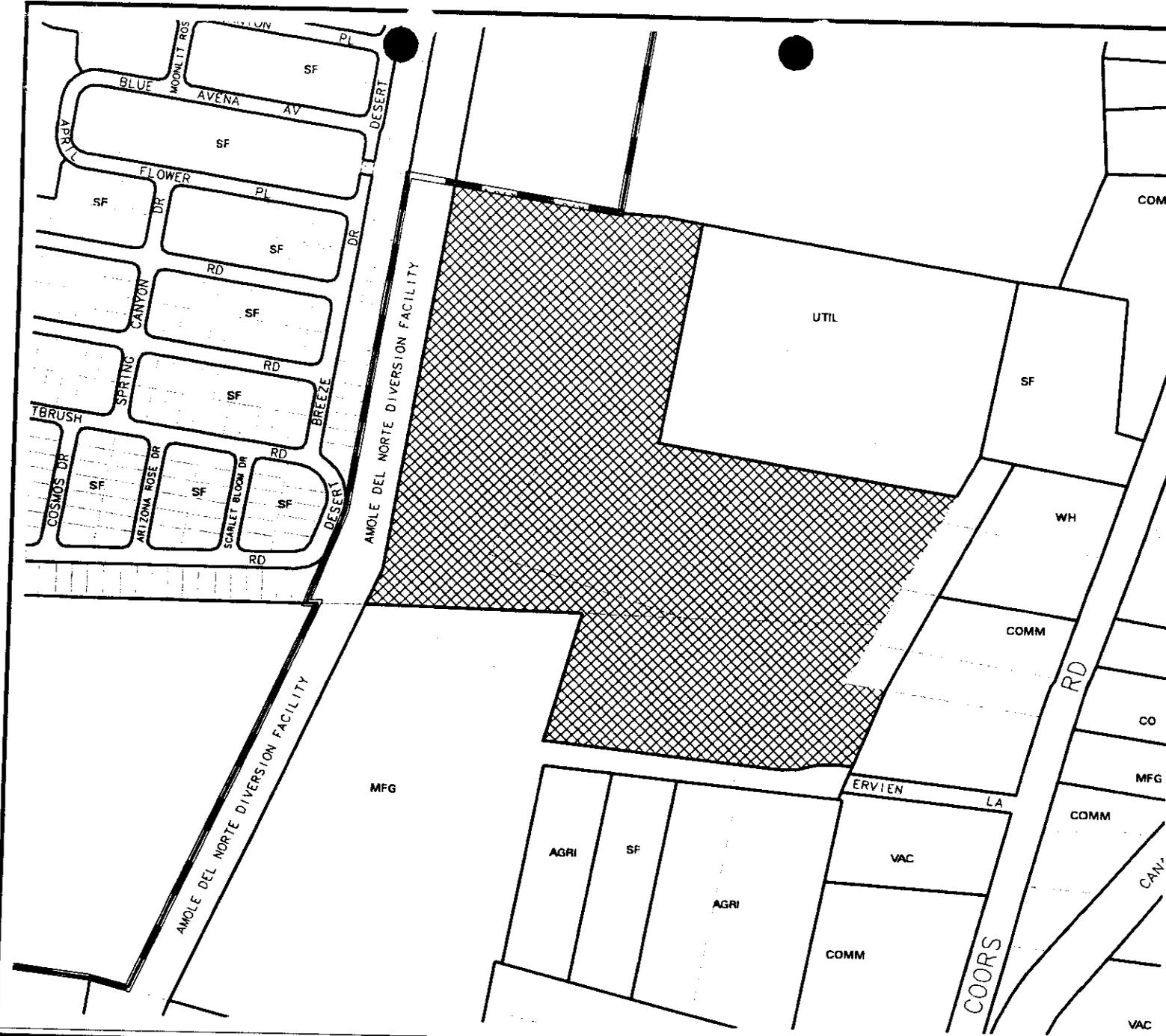
The annexation request fulfills the policies of *Resolution 54-1990*. The zone map amendment (establishment of zoning) request fulfills the policies of *Resolution 270-1980*.

The most recent staff comments begin on page 11.



City Departments and other interested agencies reviewed this application from 5 January 2000 to 19 January 2000. Agency comments were used in the preparation of this report, and begin on page 16.





Note: Shaded area indicates County Not to Scale

### LAND USE MAP

KEY to Land Use Abbreviations

- AGRI Agricultural
- COMM Commercial -Retail, Service, Wholesale
- DRNG Drainage
- EDUC Public or Private School
- GOLF Golf Course
- MED Medical Office or Facility
- MFG Manufacturing or Mining
- MH Mobile Home
- MULT Multi-Family or Group Home
- OFF Office
- ORG Social or Civic Organization
- PARK Park, Recreation or Open Space
- PRKG Parking
- PUBF Public Facility
- RELG Religious Facility
- SF Single Family
- TRAN Transportation Facility
- UTIL Utility
- VAC Vacant Land or Abandoned Bldgs
- WH Warehousing & Storage



Scale 1" = 433'

PROJECT NO. 1000976
HEARING DATE 02-15-01
MAP NO. M-10
APPLICATION NO. 00114-00000-01763 00110-00000-01764

**Development Services Report**

**SUMMARY OF REQUEST**

<b>Requests</b>	Annexation Establishment of Zoning
<b>Location</b>	Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant, located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel

**AREA CHARACTERISTICS AND ZONING HISTORY**

*Surrounding zoning, plan designations, and land uses:*

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	County A-1 & A-1 with an SU permit for a MH park	Developing Urban; West Side Strategic Plan; Southwest Area Plan	Existing mobile home park and undeveloped land
<b>North</b>	R-LT; A-1 and County M-1	"	Undeveloped
<b>South</b>	County M-1 & A-1 SU permit mini-storage, RV storage and container storage	"	Undeveloped and storage
<b>East</b>	County M-1	"	Undeveloped and commercial
<b>West</b>	R-LT separated from the subject site by the Amole del Norte Diversion Channel	"	Amole del Norte Diversion Channel and single family residential

**Background, History and Context**

This reason for this request is to obtain City water and sewer service for the subject site as required by the City's utility extension policies. Part of the subject site includes an existing mobile home development with mobile home spaces, tenants, landscaping and other amenities.

The land to the west, across the Amole Del Norte Diversion Channel, was annexed into the City in 1975 (Z-75-82/AX-75-19). The land to the north, adjacent to the subject site was annexed into the City and zoned R-LT in 1998 (Z-98-68/AX-98-7). The land to the south, adjacent to the subject site was the subject of an annexation request that was withdrawn at the EPC level in 1999 (Z-99-103/AX-99-11).

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## APPLICABLE PLANS AND POLICIES

### *Albuquerque / Bernalillo County Comprehensive Plan*

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 within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment." Applicable policies include:

- Policy a: The Established and Developing Urban Areas as shown by the plan map allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.
- Policy 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, or recreational concern.
- Policy 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 integrity of existing neighborhoods can be ensured.
- Policy h: Higher density housing is most appropriate in areas where a mixed density pattern is already established by zoning, in areas where it is compatible with existing area land uses, and in areas where a transition is needed between single-family homes and much more intensive development.

The Goal of the Water Quality section should also be addressed. It states: "The Goal is to maintain a dependable, quality supply of water for the urbanized area's needs." Applicable policies include:

- Policy a: Minimize the potential for contaminants to enter the community water supply.
- Policy b: Water quality degradation resulting from on-site liquid waste disposal systems shall be minimized.
- Policy e: Provide greater emphasis on a total systems approach to water as a valuable resource.

### *West Side Strategic Plan*

The *West Side Strategic Plan (WSSP)* was adopted in 1997. 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 is based on a Community Concept that identified seven communities in the plan and established a community-based urban form which defines areas for low density and open spaces

as well as nodes of higher density development to support services and transit. Each community is comprised of villages and the plan describes uses that should occur in core and adjacent areas of the Community and Village centers. The WSSP strives to create and encourage a multi-nodal pattern of low-density and high-density forms.

The site is located just within the Bridge/Westgate Community designated by the WSSP. The boundaries of the Community roughly follow Central Avenue on the North, Coors Boulevard on the east, the 118<sup>th</sup> Street corridor on the west and Blake Road on the south. According to the WSSP, this community is planned to provide substantial growth capacity for Albuquerque at urban densities; "Growth will be encouraged in this area." An applicable policy is:

- Policy 3.38: Urban style services are appropriate in the community. This area shall receive a high priority for public infrastructure spending.

***Southwest Area Plan (Rank II)***

The Southwest Area Plan was adopted in 1988. It encompasses 115 square miles bounded by the Rio Puerco on the West, I-40, Central Avenue and Woodward Avenue on the North, the Rio Grande (north of Woodward Avenue) and I-25 (south of Woodward Avenue) on the East and the Isleta Indian Reservation on the South.

The plan establishes a framework to follow the goals and policies of the Comprehensive plan in encouraging infill and other development within or adjacent to the existing urban water and service area prior to encouraging extensive growth beyond that boundary.

The subject site is located in Residential Area 5 of the Southwest Area Plan. The plan states that up to 9 dwelling units/acre can be accommodated in this area with out significant adverse impact on the environment or existing neighborhoods. Applicable policies include:

- Policy 6: The residential densities contained in Table 2 shall be those controlling zoning in the plan area.
- Policy 8: Between higher and lower intensity land uses and in areas adjacent to arterials, there shall be land uses which act as transition to avoid adjacent incompatible land uses.

***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 a subject site 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 the requests to the City Council.

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***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.

***Resolution 91-1998 (R-70)***

This Resolution establishes an overall direction for implementation of the City's growth policies, with a framework emphasizing:

- development of community and regional activity centers and major transportation corridors (high capacity corridors); encourage increased densities and mixed uses in activity centers and corridors; meet the needs of residents closer to their homes or employment to decrease Vehicle Miles Traveled and automobile dependence.
- maintenance, enhancements and upgrades of roads and utilities in the core area, to prevent deterioration of existing communities and to encourage infill; diversify the Downtown land use mix with public facilities, hotels, office and retail development, more and higher density housing; generate more activity and attract more private investment in the Downtown area.
- enhance transit system performance, consistent with the principles of a compact urban form and a network of centers and corridors; improve the viability of transit as an alternative to the single-occupancy vehicle and reduce Vehicle Miles Traveled; improve pedestrian mobility and the character of the pedestrian environment, transit orientation and bicycle connections, within centers and corridors.
- plan the timing of road and utility construction to ensure orderly growth, and coordinate capacity increases and street extensions; transportation improvement programs must recognize the significance of natural, historic, and cultural resources and include strategies for minimizing adverse impacts on them.

***Long Range Roadway System***

The Long Range Roadway System designates Coors Road as a Principal Arterial, with a right-of-way of 124'.

The Long Range Roadway System designates Blake as a Collector street, with a right-of-way of 68'.

The Long Range Bikeway System designates a bike lane along Coors Boulevard.

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**ANALYSIS - Annexation**

***Conformance to Adopted Plans, Policies, and Ordinances***

This is a request for annexation of an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel.

The applicant's reason for the request is to obtain City water and sewer services for an existing and a proposed mobile home development. The applicant has submitted a "Water/Sewer Availability Statement" from the City of Albuquerque Public Works Department, Utility Development Division that states:

"Per City service policy, City water and sewer service is contingent upon annexation. When Phase I was developed, the property did not meet conditions for annexation. Since that time, surrounding properties have been annexed and this property now meets conditions."

The subject site is located in the area designated Developing Urban by the *Comprehensive Plan Resolution 54-1990*, the City's policies on annexation states:

"Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Central Urban, Established Urban, and Developing Urban are 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."

As per the policies of *Resolution 54-1990*, the subject land is contiguous to the City limits, has provision for convenient street access to the City and has reasonable boundaries. Utility and infrastructure requirements can be addressed at the Development Review Board at the time of platting, negating the need for a pre-annexation agreement.

The annexation request furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Also, hook up to the City's utility system will minimize water quality degradation resulting from on-site liquid waste disposal systems.

The annexation request furthers the applicable Goals and policies of the *West Side Strategic Plan* by proposing annexation that will allow for urban style services that are appropriate in the community.

The annexation request does not conflict with the applicable Goals and policies of the *Southwest Area Plan*.

***Vehicular Access***

All adjacent roadways, rights-of-way and necessary accesses should be included in this annexation request. This will be reflected in the draft legislation that will be forwarded to the City Council with the Environmental Planning Commission's recommendation.

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**ANALYSIS – Establishment of Zoning (Zone Map Amendment)**

***Conformance to Adopted Plans, Policies, and Ordinances***

This is a request to establish M-H zoning for an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel in conjunction with an associated annexation request for the same site.

There is an existing, approximately 10 to 15-acre mobile home development on the site that has obtained City utilities. Provision of service to the balance of the site requires annexation into the City limits (see annexation analysis above).

The zoning furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Annexation and zoning of the subject site allows for provision of City utility service, including water and sanitary sewer which will reduce the potential number of well and septic systems in the area and minimize the potential for contaminants to enter the community water supply.

The zoning does not conflict with the Goals, policies or intent of the *West Side Strategic Plan*.

The zoning furthers the applicable policies of the *Southwest Area Plan* by allowing up to 9 dwelling units/acre with out significant adverse impact on the environment or existing neighborhoods.

*Resolution 270-1980*, the City's policies for zone map change applications, requires that the existing zoning be shown to be inappropriate because of at least one of three criteria. It has been shown that the existing zoning is inappropriate: Annexation of the subject site into the City of Albuquerque creates a changed neighborhood or community condition that justifies the change (establishment) of zoning. Also, a different use category is more advantageous to the community, as articulated in the *Comprehensive Plan*.

***Site Layout / Configuration***

The existing mobile home development is unplatted. Both the existing mobile home development and any future mobile home development should be platted to create separate, distinct lots that conform to the criteria and requirements of the M-H zone.

***Concerns of Reviewing Agencies / Pre-Hearing Discussion***

The Public Works Department conditions of approval include:

- A) Provision of two independent access points from major streets in the immediate proximity to serve the 255 units.
- B) Annexation should include the adjacent segment of AMAFCA's Amole del Norte Channel.
- C) Dedication of right-of-way for access, as required by City Engineer.

*Neighborhood Concerns*

The Planning Department has not received any correspondence regarding these requests.

*Conclusions*

The annexation and zone map amendment requests further the applicable Goals, policies and intents of the *Comprehensive Plan*, the *West Side Strategic Plan* and the *Southwest Area Plan*.

The annexation request fulfills the policies of *Resolution 54-1990*. The zone map amendment (establishment of zoning) request fulfills the policies of *Resolution 270-1980*.

---

**FINDINGS - Annexation**

1. This is a request for annexation of an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel.
2. The applicant's reason for the request is to obtain City water and sewer services for an existing and a proposed mobile home development.
3. "Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Central Urban, Established Urban, and Developing Urban are 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." (*Resolution 54-1990*)
4. As per the policies of *Resolution 54-1990*, the subject land is contiguous to the City limits, has provision for convenient street access to the City and has reasonable boundaries. Utility and infrastructure requirements can be addressed at the Development Review Board at the time of platting, negating the need for a pre-annexation agreement.
5. The annexation request furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Also, hook up to the City's utility system will minimize water quality degradation resulting from on-site liquid waste disposal systems.
6. The annexation request furthers the applicable Goals and policies of the *West Side Strategic Plan* by proposing annexation that will allow for urban style services that are appropriate in the community.
7. The annexation request does not conflict with the applicable Goals and policies of the *Southwest Area Plan*.

- 
8. All adjacent roadways, rights-of-way and necessary accesses should be included in this annexation request.

**RECOMMENDATION - Annexation**

That APPROVAL of 00114 00000 01763, annexation of Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions of Approval.

**CONDITIONS OF APPROVAL - Annexation**

1. All adjacent roadways, rights-of-way and necessary accesses shall be included in this annexation request.

---

**FINDINGS - Establishment of Zoning (Zone Map Amendment)**

1. This is a request to establish M-H zoning for an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel in conjunction with an associated annexation request for the same site.
2. The zoning furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Annexation and zoning of the subject site allows for provision of City utility service, including water and sanitary sewer which will reduce the potential number of well and septic systems in the area and minimize the potential for contaminants to enter the community water supply.
3. The zoning does not conflict with the Goals, policies or intent of the *West Side Strategic Plan*.

4. The zoning furthers the applicable policies of the *Southwest Area Plan* by allowing up to 9 dwelling units/acre with out significant adverse impact on the environment or existing neighborhoods.
5. It has been shown that the existing zoning is inappropriate as per *Resolution 270-1980*, the City's policies for zone map change applications: Annexation of the subject site into the City of Albuquerque creates a changed neighborhood or community condition that justifies the change (establishment) of zoning. Also, a different use category is more advantageous to the community, as articulated in the *Comprehensive Plan*.

**RECOMMENDATION – Establishment of Zoning (Zone Map Amendment)**

That APPROVAL of 00110 00000 01764, establishment of M-H zoning for Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions of Approval.

**CONDITIONS OF APPROVAL – Establishment of Zoning (Zone Map Amendment)**

1. Both the existing mobile home development and any future mobile home development shall be platted to create separate, distinct lots that conform to the criteria and requirements of the M-H zone.
2. The Public Works Department conditions of approval include:
  - a. Provision of two independent access points from major streets in the immediate proximity to serve the 255 units.
  - b. Annexation shall include the adjacent segment of AMAFCA's Amole del Norte Channel.
  - c. Dedication of right-of-way for access, as required by City Engineer.

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**ACTION TAKEN BY THE ENVIRONMENTAL PLANNING COMMISSION ON  
15 FEBRUARY 2001.**

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission voted to defer 00114 00000 01763/ 00110 00000 01764/01110 00000 00007 to the Environmental Planning Commission Public Hearing on May 17, 2001.

MOVED BY COMMISSIONER SCHWARTZ  
SECONDED BY COMMISSIONER SERRANO

MOTION CARRIED UNANIMOUSLY

**ADDITIONAL COMMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION FOR  
MAY 17, 2001.**

This case was deferred at the 15 February 2001 EPC hearing at the request of the applicant. The applicant has paid the required \$75.00 fee when a deferral is made at the request of an applicant/agent. The applicant submitted no additional information or materials. Staff analysis and recommendations are unchanged.

This is a request to establish M-H zoning for an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel in conjunction with an associated annexation request for the same site. The applicant's reason for the request is to obtain City water and sewer services for an existing and a proposed mobile home development.

The annexation and zone map amendment requests further the applicable Goals, policies and intents of the *Comprehensive Plan*, the *West Side Strategic Plan* and the *Southwest Area Plan*.

The annexation request fulfills the policies of *Resolution 54-1990*. The zone map amendment (establishment of zoning) request fulfills the policies of *Resolution 270-1980*.

---

**FINDINGS – Annexation – 17 May 2001**

1. This is a request for annexation of an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel.
2. The applicant's reason for the request is to obtain City water and sewer services for an existing and a proposed mobile home development.
3. "Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Central Urban, Established Urban, and Developing Urban are 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." (*Resolution 54-1990*)
4. As per the policies of *Resolution 54-1990*, the subject land is contiguous to the City limits, has provision for convenient street access to the City and has reasonable boundaries. Utility and infrastructure requirements can be addressed at the Development Review Board at the time of platting, negating the need for a pre-annexation agreement.
5. The annexation request furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Also, hook up to the City's utility system will minimize water quality degradation resulting from on-site liquid waste disposal systems.
6. The annexation request furthers the applicable Goals and policies of the *West Side Strategic Plan* by proposing annexation that will allow for urban style services that are appropriate in the community.
7. The annexation request does not conflict with the applicable Goals and policies of the *Southwest Area Plan*.

- 
8. All adjacent roadways, rights-of-way and necessary accesses should be included in this annexation request.

**RECOMMENDATION - Annexation- 17 May 2001**

That APPROVAL of 00114 00000 01763, annexation of Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions of Approval.

**CONDITIONS OF APPROVAL - Annexation- 17 May 2001**

1. All adjacent roadways, rights-of-way and necessary accesses shall be included in this annexation request.

---

**FINDINGS - Establishment of Zoning (Zone Map Amendment) - 17 May 2001**

1. This is a request to establish M-H zoning for an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel in conjunction with an associated annexation request for the same site.
2. The zoning furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Annexation and zoning of the subject site allows for provision of City utility service, including water and sanitary sewer which will reduce the potential number of well and septic systems in the area and minimize the potential for contaminants to enter the community water supply.
3. The zoning does not conflict with the Goals, policies or intent of the *West Side Strategic Plan*.

- 
4. The zoning furthers the applicable policies of the *Southwest Area Plan* by allowing up to 9 dwelling units/acre with out significant adverse impact on the environment or existing neighborhoods.
  5. It has been shown that the existing zoning is inappropriate as per *Resolution 270-1980*, the City's policies for zone map change applications: Annexation of the subject site into the City of Albuquerque creates a changed neighborhood or community condition that justifies the change (establishment) of zoning. Also, a different use category is more advantageous to the community, as articulated in the *Comprehensive Plan*.

**RECOMMENDATION – Establishment of Zoning (Zone Map Amendment) – 17 May 2001**

That APPROVAL of 00110 00000 01764, establishment of M-H zoning for Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions of Approval.

**CONDITIONS OF APPROVAL – Establishment of Zoning (Zone Map Amendment) – 17 May 2001**

1. Both the existing mobile home development and any future mobile home development shall be platted to create separate, distinct lots that conform to the criteria and requirements of the M-H zone.
2. The Public Works Department conditions of approval include:
  - a. Provision of two independent access points from major streets in the immediate proximity to serve the 255 units.
  - b. Annexation shall include the adjacent segment of AMAFCA's Amole del Norte Channel.
  - c. Dedication of right-of-way for access, as required by City Engineer.



*Russell Brito*  
*Senior Planner*

cc: Tony Sena, 2503 Coors SW, Albuquerque, NM 87121  
ABQ Engineering Inc., 1631 Eubank NE, Albuquerque, NM 87112

*Attachments*

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## **CITY OF ALBUQUERQUE AGENCY COMMENTS**

### **PLANNING DEPARTMENT**

#### **Zoning Code Services**

"Application indicates that this request is for SU-1, special use for MH. The advertisement indicates that the request is for MH zoning."

### **PUBLIC WORKS DEPARTMENT**

#### **Transportation Development Services:**

Conditions of approval of the proposed annexation and establishment of zoning request should include:  
A) Provision of two independent access points from major streets in the immediate proximity to serve the 255 units.

#### **Utility Development:**

No adverse comment. Annexation is a requirement of water and sanitary sewer service from the City. See availability statements of June 24, 1994 through September 8, 2000. SU-1 zoning requires a site plan, which should be included in this submittal. There is a County approved plan covering approximately 30-acres. It would have to be expanded to cover the 40-acres included in this action. UPC and legal information appears incomplete. Record data shows the land as unplatted with at least 3 separate assessments. Platting must be a condition of approval.

#### **Traffic Engineering Operations:**

Access locations are critical on this large tract for traffic operations. Good sight distance is essential. No objection to zoning.

#### **Hydrology:**

An approved conceptual grading and drainage plan to identify infrastructure requirements and conveyance is required prior to City Engineer approval of annexation request.

#### **Transportation Planning:**

City of Albuquerque Public Works Department, Transportation Planning Division has no objection to annexation and zoning. Annexation should include the adjacent segment of AMAFCA's Amole del Norte Channel.

It is not apparent from the application whether the existing streets within the mobile home park are to remain as private streets or to become public streets. Underground utilities in the streets may be a factor.

Primary access to the mobile home park is via an existing private road (from Coors Boulevard) that is not shown in any way on the zone atlas map. Dedication of a right-of-way and naming of this street should be a condition of approval. See attached map.

---

Secondary access to the mobile home park is via Ervien Lane, a county road. However, entry apparently involves the use of a short segment of undedicated road that is an extension of Ervien Lane. Dedication of right-of-way at this location is also needed.

CONDITION of approval for annexation:

- Dedication of right-of-way for access, as required by City Engineer.

**ENVIRONMENTAL HEALTH DEPARTMENT**

**Air Quality Division**

"No Adverse Comment."

**Environmental Services Division**

**NEIGHBORHOOD SERVICES**

"No recognized associations. Westgate Vecinos was notified."

**PARKS AND RECREATION**

**Planning and Design**

No objection to the annexation and zoning requests.

If annexation and establishment of requested zoning occurs, future subdivision plats will be subject to the requirements of the City Park Dedication and Development Ordinance which include:

The dedication of land suitable for the development of a neighborhood park and/or the payment of a fee in lieu of and equal to the value of the required park land dedication prior to sign-off on the related plat.

The park development requirement will be met via the payment of a fee prior to issuance of building permit for each new dwelling unit.

The Trails & Bikeways Facility Plan proposes a Secondary Trail along the Amole del Norte Channel in this location. Design of this facility is getting underway; exact location not yet determined.

**OPEN SPACE DIVISION**

"No Adverse Comment."

**POLICE DEPARTMENT/Planning**

"No Comment."

---

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

"No Adverse Comment."

**FIRE DEPARTMENT/Planning**

"No Adverse Comment."

**TRANSIT DEPARTMENT**

"No comments on annexation.

This area is served by Route 52."

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

**ALBUQUERQUE METROPOLITAN FLOOD CONTROL AUTHORITY**

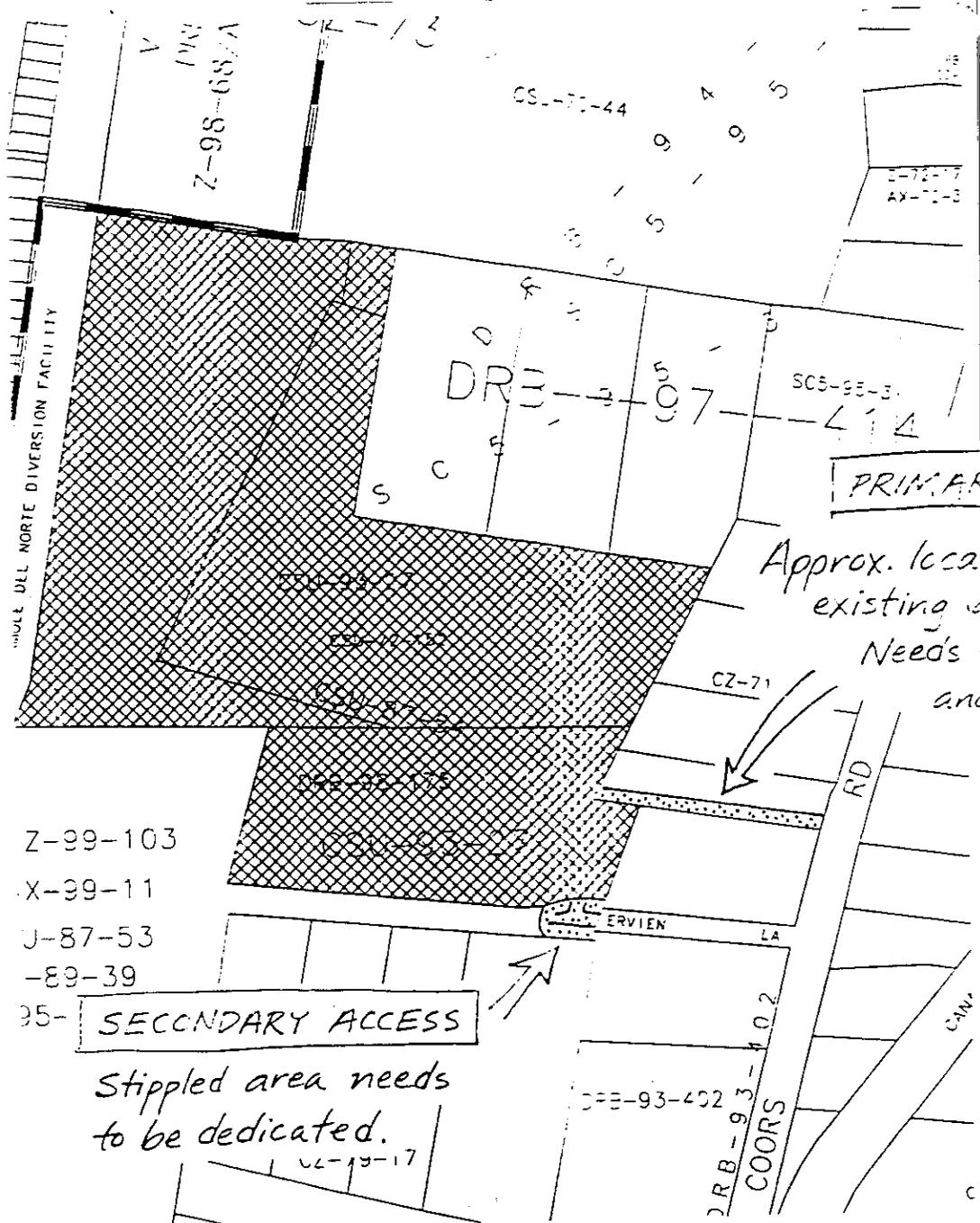
"No objection to requested action. AMAFCA will require an approved Grading and Drainage Plan."

**ALBUQUERQUE PUBLIC SCHOOLS**

The 40 acres (Lands of Tony Sena tract A), currently zoned A-1/SU-1 (MH County), of the proposed **Riverside West Mobile Home Park** (SU-1 MH City), will affect Navajo Elementary School, Harrison Middle School, and Rio Grande High School. The APS facilities in the area at the high school level are either at or approaching site capacity. In 1998, the district opened a new elementary school (Painted Sky) in the area, another elementary is slated to open in the fall of 2003. A middle school (Jimmy Carter) opened in the of fall 2000. Regardless of the recent and planned additions to existing educational facilities, the region's growth may well outpace the district's ability to construct new schools. As schools become overcrowded, boundary changes, alternative schedules, transportation to less crowded schools, and/or combinations of the above strategies may be employed to relieve schools with large numbers of students.

**MIDDLE RIO GRANDE COUNCIL OF GOVERNMENTS**

"No Adverse Comment."



**PRIMARY ACCESS**

*Approx. location of existing access street. Needs to be dedicated and named.*

Z-99-103  
X-99-11  
J-87-53  
-89-39  
95-

**SECCNDARY ACCESS**

*Stippled area needs to be dedicated.*

**HISTORY MAP**



Scale 1" = 433'

PROJECT NO.  
**1000976**

HEARING DATE  
**02-15-01**

MAP NO.  
**M-10**

APPLICATION NO.  
**00114-00000-01763**  
**00110-00000-01764**

*-22-*

Scale

City of Albuquerque  
Planning Department  
Development Services Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: February 16, 2001

Tony Sena  
2503 Coors SW  
Albuq. NM 87121

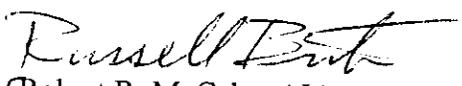
**OFFICIAL NOTIFICATION OF DECISION**

FILE: 00114 00000 01763/00110 00000  
01764/01110 00000 00007

LEGAL DESCRIPTION: for Tract A, Lands of  
Tony Sena, Section 34, T10N, R2E Atrisco Grant  
and Lands of George Sena, Section 34, T10N,  
R2E and Section 3, T9N, R2E Atrisco Grant,  
located on Ervien Lane SW between Coors SW  
and the Amole Diversion Channel, containing  
approximately 40 acres. (M-10) Russell Brito,  
Staff Planner

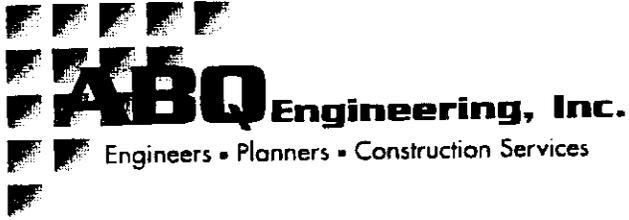
On February 15, 2001, the Environmental Planning Commission voted to defer 00114 00000 01763/  
00110 00000 01764/01110 00000 00007 to the Environmental Planning Commission Public Hearing on  
May 17, 2001. There is a \$75.00 fee when a deferral is made at the request of an applicant/agent.  
Payment is due by March 2, 2001 and may be paid at the Land Development Coordination counter at the  
Plaza del Sol Building.

Sincerely,

  
for Robert R. McCabe, AIA, APA  
Planning Director

RM/RB/ac

cc: ABQ Engineering Inc., 1631 Eubank NE, Albuq. NM 87112  
Mike Seay, 6919 Acoma SE, Albuq. NM 87108  
Lloyd Howard, 5513 Camino Soledad NW, Albuq. NM 87120



February 9, 2001

Elizabeth Begay – Chairperson of EPC  
City of Albuquerque  
Planning Dept  
P.O. Box 1293  
Albuquerque, NM 87103

RE: Annexation of Riverside Mobile Home Park

Project no. 1000976  
Annex no. 00114-1763  
Zoning no. 0010-1764

This letter is being sent on behalf of Mr Tony Sena and Riverside Mobile Home Park for deferral of annexation hearing from February 15, 2001 to May 17, 2001. This request for deferment is being requested due to the input that the Sunhill Neighborhood Association want to submit in the annexation of the property.

If you should have any questions please call me at (505) 255-7802 .  
Respectfully,

Roni Booth  
PE  
Project: 20153



<b>SUBDIVISION</b>		Supplemental form	<b>ZONING</b>		Supplemental form
<input type="checkbox"/>	Major Subdivision Plat	<b>S</b>	<input checked="" type="checkbox"/>	Annexation & Zone Establishment	<b>Z</b>
<input type="checkbox"/>	Minor Subdivision Plat		<input type="checkbox"/>	Sector Plan	
<input type="checkbox"/>	Vacation	<b>V</b>	<input checked="" type="checkbox"/>	Zone Change (Map Amendment)	
<input type="checkbox"/>	Variance (Non-Zoning)		<input type="checkbox"/>	Text Amendment	<i>SU1 MH</i>
<input type="checkbox"/>			<input type="checkbox"/>	Special Exception	<b>E</b>
<b>SITE DEVELOPMENT PLAN</b>		<b>P</b>	<b>APPEAL / PROTEST of...</b>		
<input type="checkbox"/>	...for Subdivision Purposes		<input type="checkbox"/>	Decision by: Planning Director	<b>A</b>
<input type="checkbox"/>	...for Building Permit		or Staff, DRB, EPC, Zoning Board of Appeals, LUCC		
<input type="checkbox"/>	IP Master Development Plan				
<input type="checkbox"/>	Cert. of Appropriateness (LUCC) L				

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICANT INFORMATION:**

NAME: Tony Sena PHONE: 873-1600  
 ADDRESS: 2503 Coors SW CITY: Albuquerque STATE: NM ZIP: 87121 E-MAIL: \_\_\_\_\_  
 CITY: Albuquerque STATE: NM ZIP: 87121 E-MAIL: \_\_\_\_\_  
 Proprietary interest in site: \_\_\_\_\_  
 AGENT (if any): ABQ Engineering Inc. PHONE: 255-7802  
 ADDRESS: 1631 Eubank NE CITY: Albuquerque STATE: NM ZIP: 87112 E-MAIL: sknee@aboeng.com  
 CITY: Albuquerque STATE: NM ZIP: 87112 E-MAIL: sknee@aboeng.com

DESCRIPTION OF REQUEST: Request Annexation/Map Amendment to obtain water and Sewer Service per City Engineers/Public Works requirements \* *SU1 MH*

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tract A, Tony Sena Tract, Sec34, T10N, R2E Block: \_\_\_\_\_ Unit: \_\_\_\_\_  
 Subdiv. / Addn. and Lands of George Sena, Sec34, T10N, R2E/Sec3, T9N, R2E Atrisco Gran  
 Current Zoning: A-1 Tony Sena/A-1 SU-1 MH Proposed zoning: Mobile Home Park (SU-1 for MH)  
 Zone Atlas page(s): M-10-Z No. of existing lots: 169 No. of proposed lots: 225  
 Total area of site (acres): 4.0 Density if applicable: dwellings per gross acre: 5.6 dwellings per net acre: \_\_\_\_\_  
 Within city limits?  Yes.  No, but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill?  Yes  
 UPC No. 101005545006040125 MRGCD Map No. \_\_\_\_\_  
 LOCATION OF PROPERTY BY STREETS: On or Near: Ervien and Coors SW  
 Between: Arenal/Blake and Coors/Amole Diversion Channel

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.):  
CSU93-27, CSU72-152, CSU87-54, P-A#00-116

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: 12/6/00

SIGNATURE Steve Knee DATE 12/20/00  
 (Print) Steve Knee \_\_\_\_\_  
 \_\_\_\_\_ Applicant  Agent

**FOR OFFICIAL USE ONLY**

<input type="checkbox"/>	INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/>	All checklists are complete	<u>00114 - 00000 - 01463</u>	<u>Ann</u>		\$ <u>0</u>
<input checked="" type="checkbox"/>	All fees have been collected	<u>00110 - 00000 - 01764</u>	<u>ZMA</u>		\$ <u>170.-</u>
<input checked="" type="checkbox"/>	All case #s are assigned				\$ _____
<input checked="" type="checkbox"/>	AGIS copy has been sent				\$ _____
<input checked="" type="checkbox"/>	Case history #s are listed				\$ _____
<input checked="" type="checkbox"/>	Site is within 1000ft of a landfill				\$ _____
<input type="checkbox"/>	F.H.D.P. density bonus				\$ _____
<input type="checkbox"/>	F.H.D.P. fee rebate				\$ _____
		Hearing date	<u>Feb 15 2001</u>		Total <u>170.-</u>

Jm 12/22/00 Project # 1000976  
 Planner signature / date

# RIVERSIDE WEST MOBILE HOME PARK

2503 COORS BLVD. S.W.  
ALBUQUERQUE, NM 87121  
FAX: (505) 873-9162  
(505) 873-1600

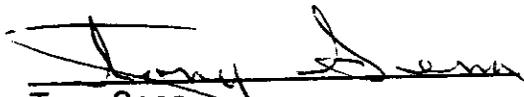
December 20, 2000

City of Albuquerque

To: Whom it may concern

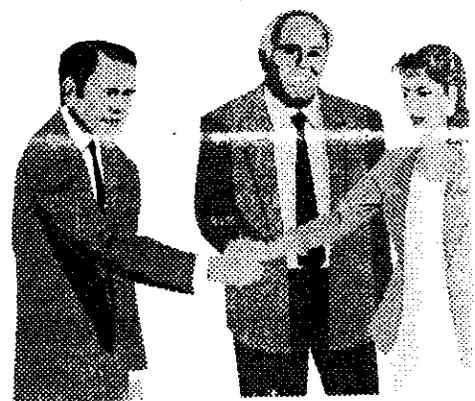
A.B.Q. Engineering has been authorized by Tony Sena and George Sena to act on our behalf regarding annexation of our property.

Sincerely,

  
Tony Sena

  
George Sena

-26-



CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) / AIR QUALITY ASSESSMENT (AQIA) FORM

APPLICANT: ABQ ENGINEERING INC Date of request: 12/19/00 Zone atlas page(s): M-10

CURRENT: Zoning A-1/A-1 SU-1 MH Legal Description - Lot or Tract # \_\_\_\_\_ Block # \_\_\_\_\_

Parcel Size (acres / sq.ft.) 40 Subdivision Name RIVERSIDE MOBILE HOME PARK

REQUESTED CITY ACTION(S):

- Annexation  Sector Plan  Site Development Plan: Building Permit
- Comp. Plan  Zone Change  a) Subdivision  Access Permit
- Amendment  Conditional Use  b) Build'g Purposes  Other
- c) Amendment

PROPOSED DEVELOPMENT:

- No construction / development
- New Construction
- Expansion of existing development

GENERAL DESCRIPTION OF ACTION: 1

# of units - 225  
Building Size - \_\_\_\_\_ (sq. ft.)

Notes: 1. Changes made to development proposals / assumptions, from the information provided above, may change the TIS or AQIA analysis requirements.

Applicant or Representative [Signature] Date 12/22/00  
(To be signed upon completion of processing by Traffic Engineer and Environmental Health)

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES  NO  BORDERLINE   
PWD, Dev. & Bldg. Services Div., Transportation Dev. Section - 2nd FL. 600 2nd St. NW Plaza del Sol Bldg. 924-3991 or 3994

THRESHOLDS MET? YES  NO  Mitigating reasons for not requiring TIS: Previously studied:

Notes:

IF A TIS IS REQUIRED: A scoping meeting (as outlined in the Development Process Manual) must be held to define the level of analysis needed and the parameters of the study. Any subsequent changes to the development proposal identified above may require an update or new TIS.

[Signature] TRAFFIC ENGINEER DATE 12-21-00

AIR QUALITY IMPACT ASSESSMENT (AQIA) REQUIRED: YES  NO  BORDERLINE

ENVIRONMENTAL HEALTH DEPT. Air Quality Div. 3rd Floor / Rm. 3023 City/County Bldg. 768-2600

THRESHOLDS MET? YES  NO  Mitigating reasons for not requiring AQIA: Previously studied:

Notes:

IF AN AQIA IS REQUIRED: a scoping meeting must be held to define the level of analysis needed and the parameters of the study. Any subsequent changes to the development proposal identified above may require an update or new AQIA.

[Signature] ENVIRONMENTAL HEALTH DATE 12/21/00

Required TIS and / or AQIA must be completed prior to applying to the EPC. Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS - SUBMITTED \_\_\_/\_\_\_/\_\_\_ TRAFFIC ENGINEER DATE \_\_\_/\_\_\_/\_\_\_

- FINALIZED \_\_\_/\_\_\_/\_\_\_

AQIA - SUBMITTED \_\_\_/\_\_\_/\_\_\_ ENVIRONMENTAL HEALTH DATE \_\_\_/\_\_\_/\_\_\_

- FINALIZED \_\_\_/\_\_\_/\_\_\_

PETITION FOR ANNEXATION

INSTRUCTIONS: TYPE OR PRINT IN BLACK INK ONLY. Use additional sheets if necessary. Applicant must provide exhibit that accurately describes boundaries afore for annexation. Thirty (30) copies of any required attachments if exhibits is larger than 11 x 17, or one (1) copy if smaller than 11 x 17, must be submitted with this form and, after folding, copies shall not exceed 8 1/2 x 14 inches. Other attachments may include Site Plan or location map.

1. LEGAL DESCRIPTION OF AREA PROPOSED FOR ANNEXATION RIVERSIDE MOBILE HOME PARK - TRACT A, LANDS of TONY SENA, SEC 34, T10N, R2E  
& LANDS OF GEORGE SENA SEC 34, T10N, R2E / SEC 3, T9N, R2E ATRISCO GRANT.

2. TOTAL ACREAGE OF AREA: 40

3. REASON FOR ANNEXATION: THIS STATEMENT SHOULD RELATE TO THE POLICIES FOR ANNEXATION FOR THE CITY OF ALBUQUERQUE.

ANNEXATION RESULTING FROM CHANGED CONDITIONS AND CONTIGUOUS TO THE CITY.

4. CAPITAL SERVICES FOR MAJOR STREETS, WATER, SANITARY SEWER, AND STORM DRAINAGE.

THE APPLICANT(S) AND CITY AGREE THAT:

- A. There will be a normal distribution of costs between special assessment district and/or other funding sources.
- B. The city shall provided its funding through normal Capital Improvement Program Process, and that unless a project is specifically identified in the Council Improvements Program, the timing of City funded installations of such services is indefinite and may require a substantial number or years.
- C. In the absence of City funding for required projects, the land owner(s) or their successors in interest may install or cause to be installed any such facilities in a manner that satisfies City policies and standards. Any variations from the above shall be set forth by separate agreement.

5. Proposed to establish SU-1 for MH zoning; attach zone map amendment application.

6. AUTHORIZED AGENT: I (we) authorize ABQ ENGINEERING INC to act as my (our) agent on my (our) behalf on all matters related to this petition for annexation and simultaneous establishment of zone: Attach authorizing documents.

7. SIGNATURE(S):

A. OWNER TONY SENA PHONE 873-1606  
 MAILING ADDRESS 2911 ERVIEN LN, 87121 PHONE \_\_\_\_\_  
 LEGAL DESCRIPTION OF PROPERTY OWNER: \_\_\_\_\_  
TRACT A, TONY SENA TRACT, SEC 34, T10N, R2E ATRISCO GRANT  
 SIGNATURE/DATE Tony Sena 12-20-2000 ACREAGE 10

B. OWNER GEORGE SENA PHONE 873-1600  
 MAILING ADDRESS 2911 ERVIEN LN SW, 87121 PHONE \_\_\_\_\_  
 LEGAL DESCRIPTION OF PROPERTY OWNER: LANDS OF GEORGE SENA, SEC 34  
T10N, R2E / SEC 3, T9N, R2E ATRISCO GRANT  
 SIGNATURE/DATE George Sena 12-20-2000 ACREAGE 30

C. (ATTACH ADDITIONAL SIGNATURES AS NECESSARY)



December 29, 2000

City of Albuquerque  
Russell Brito – Planning Department  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Re: Clarification Letter for Riverside Mobile Home Park

This letter is being at your request to clarify the proposed zoning and application permit for annexation for Riverside Mobile Home Park. We are requesting MH zoning only and not su-1 permit due to the fact that a mobile home park currently exist on a portion of the property, the lots will not be subdivided, and the proposed usage will not change. If you should have any further questions regarding this application please call me at 255-7802

Respectfully,

A handwritten signature in black ink, appearing to be 'SK', written over a horizontal line.

Steve Knee, Agent – Riverside Mobile Home Park  
ABQ Engineering, Inc.



December 20, 2000

City of Albuquerque  
Environmental Planning Commission  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Re: Annexation/Zone Map Amendment for Riverside Mobile Home Park

This letter is being written, as required by the City of Albuquerque, to inform all neighborhood Associations of the intent of Riverside Mobile Home Park to seek Annexation/Zone Map Amendment. This request meets the guidelines of Resolution 270-1980 (Zone Map Change) and City Council Bill R-68, Enactment No. 54-1990 (Policies on Annexation) based upon the following criteria:

- Mutual benefit to individual residents, the City, and the County.
- All development will be in a manner that satisfies City Standards. Further more the owners and his or her successors in interest shall install and pay for such facilities or cause them to be installed and paid.
- The land to be annexed is contiguous to the City limits \*
- The land shall have provisions for convenient street access to the City.
- The Land has at least ten percent of its boundaries contiguous to the City.
- The Zone Map amendment is consistent with the current usage as zoned by Bernalillo County.

It is currently estimated that the EPC hearing will be scheduled for Late February 2001. If you should have any further questions regarding this application please call me at 255-7802

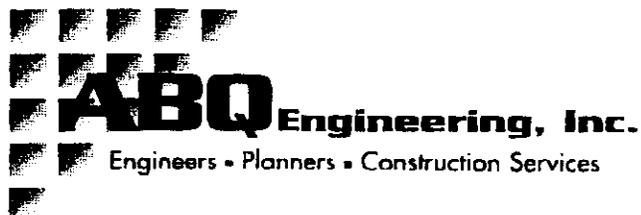
Respectfully,

\* REQUEST SU-1, MH FOR ENTIRE PARCELS -

Steve Knee, Agent - Riverside Mobile Home Park  
ABQ Engineering, Inc.  
CC w/attachments:

South Valley Coalition of Neighborhood Associations  
Orlando Olivas, P.O. Box 1284, Albuquerque, NM 87195  
Shannon Horst, #1 El Nido Amado SW, Albuquerque, NM 87195  
Sunhill Neighborhood Association  
Loretta Chavez, 2732 Barcelona Pl. SW, Albuquerque, NM 87121  
Ruth Barros, 2725 Barcelona Pl. SW, Albuquerque, NM 87121

Attachments: Developer Inquiry Sheet  
Zone Atlas Map  
Water and Sewer Availability Statement  
Petition for Annexation  
Proposed Site Plan



February 7, 2001

City of Albuquerque  
Russell Brito - Planning Department  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Re: Clarification Letter Space Size Breakdown you requested

This letter is being sent at your request to clarify the existing space sizes (currently occupied/reserved) at Riverside Mobile Home Park. The following is a breakdown of those existing space sizes:

- 46 Spaces are greater than 4000 square feet
- 23 Spaces are greater than 3800 square feet
- 16 Spaces are in the range of 3200 - 3500 square feet.

If you should have any further questions please call me at 255-7802

Respectfully,

Steve Knee, Agent - Riverside Mobile Home Park  
ABQ Engineering, Inc.



# City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

September 8, 2000

ABQ Engineering, Inc.  
1631 Eubank NE  
Suite C  
Albuquerque, NM 87112

Attention: Steve Knee

RE: Request for updated Water/Sewer Availability Statement, Riverside Mobile Home Park.  
M-10

Dear Mr. Knee;

This Availability statement is being issued in response to your request dated August 22, 2000. Phase I has been completed and a 3"x 6" compound meter is in place providing temporary service and fire protection from water zone OW. The last Availability statement was issued December 27, 1994. A Special Use Permit has been issued by the County to develop phases I - III. The Site Plan has had some minor revisions due to City requirements for public water and sewer line corridors.

**Proposed:** The mobile home park is scheduled to be developed in four phases for a total of 225 dwelling units. Phase I is 60 lots, phase II 34 lots, phase III 135 lots, and phase IV is 90 lots.

**Water:** Service is now available from water zone 1W by connecting to the existing 10" line stubbed at the east side of the Amole diversion channel adjacent to the area shown as Phase IV. A public 10" line must be extended from this point to the 10" line constructed under Phase I in Guadalupe Loop Road. This new 10" line should parallel the existing sanitary sewer line bisecting the site. A "public water line" easement will need to be dedicated to the City. Total easement width for the water and sewer line is a minimum of 25'. The existing 10" water line in Ervien Lane connecting to Coors Blvd. will need to be cut and capped on the east side of the new 10" valve located just east of Sena St. The new 10" valves in Ervien will need to be closed. Phase II can be built out with service provided from the new dead end 1W line.

Phase III and Phase IV can not be developed until the 10" line is looped from the north end of Guadalupe Loop Road to Arenal Road. The proposed corridor is across adjacent properties to the north of Phase II and across the north end of Phase III between Guadalupe Street and Annette Street.

**Sewer:** Service is available by connection of a private collection system to the existing 12" line through the site. Individual service connections to the existing 12" line will not be allowed.

-32-

Steve Knee  
September 8, 2000  
Page 2

**Annexation:** The property is currently unplatted, and in an unincorporated area of Bernalillo County. Per City service policy, City water and sewer service is contingent upon annexation. When phase I was developed, the property did not meet conditions for annexation. Since that time, surrounding properties have been annexed and this property now meets conditions. Contact the City Planning Department for procedures to petition for annexation and establishment of zoning. Expect to have a Drainage Report and Site Development Plan required as part of the application process. No further additional water and sewer services will be approved until annexation has either been approved or denied through City Council.

**Design and Construction** of the required improvements will be at the developer's expense and must be processed through the Public Works Department. Designs must be by a New Mexico registered Professional Engineer. Construction must be by a licensed, bonded, Public Utility Contractor through the City's Work Order process. Upon completion and acceptance of the work, maintenance and operation responsibility will be by the City.

**Utility Expansion Charges (UEC)** will be due and payable at the time of any approvals of Site Development Plans or Work Orders for each phase of the project. Contact Customer Services at 768-2840 for current rates and policy in effect to calculate charges. Any outstanding charges must be paid prior to any approval to expand service.

This statement of Availability will remain in effect for a period of one year and applies only to the development identified herein. Its validity is in part contingent upon the continuing accuracy of the information supplied by the developer. Changes in the proposed development may require re-evaluation of availability and should be brought to our attention as soon as possible.

If you have any questions or comments please contact me at 924-3989.

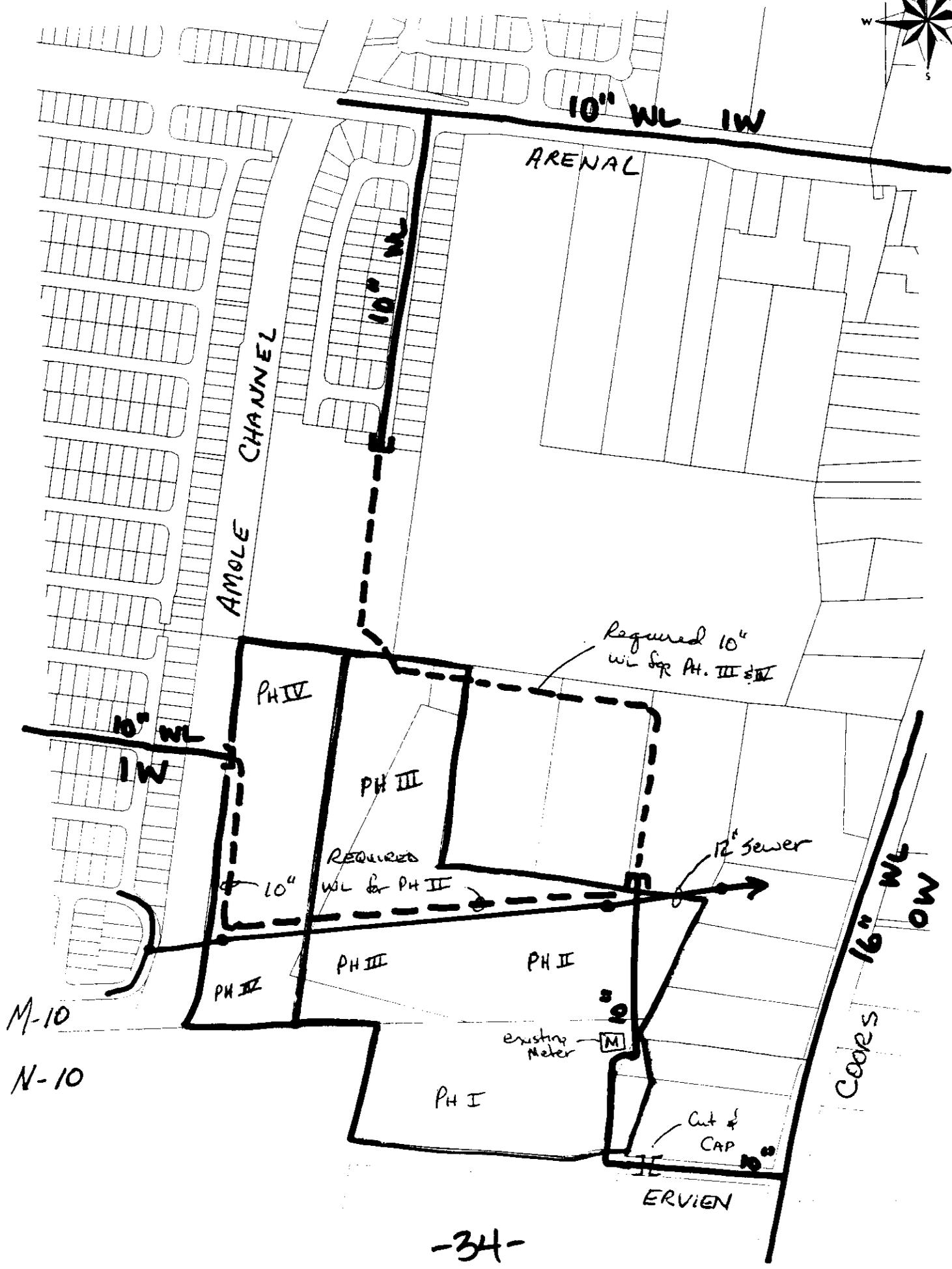
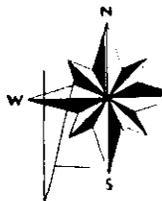
Sincerely,



Roger A. Green  
Principle Engineer  
Utility Development

Attachment: system map M-10

Xc: Josie Jaramillo, Customer Services  
Roger Paul, BCPWD  
F/ availability M-10  
F/ readers #00827  
F/ Riverside Mobile Home Park M/N-10







City of Albuquerque

**PLEASE NOTE:** The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

Date: December 21, 2000

COA/Planning Department  
Plaza Del Sol Building  
600 Second St. NW/87102

This letter will serve to notify you that on December 21, 2000  
(date)

CONTACT NAME: Steve Klee 255-7802  
COMPANY/AGENCY: Albuquerque Engineering, Inc.  
ADDRESS/ZIP/PHONE: 11031 Eubank NE / 87112

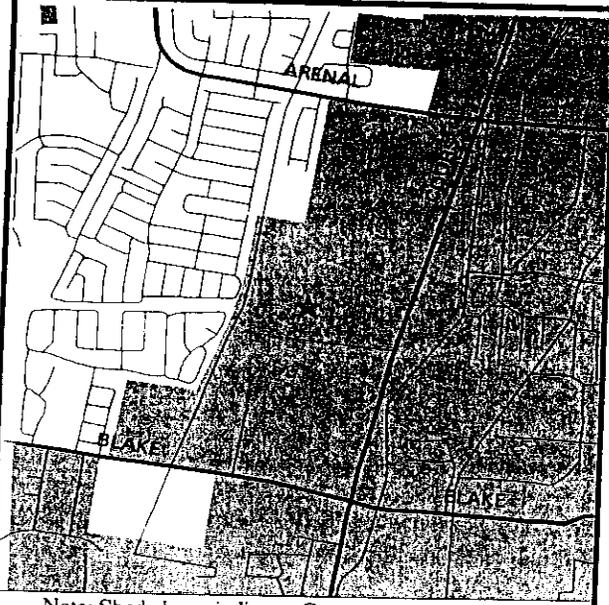
Contacted the Office of Community/Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Association(s) affected by their request concerning a Zoning Action or Site Development Plan, etc. at Lands of George Sena, Sec. 34, T10N, R2E / Sec 3, T9N, R2E and Tract A, Lands of Jonny Sena, Sec. 34, T10N, R2E - at 11031 Eubank NE  
zone map page(s): M-10

Our records indicate that as of 12-21-00 there were no Recognized Neighborhood Associations in this area.

If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at (505) 924-3913.

Dalaina L. Carmona  
OFFICE OF COMMUNITY/NEIGHBORHOOD COORDINATION

planningraform (11/5/98)



Note: Shaded area indicates County Not to Scale

HISTORY MAP



Scale 1" = 433'

PROJECT NO.	1000976
HEARING DATE	02-15-01
MAP NO.	M-10
APPLICATION NO.	00114-00000-01763 00110-00000-01764

-37-

EPC 100 5/17



# County of Bernalillo

State of New Mexico

ONE CIVIC PLAZA, N.W.  
ALBUQUERQUE, NEW MEXICO 87102  
ADMINISTRATION (505) 768-4000  
COMMISSION (505) 768-4217  
FAX (505) 768-4329

MARK J. CARRILLO, ASSESSOR  
JUDY D. WOODWARD, CLERK  
THOMAS J. MESCALL, PROBATE JUDGE  
RAY GALLAGHER, SHERIFF  
H. R. FINE, TREASURER

BOARD OF COUNTY COMMISSIONERS  
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DISTRICT 3  
BARBARA J. SEWARD, MEMBER  
DISTRICT 4  
JUAN R. VIGIL, COUNTY MANAGER

## NOTIFICATION OF DECISION BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

November 29, 1993

George Sena  
2503 Coors Blvd SW  
Albuquerque, NM 87121

REF: CSU-93-27

Dear Mr. Sena:

At the November 23, 1993 public hearing, the Bernalillo County Board of County Commissioners **approved** your request for a Special Use Permit for a Mobile Home Park for Tract 1 Lands of Westland and an unplatted Tract of Land in T3N, R2E, Section 3 MRGCD Map 47 located west of Coors Blvd between Erven Lane and Arenal Road containing 30.36 acres, based on the following Findings and subject to the following Conditions.

### FINDINGS:

1. The proposed mobile home park is compatible with existing development in the area.
2. The applicant has provided additional material satisfying staff concerns.
3. The requested M-H zone is in compliance with the Comprehensive Plan and Southwest Area Plan by providing a residential land use.
4. The request is in compliance with Resolution 116-86 being advantageous to the community in that affordable housing is being provided in an area that would be compatible with existing land uses.

### CONDITIONS:

1. A final grading and drainage plan shall be submitted to AMAFCA and the County Public Works Department for approval prior to final site plan approval.

2. A site development plan addressing County Public Works Department concerns of access, internal circulation and a traffic impact analysis shall be submitted for approval.
3. Mobile home canopies shall be located a minimum of 10 feet from the next mobile home.
4. All interior streets and parking areas shall be paved.
5. The playgrounds shall be redesigned or relocated to eliminate safety hazards from adjoining roadways.
6. The barbed wire fence at the northeastern playground shall be eliminated.
7. A 6 foot solid wall shall be located at the perimeter of the entire site.
8. A clubhouse even if located off-site, and walking and jogging track shall be provided.
9. Each individual lot shall contain a landscaping including a shade tree.
11. A detailed site development plan shall be submitted to Planning staff for approval within a 90 day period.
12. Construction of the mobile home park shall incorporate appropriate engineering and design features to insure that utility lines are installed in a safe manner. Results of the methane gas monitoring shall be submitted to the Environmental Health Department for review.
13. The Disclosure Statement shall state that the site is located along a landfill and shall disclose the type of material within the landfill.

If you have any questions concerning this matter, do not hesitate to call me at 768-3860. My office is at the Planning Department's Planning Division, Fourth Floor, City/County Building, One Civic Plaza NW, Albuquerque, N.M. 87102.

Sincerely,

  
Rex King  
Planner

CRB:ln:15060

cc: File

Building/Zoning & Planning Director  
Glenda Ramos, AGIS  
Neal Weinberg, AGIS  
Chuck Bowman, County Public Works Department  
John McKensie, 2502 Coors Blvd

SITE DEVELOPMENT INFORMATION

1. ZONING . . . . . PRESENT ZONING IS A

2. LOT SIZES & SET BACKS:

A) DU PER ACRE =  $\frac{\text{GROSS ACREAGE } 30.365}{\text{NO. OF LOTS } = 194} = 6.39 \text{ DU PER ACRE}$

B) LOT SIZE: AVERAGE LOT SIZE IS 4,847 SQ. FT. WITH A RANGE FROM 3,800 SQ. FT. TO 13,000 SQ. FT.

C) LOT WIDTH: AVERAGE LOT WIDTH IS 45.23 FT. FOR RECTANGULAR SPACES WITH A MINIMUM OF 38 FT. ON SOME SINGLE-WIDE SPACES TO A MAXIMUM OF 50 FT. ON MOST DOUBLE-WIDE SPACES.

D) SIDE TO SIDE SEPARATION BETWEEN MOBILE HOMES SHALL BE AT LEAST 20 FT. AND BACK TO BACK SEPARATION SHALL BE AT LEAST 15 FT.

E) SETBACK FOR MOBILE HOMES FROM THE INTERIOR ACCESS DRIVES SHALL BE AT LEAST 20 FT.

F) ACCESSORY BUILDINGS SHALL NOT BE PLACED CLOSER THAN 5' TO A LOT LINE NOR WITHIN A SPACE OF 10' FROM ANY STRUCTURE THAT MAY CONTAIN LIVING QUARTERS.

G) MOBILE HOME CANOPIES SHALL BE LOCATED A MINIMUM OF 10' FEET FROM THE NEXT MOBILE HOME.

H) THERE SHALL BE A MINIMUM 10' SETBACK FOR ALL MOBILE HOMES FROM THE PERIMETER PROPERTY LINE.

3. LANDSCAPING:

A) 20 FT. LANDSCAPED SETBACK ON SOUTH SIDE OF SITE ALONG EXISTING PRIVATE ACCESS ROAD

B) 6 FT. LANDSCAPED BUFFER ALONG WEST & NORTH SIDES OF THE SITE WHERE IT ABUTS A-1 PROPERTY.

C) 42,780 SQ. FT. OF LANDSCAPING PROVIDED (NOT TO INCLUDE LANDSCAPED SET BACK AREAS). A MINIMUM OF 30,228 SQ. FT. OF LANDSCAPING IS REQUIRED DUE TO ON-SITE PAYEMENT (15% OF 201,523 SQ. FT.)

D) ALL LANDSCAPING WILL BE COMMUNITY LANDSCAPING, MAINTAINED BY THE MOBILE HOME PARK OWNER AND REPLACED IF IT DIES, ACCORDING TO SECTION 19. E. OF THE COUNTY ZONING ORDINANCE.

4. OPEN SPACE FOR RECREATION

A) 93,654 SQ. FT. OF COMMUNITY OPEN SPACE IS PROVIDED FOR RECREATIONAL ACTIVITIES, NOT INCLUDING FENCED PONDING AREAS. 92,607 SQ. FT. OF OPEN SPACE IS REQUIRED (10% TO TOTAL LOT AREA)

B) THE ON-SITE WALKING PATH AREA SHALL BE APPLIED TO THE OPEN SPACE AREA REQUIREMENTS.

C) ALL ON-SITE COMMUNITY AREAS SHALL BE KEPT CONTINUOUSLY FREE OF TRASH AND LITTER.

5. BOUNDARY WALL:

A SOLID CMU WALL 6 FT. HIGH WILL BE LOCATED ALONG THE SOUTH EXPOSURE TO THE 56' PRIVATE ACCESS ROAD. A SOLID WALL SHALL BE PLACE AROUND THE REMAINING PERIMETER OF THE SITE

6. PARKING

TWO OFF-STREET PARKING SPACES, EACH WITH MINIMUM DIMENSIONS OF 10' X 20', SHALL BE PROVIDED AT EACH MOBILE HOME LOT.

7. WATER AND SEWER.

THE CITY OF ALBUQUERQUE HAS ISSUED A WATER AND SEWER AVAILABILITY STATEMENT REQUESTING THAT AN 8" WATERLINE BE LOOPED THROUGH THE DEVELOPMENT FROM AN EXISTING WATER LINE IN COORS BOULEVARD. NEW SANITARY SEWER LINES WILL BE CONNECTED TO THE 12" SANITARY SEWER LINE PRESENTLY RUNNING THROUGH THE PROPERTY. CONSTRUCTION OF THE MOBILE HOME PARK INFRASTRUCTURE SHALL UTILIZE APPROPRIATE ENGINEERING AND DESIGN METHODS TO INSURE THAT UTILITY LINES ARE INSTALLED IN A SAFE MANNER.

8. ACCESS:

PRIMARY ACCESS TO THE MOBILE HOME PARK WILL BE FROM ERMIEN LANE, SW, WITH EMERGENCY ACCESS THROUGH TRACT B, LAND OF H.V. LOGAN. ALL INTERIOR DRIVES SHALL CONSIST OF MOUNTABLE TYPE CURB WITH 2" OF ASPHLATIC CONCRETE OVER 6" OF AGGREGATE BASE COURSE. EXCEPT WHERE STANDARD CURB & GUTTER IS SHOWN ON THE GREADING AND DRAINAGE PLAN.

9. LIGHTING

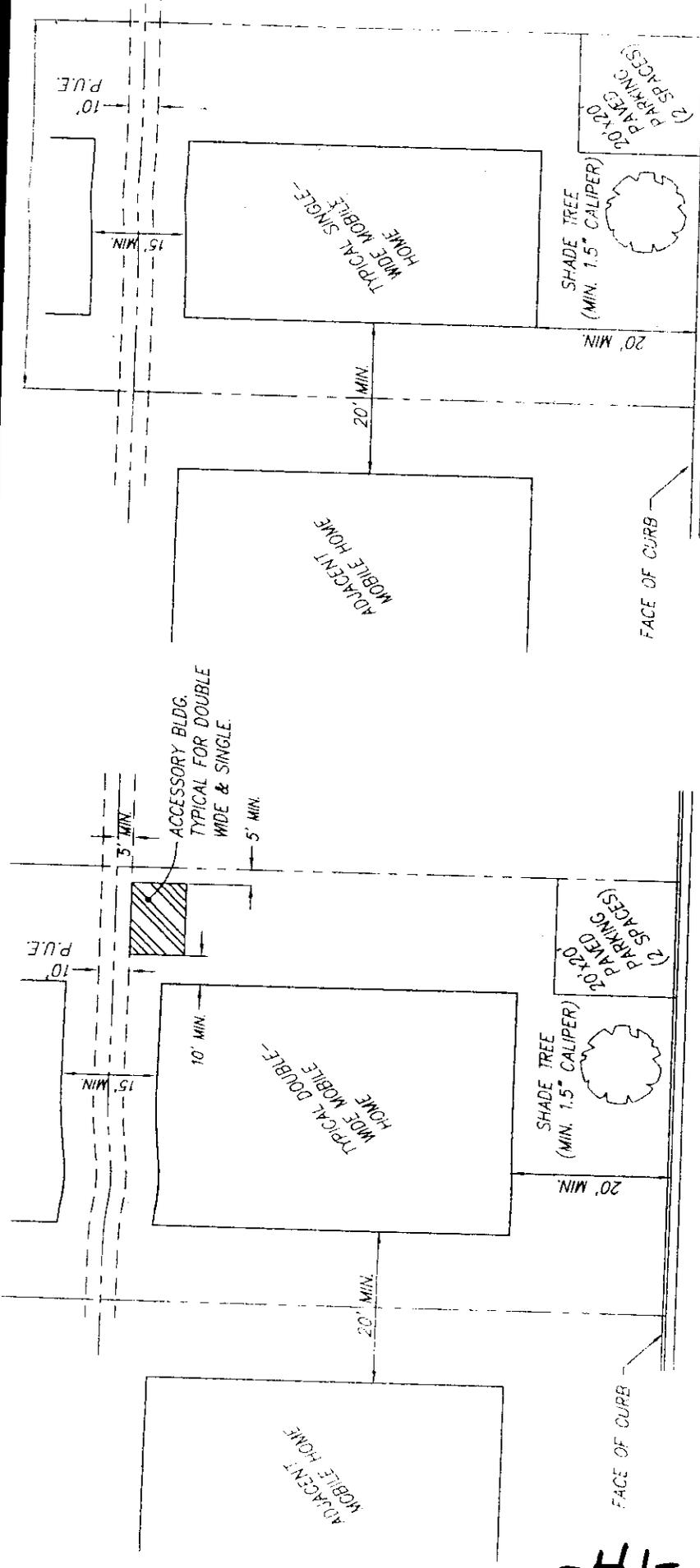
OWNER SHALL INSTALL 14-9500 LUMEN RESIDENTIAL STREET LIGHTS IN THE MOBILE HOME PARK AT LOCATIONS DISPLAYED ON THE PLAN. EXTEND LIGHTS TO A HEIGHT OF APPROXIMATELY 20' ABOVE THE STREET GRADE

10. SKIRTING.

ALL MOBILE HOMES SHALL BE SKIRTED WITH MATERIALS COMPATIBLE WITH THE MOBILE HOME SIDING

11. LANDFILL:

FORMER LANDFILL THAT HAS BEEN CLOSED UNDER A CLOSURE PLAN APPROVED BY THE NEW MEXICO ENVIRONMENT DEPARTMENT / SOLID WASTE BUREAU (827-2950). ANY MOBILE HOMES TO BE PLACED OVER THIS AREA AFTER THE COMPLETION OF PHASE III WILL BE SUBJECT TO APPROVAL BY THE NEW MEXICO ED/SWB. RESULTS OF THE METHANE GAS MONITORING SHALL



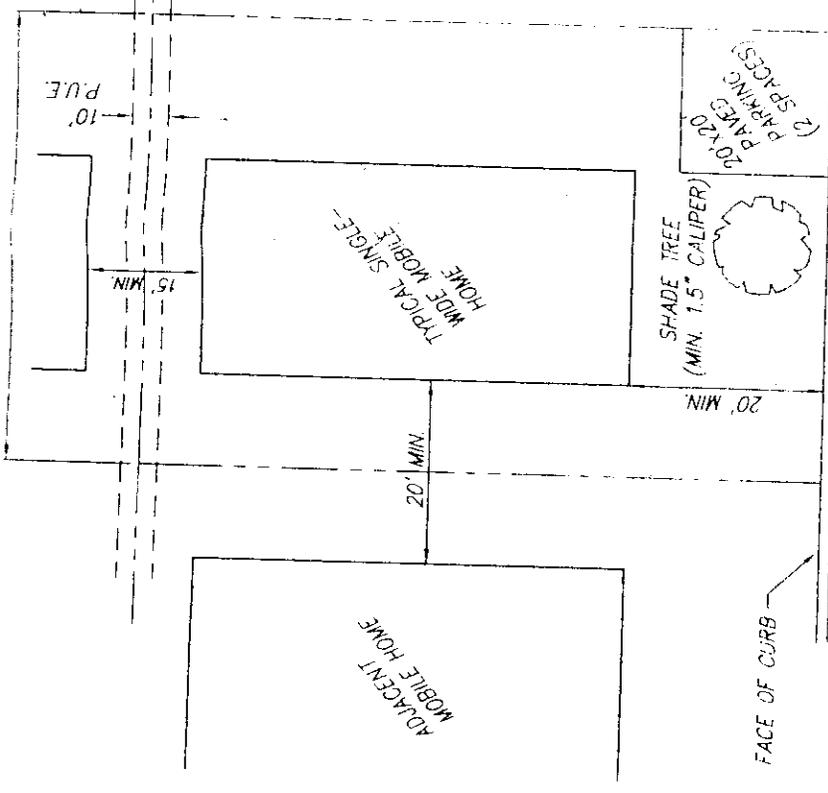
STREET

TYPICAL DOUBLE-WIDE LOT LAYOUT

N.T.S.

-41-

NE BROCK  
5, D292A-135J  
M-1



STREET

TYPICAL SINGLE-WIDE LOT LAYOUT

N.T.S.

City of Albuquerque  
Planning Department  
Development Services Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: May 18, 2001

**OFFICIAL NOTIFICATION OF DECISION**

Tony Sena  
2503 Coors SW  
Albuq. NM 87121

FILE: 00114 00000 01763/00110 00000  
01764/01110 00000 00007  
LEGAL DESCRIPTION: for Tract A, Lands of  
Tony Sena, Section 34, T10N, R2E Atrisco  
Grant and Lands of George Sena, Section 34,  
T10N, R2E and Section 3, T9N, R2E Atrisco  
Grant, located on Ervien Lane SW between Coors  
SW and the Amole Diversion Channel,  
containing approximately 40 acres. (M-10)  
Russell Brito, Staff Planner **(DEFERRED  
FROM FEBRUARY 15, 2001)**

On May 18, 2001, the Environmental Planning Commission voted to recommend denial to the City Council of 00114 00000 01763 based on the following Finding:

**FINDING:**

1. This site does not have convenient access to the City.

On May 18, 2001, the Environmental Planning Commission took no action on 00110 00000 01764, zone map amendment.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY **JUNE 1, 2001** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE OF \$50 IS REQUIRED AT THE TIME THE APPEAL IS FILED.

OFFICIAL NOTICE OF DECISION

00114 00000 01763/00110 00000 01764/01110 00000 00007

MAY 17, 2001

PAGE 2

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY OTHER PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC.

Sincerely,



Robert R. McCabe, AIA, APA  
Planning Director

RM/RB/ac

cc: ABQ Engineering Inc., 1631 Eubank NE, Albuquerque, NM 87112  
Mike Seay, 6919 Acoma SE, Albuquerque, NM 87108  
Lloyd Howard, 5513 Camino Soledad NW, Albuquerque, NM 87120  
Andrew Lopez, 1124 Nutrias SW, Albuquerque, NM 87105  
Loretta Chavez, 2732 Barcelona Pl. SW, Albuquerque, NM 87121  
George Sena, 2503 Coors, Albuquerque, NM 87121  
Wanda Sena, 2503 Coors, Albuquerque, NM 87121  
Ernest Chavez, 2503 Coors, Albuquerque, NM 87121  
Steve Sena, 2503 Coors, Albuquerque, NM 87121  
George Sena Jr., 2503 Coors Albuquerque, NM 87121

11. No freestanding cell towers or antenna shall be permitted. Telecommunications towers or antenna shall be integrated into the building architecture.
12. ATM's shall be architecturally integrated with building design.
13. Loading docks shall have screen walls and covers that are architecturally integrated with the building.
14. All dumpsters shall be adequately screened with materials compatible with the building. Chain link gates are not allowed.
15. An outdoor patio/break area is required and shall be a minimum of 250 square feet. It shall have shade trees spaced at intervals of 20 feet on center to provide shade. Trees shall be planted in planters that are a minimum of 6 feet by 6 feet.
16. All freestanding signage shall be monument type signs that are architecturally integrated with building design.
17. Building signage shall be a maximum of 6% of the façade area.
18. Design guidelines for the entire 14 acre parcel shall be submitted in conjunction with the first application for a site plan for building permit. Set guidelines will be approved prior to the approval of any site plan for building permit.
19. If an analysis by Transportation Engineering warrants it traffic island speed humps and other traffic management devices will be installed on Parsifal and Glorietta as necessary to protect the neighborhood.

MOVED BY COMMISSIONER GARA  
SECONDED BY COMMISSIONER SERRANO

MOTION CARRIED UNANIMOUSLY

3. 00114 00000 01763 ABQ Engineering Inc., agents for Tony Sena request annexation  
00110 00000 01764 and establishment of M-H zoning for Tract A, Lands of Tony Sena,  
01110 00000 00007 Section 34, T10N, R2E Atrisco Grant and Lands of George Sena,  
Project #1000976 Section 34, T10N, R2E and Section 3, T9N, R2E Atrisco Grant,  
located on Ervien Lane SW between Coors SW and the Amole  
Diversion Channel, containing approximately 40 acres. (M-10)  
Russell Brito, Staff Planner **(RECOMMENDED DENIAL TO THE  
CITY COUNCIL OF ANNEXATION. NO RECOMMENDATION ON  
ESTABLISHMENT OF ZONING)**

STAFF PRESENT:

Russell Brito, Planning Department  
Jack Bayse, Planning Department  
David Suffling, Legal Department

**THERE WAS NO ONE PRESENT TO SPEAK IN FAVOR OF THIS REQUEST:**

**PERSONS PRESENT TO SPEAK IN OPPOSITION OF THIS REQUEST:**

Sandy Fish, County Planning Department  
Tony Sena, 2503 Coors SW  
Andrew Lopez, 1124 Nutrias SW  
Loretta Chavez, 2732 Barcelona Pl. SW  
George Sena, 2503 Coors SW  
Wanda Sena, 2503 Coors SW  
Ernest Chavez, Riverside Mobile Home Park  
Steve Sena, 2503 Coors SW  
George Sena Jr., 2503 Coors SW

MR. BRITO: Madam Chair, Commissioners, this is agenda item number four, case number 00114 01763 and 00110 01764. This is a request for annexation and establishment of MH zoning for approximately a forty-acre site located on south Coors just north of Ervien. To the north of the site is agenda item number six as well as city R-LT zoning as well as county M-1. The subject site is currently zoned A-1 in the county with a special use permit for a mobile home park. To the west across the Amole del Norte Diversion Channel is city R-Lt zoning. And to the south is unincorporated county.

The applicants reason for this request is to obtain city water and sewer service. It was a requirement of the Public Works Department as per the City's Utility Extension Policy. As submitted staff believes that the request meets the requirements of Resolution 54-1990. The site is designated by the Comprehensive Plan as developing urban and as such is particularly appropriate for the range of urban services, which the city can provide. Annexation of these areas into the city is desired and encouraged.

Staff believes that the request furthers the goals and policies of the Comprehensive Plan, the Westside Strategic Plan and the Southwest Area Plan as well. The request to establish MH zoning would give it zoning that is appropriate for the existing use. Staff feels that the request furthers the applicable goals and policies of the Comprehensive Plan, the Westside Strategic Plan and the Southwest Area Plan. It will meet the policies of Resolution of 270-1980 as annexation of the site will itself be a changed community condition justifying the zoning?

Staff is recommending approval of the annexation and the establishment of zoning with some recommended conditions of approval for the zone map amendment request. And that because the applicant is request MH zoning it does not require a site development plan but

each of the lots would have to be individually subdivided as per the MH zone requirements. And then there are also some Public Works Department conditions of approval including the provision of two independent access points from the major streets to the site, annexation of the adjacent Amole del Norte Diversion Channel, Channel, and dedication of the right-of-way along Coors. In doing some additional research into the County's approval of the special use permit for this site. That was approved in November 1993. The County found that the mobile home park development was compatible with existing development of the area. And they had some requirements for the site plan to provide paving for all the streets. Relocation of some of the playground uses and they require the removal of any barbwire fencing and a six-foot solid wall located around the perimeter of the site. I do have copies of that notice of decision from the County as well as some of the site development information design guidelines from the site plan if you are interested in seeing that.

CHAIR BEGAY: I see we have Mr. Fish in the audience. Sandy could you address the issue of whether this property is in compliance with its special use permit and has met all these requirements.

MR. FISH: Madam Chair, Commissioners, good morning, as far as I know the property is in compliance. There are no violations.

CHAIR BEGAY: Thank you. Commissioner Johnson?

COMMISSIONER JOHNSON: Thank you Madam Chair. Mr. Brito, I am sort of troubling mix between MH and M-1 in this vicinity. How do you justify one or the other? I mean not everything has gone perhaps to the direction that is going to end up but I am concerned about these conjunctions of uses.

MR. BRITO: Madam Chair, Commissioner Johnson, my answer to your question and to your concerns is much of the zoning in the area already exists in unincorporated county. The subject site is zoned A-1 with a special use permit for the mobile home park. Immediately to the north the site is zoned M-1 in the County and that is the property, the subject item number six on the agenda. And one of the things the city does do to accommodate applicants for annexation is if they do not request zoning that is different then the zoning they have in the county then we try to give them congruent zoning to what they already have. So the existing land use pattern and zoning is there in the county. The city is just responding to what is existing. There might be some need for some intense buffering between the M-1 site and the residential area but there should not be any reason why they would not be compatible as long as we had an adequate buffer between the two uses.

COMMISSIONER JOHNSON: Do you address that need in any of the conditions? Or is it appropriate to do it at this point?

MR. BRITO: I do not address them in the conditions for this particular case since this is just addressing the mobile home park.

COMMISSIONER JOHNSON: We address it on the M-1 site.

MR. BRITO: The M-1 site would have to comply with the buffering requirements of the M-1 zone.

COMMISSIONER JOHNSON: Thank you.

CHAIR BEGAY: Commissioner Serrano and then Commissioner Schwartz.

COMMISSIONER SERRANO: Mr. Brito, I just and this maybe, I think this relates to the comments that you just made but I noticed in the staff report from Zoning it said that the and I do note that the application indicates the request is for SU-1 for MH. Your advertisement it says indicates requests is for MH so we are talking about MH zoning?

MR. BRITO: Madam Chair, Commissioner Serrano, the request is for MH. It was originally for SU-1 MH and the applicant amended the requested zoning to straight MH.

COMMISSIONER SERRANO: I must have missed that. Okay, thank you.

COMMISSIONER SCHWARTZ: Mr. Brito, in our annexation rules what is meant by provision for convenient street access to the city? Madam Chair, Commissioner Schwartz, I believe that that policy in Resolution 54-1990 is to ensure that any site that is annexed is not an isolated site even though it may be contiguous to existing city limits. But it is to ensure that that site can be reached via the street network for ingress and egress for not only users or possibly residents but also so that emergency services can be provided to the site.

COMMISSIONER SCHWARTZ: There is no access to this site directly from the city, is that correct?

MR. BRITO: That is correct. Not directly to the city but through the existing street network access can be obtained through the county streets, which do lead to the city.

COMMISSIONER SCHWARTZ: So under that definition any piece of property that is on a street network would meet the requirement for convenient access to the city ignoring the contiguity requirement?

MR. BRITO: I think that word "convenience" is something that has to be looked at on a case-by-case basis because it is not a definite word. What is convenient to one may not be convenient to another. But if there are any adverse comments for example from the police department or the fire department stating that the site is not accessible, those would have been addressed by the staff report.

COMMISSIONER SCHWARTZ: It is kind of interesting because that rule only appears in the subdivision ordinance under section one which talks about lands that are in the Comp Plan essential urban established urban and developing urban. And it does not appear in section three which talks about semi urban and rural. It must be a difference.

CHAIR BEGAY: It probably has to do with the roadway system.

COMMISSIONER SCHWARTZ: I guess. Same with the ten percent rule, the ten percent rule really does not apply on this piece of land. I do not think there is convenient street access to the city but that it is my interpretation of convenient.

MR. BRITO: Commissioner Schwartz, I just wanted to mention I believe you are referring to the policies in Resolution 54-1990 when you were talking about the different areas.

COMMISSIONER SCHWARTZ: Yes.

MR. BRITO: On page three of that Resolution under section three where it addresses areas designated by the Comprehensive Plan is semi urban and rural.

COMMISSIONER SCHWARTZ: Right.

MR. BRITO: Subsection three A states the policies...

COMMISSIONER SCHWARTZ: ...you are right...

MR. BRITO: ...stated in the subsections of section one above so those ....street access and contiguity also apply for those other areas of the Comprehensive Plan.

COMMISSIONER SCHWARTZ: You are right.

CHAIR BEGAY: Any other questions?

COMMISSIONER SCHWARTZ: Yes. You said that you are going to require this to be platted?

MR. BRITO: That is a recommended condition of approval.

COMMISSIONER SCHWARTZ: I just do not see how, what is going to happen here because we have a letter in the file. A letter from February 7 from Steve Knee says that basically it works out forty-six percent of the existing lots are smaller than four thousand square feet. And the requirement in the MH is four thousand square feet, is that right?

MR. BRITO: That is correct.

COMMISSIONER SCHWARTZ: How are you going, do you seriously think that they are going to start relocating all these people, you know moving them over to create these bigger lots. Some of those people have established gardens and they are really settled into their parcels there. I do not know why we want, it seems to me we are just creating an administrative enforcement problem right from the get go. And it seems to me that the only way to avoid that would be if this is SU. I do not see the choice here in waiving the four thousand square foot on a straight zoning.

CHAIR BEGAY: Good point Commissioner Schwartz.

MR. BRITO: Yes Commissioner Schwartz, well he was here I was going to look back to Mr. Bayse from Zoning Enforcement to address this. But I believe if this site is annexed into the city and MH zoning is established then the lots on the site that do not meet the four thousand square foot minimum for MH would become legal non conforming uses. And then also in response to the SU-1 zoning for the site the Planning Commission is making a recommendation to the City Council so if you feel that an SU-1 zone is more appropriate for this site then the staff right up can easily be changed to SU-1 zoning being recommended to the City Council. If that is the case then the applicant would be required to bring a site plan.

COMMISSIONER SCHWARTZ: Are you saying there would be some amortization period on these lots as non-conforming?

MR. BRITO: I believe they would have twenty years.

COMMISSIONER SCHWARTZ: Well I would say based on unlimited exposure to how the city has dealt with non-conforming uses it is one hundred years. They are never going to go away. We are just going to create sub standard lots and I do not know why we would want to do that. Thank you.

CHAIR BEGAY: MR. Suffling, do you have anything to add? Any other questions for Mr. Brito? Mr. Briscoe?

COMMISSIONER BRISCOE: I find it interesting that the AMAFCA Channel; I assume it is AMAFCA is not part of this annexation request. It seems like if the land to the west has been annexed into the city as the land to the east of the Channel, I am not sure I understand the implication of what I am asking for but on the other hand it would seem like it would be a logical part of this application.

MR. BRITO: Madam Chair, Commissioner Briscoe, in response to that I think staff has the same inclination that you do that it would be logical to annex all that adjacent right-of-way including the Amole del Norte Diversion Channel and that is a recommended condition of approval for the annexation on page thirteen of the staff report stating that all adjacent roadways, rights-of-way, and necessary accesses shall be included in this annexation request. And with that recommended condition of approval that will be included in the ordinance legislation that is sent to the City Council.

CHAIR BEGAY: Great. Commissioner Johnson?

COMMISSIONER JOHNSON: Thank you Madam Chair. Mr. Brito, what is your best guess about where the two points of access are going to be?

MR. BRITO: Madam Chair, Commissioner Johnson, there is an existing access point...

COMMISSIONER JOHNSON: ...yes I saw that...

MR. BRITO: ...here on Ervien and then I believe there is an emergency access and the applicant should correct if I am wrong, and emergency access through this adjacent property to Coors.

CHAIR BEGAY: We will fix that when you come up Mr. Sena, thank you. Any other questions for Mr. Brito? Thank you. Everybody who is here to speak on this case needs to rise and raise your right hand and wait for April to swear you in.

MS. CANDELARIA: Do you all swear to tell the truth?

CHAIR BEGAY: Thank you. Mr. Sena?

MR. SENA: Madam Chair, Vice Chair Alan Schwartz, members of the Commission, my name is Tony Sena. I am part owner of the Riverside Mobile Home Park and the tract of land that we are talking about here. We really are not requesting annexation on this piece of property. We have had water and sewer in this property since 1963 and there is documentation, there are letters that are recorded that date back thirty years that water and the sewer has been on the property and we have been using this water and sewer. And we wrote a letter to Mr. Kane from the City, he is with Public Works; a letter dated November 27, 1996. In that letter we put on there that we did a careful review of the creation of the easement, the documents that led to the installation of the sewer and the water and in order that you will have something to document your fall on this thirty year old transaction. We sent all these documentations.

We are not asking for annexation. How this came about was we have had a special use permit for the mobile home park for many years and we have been getting water from Coors. The waterline on Coors Road, I think it is twenty-eight or thirty years old and the elevation of the mobile home parks sits about forty feet, thirty-eight to forty feet above Coors. And the old line is just not sufficient to supply the water that we need. And the fire hydrants, they do not have the proper pressure to operate in case of a fire.

But there has always been water stubbed into our property underneath the Amole Canal. And there has been sewer through there and the sewer was abandoned back in 1975 or early '74. It was abandoned when they put the Amole Canal through there. So there was nothing that, all the blue that is there was vacant property. It was all vacant land; there was nothing there. That sewer line and that water line that came down came down from what is at the time it was called Snow Heights. And it was funny they were mentioning a Snow Heights earlier but that was called Westgate. So the land came down and it went to Coors and the people who developed Snow Heights, they were the ones who paid for that water and that sewer line in there, not the city. And when they put the Amole Canal through there, when AMAFCA came in and put the Amole Canal through there they abandoned the sewer line there at the Amole Canal. They came into the west side, to the east side of the canal where we are at, the city did and they covered up all the manholes and abandoned the line. And we

had a special use permit on this property but at the time we did not have the money to go and do our mobile park so some time went by and then we started our mobile home park.

We came to the city because we wanted to use the sewer and they told us it was abandoned because it was an old petrified clay pipe. But they said if the easements are there, if you want to go ahead and rebuild that sewer line at your cost fill free to do so and when you do then have it video taped and bring it to the city engineers and if it is acceptable we will let you use it. And we did and they said because we are not going to help you with it because the city is not going to benefit from it. The only one who is going to benefit from it is you people, so we did. And then three years after we did all this work, everything that you see that is in blue they came and they in; there is two hundred and eighty-seven houses there. The city came in and hooked up to the sewer line that we paid for, that we rebuilt, never got compensated for, never. And the lines have been there for many years and now that they put in a new pressure system up above on the east/west side of the canal they said well you can go ahead and hook up to that system under that is stubbed out to your property so that the fire hydrants can have more pressure. I did. So when I went to get my work order to do that Mr. Fred Aguirre, he said well I do not feel comfortable giving you this permit to tie into the line unless you feel out some documentations here saying that you are going to request annexation for the property. I feel I was forced to do this; I did not do this just freely. I had people that lived there like Vice Chairman Alan Schwartz said, I mean these people have been there, they are established there and this is their home. This is their little castle and we cannot just go in there and just move them around and do this. I mean it is not right.

Like the Vice Chairman mentioned there is no convenient access to the city, we are out way down south Coors, we are in the County. And here a couple of years ago we had a little fire out there, the city came out and there was a little fire burning out there because part of it was on vacant land there and the guy in charge that was operating the fire truck he asked me is this city or county? And I told him this is county. He goes okay we will just let the county take care of it.

CHAIR BEGAY: They did not put the fire out?

MR. SENA: Excuse me?

CHAIR BEGAY: They left and did not put the fire out?

MR. SENA: Yes, because it was just a small little fire, it was not out of control but it was making smoke so they came down. But it is a very important issue, very important. But we did not ask for annexation. I feel that we have been forced into it. And we are very uncomfortable with it, very comfortable it. And there is a lot of, I can go on and go on and go on, I am not happy with it at all. And this is, my property has had the water and sewer since 1963 and I have documentations that are recorded that say that I have the right to make one hook up to that water and sewer and I did. And now they want me to annex it into the City. I do not feel comfortable and neither do any of my tenants. Thank you.

CHAIR BEGAY: Thank you. Any questions? Commissioner Johnson?

COMMISSIONER JOHNSON: Thank you Madam Chair. Mr. Sena, are you able to, will you be able to fulfill a requirement that you have two points of access?

MR. SENA: Yes. Also, I wanted to mention with the information that I have given you here today I would like to withdraw this application for annexation with the understanding that it would not hurt me or my tenants that are living there today.

CHAIR BEGAY: I do not think we can make that deal with you. Somebody from Public Works maybe but we do not have anybody here.

MR. SENA: I have been to Public Works and I have talked to Public Works a lot.

CHAIR BEGAY: I think the key point here may be convenient access. So you may have a way out Mr. Sena.

MR. SENA: Okay.

CHAIR BEGAY: We will talk about, you have two points...

MR. SENA: Really there is only the one entrance.

CHAIR BEGAY: Thank you. Commissioner Johnson?

COMMISSIONER JOHNSON: Could you clarify what you said from the audience before Mr. Brito pointed to an easement, an access easement that you have across one of the M-1 lots and you said no that was not the case.

MR. SENA: Okay, this is Ervien Lane right here, this is Coors, this is the entrance to the park, and it goes in through right there. That is the entrance to park right there.

COMMISSIONER JOHNSON: If you were required to have another point of access to a major street what would that be?

MR. SENA: There is not another one.

COMMISSIONER JOHNSON: I see. Thank you.

CHAIR BEGAY: Thank you. Commissioner Schwartz?

COMMISSIONER SCHWARTZ: Well okay, so what is, I mean when I was up there if you go up Ervien there is...

MR. SENA: ...there is a street right...

COMMISSIONER SCHWARTZ: ...there is a gate.

MR. SENA: Yes, there is a little gate right there.

COMMISSIONER SCHWARTZ: Okay.

MR. SENA: There is a little gate right there and there is a little road that comes in that is to my office. That is separate from the mobile home park.

COMMISSIONER SCHWARTZ: So there is another road, there is another road or whatever you want to call it.

MR. SENA: That is a separate one-acre tract separate from the mobile home park.

COMMISSIONER SCHWARTZ: Okay. But I mean that goes straight into the mobile home park, there is no gate?

MR. SENA: There is no gate.

COMMISSIONER SCHWARTZ: And so what is that? That is not a road that is just...

MR. SENA: Yes.

COMMISSIONER SCHWARTZ: Okay, thank you.

CHAIR BEGAY: Any other questions for Mr. Sena? Thank you. Do we have anybody signed up?

MS. CANDELARIA: Andrew Lopez.

MR. LOPEZ: Madam Chair, members of the Commission I am Andrew Leo Lopez for Sun hill Neighborhood Association. We asked and advised Mr. Sena to withdraw the application. As a result of negotiations and it was at our urging after he consulted with city and county he complied. And one of the points that he is making that which we find particularly difficult to accept as citizens is forcing somebody to take city services in return for tit for tat. That issued is addressed in New Mexico Statutes annotated 3-7-17-1, paragraph F; the relevant portion says "The municipality may make agreement to annexation, a condition of extending sewer and water if the extension of services paid for entirely with municipality money. This applies to class A counties and cities over two hundred thousand which we qualify as. And I do not think that you can force somebody who paid for the entire infrastructure out of his own pocket. This is basically putting a gun to somebody's head and saying you do this or else. I do not believe that the City of Albuquerque should be doing business that way with anyone. We believe that that in fact has been happening a lot up on the West Mesa. It has just basically been and forgive me for using the word but it has just basically been putting the gun to somebody's head and saying you do this or else and I do not think that the Commissioners have been advised that this is what staff is doing. And we strongly object to that form of business being done from the city to residences of the county. It is a nice way to get some

tax revenue very very quickly but it is inappropriate for this Commission and it is beneath this Commission to reward that sort of behavior by city employees of the Public Works and the Zoning Commissioner. It is absolutely abhorrent way to do business and we invoke that statute.

The other is this Commission; I have represented Sun Hill in several cases before. This Commission has in fact there are five people who will defer to me so that we have...

CHAIR BEGAY: I do not think we do that here Mr. Lopez.

MR. LOPEZ: You do not allow that to happen here?

CHAIR BEGAY: No.

MR. LOPEZ: Okay. Anyway we think it is a very bad, we agree with Mr. Schwartz and all of his comments on zoning and on mixing mobile homes with M-1 zoning. It is an incompatible oil and water mixture. And forgive me for going on a little bit more then two minutes. I will stand for questions.

CHAIR BEGAY: Commissioner Gara, do you have a question?

COMMISSIONER GARA: Would you read that statute again please?

MR. LOPEZ: Section 3.7-17.1, paragraph F, the relevant sentence is "The municipality may make agreement to annexation, a condition of extending sewer and water service if the extension of the services paid for entirely with municipal money and this applies to petitions seeking the annexation of territory contiguous to a municipality with population over two hundred thousand persons and located in a class A county." Therefore we make two points, one this is abhorrent way to do business. And second we question the jurisdiction of this...

CHAIR BEGAY: Your points were made. Thank you Mr. Lopez.

COMMISSIONER GARA: One question. What was installed by Mr. Sena?

MR. LOPEZ: All of it.

COMMISSIONER GARA: All of what?

MR. LOPEZ: The entire infrastructure. The city had not one dime in either the extension from Westgate to the Amole Canal, which was right up to his property line for both sewer and water...

COMMISSIONER GARA: Because if he did the sewer line on his property from the canal...

MR. LOPEZ: ...all the way in through, yes. And the water line.

COMMISSIONER GARA: But that is on his property. Any individual property owner has to do that but then they tie into a city system once they leave that property.

MR. LOPEZ: The city has not paid for any part of this system. It was donated, this system. It is not question of ownership, it is a question of did you pay any money. Money is the key issue.

COMMISSIONER GARA: But if the improvement that the applicant made is strictly on his property that is a requirement. You are not going to have the city paying to improve somebody's property.

MR. LOPEZ: Well we have some exceptions in that area and ....Brothers property was in fact improved with city money with I believe was a twelve inch waterline. So that in fact has in fact happened.

COMMISSIONER GARA: I am not sure that statute applies in this case quite frankly.

CHAIR BEGAY: Commissioner Schwartz?

COMMISSIONER SCHWARTZ: Thank you. Mr. Lopez, I heard this issue in some other cases and I think some of the other Commissioners have to and it is not what that statute says that is the problem. It is what the statute does not say. And that is the bone of contention right now between the city and the county and probably Mr. Fish could really talk about it better than I but the question is who gets credit for the private money.

MR. LOPEZ: Correct.

COMMISSIONER SCHWARTZ: And this is an argument that as far as I know that has not been resolved yet. So I think the statute applies. I think it applies to all the cases. It is the interpretation of the statute that is an issue. And as we know, we know when the city wrote a check, we know when the county wrote a check, we know when the federal government wrote a check.

MR. LOPEZ: We know when the private interest wrote a check.

COMMISSIONER SCHWARTZ: But if the private interest writes a check to extend city services to their property my understanding is the interpretation by the city is the city gets credit for that expenditure. That goes into the municipal side of the balance sheet and that is the basis on which they say that you have to annex. I am not saying it is right, I am not saying it is wrong, I am just saying that it is not addressed.

MR. LOPEZ: I would say that that is self serving grabbing of somebody's money number one after forcing them to annex. Number two, but the other is if the legislature wanted the city to take credit for it they would have said so just specifically. That is normal statutory construction I would submit Commissioner Schwartz.

COMMISSIONER SCHWARTZ: Okay.

CHAIR BEGAY: Thank you. Any other questions for Mr. Lopez?

MS. CANDELARIA: Loretta Chavez.

CHAIR BEGAY: You will have time to rebut Mr. Sena.

MS. CHAVEZ: We oppose, the Sun Hill Neighborhood Association.

MS. CANDELARIA: George Sena.

MR. SENA: Mr. Chairman, members, my name is George Sena Senior and I am one of the owners at Riverside West Mobile Trailer Park. And I will make it real short. About thirty some odd years ago whenever they put the sewer in through there or whatever we gave the easement or whatever the city is documented in black and white that they were going to let us make one tie in into sewer. So, then what happened was when we went tie into it they so oh no, the city already changed the rules and revelations he said and now we have to pay the ...charges. I say since isn't this a grandfather clause since we have documented by the city lawyers and whatever. So, so much for that. Anyway nevertheless the city I guess the city I guess got the say so, I do not know. Whenever we put in the street on Ervien Lane with curb and gutter we paved it and then they told us when we put that ten-inch water line once anybody else hooks into that line they say you will get money back. We paid one hundred percent for everything. Yes, our neighbor hooked on to it, put a meter, real quite and everything and we never heard no more about it. So that is kind of the way the city operates. Thank you.

CHAIR BEGAY: Mr. Sena, I think you might need an attorney to help you deal with this.

MR. SENA: And every time that there is a Mayor that is going to try to be elected they talk to me. They go in and approach me to try and help them I guess with votes or whatever and they say we are going to take care of it. Yes, you have a good case we will take care of once, if I get elected I am going to take care of it and then once he gets elected or whatever they kind of go the other way. Then the other one comes like now I have two or three of them already talking to me that say you have a good case. But that is as far as it gets. Thank you.

CHAIR BEGAY: Thank you.

MS. CANDELARIA: Wanda Sena.

MS. SENA: I oppose.

MS. CANDELARIA: Ernest Chavez (left). Steve Sena (left). George Sena Junior (left).

CHAIR BEGAY: Mr. Sena, do you want time to rebut?

MR. SENA: Yes, thank you. I was showing documentation to your attorney that was dated 1984 that reflects what happened back in 1963. And he is going through the document right now. And every time that I come to Public Works, City, they just tell me that that letter is thirty years old; those documents are thirty years old. Since that was done back then there has been new ordinances, things have changed and I understand that. But I had, we had an agreement and I believe an agreement is a contract and I did not break my end of the contract. It was signed where my father gave them the easement through there with the understanding that he can make one hook up and I think this falls under the old grandfather clause and your attorney's reading the documentation right now. And the only thing I ask is we are out in the county. We have been there, we are established there, we have been there for many years. We have a well there that is a fourteen-inch or sixteen-inch well; it is a big well that was put back in the early '60's, a commercial well. We have the water rights to it and the well is a deep well. And wanted to put in our own water system and put a tank there so we would not have to deal with the city but then the city said well just go ahead, you have documentation to use the water so go ahead and use it and so we did. Now, we are getting hit with UEC, which I strongly believe that I should have never got hit with because we are under the grandfather clause. But they, every time we go knock on the door they never have time for us. And I am not very good with words but I know what I feel and I know what I want to say. And what I am trying to say is what the city is doing and I know you do not have a big handle on it and a feel for it and maybe now after we finish talking you can get some kind of an idea but it is wrong. What is taking place is wrong and maybe it is a different situation were maybe it would be okay but here in this situation it is not, it is just wrong.

CHAIR BEGAY: Thank you Mr. Sena.

MR. SENA: Thank you.

CHAIR BEGAY: Russell, closing comments?

MR. BRITO: Madam Chair, just a little discussion about why the Public Works Department required the applicant to apply for annexation. In your staff report packet near the end is a letter from the City of Albuquerque Public Works Department Utility Development Division dated September 8, 2000. About four pages back from the end of the staff report and this was written to Mr. Knee of ABQ Engineering from Roger Green. He is an engineer with Utility Development in the Public Works Department. And on page two at the top it states annexation and it reads "The property is currently unplatted and in an incorporated area of Bernalillo County. Per city service policy city water and sewer service is contingent upon annexation. When Phase One was developed the property did not meet the conditions for annexation. Since that time surrounding properties have been annexed and this property now meets the conditions. Contact the city Planning Department for procedures to petition for annexation and establishment of zoning." And then finally at the end "No further additional water and sewer services will be approved until annexation has either been approved or denied through City Council." And I think that references the fire service hook up that the applicant was attempting to get from the City. And this was City Public Works Department response instructing them to apply for annexation.

CHAIR BEGAY: Thank you Mr. Brito. Commissioner Serrano?

COMMISSIONER SERRANO: I was just wanted to know if we can hear perhaps from Mr. Suffling, you have been reviewing the letter.

MR. SUFFLING: Madam Chair, and Commissioner Serrano, I was kind of interested in that statute and the representation that Mr. Sena had entered into agreement at some time in the past to annex. And I have a few comments about that that might be helpful. First that statute is not very, that is a recent statute. So you might be able to avoid even considering this statute in the meaning of the language of this statute if does not apply in this case. I think that statute became effective in '99.

Then the other thing I was looking for is where Mr. Sena actually signed something that said he would annex in the future and I cannot find that. I do not know whether that is in the materials or not but it does look to me he every agreed to annex. It looks like Public Works assumed that he would annex in the future.

Do you have a specific question Commissioner Serrano?

COMMISSIONER SERRANO: No I did not (INAUDIBLE) the opportunity to review that.

MR. SUFFLING: Well the other thing and I do not know if it is in your packet or not is a letter from attorney Thomas Bottom to Mr. Sena dated August 20, 1984. It is a two-page letter.

CHAIR BEGAY: Yes, I remember seeing that.

MR. SUFFLING: And I am not sure, I was looking in there for language that would show, that would shed some light on what would be the appropriate decision and I do not really know what the letter means in terms you deciding.

COMMISSIONER SERRANO: I do not think we have that, I do not have that. August 20?

MR. SUFFLING: 1984.

CHAIR BEGAY: Was it in the stuff that was faxed to us April? Because I remember seeing Mr. Bottoms name because he is an attorney that is representing another client in a case that is being...

MR. SUFFLING: What the gist of the letter is is that Mr. Sena entered into a purchase agreement and the Title Company held forty-six hundred dollars in escrow and it was held to assure payment of a sewer pro rata charge assessed by the City. It says it is for a twelve-inch sewer line that runs through the middle of tract LL under a grant of easement to the City of Albuquerque dated back in 1963. It is based on a per foot charge for this sewer line. And so I really do not know what that means. I do not know what the significance of that is. The last paragraph of the letter says that, it says in the future if you or your successors wish to tap

into this line you would have the obligation of either paying this charge or contesting the amount. But in any event you would have to use, have the use of twenty-three hundred dollars in the meantime. And if you never tap into the line this money would be yours free of any obligations.

COMMISSIONER SERRANO: I did find the letter; it was part of what you faxed us.

CHAIR BEGAY: Commissioner Johnson?

COMMISSIONER JOHNSON: Thank you Madam Chair. Mr. Suffling, I think it is confusing because there was water and sewer applied for use of the existing subdivision. Either applied for or supplied and now that there is a desire to expand the subdivision and my understanding is that the fire flow pressures are not adequate to protect the new subdivision. And I am just wondering if you were listening closely enough because it is hard for me to be sure to agree or disagree with Mr. Sena's statement that he is owed one more hook-up to satisfy those fire flow pressures from his earlier agreement. Is that your understanding?

MR. SUFFLING: Commissioner Johnson, I do not know. I do know where that would come from. I mean unless there is some promise by the city that he was going to get X amount of service and he has X minus one now.

COMMISSIONER JOHNSON: That is what it sounded like to me earlier but it is very hard to track which services are already taken care of and which ones are still outstanding and whether they are still this promise that they can hook-up.

MR. SUFFLING: Public Works would know that I guess.

CHAIR BEGAY: And that is not really our job either to try to figure that out.

COMMISSIONER JOHNSON: Well that is kind of where I am headed to. This is very difficult to sort out.

MR. SUFFLING: Just one other comment I have and maybe he can shed some more light on it if he never agreed to annex then I suppose he can withdraw his petition. Unless you find harm in that. Commissioner Schwartz?

COMMISSIONER SCHWARTZ: Mr. Suffling, Mr. Green from Utility Development says no further additional water and sewer services will be approved until annexation has either been approved or denied through City Council. Isn't there a catch twenty-two here because if we deny it at this level how is it going to get to the City Council. I do not think that Mr. Sena is going to appeal it.

CHAIR BEGAY: It is a recommendation.

COMMISSIONER SCHWARTZ: If we approve it is he going to appeal our approval?

MR. SUFFLING: I do not know what he would do.

CHAIR BEGAY: It is a recommendation.

COMMISSIONER SCHWARTZ: It goes either way? All right.

CHAIR BEGAY: But it has to be either approved or denied and then he can get the services. That is what it sounds like to me.

COMMISSIONER SCHWARTZ: Well I would make the interpretation that even if the Council denies it but they are saying that Council has to make the determination that it is not suitable for annexation.

CHAIR BEGAY: Right, I agree. Any other questions? Lets close the floor. Discussion? Motion? Commissioner Schwartz?

COMMISSIONER SCHWARTZ: I will make the motion that the application for annexation be denied.

CHAIR BEGAY: On the grounds?

COMMISSIONER SCHWARTZ: That it does not have convenient access to the City.

CHAIR BEGAY: I have a motion on the floor.

COMMISSIONER JOHNSON: Second.

CHAIR BEGAY: A motion and a second. All those in favor? Opposed? Motion passes unanimously. A recommendation of denial of annexation will go forward to the City Council.

MR. BRITO: Madam Chair, we need a motion for establishment of zoning as well.

COMMISSIONER SCHWARTZ: We deny the annexation do you still need the zoning?

CHAIR BEGAY: No.

COMMISSIONER SCHWARTZ: Isn't it moot?

CHAIR BEGAY: Moot point.

COMMISSIONER GARA: It also does not make any difference.

**FINAL ACTION TAKEN**



City of Albuquerque  
Planning Department  
Development Services Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: February 16, 2001

**OFFICIAL NOTIFICATION OF DECISION**

Tony Sena  
2503 Coors SW  
Albuq. NM 87121

FILE: 00114 00000 01763/00110 00000  
01764/01110 00000 00007

LEGAL DESCRIPTION: for Tract A, Lands of Tony Sena, Section 34, T10N, R2E Atrisco Grant and Lands of George Sena, Section 34, T10N, R2E and Section 3, T9N, R2E Atrisco Grant, located on Ervien Lane SW between Coors SW and the Amole Diversion Channel, containing approximately 40 acres. (M-10) Russell Brito, Staff Planner

On February 15, 2001, the Environmental Planning Commission voted to defer 00114 00000 01763/00110 00000 01764/01110 00000 00007 to the Environmental Planning Commission Public Hearing on May 17, 2001. There is a \$75.00 fee when a deferral is made at the request of an applicant/agent. Payment is due by March 2, 2001 and may be paid at the Land Development Coordination counter at the Plaza del Sol Building.

Sincerely,

  
for Robert R. McCabe, AIA, APA  
Planning Director

RM/RB/ac

cc: ABQ Engineering Inc., 1631 Eubank NE, Albuq. NM 87112  
Mike Seay, 6919 Acoma SE, Albuq. NM 87108  
Lloyd Howard, 5513 Camino Soledad NW, Albuq. NM 87120

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00114 00000 01184 Mark Goodwin & Associates, PA, agents for Unite-Us, LLC, request  
00138 00000 01185 annexation and establishment of RD zoning plus an amendment to  
Project # 1000 766 the Tower-Unser Sector Development Plan for Tracts 3-7, Unit 2,  
Town of Atrisco Grant, located on Tower Road NW between Unser  
Boulevard and 75<sup>th</sup> Street, containing approximately 20 acres. (L-10)  
Debbie Stover, Staff Planner **(DEFERRED TO APRIL 19, 2001.)**

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission  
voted to defer 00114 00000 01184/00138 000000 01185 to the Environmental Planning  
Commission Public Hearing on April 19, 2001. There is a \$75.00 fee when a deferral is made  
at the request of an applicant/agent. Payment is due by March 2, 2001 and may be paid at  
the Land Development Coordination counter at the Plaza del Sol Building.

MOVED BY COMMISSIONER SCHWARTZ  
SECONDED BY COMMISSIONER SERRANO MOTION CARRIED UNANIMOUSLY

00110 00000 01515 Herb Denish and Associates, Inc., agents for Tijeras Place, LLC  
00128 00000 01516 request a zone map amendment from SU-1 PDA C-1 Uses & Office  
00128 00000 01523 to SU-1 PDA C-1 Uses & Office & Auto Sales plus approval of a site  
Project # 1000651 development plan for subdivision purposes and approval of a site  
development plan for building permit for Tract A29A, Town of Atrisco  
Grant Northeast, located on Coors Boulevard NW between Pheasant  
Avenue NW and Redlands Road NW, containing approximately 3.41  
acres. (G-11) Debbie Stover, Staff Planner **(WITHDRAWN.)**

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission  
voted to accept withdrawal of 00110 00000 01515/00128 00000 01516/00128 00000 01523  
at the request of the agent.

MOVED BY COMMISSIONER SCHWARTZ  
SECONDED BY COMMISSIONER SERRANO MOTION CARRIED UNANIMOUSLY

00114 00000 01763 ABQ Engineering Inc., agents for Tony Sena request annexation and  
00110 00000 01764 establishment of M-H zoning for Tract A, Lands of Tony Sena,  
01110 00000 00007 Section 34, T10N, R2E Atrisco Grant and Lands of George Sena,  
Project #1000976 Section 34, T10N, R2E and Section 3, T9N, R2E Atrisco Grant,  
located on Ervien Lane SW between Coors SW and the Amole  
Diversion Channel, containing approximately 40 acres. (M-10)  
Russell Brito, Staff Planner **(DEFERRED TO MAY 17, 2001)**

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission voted to defer 00114 00000 01763/ 00110 00000 01764/01110 00000 00007 to the Environmental Planning Commission Public Hearing on May 17, 2001. There is a \$75.00 fee when a deferral is made at the request of an applicant/agent. Payment is due by March 2, 2001 and may be paid at the Land Development Coordination counter at the Plaza del Sol Building.

MOVED BY COMMISSIONER SCHWARTZ  
SECONDED BY COMMISSIONER SERRANO MOTION CARRIED UNANIMOUSLY

~~00110 00000 01500 Garcia Kraemer, agents for Charles Benzaquen, request a zone map  
00138 00000 01501 amendment from SU-2/TH to SU-2/SU-1 Single Family Residence &  
00128 00000 01502 Restaurant plus an amendment to the Sector Development Plan and  
Project # 1000892 approval of a site development plan for building permit for Lots 47 &  
48, Perea Addition, located on the northeast corner of Tijeras Avenue  
and 13<sup>th</sup> Street, containing approximately .11 acres. (J-13) Simon  
Shima, Staff Planner (DEFERRED TO MARCH 22, 2001)~~

~~NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission  
voted to defer 00110 00000 01500/00138 00000 01501/00128 00000 01502 to the  
Environmental Planning Commission Public Hearing on March 22, 2001.~~

~~MOVED BY COMMISSIONER SCHWARTZ  
SECONDED BY COMMISSIONER CHAVEZ MOTION CARRIED UNANIMOUSLY~~

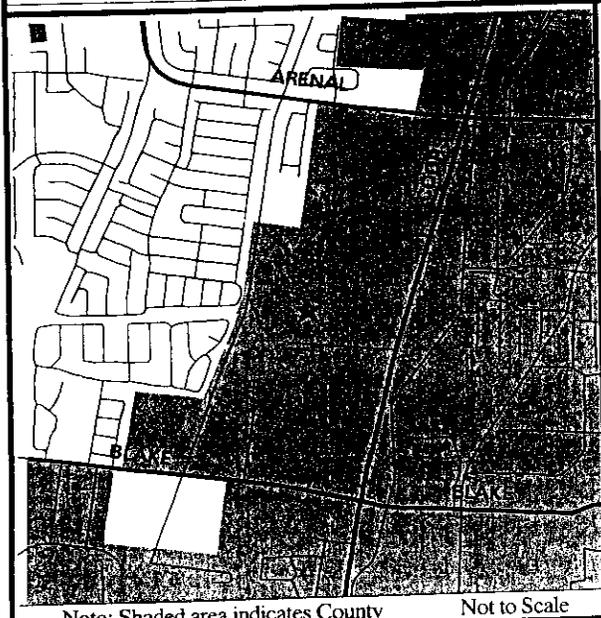
~~00110 00000 01778 Scott Steinberg request a zone map amendment from R-1 to M-1  
Project #1000982 for Lot A, Block 7, Unit 2, Mandell Addition #2, located on 3<sup>rd</sup>  
Street between Woodland and La Poblana, containing  
approximately .9 acre. (H-14) Loretta Naranjo-Lopez, Staff  
Planner (DEFERRED TO MARCH 22, 2001)~~

~~NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission  
voted to defer 00110 00000 01778 to the Environmental Planning Commission Public  
Hearing on March 22, 2001.~~

~~MOVED BY COMMISSIONER SCHWARTZ  
SECONDED BY COMMISSIONER CHAVEZ MOTION CARRIED UNANIMOUSLY~~

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### LAND USE MAP

KEY to Land Use Abbreviations

- AGRI Agricultural
- COMM Commercial -Retail, Service, Wholesale
- DRNG Drainage
- EDUC Public or Private School
- GOLF Golf Course
- MED Medical Office or Facility
- MFG Manufacturing or Mining
- MH Mobile Home
- MULT Multi-Family or Group Home
- OFF Office
- ORG Social or Civic Organization
- PARK Park, Recreation or Open Space
- PRKG Parking
- PUBF Public Facility
- RELG Religious Facility
- SF Single Family
- TRAN Transportation Facility
- UTIL Utility
- VAC Vacant Land or Abandoned Bldgs
- WH Warehouse & Storage



Scale 1" = 433'

PROJECT NO.  
1000976

HEARING DATE  
02-15-01

MAP NO.  
M-10

APPLICATION NO.  
00114-00000-01763  
00110-00000-01764

*66*

City of Albuquerque  
Planning Department  
Development Services Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: May 18, 2001

Tony Sena  
2503 Coors SW  
Albuq. NM 87121

**OFFICIAL NOTIFICATION OF DECISION**

FILE: 00114 00000 01763/00110 00000  
01764/01110 00000 00007  
LEGAL DESCRIPTION: for Tract A, Lands of  
Tony Sena, Section 34, T10N, R2E Atrisco  
Grant and Lands of George Sena, Section 34,  
T10N, R2E and Section 3, T9N, R2E Atrisco  
Grant, located on Ervien Lane SW between Coors  
SW and the Amole Diversion Channel,  
containing approximately 40 acres. (M-10)  
Russell Brito, Staff Planner (**DEFERRED  
FROM FEBRUARY 15, 2001**)

On May 18, 2001, the Environmental Planning Commission voted to recommend denial to the City Council of 00114 00000 01763 based on the following Finding:

**FINDING:**

1. This site does not have convenient access to the City.

On May 18, 2001, the Environmental Planning Commission took no action on 00110 00000 01764, zone map amendment.

**IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY JUNE 1, 2001 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE OF \$50 IS REQUIRED AT THE TIME THE APPEAL IS FILED.**

OFFICIAL NOTICE OF DECISION

00114 00000 01763/00110 00000 01764/01110 00000 00007

MAY 17, 2001

PAGE 2

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY OTHER PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC.

Sincerely,



Robert R. McCabe, AIA, APA  
Planning Director

RM/RB/ac

cc: ABQ Engineering Inc., 1631 Eubank NE, Albuquerque, NM 87112  
Mike Seay, 6919 Acoma SE, Albuquerque, NM 87108  
Lloyd Howard, 5513 Camino Soledad NW, Albuquerque, NM 87120  
Andrew Lopez, 1124 Nutrias SW, Albuquerque, NM 87105  
Loretta Chavez, 2732 Barcelona Pl. SW, Albuquerque, NM 87121  
George Sena, 2503 Coors, Albuquerque, NM 87121  
Wanda Sena, 2503 Coors, Albuquerque, NM 87121  
Ernest Chavez, 2503 Coors, Albuquerque, NM 87121  
Steve Sena, 2503 Coors, Albuquerque, NM 87121  
George Sena Jr., 2503 Coors Albuquerque, NM 87121

11. No freestanding cell towers or antenna shall be permitted. Telecommunications towers or antenna shall be integrated into the building architecture.
12. ATM's shall be architecturally integrated with building design.
13. Loading docks shall have screen walls and covers that are architecturally integrated with the building.
14. All dumpsters shall be adequately screened with materials compatible with the building. Chain link gates are not allowed.
15. An outdoor patio/break area is required and shall be a minimum of 250 square feet. It shall have shade trees spaced at intervals of 20 feet on center to provide shade. Trees shall be planted in planters that are a minimum of 6 feet by 6 feet.
16. All freestanding signage shall be monument type signs that are architecturally integrated with building design.
17. Building signage shall be a maximum of 6% of the façade area.
18. Design guidelines for the entire 14 acre parcel shall be submitted in conjunction with the first application for a site plan for building permit. Set guidelines will be approved prior to the approval of any site plan for building permit.
19. If an analysis by Transportation Engineering warrants it traffic island speed humps and other traffic management devices will be installed on Parsifal and Glorietta as necessary to protect the neighborhood.

MOVED BY COMMISSIONER GARA

SECONDED BY COMMISSIONER SERRANO

MOTION CARRIED UNANIMOUSLY

3. 00114 00000 01763 ABQ Engineering Inc., agents for Tony Sena request annexation  
00110 00000 01764 and establishment of M-H zoning for Tract A, Lands of Tony Sena,  
01110 00000 00007 Section 34, T10N, R2E Atrisco Grant and Lands of George Sena,  
Project #1000976 Section 34, T10N, R2E and Section 3, T9N, R2E Atrisco Grant,  
located on Ervien Lane SW between Coors SW and the Amole  
Diversion Channel, containing approximately 40 acres. (M-10)  
Russell Brito, Staff Planner **(RECOMMENDED DENIAL TO THE  
CITY COUNCIL OF ANNEXATION. NO RECOMMENDATION ON  
ESTABLISHMENT OF ZONING)**

STAFF PRESENT:

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Russell Brito, Planning Department  
Jack Bayse, Planning Department  
David Suffling, Legal Department

**THERE WAS NO ONE PRESENT TO SPEAK IN FAVOR OF THIS REQUEST:**

**PERSONS PRESENT TO SPEAK IN OPPOSITION OF THIS REQUEST:**

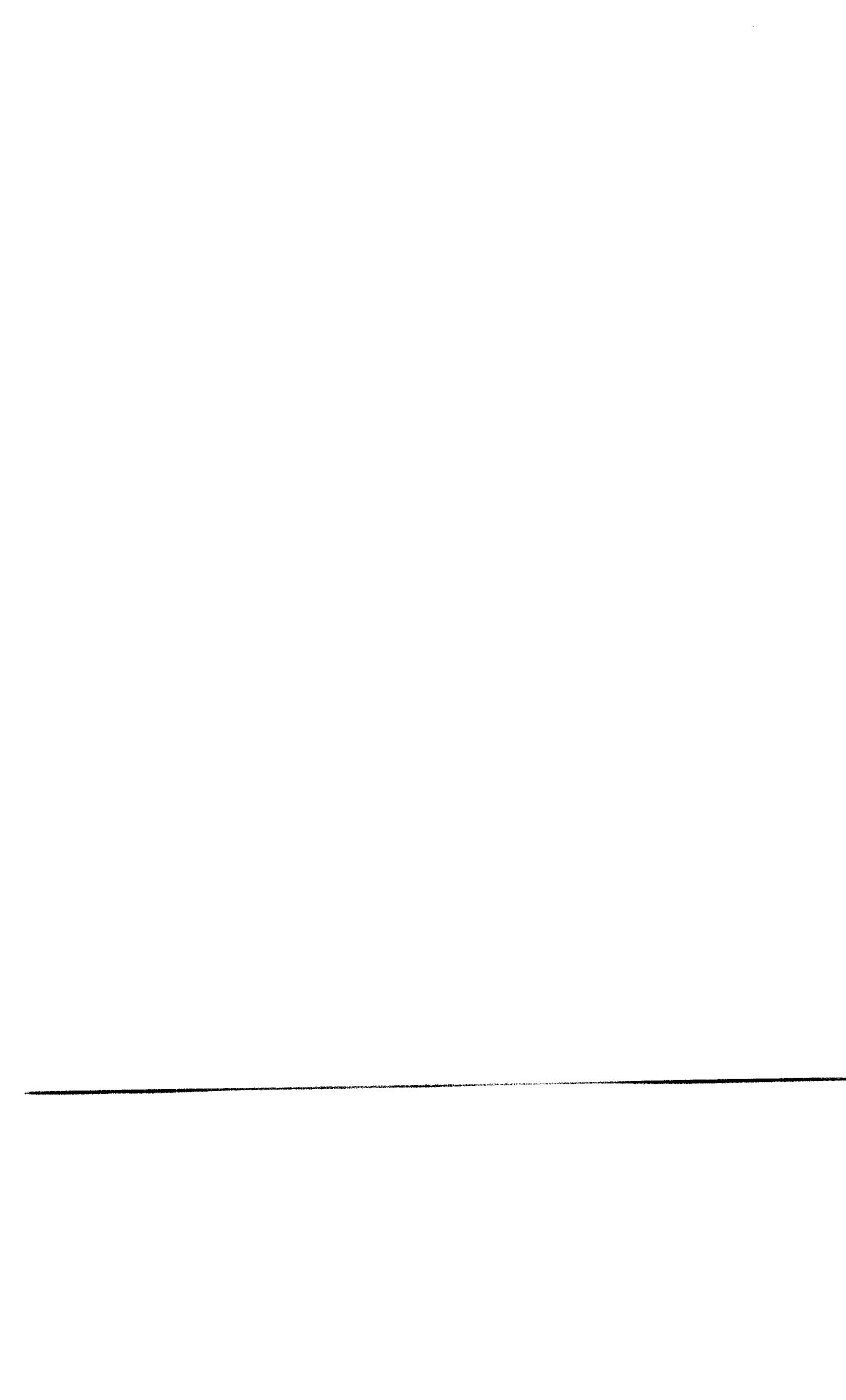
Sandy Fish, County Planning Department  
Tony Sena, 2503 Coors SW  
Andrew Lopez, 1124 Nutrias SW  
Loretta Chavez, 2732 Barcelona Pl. SW  
George Sena, 2503 Coors SW  
Wanda Sena, 2503 Coors SW  
Ernest Chavez, Riverside Mobile Home Park  
Steve Sena, 2503 Coors SW  
George Sena Jr., 2503 Coors SW

MR. BRITO: Madam Chair, Commissioners, this is agenda item number four, case number 00114 01763 and 00110 01764. This is a request for annexation and establishment of MH zoning for approximately a forty-acre site located on south Coors just north of Ervien. To the north of the site is agenda item number six as well as city R-LT zoning as well as county M-1. The subject site is currently zoned A-1 in the county with a special use permit for a mobile home park. To the west across the Amole del Norte Diversion Channel is city R-Lt zoning. And to the south is unincorporated county.

The applicants reason for this request is to obtain city water and sewer service. It was a requirement of the Public Works Department as per the City's Utility Extension Policy. As submitted staff believes that the request meets the requirements of Resolution 54-1990. The site is designated by the Comprehensive Plan as developing urban and as such is particularly appropriate for the range of urban services, which the city can provide. Annexation of these areas into the city is desired and encouraged.

Staff believes that the request furthers the goals and policies of the Comprehensive Plan, the Westside Strategic Plan and the Southwest Area Plan as well. The request to establish MH zoning would give it zoning that is appropriate for the existing use. Staff feels that the request furthers the applicable goals and policies of the Comprehensive Plan, the Westside Strategic Plan and the Southwest Area Plan. It will meet the policies of Resolution of 270-1980 as annexation of the site will itself be a changed community condition justifying the zoning?

Staff is recommending approval of the annexation and the establishment of zoning with some recommended conditions of approval for the zone map amendment request. And that because the applicant is request MH zoning it does not require a site development plan but



each of the lots would have to be individually subdivided as per the MH zone requirements. And then there are also some Public Works Department conditions of approval including the provision of two independent access points from the major streets to the site, annexation of the adjacent Amole del Norte Diversion Channel, Channel, and dedication of the right-of-way along Coors. In doing some additional research into the County's approval of the special use permit for this site. That was approved in November 1993. The County found that the mobile home park development was compatible with existing development of the area. And they had some requirements for the site plan to provide paving for all the streets. Relocation of some of the playground uses and they require the removal of any barbwire fencing and a six-foot solid wall located around the perimeter of the site. I do have copies of that notice of decision from the County as well as some of the site development information design guidelines from the site plan if you are interested in seeing that.

CHAIR BEGAY: I see we have Mr. Fish in the audience. Sandy could you address the issue of whether this property is in compliance with its special use permit and has met all these requirements.

MR. FISH: Madam Chair, Commissioners, good morning, as far as I know the property is in compliance. There are no violations.

CHAIR BEGAY: Thank you. Commissioner Johnson?

COMMISSIONER JOHNSON: Thank you Madam Chair. Mr. Brito, I am sort of troubling mix between MH and M-1 in this vicinity. How do you justify one or the other? I mean not everything has gone perhaps to the direction that is going to end up but I am concerned about these conjunctions of uses.

MR. BRITO: Madam Chair, Commissioner Johnson, my answer to your question and to your concerns is much of the zoning in the area already exists in unincorporated county. The subject site is zoned A-1 with a special use permit for the mobile home park. Immediately to the north the site is zoned M-1 in the County and that is the property, the subject item number six on the agenda. And one of the things the city does do to accommodate applicants for annexation is if they do not request zoning that is different then the zoning they have in the county then we try to give them congruent zoning to what they already have. So the existing land use pattern and zoning is there in the county. The city is just responding to what is existing. There might be some need for some intense buffering between the M-1 site and the residential area but there should not be any reason why they would not be compatible as long as we had an adequate buffer between the two uses.

COMMISSIONER JOHNSON: Do you address that need in any of the conditions? Or is it appropriate to do it at this point?

MR. BRITO: I do not address them in the conditions for this particular case since this is just addressing the mobile home park.

COMMISSIONER JOHNSON: We address it on the M-1 site.



MR. BRITO: The M-1 site would have to comply with the buffering requirements of the M-1 zone.

COMMISSIONER JOHNSON: Thank you.

CHAIR BEGAY: Commissioner Serrano and then Commissioner Schwartz.

COMMISSIONER SERRANO: Mr. Brito, I just and this maybe, I think this relates to the comments that you just made but I noticed in the staff report from Zoning it said that the and I do note that the application indicates the request is for SU-1 for MH. Your advertisement it says indicates requests is for MH so we are talking about MH zoning?

MR. BRITO: Madam Chair, Commissioner Serrano, the request is for MH. It was originally for SU-1 MH and the applicant amended the requested zoning to straight MH.

COMMISSIONER SERRANO: I must have missed that. Okay, thank you.

COMMISSIONER SCHWARTZ: Mr. Brito, in our annexation rules what is meant by provision for convenient street access to the city? Madam Chair, Commissioner Schwartz, I believe that that policy in Resolution 54-1990 is to ensure that any site that is annexed is not an isolated site even though it may be contiguous to existing city limits. But it is to ensure that that site can be reached via the street network for ingress and egress for not only users or possibly residents but also so that emergency services can be provided to the site.

COMMISSIONER SCHWARTZ: There is no access to this site directly from the city, is that correct?

MR. BRITO: That is correct. Not directly to the city but through the existing street network access can be obtained through the county streets, which do lead to the city.

COMMISSIONER SCHWARTZ: So under that definition any piece of property that is on a street network would meet the requirement for convenient access to the city ignoring the contiguity requirement?

MR. BRITO: I think that word "convenience" is something that has to be looked at on a case-by-case basis because it is not a definite word. What is convenient to one may not be convenient to another. But if there are any adverse comments for example from the police department or the fire department stating that the site is not accessible, those would have been addressed by the staff report.

COMMISSIONER SCHWARTZ: It is kind of interesting because that rule only appears in the subdivision ordinance under section one which talks about lands that are in the Comp Plan essential urban established urban and developing urban. And it does not appear in section three which talks about semi urban and rural. It must be a difference.



CHAIR BEGAY: It probably has to do with the roadway system.

COMMISSIONER SCHWARTZ: I guess. Same with the ten percent rule, the ten percent rule really does not apply on this piece of land. I do not think there is convenient street access to the city but that it is my interpretation of convenient.

MR. BRITO: Commissioner Schwartz, I just wanted to mention I believe you are referring to the policies in Resolution 54-1990 when you were talking about the different areas.

COMMISSIONER SCHWARTZ: Yes.

MR. BRITO: On page three of that Resolution under section three where it addresses areas designated by the Comprehensive Plan is semi urban and rural.

COMMISSIONER SCHWARTZ: Right.

MR. BRITO: Subsection three A states the policies...

COMMISSIONER SCHWARTZ: ...you are right...

MR. BRITO: ...stated in the subsections of section one above so those ...street access and contiguity also apply for those other areas of the Comprehensive Plan.

COMMISSIONER SCHWARTZ: You are right.

CHAIR BEGAY: Any other questions?

COMMISSIONER SCHWARTZ: Yes. You said that you are going to require this to be platted?

MR. BRITO: That is a recommended condition of approval.

COMMISSIONER SCHWARTZ: I just do not see how, what is going to happen here because we have a letter in the file. A letter from February 7 from Steve Knee says that basically it works out forty-six percent of the existing lots are smaller than four thousand square feet. And the requirement in the MH is four thousand square feet, is that right?

MR. BRITO: That is correct.

COMMISSIONER SCHWARTZ: How are you going, do you seriously think that they are going to start relocating all these people, you know moving them over to create these bigger lots. Some of those people have established gardens and they are really settled into their parcels there. I do not know why we want, it seems to me we are just creating an administrative enforcement problem right from the get go. And it seems to me that the only way to avoid that would be if this is SU. I do not see the choice here in waiving the four thousand square foot on a straight zoning.



CHAIR BEGAY: Good point Commissioner Schwartz.

MR. BRITO: Yes Commissioner Schwartz, well he was here I was going to look back to Mr. Bayse from Zoning Enforcement to address this. But I believe if this site is annexed into the city and MH zoning is established then the lots on the site that do not meet the four thousand square foot minimum for MH would become legal non conforming uses. And then also in response to the SU-1 zoning for the site the Planning Commission is making a recommendation to the City Council so if you feel that an SU-1 zone is more appropriate for this site then the staff right up can easily be changed to SU-1 zoning being recommended to the City Council. If that is the case then the applicant would be required to bring a site plan.

COMMISSIONER SCHWARTZ: Are you saying there would be some amortization period on these lots as non-conforming?

MR. BRITO: I believe they would have twenty years.

COMMISSIONER SCHWARTZ: Well I would say based on unlimited exposure to how the city has dealt with non-conforming uses it is one hundred years. They are never going to go away. We are just going to create sub standard lots and I do not know why we would want to do that. Thank you.

CHAIR BEGAY: MR. Suffling, do you have anything to add? Any other questions for Mr. Brito? Mr. Briscoe?

COMMISSIONER BRISCOE: I find it interesting that the AMAFCA Channel; I assume it is AMAFCA is not part of this annexation request. It seems like if the land to the west has been annexed into the city as the land to the east of the Channel, I am not sure I understand the implication of what I am asking for but on the other hand it would seem like it would be a logical part of this application.

MR. BRITO: Madam Chair, Commissioner Briscoe, in response to that I think staff has the same inclination that you do that it would be logical to annex all that adjacent right-of-way including the Amole del Norte Diversion Channel and that is a recommended condition of approval for the annexation on page thirteen of the staff report stating that all adjacent roadways, rights-of-way, and necessary accesses shall be included in this annexation request. And with that recommended condition of approval that will be included in the ordinance legislation that is sent to the City Council.

CHAIR BEGAY: Great. Commissioner Johnson?

COMMISSIONER JOHNSON: Thank you Madam Chair. Mr. Brito, what is your best guess about where the two points of access are going to be?

MR. BRITO: Madam Chair, Commissioner Johnson, there is an existing access point...



COMMISSIONER JOHNSON: ...yes I saw that...

MR. BRITO: ...here on Ervien and then I believe there is an emergency access and the applicant should correct if I am wrong, and emergency access through this adjacent property to Coors.

CHAIR BEGAY: We will fix that when you come up Mr. Sena, thank you. Any other questions for Mr. Brito? Thank you. Everybody who is here to speak on this case needs to rise and raise your right hand and wait for April to swear you in.

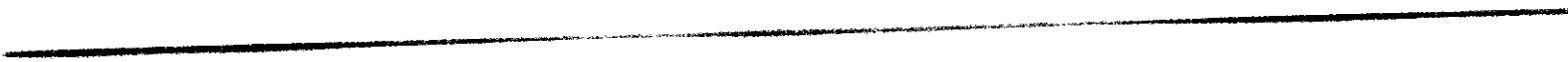
MS. CANDELARIA: Do you all swear to tell the truth?

CHAIR BEGAY: Thank you. Mr. Sena?

MR. SENA: Madam Chair, Vice Chair Alan Schwartz, members of the Commission, my name is Tony Sena. I am part owner of the Riverside Mobile Home Park and the tract of land that we are talking about here. We really are not requesting annexation on this piece of property. We have had water and sewer in this property since 1963 and there is documentation, there are letters that are recorded that date back thirty years that water and the sewer has been on the property and we have been using this water and sewer. And we wrote a letter to Mr. Kane from the City, he is with Public Works; a letter dated November 27, 1996. In that letter we put on there that we did a careful review of the creation of the easement, the documents that led to the installation of the sewer and the water and in order that you will have something to document your fall on this thirty year old transaction. We sent all these documentations.

We are not asking for annexation. How this came about was we have had a special use permit for the mobile home park for many years and we have been getting water from Coors. The waterline on Coors Road, I think it is twenty-eight or thirty years old and the elevation of the mobile home parks sits about forty feet, thirty-eight to forty feet above Coors. And the old line is just not sufficient to supply the water that we need. And the fire hydrants, they do not have the proper pressure to operate in case of a fire.

But there has always been water stubbed into our property underneath the Amole Canal. And there has been sewer through there and the sewer was abandoned back in 1975 or early '74. It was abandoned when they put the Amole Canal through there. So there was nothing that, all the blue that is there was vacant property. It was all vacant land; there was nothing there. That sewer line and that water line that came down came down from what is at the time it was called Snow Heights. And it was funny they were mentioning a Snow Heights earlier but that was called Westgate. So the land came down and it went to Coors and the people who developed Snow Heights, they were the ones who paid for that water and that sewer line in there, not the city. And when they put the Amole Canal through there, when AMAFCA came in and put the Amole Canal through there they abandoned the sewer line there at the Amole Canal. They came into the west side, to the east side of the canal where we are at, the city did and they covered up all the manholes and abandoned the line. And we



had a special use permit on this property but at the time we did not have the money to go and do our mobile park so some time went by and then we started our mobile home park.

We came to the city because we wanted to use the sewer and they told us it was abandoned because it was an old petrified clay pipe. But they said if the easements are there, if you want to go ahead and rebuild that sewer line at your cost fill free to do so and when you do then have it video taped and bring it to the city engineers and if it is acceptable we will let you use it. And we did and they said because we are not going to help you with it because the city is not going to benefit from it. The only one who is going to benefit from it is you people, so we did. And then three years after we did all this work, everything that you see that is in blue they came and they in; there is two hundred and eighty-seven houses there. The city came in and hooked up to the sewer line that we paid for, that we rebuilt, never got compensated for, never. And the lines have been there for many years and now that they put in a new pressure system up above on the east/west side of the canal they said well you can go ahead and hook up to that system under that is stubbed out to your property so that the fire hydrants can have more pressure. I did. So when I went to get my work order to do that Mr. Fred Aguirre, he said well I do not feel comfortable giving you this permit to tie into the line unless you feel out some documentations here saying that you are going to request annexation for the property. I feel I was forced to do this; I did not do this just freely. I had people that lived there like Vice Chairman Alan Schwartz said, I mean these people have been there, they are established there and this is their home. This is their little castle and we cannot just go in there and just move them around and do this. I mean it is not right.

Like the Vice Chairman mentioned there is no convenient access to the city, we are out way down south Coors, we are in the County. And here a couple of years ago we had a little fire out there, the city came out and there was a little fire burning out there because part of it was on vacant land there and the guy in charge that was operating the fire truck he asked me is this city or county? And I told him this is county. He goes okay we will just let the county take care of it.

CHAIR BEGAY: They did not put the fire out?

MR. SENA: Excuse me?

CHAIR BEGAY: They left and did not put the fire out?

MR. SENA: Yes, because it was just a small little fire, it was not out of control but it was making smoke so they came down. But it is a very important issue, very important. But we did not ask for annexation. I feel that we have been forced into it. And we are very uncomfortable with it, very comfortable it. And there is a lot of, I can go on and go on and go on, I am not happy with it at all. And this is, my property has had the water and sewer since 1963 and I have documentations that are recorded that say that I have the right to make one hook up to that water and sewer and I did. And now they want me to annex it into the City. I do not feel comfortable and neither do any of my tenants. Thank you.

CHAIR BEGAY: Thank you. Any questions? Commissioner Johnson?



COMMISSIONER JOHNSON: Thank you Madam Chair. Mr. Sena, are you able to, will you be able to fulfill a requirement that you have two points of access?

MR. SENA: Yes. Also, I wanted to mention with the information that I have given you here today I would like to withdraw this application for annexation with the understanding that it would not hurt me or my tenants that are living there today.

CHAIR BEGAY: I do not think we can make that deal with you. Somebody from Public Works maybe but we do not have anybody here.

MR. SENA: I have been to Public Works and I have talked to Public Works a lot.

CHAIR BEGAY: I think the key point here may be convenient access. So you may have a way out Mr. Sena.

MR. SENA: Okay.

CHAIR BEGAY: We will talk about, you have two points...

MR. SENA: Really there is only the one entrance.

CHAIR BEGAY: Thank you. Commissioner Johnson?

COMMISSIONER JOHNSON: Could you clarify what you said from the audience before Mr. Brito pointed to an easement, an access easement that you have across one of the M-1 lots and you said no that was not the case.

MR. SENA: Okay, this is Ervien Lane right here, this is Coors, this is the entrance to the park, and it goes in through right there. That is the entrance to park right there.

COMMISSIONER JOHNSON: If you were required to have another point of access to a major street what would that be?

MR. SENA: There is not another one.

COMMISSIONER JOHNSON: I see. Thank you.

CHAIR BEGAY: Thank you. Commissioner Schwartz?

COMMISSIONER SCHWARTZ: Well okay, so what is, I mean when I was up there if you go up Ervien there is...

MR. SENA: ...there is a street right...

COMMISSIONER SCHWARTZ: ...there is a gate.



MR. SENA: Yes, there is a little gate right there.

COMMISSIONER SCHWARTZ: Okay.

MR. SENA: There is a little gate right there and there is a little road that comes in that is to my office. That is separate from the mobile home park.

COMMISSIONER SCHWARTZ: So there is another road, there is another road or whatever you want to call it.

MR. SENA: That is a separate one-acre tract separate from the mobile home park.

COMMISSIONER SCHWARTZ: Okay. But I mean that goes straight into the mobile home park, there is no gate?

MR. SENA: There is no gate.

COMMISSIONER SCHWARTZ: And so what is that? That is not a road that is just...

MR. SENA: Yes.

COMMISSIONER SCHWARTZ: Okay, thank you.

CHAIR BEGAY: Any other questions for Mr. Sena? Thank you. Do we have anybody signed up?

MS. CANDELARIA: Andrew Lopez.

MR. LOPEZ: Madam Chair, members of the Commission I am Andrew Leo Lopez for Sun hill Neighborhood Association. We asked and advised Mr. Sena to withdraw the application. As a result of negotiations and it was at our urging after he consulted with city and county he complied. And one of the points that he is making that which we find particularly difficult to accept as citizens is forcing somebody to take city services in return for tit for tat. That issued is addressed in New Mexico Statutes annotated 3-7-17-1, paragraph F; the relevant portion says "The municipality may make agreement to annexation, a condition of extending sewer and water if the extension of services paid for entirely with municipality money. This applies to class A counties and cities over two hundred thousand which we qualify as. And I do not think that you can force somebody who paid for the entire infrastructure out of his own pocket. This is basically putting a gun to somebody's head and saying you do this or else. I do not believe that the City of Albuquerque should be doing business that way with anyone. We believe that that in fact has been happening a lot up on the West Mesa. It has just basically been and forgive me for using the word but it has just basically been putting the gun to somebody's head and saying you do this or else and I do not think that the Commissioners have been advised that this is what staff is doing. And we strongly object to that form of business being done from the city to residences of the county. It is a nice way to get some



tax revenue very very quickly but it is inappropriate for this Commission and it is beneath this Commission to reward that sort of behavior by city employees of the Public Works and the Zoning Commissioner. It is absolutely abhorrent way to do business and we invoke that statute.

The other is this Commission; I have represented Sun Hill in several cases before. This Commission has in fact there are five people who will defer to me so that we have...

CHAIR BEGAY: I do not think we do that here Mr. Lopez.

MR. LOPEZ: You do not allow that to happen here?

CHAIR BEGAY: No.

MR. LOPEZ: Okay. Anyway we think it is a very bad, we agree with Mr. Schwartz and all of his comments on zoning and on mixing mobile homes with M-1 zoning. It is an incompatible oil and water mixture. And forgive me for going on a little bit more then two minutes. I will stand for questions.

CHAIR BEGAY: Commissioner Gara, do you have a question?

COMMISSIONER GARA: Would you read that statute again please?

MR. LOPEZ: Section 3.7-17.1, paragraph F, the relevant sentence is "The municipality may make agreement to annexation, a condition of extending sewer and water service if the extension of the services paid for entirely with municipal money and this applies to petitions seeking the annexation of territory contiguous to a municipality with population over two hundred thousand persons and located in a class A county." Therefore we make two points, one this is abhorrent way to do business. And second we question the jurisdiction of this...

CHAIR BEGAY: Your points were made. Thank you Mr. Lopez.

COMMISSIONER GARA: One question. What was installed by Mr. Sena?

MR. LOPEZ: All of it.

COMMISSIONER GARA: All of what?

MR. LOPEZ: The entire infrastructure. The city had not one dime in either the extension from Westgate to the Amole Canal, which was right up to his property line for both sewer and water...

COMMISSIONER GARA: Because if he did the sewer line on his property from the canal...

MR. LOPEZ: ...all the way in through, yes. And the water line.



COMMISSIONER GARA: But that is on his property. Any individual property owner has to do that but then they tie into a city system once they leave that property.

MR. LOPEZ: The city has not paid for any part of this system. It was donated, this system. It is not question of ownership, it is a question of did you pay any money. Money is the key issue.

COMMISSIONER GARA: But if the improvement that the applicant made is strictly on his property that is a requirement. You are not going to have the city paying to improve somebody's property.

MR. LOPEZ: Well we have some exceptions in that area and ....Brothers property was in fact improved with city money with I believe was a twelve inch waterline. So that in fact has in fact happened.

COMMISSIONER GARA: I am not sure that statute applies in this case quite frankly.

CHAIR BEGAY: Commissioner Schwartz?

COMMISSIONER SCHWARTZ: Thank you. Mr. Lopez, I heard this issue in some other cases and I think some of the other Commissioners have to and it is not what that statute says that is the problem. It is what the statute does not say. And that is the bone of contention right now between the city and the county and probably Mr. Fish could really talk about it better than I but the question is who gets credit for the private money.

MR. LOPEZ: Correct.

COMMISSIONER SCHWARTZ: And this is an argument that as far as I know that has not been resolved yet. So I think the statute applies. I think it applies to all the cases. It is the interpretation of the statute that is an issue. And as we know, we know when the city wrote a check, we know when the county wrote a check, we know when the federal government wrote a check.

MR. LOPEZ: We know when the private interest wrote a check.

COMMISSIONER SCHWARTZ: But if the private interest writes a check to extend city services to their property my understanding is the interpretation by the city is the city gets credit for that expenditure. That goes into the municipal side of the balance sheet and that is the basis on which they say that you have to annex. I am not saying it is right, I am not saying it is wrong, I am just saying that it is not addressed.

MR. LOPEZ: I would say that that is self serving grabbing of somebody's money number one after forcing them to annex. Number two, but the other is if the legislature wanted the city to take credit for it they would have said so just specifically. That is normal statutory construction I would submit Commissioner Schwartz.



COMMISSIONER SCHWARTZ: Okay.

CHAIR BEGAY: Thank you. Any other questions for Mr. Lopez?

MS. CANDELARIA: Loretta Chavez.

CHAIR BEGAY: You will have time to rebut Mr. Sena.

MS. CHAVEZ: We oppose, the Sun Hill Neighborhood Association.

MS. CANDELARIA: George Sena.

MR. SENA: Mr. Chairman, members, my name is George Sena Senior and I am one of the owners at Riverside West Mobile Trailer Park. And I will make it real short. About thirty some odd years ago whenever they put the sewer in through there or whatever we gave the easement or whatever the city is documented in black and white that they were going to let us make one tie in into sewer. So, then what happened was when we went tie into it they so oh no, the city already changed the rules and revelations he said and now we have to pay the ...charges. I say since isn't this a grandfather clause since we have documented by the city lawyers and whatever. So, so much for that. Anyway nevertheless the city I guess the city I guess got the say so, I do not know. Whenever we put in the street on Ervien Lane with curb and gutter we paved it and then they told us when we put that ten-inch water line once anybody else hooks into that line they say you will get money back. We paid one hundred percent for everything. Yes, our neighbor hooked on to it, put a meter, real quite and everything and we never heard no more about it. So that is kind of the way the city operates. Thank you.

CHAIR BEGAY: Mr. Sena, I think you might need an attorney to help you deal with this.

MR. SENA: And every time that there is a Mayor that is going to try to be elected they talk to me. They go in and approach me to try and help them I guess with votes or whatever and they say we are going to take care of it. Yes, you have a good case we will take care of once, if I get elected I am going to take care of it and then once he gets elected or whatever they kind of go the other way. Then the other one comes like now I have two or three of them already talking to me that say you have a good case. But that is as far as it gets. Thank you.

CHAIR BEGAY: Thank you.

MS. CANDELARIA: Wanda Sena.

MS. SENA: I oppose.

MS. CANDELARIA: Ernest Chavez (left). Steve Sena (left). George Sena Junior (left).

CHAIR BEGAY: Mr. Sena, do you want time to rebut?



MR. SENA: Yes, thank you. I was showing documentation to your attorney that was dated 1984 that reflects what happened back in 1963. And he is going through the document right now. And every time that I come to Public Works, City, they just tell me that that letter is thirty years old; those documents are thirty years old. Since that was done back then there has been new ordinances, things have changed and I understand that. But I had, we had an agreement and I believe an agreement is a contract and I did not break my end of the contract. It was signed where my father gave them the easement through there with the understanding that he can make one hook up and I think this falls under the old grandfather clause and your attorney's reading the documentation right now. And the only thing I ask is we are out in the county. We have been there, we are established there, we have been there for many years. We have a well there that is a fourteen-inch or sixteen-inch well; it is a big well that was put back in the early '60's, a commercial well. We have the water rights to it and the well is a deep well. And wanted to put in our own water system and put a tank there so we would not have to deal with the city but then the city said well just go ahead, you have documentation to use the water so go ahead and use it and so we did. Now, we are getting hit with UEC, which I strongly believe that I should have never got hit with because we are under the grandfather clause. But they, every time we go knock on the door they never have time for us. And I am not very good with words but I know what I feel and I know what I want to say. And what I am trying to say is what the city is doing and I know you do not have a big handle on it and a feel for it and maybe now after we finish talking you can get some kind of an idea but it is wrong. What is taking place is wrong and maybe it is a different situation were maybe it would be okay but here in this situation it is not, it is just wrong.

CHAIR BEGAY: Thank you Mr. Sena.

MR. SENA: Thank you.

CHAIR BEGAY: Russell, closing comments?

MR. BRITO: Madam Chair, just a little discussion about why the Public Works Department required the applicant to apply for annexation. In your staff report packet near the end is a letter from the City of Albuquerque Public Works Department Utility Development Division dated September 8, 2000. About four pages back from the end of the staff report and this was written to Mr. Knee of ABQ Engineering from Roger Green. He is an engineer with Utility Development in the Public Works Department. And on page two at the top it states annexation and it reads "The property is currently unplatted and in an incorporated area of Bernalillo County. Per city service policy city water and sewer service is contingent upon annexation. When Phase One was developed the property did not meet the conditions for annexation. Since that time surrounding properties have been annexed and this property now meets the conditions. Contact the city Planning Department for procedures to petition for annexation and establishment of zoning." And then finally at the end "No further additional water and sewer services will be approved until annexation has either been approved or denied through City Council." And I think that references the fire service hook up that the applicant was attempting to get from the City. And this was City Public Works Department response instructing them to apply for annexation.



CHAIR BEGAY: Thank you Mr. Brito. Commissioner Serrano?

COMMISSIONER SERRANO: I was just wanted to know if we can hear perhaps from Mr. Suffling, you have been reviewing the letter.

MR. SUFFLING: Madam Chair, and Commissioner Serrano, I was kind of interested in that statute and the representation that Mr. Sena had entered into agreement at some time in the past to annex. And I have a few comments about that that might be helpful. First that statute is not very, that is a recent statute. So you might be able to avoid even considering this statute in the meaning of the language of this statute if does not apply in this case. I think that statute became effective in '99.

Then the other thing I was looking for is where Mr. Sena actually signed something that said he would annex in the future and I cannot find that. I do not know whether that is in the materials or not but it does look to me he every agreed to annex. It looks like Public Works assumed that he would annex in the future.

Do you have a specific question Commissioner Serrano?

COMMISSIONER SERRANO: No I did not (INAUDIBLE) the opportunity to review that.

MR. SUFFLING: Well the other thing and I do not know if it is in your packet or not is a letter from attorney Thomas Bottom to Mr. Sena dated August 20, 1984. It is a two-page letter.

CHAIR BEGAY: Yes, I remember seeing that.

MR. SUFFLING: And I am not sure, I was looking in there for language that would show, that would shed some light on what would be the appropriate decision and I do not really know what the letter means in terms you deciding.

COMMISSIONER SERRANO: I do not think we have that, I do not have that. August 20?

MR. SUFFLING: 1984.

CHAIR BEGAY: Was it in the stuff that was faxed to us April? Because I remember seeing Mr. Bottoms name because he is an attorney that is representing another client in a case that is being...

MR. SUFFLING: What the gist of the letter is is that Mr. Sena entered into a purchase agreement and the Title Company held forty-six hundred dollars in escrow and it was held to assure payment of a sewer pro rata charge assessed by the City. It says it is for a twelve-inch sewer line that runs through the middle of tract LL under a grant of easement to the City of Albuquerque dated back in 1963. It is based on a per foot charge for this sewer line. And so I really do not know what that means. I do not know what the significance of that is. The last paragraph of the letter says that, it says in the future if you or your successors wish to tap



into this line you would have the obligation of either paying this charge or contesting the amount. But in any event you would have to use, have the use of twenty-three hundred dollars in the meantime. And if you never tap into the line this money would be yours free of any obligations.

COMMISSIONER SERRANO: I did find the letter; it was part of what you faxed us.

CHAIR BEGAY: Commissioner Johnson?

COMMISSIONER JOHNSON: Thank you Madam Chair. Mr. Suffling, I think it is confusing because there was water and sewer applied for use of the existing subdivision. Either applied for or supplied and now that there is a desire to expand the subdivision and my understanding is that the fire flow pressures are not adequate to protect the new subdivision. And I am just wondering if you were listening closely enough because it is hard for me to be sure to agree or disagree with Mr. Sena's statement that he is owed one more hook-up to satisfy those fire flow pressures from his earlier agreement. Is that your understanding?

MR. SUFFLING: Commissioner Johnson, I do not know. I do know where that would come from. I mean unless there is some promise by the city that he was going to get X amount of service and he has X minus one now.

COMMISSIONER JOHNSON: That is what it sounded like to me earlier but it is very hard to track which services are already taken care of and which ones are still outstanding and whether they are still this promise that they can hook-up.

MR. SUFFLING: Public Works would know that I guess.

CHAIR BEGAY: And that is not really our job either to try to figure that out.

COMMISSIONER JOHNSON: Well that is kind of where I am headed to. This is very difficult to sort out.

MR. SUFFLING: Just one other comment I have and maybe he can shed some more light on it if he never agreed to annex then I suppose he can withdraw his petition. Unless you find harm in that. Commissioner Schwartz?

COMMISSIONER SCHWARTZ: Mr. Suffling, Mr. Green from Utility Development says no further additional water and sewer services will be approved until annexation has either been approved or denied through City Council. Isn't there a catch twenty-two here because if we deny it at this level how is it going to get to the City Council. I do not think that Mr. Sena is going to appeal it.

CHAIR BEGAY: It is a recommendation.

COMMISSIONER SCHWARTZ: If we approve it is he going to appeal our approval?



MR. SUFFLING: I do not know what he would do.

CHAIR BEGAY: It is a recommendation.

COMMISSIONER SCHWARTZ: It goes either way? All right.

CHAIR BEGAY: But it has to be either approved or denied and then he can get the services. That is what it sounds like to me.

COMMISSIONER SCHWARTZ: Well I would make the interpretation that even if the Council denies it but they are saying that Council has to make the determination that it is not suitable for annexation.

CHAIR BEGAY: Right, I agree. Any other questions? Lets close the floor. Discussion? Motion? Commissioner Schwartz?

COMMISSIONER SCHWARTZ: I will make the motion that the application for annexation be denied.

CHAIR BEGAY: On the grounds?

COMMISSIONER SCHWARTZ: That it does not have convenient access to the City.

CHAIR BEGAY: I have a motion on the floor.

COMMISSIONER JOHNSON: Second.

CHAIR BEGAY: A motion and a second. All those in favor? Opposed? Motion passes unanimously. A recommendation of denial of annexation will go forward to the City Council.

MR. BRITO: Madam Chair, we need a motion for establishment of zoning as well.

COMMISSIONER SCHWARTZ: We deny the annexation do you still need the zoning?

CHAIR BEGAY: No.

COMMISSIONER SCHWARTZ: Isn't it moot?

CHAIR BEGAY: Moot point.

COMMISSIONER GARA: It also does not make any difference.

**FINAL ACTION TAKEN**







City of Albuquerque  
Planning Department  
Development Services Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: February 16, 2001

Tony Sena  
2503 Coors SW  
Albuq. NM 87121

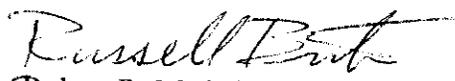
**OFFICIAL NOTIFICATION OF DECISION**

FILE: 00114 00000 01763/00110 00000  
01764/01110 00000 00007

LEGAL DESCRIPTION: for Tract A, Lands of Tony Sena, Section 34, T10N, R2E Atrisco Grant and Lands of George Sena, Section 34, T10N, R2E and Section 3, T9N, R2E Atrisco Grant, located on Ervien Lane SW between Coors SW and the Amole Diversion Channel, containing approximately 40 acres. (M-10) Russell Brito, Staff Planner

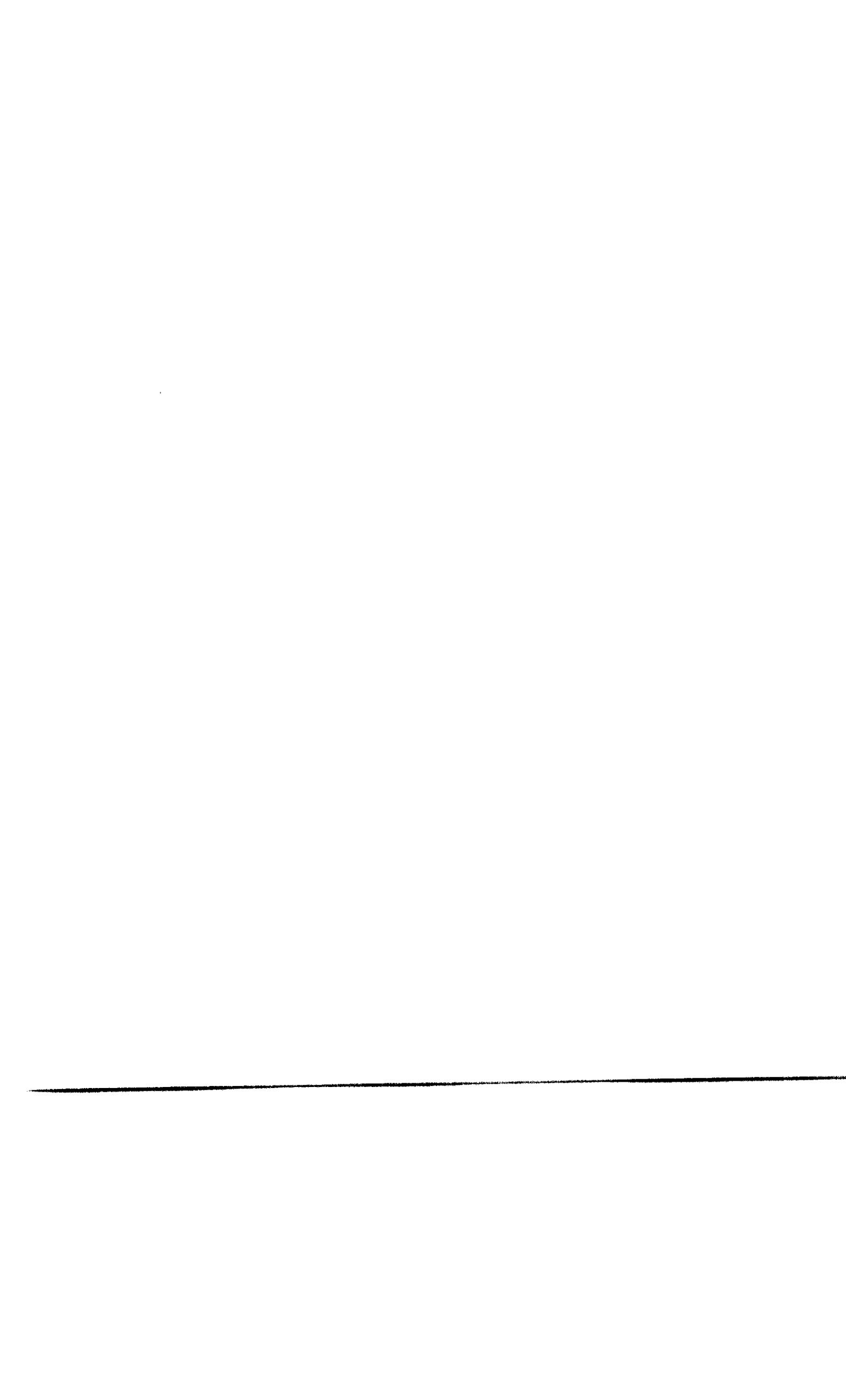
On February 15, 2001, the Environmental Planning Commission voted to defer 00114 00000 01763/00110 00000 01764/01110 00000 00007 to the Environmental Planning Commission Public Hearing on May 17, 2001. There is a \$75.00 fee when a deferral is made at the request of an applicant/agent. Payment is due by March 2, 2001 and may be paid at the Land Development Coordination counter at the Plaza del Sol Building.

Sincerely,

  
for Robert R. McCabe, AIA, APA  
Planning Director

RM/RB/ac

cc: ABQ Engineering Inc., 1631 Eubank NE, Albuq. NM 87112  
Mike Seay, 6919 Acoma SE, Albuq. NM 87108  
Lloyd Howard, 5513 Camino Soledad NW, Albuq. NM 87120



00114 00000 01184 Mark Goodwin & Associates, PA, agents for Unite-Us, LLC, request  
00138 00000 01185 annexation and establishment of RD zoning plus an amendment to  
Project # 1000 766 the Tower-Unser Sector Development Plan for Tracts 3-7, Unit 2,  
Town of Atrisco Grant, located on Tower Road NW between Unser  
Boulevard and 75<sup>th</sup> Street, containing approximately 20 acres. (L-10)  
Debbie Stover, Staff Planner **(DEFERRED TO APRIL 19, 2001.)**

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission voted to defer 00114 00000 01184/00138 000000 01185 to the Environmental Planning Commission Public Hearing on April 19, 2001. There is a \$75.00 fee when a deferral is made at the request of an applicant/agent. Payment is due by March 2, 2001 and may be paid at the Land Development Coordination counter at the Plaza del Sol Building.

MOVED BY COMMISSIONER SCHWARTZ  
SECONDED BY COMMISSIONER SERRANO MOTION CARRIED UNANIMOUSLY

00110 00000 01515 Herb Denish and Associates, Inc., agents for Tijeras Place, LLC  
00128 00000 01516 request a zone map amendment from SU-1 PDA C-1 Uses & Office  
00128 00000 01523 to SU-1 PDA C-1 Uses & Office & Auto Sales plus approval of a site  
Project # 1000651 development plan for subdivision purposes and approval of a site  
development plan for building permit for Tract A29A, Town of Atrisco  
Grant Northeast, located on Coors Boulevard NW between Pheasant  
Avenue NW and Redlands Road NW, containing approximately 3.41  
acres. (G-11) Debbie Stover, Staff Planner **(WITHDRAWN.)**

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission voted to accept withdrawal of 00110 00000 01515/00128 00000 01516/00128 00000 01523 at the request of the agent.

MOVED BY COMMISSIONER SCHWARTZ  
SECONDED BY COMMISSIONER SERRANO MOTION CARRIED UNANIMOUSLY

00114 00000 01763 ABQ Engineering Inc., agents for Tony Sena request annexation and  
00110 00000 01764 establishment of M-H zoning for Tract A, Lands of Tony Sena,  
01110 00000 00007 Section 34, T10N, R2E Atrisco Grant and Lands of George Sena,  
Project #1000976 Section 34, T10N, R2E and Section 3, T9N, R2E Atrisco Grant,  
located on Ervien Lane SW between Coors SW and the Amole  
Diversion Channel, containing approximately 40 acres. (M-10)  
Russell Brito, Staff Planner **(DEFERRED TO MAY 17, 2001)**

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NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission voted to defer 00114 00000 01763/ 00110 00000 01764/01110 00000 00007 to the Environmental Planning Commission Public Hearing on May 17, 2001. There is a \$75.00 fee when a deferral is made at the request of an applicant/agent. Payment is due by March 2, 2001 and may be paid at the Land Development Coordination counter at the Plaza del Sol Building.

MOVED BY COMMISSIONER SCHWARTZ  
SECONDED BY COMMISSIONER SERRANO

MOTION CARRIED UNANIMOUSLY

00110 00000 01500 Garcia Kraemer, agents for Charles Benzaquen, request a zone map  
00138 00000 01501 amendment from SU-2/TH to SU-2/SU-1 Single Family Residence &  
00128 00000 01502 Restaurant plus an amendment to the Sector Development Plan and  
Project # 1000892 approval of a site development plan for building permit for Lots 47 &  
48, Perea Addition, located on the northeast corner of Tijeras Avenue  
and 13<sup>th</sup> Street, containing approximately .11 acres. (J-13) Simon  
Shima, Staff Planner **(DEFERRED TO MARCH 22, 2001)**

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission voted to defer 00110 00000 01500/00138 00000 01501/00128 00000 01502 to the Environmental Planning Commission Public Hearing on March 22, 2001.

MOVED BY COMMISSIONER SCHWARTZ  
SECONDED BY COMMISSIONER CHAVEZ

MOTION CARRIED UNANIMOUSLY

00110 00000 01778 Scott Steinberg request a zone map amendment from R-1 to M-1  
Project #1000982 for Lot A, Block 7, Unit 2, Mandell Addition #2, located on 3<sup>rd</sup>  
Street between Woodland and La Poblana, containing  
approximately .9 acre. (H-14) Loretta Naranjo-Lopez, Staff  
Planner **(DEFERRED TO MARCH 22, 2001)**

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission voted to defer 00110 00000 01778 to the Environmental Planning Commission Public Hearing on March 22, 2001.

MOVED BY COMMISSIONER SCHWARTZ  
SECONDED BY COMMISSIONER CHAVEZ

MOTION CARRIED UNANIMOUSLY

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ENVIRONMENTAL PLANNING COMMISSION  
A G E N D A

Thursday, May 17, 2001, 8:00 a.m.

Plaza del Sol Hearing Room  
Lower Level  
600 2nd Street NW

MEMBERS

Elizabeth Begay, Chairman  
Alan Schwartz, Vice Chair

Chuck Gara  
Mick McMahan  
Camilla Serrano

Susan Johnson  
Larry Chavez

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**NOTE: A LUNCH BREAK AND DINNER BREAK WILL BE ANNOUNCED AS NECESSARY.**  
Agenda items will be heard in the order indicated below unless modifications to the Agenda are approved by the EPC at the beginning of the hearing (see item 1A and 1B below); deferral and withdrawal requests (by applicants) are generally reviewed at this time.

There is no set time for cases to be heard; however, interested parties can monitor the progress of the hearing by calling the Planning Department at 924-3860. All parties wishing to address the Commission must sign-in with the Commission Secretary at the front table prior to the case being heard. In the interest of time, the Chairman may establish time limitations on speakers. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak.

1. Call to Order.

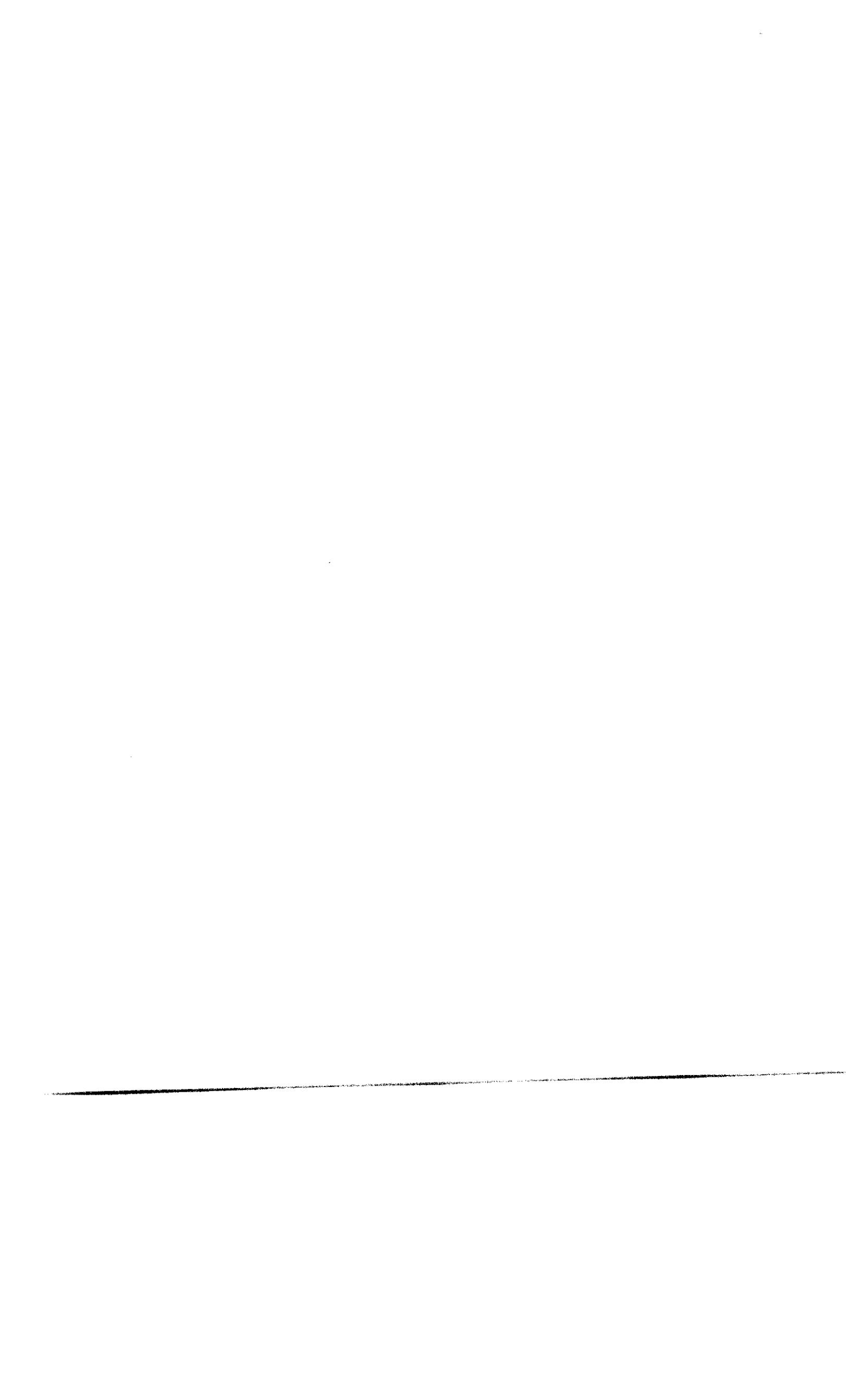
- A. Announcement of changes and/or Additions to the Agenda.
- B. Approval of the Amended Agenda.
- C. Approval of Minutes for March 22, 2001.

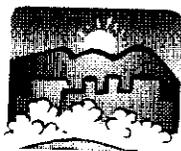
2. 01128 00000 00255  
Project #1001081 Herb Denish & Associates, Inc., agents for The Bradford Company, request approval of a site development plan for subdivision purposes for Lots 1, 2A, 2B, 2C, 3, 4 & 5, Uncle Doc Addition #2 and Lots 23 and & D-1, Snow Heights Addition, zoned C-2 & C-1, for the SW corner of Eubank and Menaul intersection, containing approximately 14.62 acres. (H-20) Debbie Stover, Staff Planner **(DEFERRED FROM APRIL 19, 2001)**
  
  3. 01221 00000 00136  
Project #1001032 The City of Albuquerque request an amendment to the Comprehensive, City Zoning Code Section 14-16-3-17, (11) (a)(b) Wireless Telecommunications Regulations, ROA 1994, a portion of the Zoning Code allowing for collocation on certain PNM power poles (as defined by the City of Albuquerque Facilities Plan) and allowing for collocation only in commercial areas. Cynthia Borrego-Archuleta, Staff Planner **(DEFERRED FROM APRIL 19, 2001)**
  
  4. 00114 00000 01763  
00110 00000 01764  
01110 00000 00007  
Project #1000976 ABQ Engineering Inc., agents for Tony Sena request annexation and establishment of M-H zoning for Tract A, Lands of Tony Sena, Section 34, T10N, R2E Atrisco Grant and Lands of George Sena, Section 34, T10N, R2E and Section 3, T9N, R2E Atrisco Grant, located on Ervien Lane SW between Coors SW and the Amole Diversion Channel, containing approximately 40 acres. (M-10) Russell Brito, Staff Planner **(DEFERRED FROM FEBRUARY 15, 2001)**
  
  5. 01136-00000-00501  
**Project #1000602**  
01410-00000-00160 Westland Development Co., Inc., appeals the Development Review Board's decision to continue the hearing on the request to vacate the plat of **River Ranch Subdivision** (filed for record on 6-14-00 in Book 2000C at Page 156) and by implication the request to void the vacation of Sequoia Road NW zoned R-1 (City) and located at the east end of Sequoia Road NW east of Coors Blvd NW containing approximately 0.4409 acres. [REF: DRB-99-64/V-99-50, 00440-00000-00813] [THIS CASE WAS CONTINUED AT THE BOARD'S REQUEST FOR ADDITIONAL EVIDENCE THAT THE PLAT IS INCORRECT AS IT STANDS AT THIS TIME.] (G-11)
  
  6. 01114 00000 00402  
01110 00000 00403  
Project # 1001144 ABQ Engineering Inc., agents for Kinney Huse request annexation and establishment of M-1 zoning for Sections 34 & 35, Tract 10N, R2E NMPM, Bernalillo, NM, located on Ervien Lane and Coors SW between Arenal Road and Blake Road, containing approximately 19.97 acres. (M-10) Loretta Naranjo Lopez, Staff Planner
-

7. 01114 00000 00386 Garcia Kraemer & Associates, agents for Sparton Technology Inc.,  
01110 00000 00387 request annexation and establishment of SU-1/C-2 Uses zoning for a  
Project # 1000244 portion of an unplatted tract of land commonly referred to as Sparton Site in  
Sec 18, T11N, R3E, located on Coors Blvd. NW between Irving NW and  
Westside NW, containing approximately 4.02 acres. (B & C-13) Lola Bird,  
Staff Planner
  
8. 01221 00000 00405 The City of Albuquerque requests an amendment to portions of the  
Project #1001146 Comprehensive City Zoning Code, to prohibit the dispensing of certain  
containers of alcoholic beverages in certain zones within 500 feet of a pre-  
elementary, elementary or secondary school, religious institution, residential  
zone, City park or City owned major public open space; and to establish a 4  
year amortization period for nonconforming uses involving resales of  
alcoholic beverages. Simon Shima, Staff Planner
  
9. 01110 00000 00381 Frank R. and Patricia Stubbs request a zone map amendment from R-1  
Project # 1001136 to RG, for lot 24, Block 9, Clayton Heights Addition, located on Buena  
Vista Drive SE, between University Blvd. and Yale Blvd. SE, containing  
approximately 0.16 acre. (L-15) Loretta Naranjo Lopez, Staff Planner
  
10. 01110 00000 00406 Phil Ward, agent for Garth Maxam request a zone map amendment from  
Project # 1001147 O-1 to R-LT for Lots 4 & 5, Block 12, Unit 3, Volcano Cliffs, located on  
Mojave Street NW between Unser and Tesuque, containing approximately  
6.1 acres. (E-10) Lola Bird, Staff Planner
  
11. 01110 00000 00424 Tierra West LLC, agents for Union Pension Transaction Trust 93-2NM  
01128 00000 00425 request a zone map amendment from SU-1 for C-2 to SU-1 for IP plus  
01128 00000 00426 approval of a site development plan for subdivision purposes and  
Project # 1001118 approval of a site development plan for building permit for Tract 4A,  
Renaissance Center, located on Renaissance Blvd. NE between Culture  
Drive NE and Mercantile Ave. NE, containing approximately 8.5862 acres.  
(F-16) Debbie Stover, Staff Planner
  
12. 01128 00000 00413 BPLW Architects & Engineer, agents for Qwest request approval of a  
Project #1001151 site development plan for building permit for Tract A, Archdiocese of Santa  
Fe, zoned SU-1 for Switching Station, located on Wyoming Blvd. NE  
between Scotts Place and Palomas Parkway, containing approximately 1.01  
acre. (D-19) Lola Bird, Staff Planner

13. 01128 00000 00416 Project # 1000344 Kells & Craig Architect, agents for the City of Albuquerque request approval of a site development plan for building permit for Tract A, Taylor Ranch Community Center, zoned SU-1, located on Taylor Ranch Road NW between Kachina Street and Montano Road, containing approximately 5.5 acres. (E-11) Debbie Stover, Staff Planner
  
  14. 01128 00000 00422 Project # 1001154 Community Sciences Corporation, agents for Curb Inc. request approval of a site development plan for subdivision for Parcels 12, 5, 5A, 6, El Rancho Grande 1, zoned SU-1 for Mixed Use, located on Gibson Blvd. SW between Unser Blvd. and Snow Vista Diversion Channel, containing approximately 72.85 acres. (M & N-9) Russell Brito, Staff Planner
  
  15. 01128 00000 00419 Project #1001153 Claudio Vigil, Arch., agent for Opportunity Research Park Partnership request approval of a site development plan for building permit for Lot 1, Block 3, Sandia Research Park, located on Gibson Blvd between Britt and Tony, containing approximately 1.0074 acre. (M-21) Debbie Stover, Staff Planner
  
  16. 01128 00000 00427 Project #001156 Wilson & Company, agents for Albuquerque Elks Lodge No. 461 request approval of a site development plan for building permit for Lot 12A, Cavan Sunport Center, zoned SU-1 for O-1, C-2, IP, located on the SW corner of Columbia SE & Vail Ave. SE, containing approximately 2.3 acres. (L-16) Lola Bird, Staff Planner
  
  17. 01128 00000 00430 Project # 1001158 Consensus Planning, Inc., agents for Sandia Laboratory Federal Credit Union request approval of a site development plan for building permit for Lots 4 & 5, Block 1, Sandia Research Park, zoned SU-1 for IP, located on Gibson Blvd. between Eubank Blvd. and Britt Street, containing approximately 2.01 acres. (M-12) Debbie Stover, Staff Planner
-

18. 01110 00000 00428 URS Corporation, agents for the City of Albuquerque, Aviation request  
01128 00000 00441 a zone map amendment from M-1, M-2, SU-1 for Existing Uses to SU-1  
Project # 1001157 for Airport & Related Facilities plus approval of a site development plan for  
subdivision purposes for Lot 21, Airport Business Park, Lots 9-20, Airport  
Business Park, zoned M-1, Municipal Addition No. 9, Tract C, Municipal  
Addition No. 9, northern 2.5 acre of Tract G1 (north of Sunport Loop),  
Airport Park, Lot A1C, zoned SU-1 for Existing Uses, City of Albuquerque-  
Albuquerque International Sunport, Lot D2, UNM Business Park, Tract  
D1A1/Spirit Drive, UNM Business Park, Tract D1A2, Tract B of Lands of  
UNM, Unplatted East of Spirit Drive), Unplatted Lands of UNM (between  
University Blvd. and Spirit Drive), UNM Business Park, Lot 2, Unplatted  
Lands of UNM, Tract A, Unplatted/Montessa Park, Zoned M-2, ABQ  
International Airport, containing approximately 1000 acres. (M-16, N-15 &  
16, P-15 & 16) Loretta Naranjo Lopez, Staff Planner
  
19. 01138 00000 00414 The City of Albuquerque, Albuquerque Development Services Division  
Project # 1001087 request approval of a Sector Development Plan for Lots 3, 4, 10, 11, 69, 1, 2,  
3, 4, Block O, Lots 12-16, 72, Block C, Lot B, Lot 70B2B, 69B2, 3, 138B, 1,  
1, 10, Block O, Lots 4-6, 14, Block 18, located On Candelaria, containing  
approximately 25.83 acres. (G-14) Carmen Marrone, Staff Planner
  
20. OTHER MATTERS





Agenda Number: 4  
Case Number: 00114 00000 01763  
/00110 0000 01764  
May 17, 2001

### Staff Report

<b>Agent</b>	ABQ Engineering Inc.
<b>Applicant</b>	Tony Sena
<b>Requests</b>	<b>Annexation</b> <b>Establishment of Zoning</b>
<b>Legal Description</b>	Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant
<b>Location</b>	Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel
<b>Size</b>	Approximately 40 acres
<b>Existing Zoning</b>	County A-1 & A-1 with a Special Use permit for a MH park
<b>Proposed Zoning</b>	M-H

**Staff Recommendation**

*That APPROVAL of 00114 00000 01763 be forwarded to the City Council, based on the findings on pages 12 - 13, and subject to the conditions of approval on page 13.*

*That APPROVAL of 00110 00000 01764 be forwarded to the City Council, based on the findings on pages 13 - 14, and subject to the conditions of approval on page 14.*

**Staff Planner**

*Russell Brito, Senior Planner*

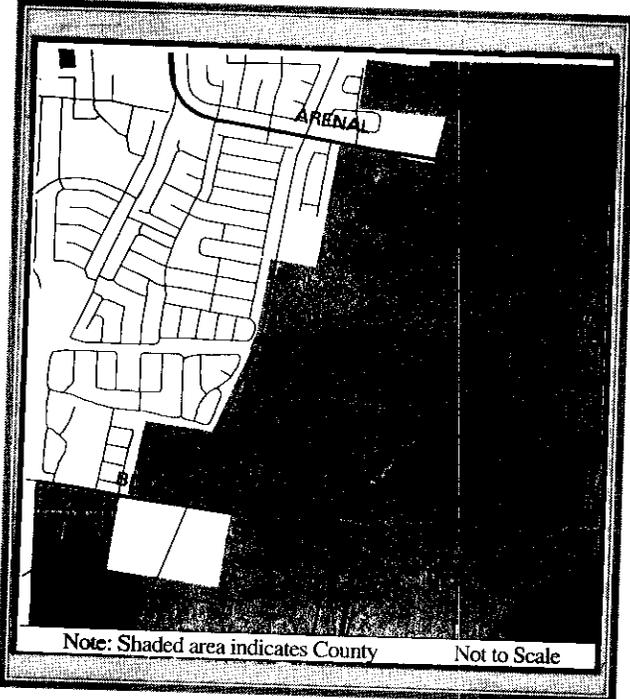
**Summary of Analysis**

This case was deferred at the 15 February 2001 EPC hearing at the request of the applicant. The applicant submitted no additional information or materials. Staff analysis and recommendations are unchanged.

The annexation and zone map amendment requests further the applicable Goals, policies and intents of the *Comprehensive Plan*, the *West Side Strategic Plan* and the *Southwest Area Plan*.

The annexation request fulfills the policies of *Resolution 54-1990*. The zone map amendment (establishment of zoning) request fulfills the policies of *Resolution 270-1980*.

The most recent staff comments begin on page 11.



City Departments and other interested agencies reviewed this application from 5 January 2000 to 19 January 2000. Agency comments were used in the preparation of this report, and begin on page 16.

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**ZONING MAP**



Scale 1"= 433'

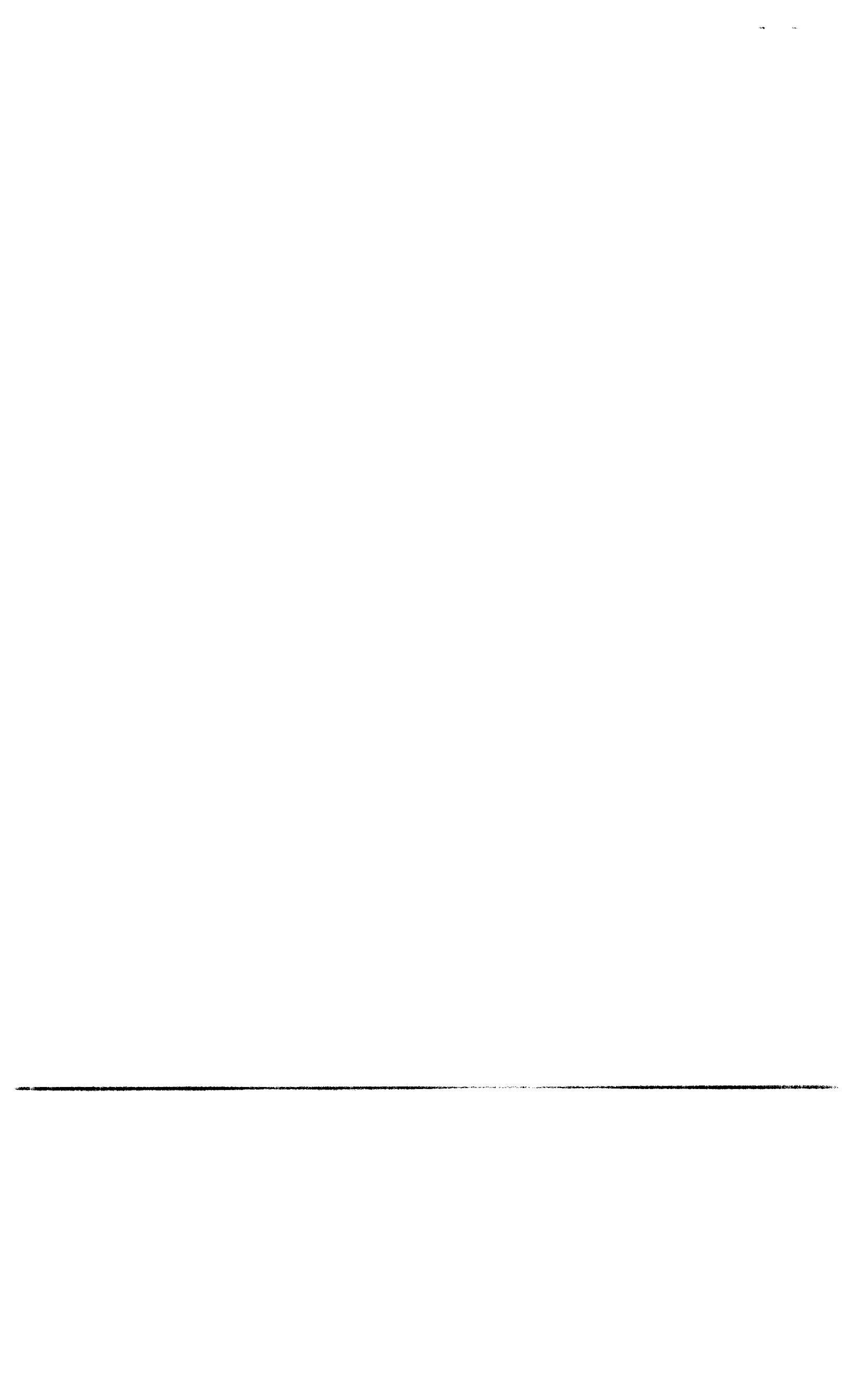
**PROJECT NO.**  
**1000976**

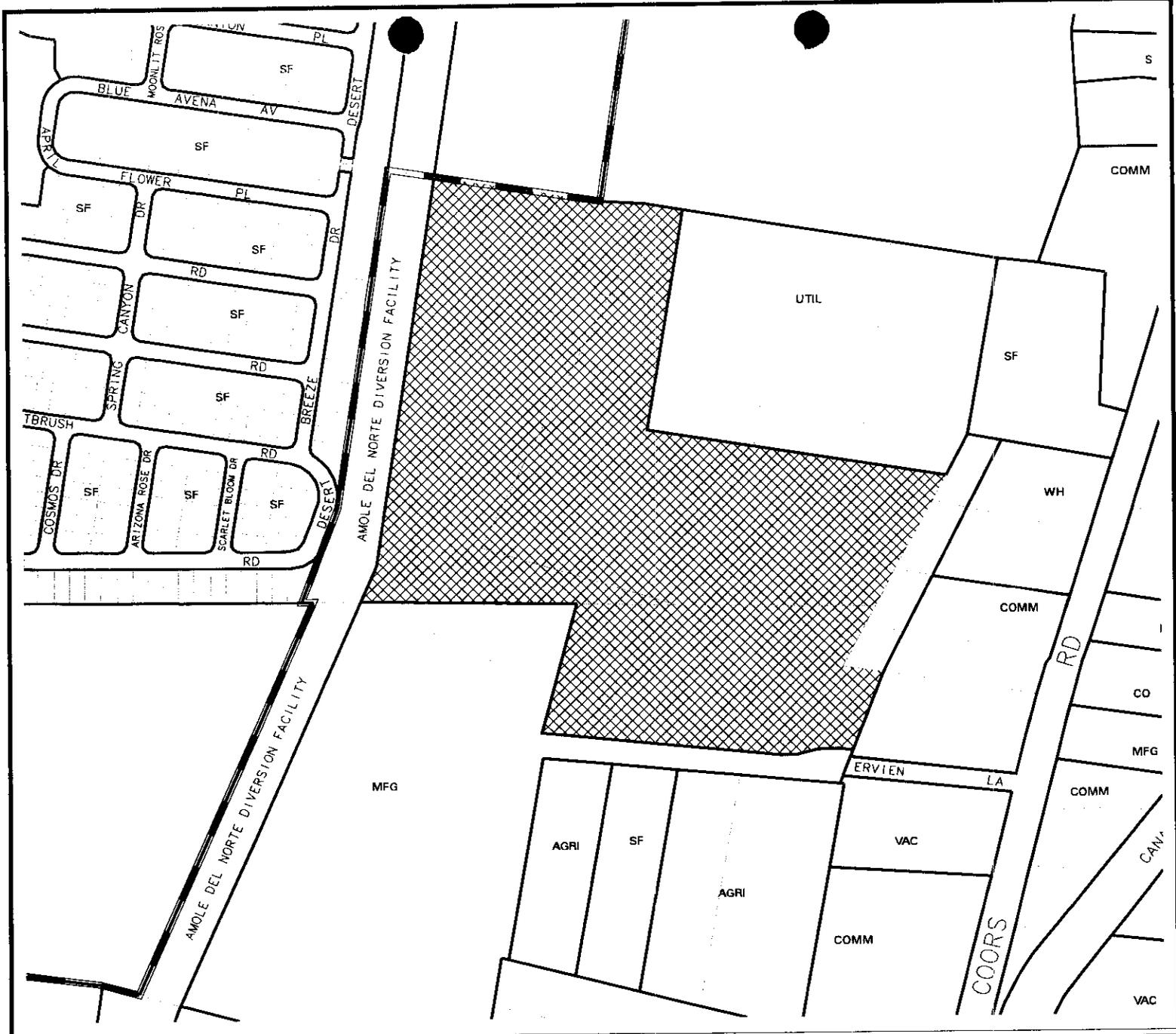
**HEARING DATE**  
**02-15-01**

**MAP NO.**  
**M-10**

**APPLICATION NO.**  
**00114-00000-01763**  
**00110-00000-01764**

Note: Shaded area indicates County Not to Scale





Note: Shaded area indicates County Not to Scale

### LAND USE MAP

#### KEY to Land Use Abbreviations

- AGRI Agricultural
- COMM Commercial -Retail, Service, Wholesale
- DRNG Drainage
- EDUC Public or Private School
- GOLF Golf Course
- MED Medical Office or Facility
- MFG Manufacturing or Mining
- MH Mobile Home
- MULT Multi-Family or Group Home
- OFF Office
- ORG Social or Civic Organization
- PARK Park, Recreation or Open Space
- PRKG Parking
- PUBF Public Facility
- RELG Religious Facility
- SF Single Family
- TRAN Transportation Facility
- UTIL Utility
- VAC Vacant Land or Abandoned Bldgs
- WH Warehousing & Storage



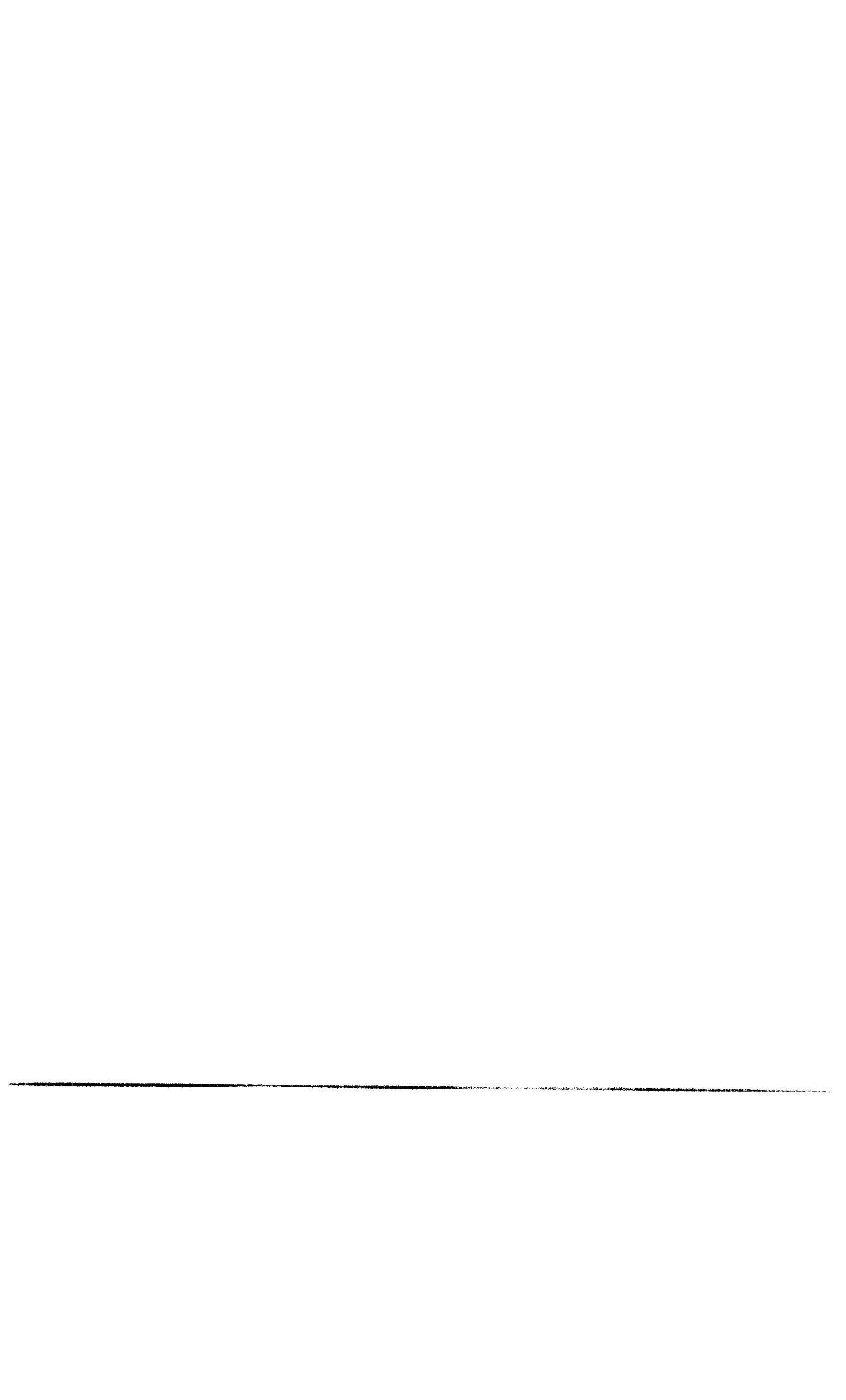
Scale 1"= 433'

**PROJECT NO.**  
1000976

**HEARING DATE**  
02-15-01

**MAP NO.**  
M-10

**APPLICATION NO.**  
00114-00000-01763  
00110-00000-01764



**Development Services Report**

**SUMMARY OF REQUEST**

<b>Requests</b>	<b>Annexation</b> <b>Establishment of Zoning</b>
<b>Location</b>	Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant, located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel

**AREA CHARACTERISTICS AND ZONING HISTORY**

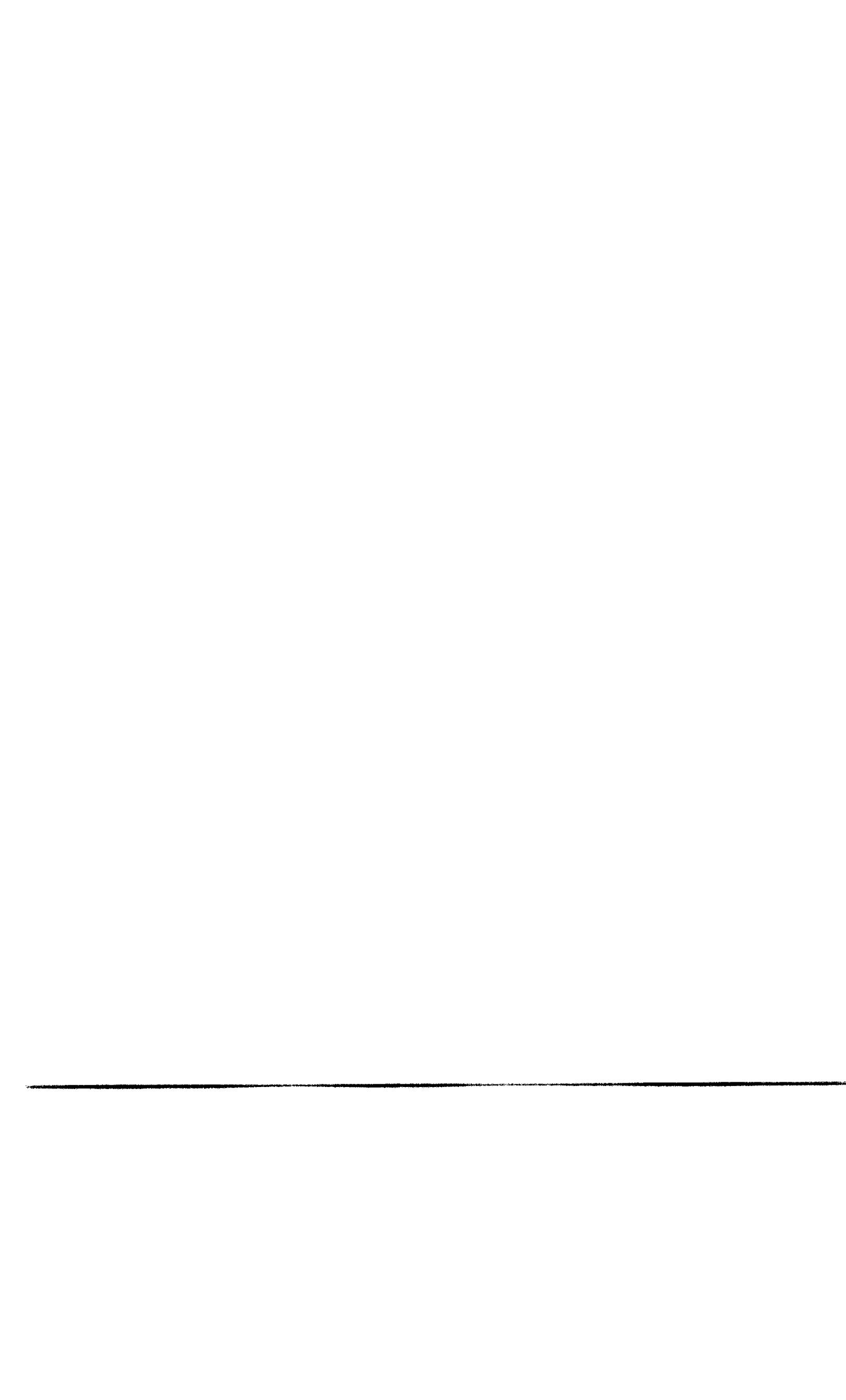
*Surrounding zoning, plan designations, and land uses:*

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	County A-1 & A-1 with an SU permit for a MH park	Developing Urban; West Side Strategic Plan; Southwest Area Plan	Existing mobile home park and undeveloped land
<b>North</b>	R-LT; A-1 and County M-1	"	Undeveloped
<b>South</b>	County M-1 & A-1 SU permit mini-storage, RV storage and container storage	"	Undeveloped and storage
<b>East</b>	County M-1	"	Undeveloped and commercial
<b>West</b>	R-LT separated from the subject site by the Amole del Norte Diversion Channel	"	Amole del Norte Diversion Channel and single family residential

**Background, History and Context**

This reason for this request is to obtain City water and sewer service for the subject site as required by the City's utility extension policies. Part of the subject site includes an existing mobile home development with mobile home spaces, tenants, landscaping and other amenities.

The land to the west, across the Amole Del Norte Diversion Channel, was annexed into the City in 1975 (Z-75-82/AX-75-19). The land to the north, adjacent to the subject site was annexed into the City and zoned R-LT in 1998 (Z-98-68/AX-98-7). The land to the south, adjacent to the subject site was the subject of an annexation request that was withdrawn at the EPC level in 1999 (Z-99-103/AX-99-11).



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## APPLICABLE PLANS AND POLICIES

### *Albuquerque / Bernalillo County Comprehensive Plan*

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 within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment." Applicable policies include:

- Policy a: The Established and Developing Urban Areas as shown by the plan map allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.
- Policy 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, or recreational concern.
- Policy 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 integrity of existing neighborhoods can be ensured.
- Policy h: Higher density housing is most appropriate in areas where a mixed density pattern is already established by zoning, in areas where it is compatible with existing area land uses, and in areas where a transition is needed between single-family homes and much more intensive development.

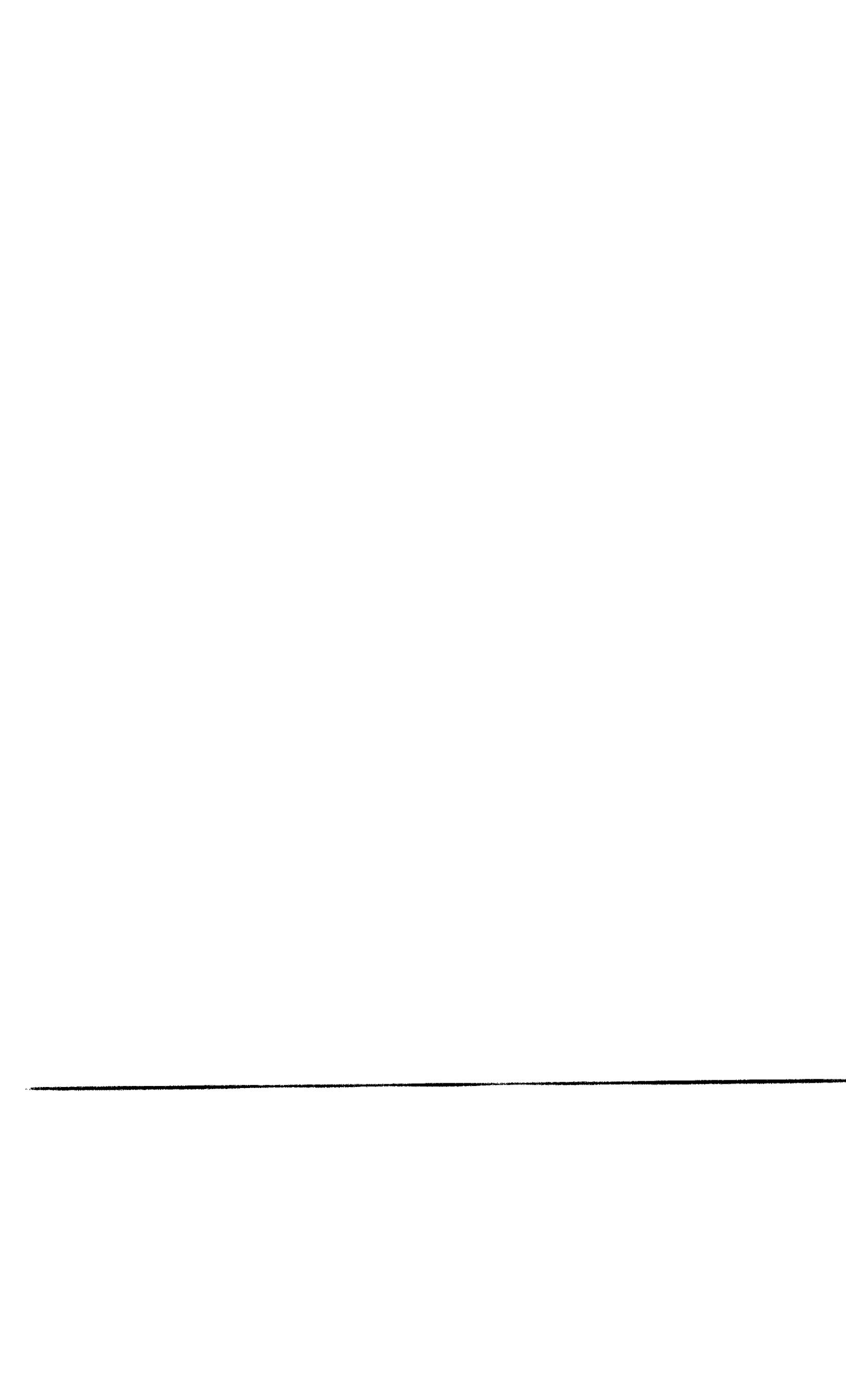
The Goal of the Water Quality section should also be addressed. It states: "The Goal is to maintain a dependable, quality supply of water for the urbanized area's needs." Applicable policies include:

- Policy a: Minimize the potential for contaminants to enter the community water supply.
- Policy b: Water quality degradation resulting from on-site liquid waste disposal systems shall be minimized.
- Policy e: Provide greater emphasis on a total systems approach to water as a valuable resource.

### *West Side Strategic Plan*

The *West Side Strategic Plan (WSSP)* was adopted in 1997. 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 is based on a Community Concept that identified seven communities in the plan and established a community-based urban form which defines areas for low density and open spaces



as well as nodes of higher density development to support services and transit. Each community is comprised of villages and the plan describes uses that should occur in core and adjacent areas of the Community and Village centers. The WSSP strives to create and encourage a multi-nodal pattern of low-density and high-density forms.

The site is located just within the Bridge/Westgate Community designated by the WSSP. The boundaries of the Community roughly follow Central Avenue on the North, Coors Boulevard on the east, the 118<sup>th</sup> Street corridor on the west and Blake Road on the south. According to the WSSP, this community is planned to provide substantial growth capacity for Albuquerque at urban densities; "Growth will be encouraged in this area." An applicable policy is:

- Policy 3.38: Urban style services are appropriate in the community. This area shall receive a high priority for public infrastructure spending.

***Southwest Area Plan (Rank II)***

The Southwest Area Plan was adopted in 1988. It encompasses 115 square miles bounded by the Rio Puerco on the West, I-40, Central Avenue and Woodward Avenue on the North, the Rio Grande (north of Woodward Avenue) and I-25 (south of Woodward Avenue) on the East and the Isleta Indian Reservation on the South.

The plan establishes a framework to follow the goals and policies of the Comprehensive plan in encouraging infill and other development within or adjacent to the existing urban water and service area prior to encouraging extensive growth beyond that boundary.

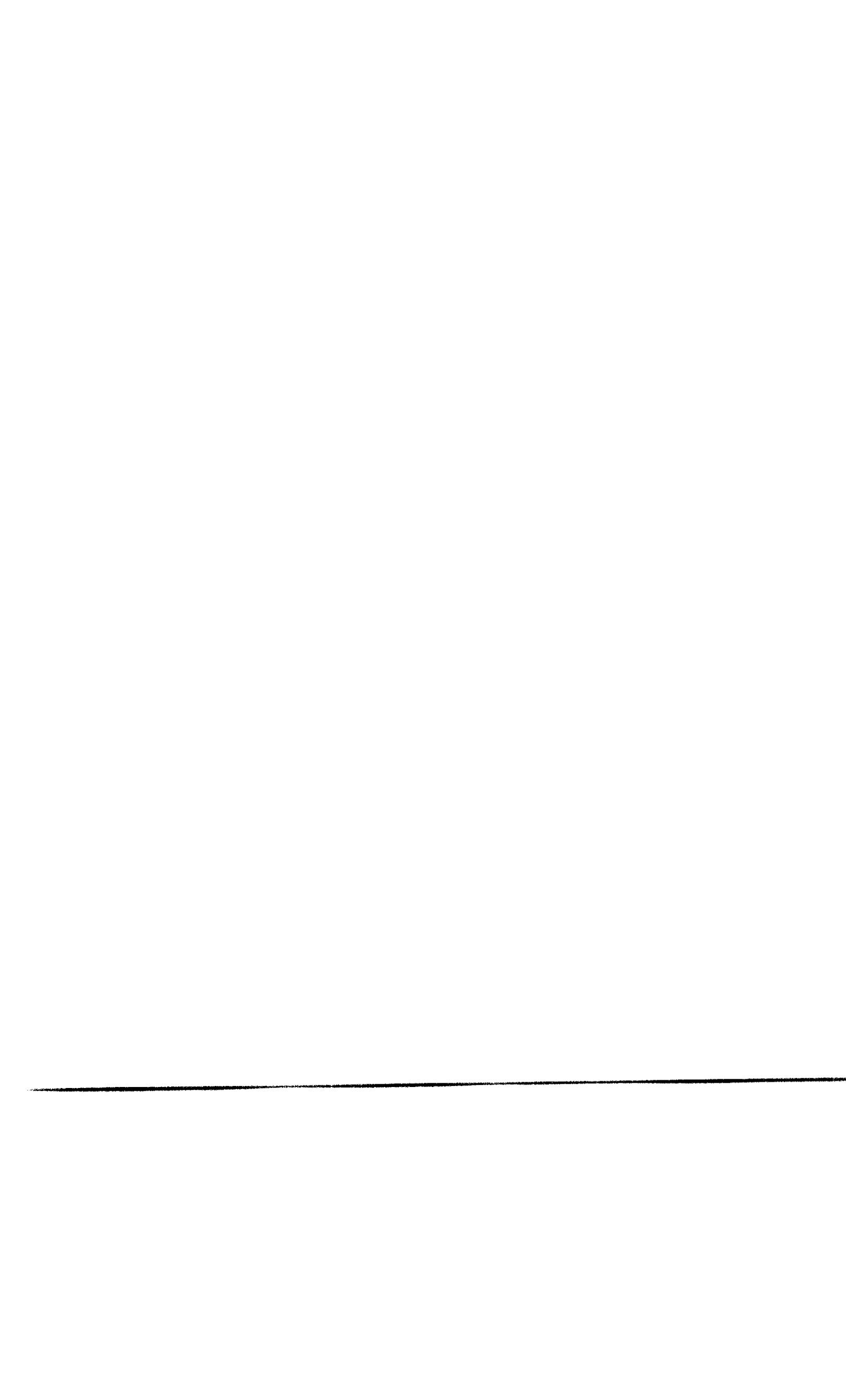
The subject site is located in Residential Area 5 of the Southwest Area Plan. The plan states that up to 9 dwelling units/acre can be accommodated in this area with out significant adverse impact on the environment or existing neighborhoods. Applicable policies include:

- Policy 6: The residential densities contained in Table 2 shall be those controlling zoning in the plan area.
- Policy 8: Between higher and lower intensity land uses and in areas adjacent to arterials, there shall be land uses which act as transition to avoid adjacent incompatible land uses.

***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 a subject site 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 the requests to the City Council.



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***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.

***Resolution 91-1998 (R-70)***

This Resolution establishes an overall direction for implementation of the City's growth policies, with a framework emphasizing:

- development of community and regional activity centers and major transportation corridors (high capacity corridors); encourage increased densities and mixed uses in activity centers and corridors; meet the needs of residents closer to their homes or employment to decrease Vehicle Miles Traveled and automobile dependence.
- maintenance, enhancements and upgrades of roads and utilities in the core area, to prevent deterioration of existing communities and to encourage infill; diversify the Downtown land use mix with public facilities, hotels, office and retail development, more and higher density housing; generate more activity and attract more private investment in the Downtown area.
- enhance transit system performance, consistent with the principles of a compact urban form and a network of centers and corridors; improve the viability of transit as an alternative to the single-occupancy vehicle and reduce Vehicle Miles Traveled; improve pedestrian mobility and the character of the pedestrian environment, transit orientation and bicycle connections, within centers and corridors.
- plan the timing of road and utility construction to ensure orderly growth, and coordinate capacity increases and street extensions; transportation improvement programs must recognize the significance of natural, historic, and cultural resources and include strategies for minimizing adverse impacts on them.

***Long Range Roadway System***

The Long Range Roadway System designates Coors Road as a Principal Arterial, with a right-of-way of 124'.

The Long Range Roadway System designates Blake as a Collector street, with a right-of-way of 68'.

The Long Range Bikeway System designates a bike lane along Coors Boulevard.

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**ANALYSIS - Annexation**

***Conformance to Adopted Plans, Policies, and Ordinances***

This is a request for annexation of an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel.

The applicant's reason for the request is to obtain City water and sewer services for an existing and a proposed mobile home development. The applicant has submitted a "Water/Sewer Availability Statement" from the City of Albuquerque Public Works Department, Utility Development Division that states:

"Per City service policy, City water and sewer service is contingent upon annexation. When Phase I was developed, the property did not meet conditions for annexation. Since that time, surrounding properties have been annexed and this property now meets conditions."

The subject site is located in the area designated Developing Urban by the *Comprehensive Plan, Resolution 54-1990*, the City's policies on annexation states:

"Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Central Urban, Established Urban, and Developing Urban are 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."

As per the policies of *Resolution 54-1990*, the subject land is contiguous to the City limits, has provision for convenient street access to the City and has reasonable boundaries. Utility and infrastructure requirements can be addressed at the Development Review Board at the time of platting, negating the need for a pre-annexation agreement.

The annexation request furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Also, hook up to the City's utility system will minimize water quality degradation resulting from on-site liquid waste disposal systems.

The annexation request furthers the applicable Goals and policies of the *West Side Strategic Plan* by proposing annexation that will allow for urban style services that are appropriate in the community.

The annexation request does not conflict with the applicable Goals and policies of the *Southwest Area Plan*.

***Vehicular Access***

All adjacent roadways, rights-of-way and necessary accesses should be included in this annexation request. This will be reflected in the draft legislation that will be forwarded to the City Council with the Environmental Planning Commission's recommendation.

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**ANALYSIS – Establishment of Zoning (Zone Map Amendment)**

***Conformance to Adopted Plans, Policies, and Ordinances***

This is a request to establish M-H zoning for an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel in conjunction with an associated annexation request for the same site.

There is an existing, approximately 10 to 15-acre mobile home development on the site that has obtained City utilities. Provision of service to the balance of the site requires annexation into the City limits (see annexation analysis above).

The zoning furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Annexation and zoning of the subject site allows for provision of City utility service, including water and sanitary sewer which will reduce the potential number of well and septic systems in the area and minimize the potential for contaminants to enter the community water supply.

The zoning does not conflict with the Goals, policies or intent of the *West Side Strategic Plan*.

The zoning furthers the applicable policies of the *Southwest Area Plan* by allowing up to 9 dwelling units/acre with out significant adverse impact on the environment or existing neighborhoods.

*Resolution 270-1980*, the City's policies for zone map change applications, requires that the existing zoning be shown to be inappropriate because of at least one of three criteria. It has been shown that the existing zoning is inappropriate: Annexation of the subject site into the City of Albuquerque creates a changed neighborhood or community condition that justifies the change (establishment) of zoning. Also, a different use category is more advantageous to the community, as articulated in the *Comprehensive Plan*.

***Site Layout / Configuration***

The existing mobile home development is unplatted. Both the existing mobile home development and any future mobile home development should be platted to create separate, distinct lots that conform to the criteria and requirements of the M-H zone.

***Concerns of Reviewing Agencies / Pre-Hearing Discussion***

The Public Works Department conditions of approval include:

- A) Provision of two independent access points from major streets in the immediate proximity to serve the 255 units.
- B) Annexation should include the adjacent segment of AMAFCA's Amole del Norte Channel.
- C) Dedication of right-of-way for access, as required by City Engineer.

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*Neighborhood Concerns*

The Planning Department has not received any correspondence regarding these requests.

*Conclusions*

The annexation and zone map amendment requests further the applicable Goals, policies and intents of the *Comprehensive Plan*, the *West Side Strategic Plan* and the *Southwest Area Plan*.

The annexation request fulfills the policies of *Resolution 54-1990*. The zone map amendment (establishment of zoning) request fulfills the policies of *Resolution 270-1980*.

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***FINDINGS - Annexation***

1. This is a request for annexation of an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel.
2. The applicant's reason for the request is to obtain City water and sewer services for an existing and a proposed mobile home development.
3. "Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Central Urban, Established Urban, and Developing Urban are 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." (*Resolution 54-1990*)
4. As per the policies of *Resolution 54-1990*, the subject land is contiguous to the City limits, has provision for convenient street access to the City and has reasonable boundaries. Utility and infrastructure requirements can be addressed at the Development Review Board at the time of platting, negating the need for a pre-annexation agreement.
5. The annexation request furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Also, hook up to the City's utility system will minimize water quality degradation resulting from on-site liquid waste disposal systems.
6. The annexation request furthers the applicable Goals and policies of the *West Side Strategic Plan* by proposing annexation that will allow for urban style services that are appropriate in the community.
7. The annexation request does not conflict with the applicable Goals and policies of the *Southwest Area Plan*.

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8. All adjacent roadways, rights-of-way and necessary accesses should be included in this annexation request.

***RECOMMENDATION - Annexation***

That APPROVAL of 00114 00000 01763, annexation of Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions of Approval.

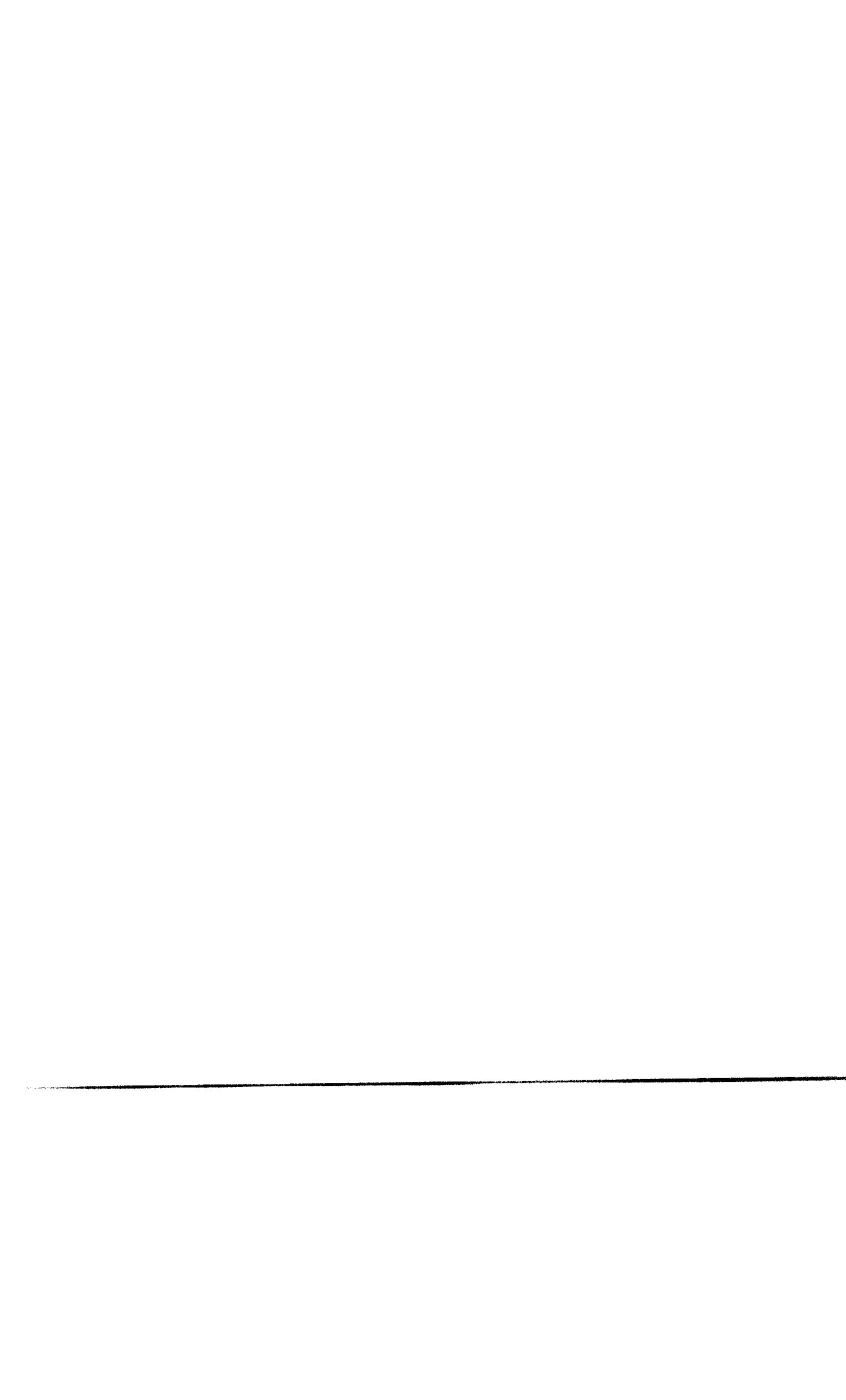
***CONDITIONS OF APPROVAL - Annexation***

1. All adjacent roadways, rights-of-way and necessary accesses shall be included in this annexation request.

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***FINDINGS – Establishment of Zoning (Zone Map Amendment)***

1. This is a request to establish M-H zoning for an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel in conjunction with an associated annexation request for the same site.
2. The zoning furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Annexation and zoning of the subject site allows for provision of City utility service, including water and sanitary sewer which will reduce the potential number of well and septic systems in the area and minimize the potential for contaminants to enter the community water supply.
3. The zoning does not conflict with the Goals, policies or intent of the *West Side Strategic Plan*.



4. The zoning furthers the applicable policies of the *Southwest Area Plan* by allowing up to 9 dwelling units/acre with out significant adverse impact on the environment or existing neighborhoods.
5. It has been shown that the existing zoning is inappropriate as per *Resolution 270-1980*, the City's policies for zone map change applications: Annexation of the subject site into the City of Albuquerque creates a changed neighborhood or community condition that justifies the change (establishment) of zoning. Also, a different use category is more advantageous to the community, as articulated in the *Comprehensive Plan*.

***RECOMMENDATION – Establishment of Zoning (Zone Map Amendment)***

**That APPROVAL of 00110 00000 01764, establishment of M-H zoning for Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL – Establishment of Zoning (Zone Map Amendment)***

1. Both the existing mobile home development and any future mobile home development shall be platted to create separate, distinct lots that conform to the criteria and requirements of the M-H zone.
2. The Public Works Department conditions of approval include:
  - a. Provision of two independent access points from major streets in the immediate proximity to serve the 255 units.
  - b. Annexation shall include the adjacent segment of AMAFCA's Amole del Norte Channel.
  - c. Dedication of right-of-way for access, as required by City Engineer.

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**ACTION TAKEN BY THE ENVIRONMENTAL PLANNING COMMISSION ON  
15 FEBRUARY 2001.**

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission voted to defer 00114 00000 01763/ 00110 00000 01764/01110 00000 00007 to the Environmental Planning Commission Public Hearing on May 17, 2001.

MOVED BY COMMISSIONER SCHWARTZ  
SECONDED BY COMMISSIONER SERRANO

MOTION CARRIED UNANIMOUSLY

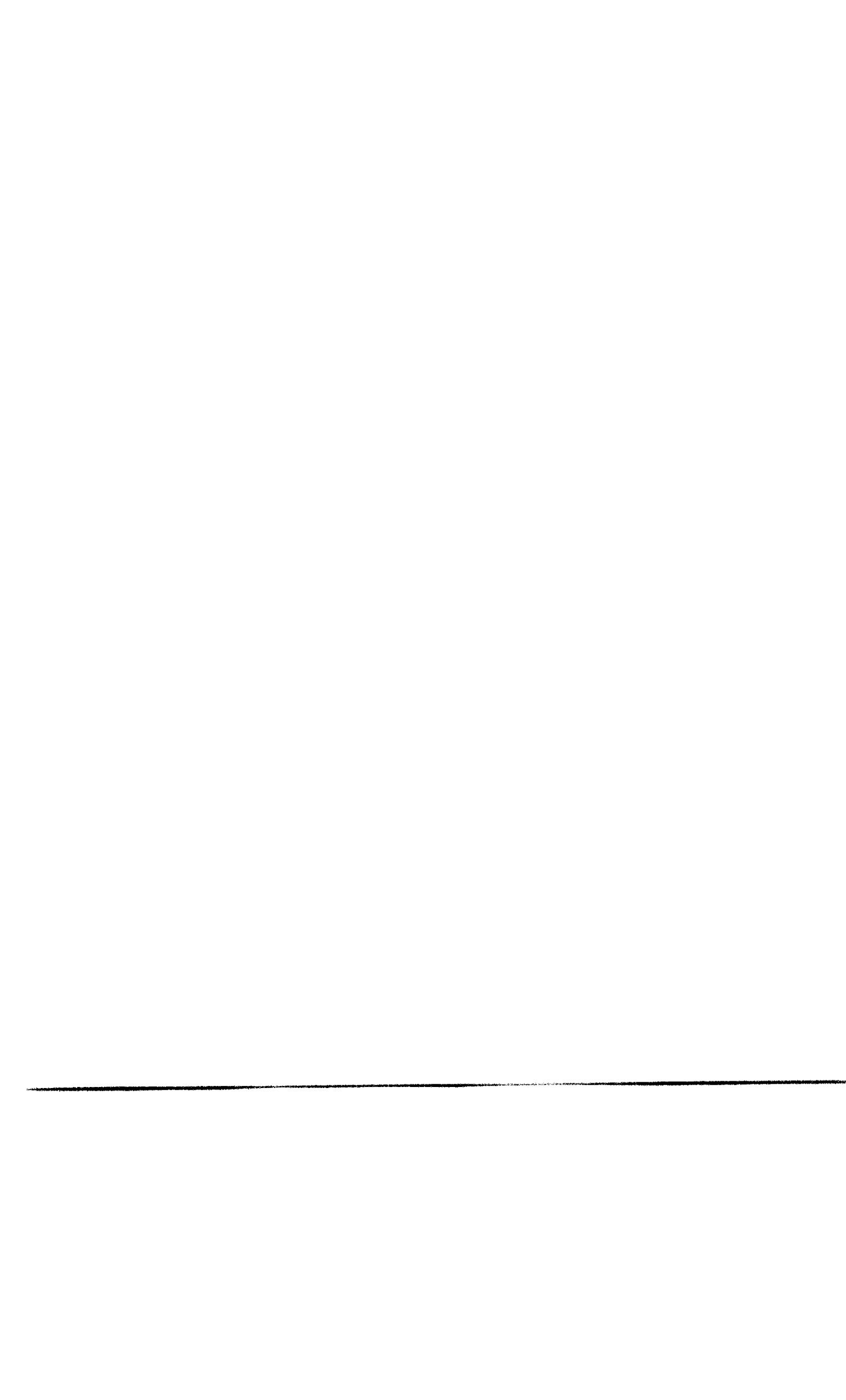
**ADDITIONAL COMMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION FOR  
MAY 17, 2001.**

This case was deferred at the 15 February 2001 EPC hearing at the request of the applicant. The applicant has paid the required \$75.00 fee when a deferral is made at the request of an applicant/agent. The applicant submitted no additional information or materials. Staff analysis and recommendations are unchanged.

This is a request to establish M-H zoning for an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel in conjunction with an associated annexation request for the same site. The applicant's reason for the request is to obtain City water and sewer services for an existing and a proposed mobile home development.

The annexation and zone map amendment requests further the applicable Goals, policies and intents of the *Comprehensive Plan*, the *West Side Strategic Plan* and the *Southwest Area Plan*.

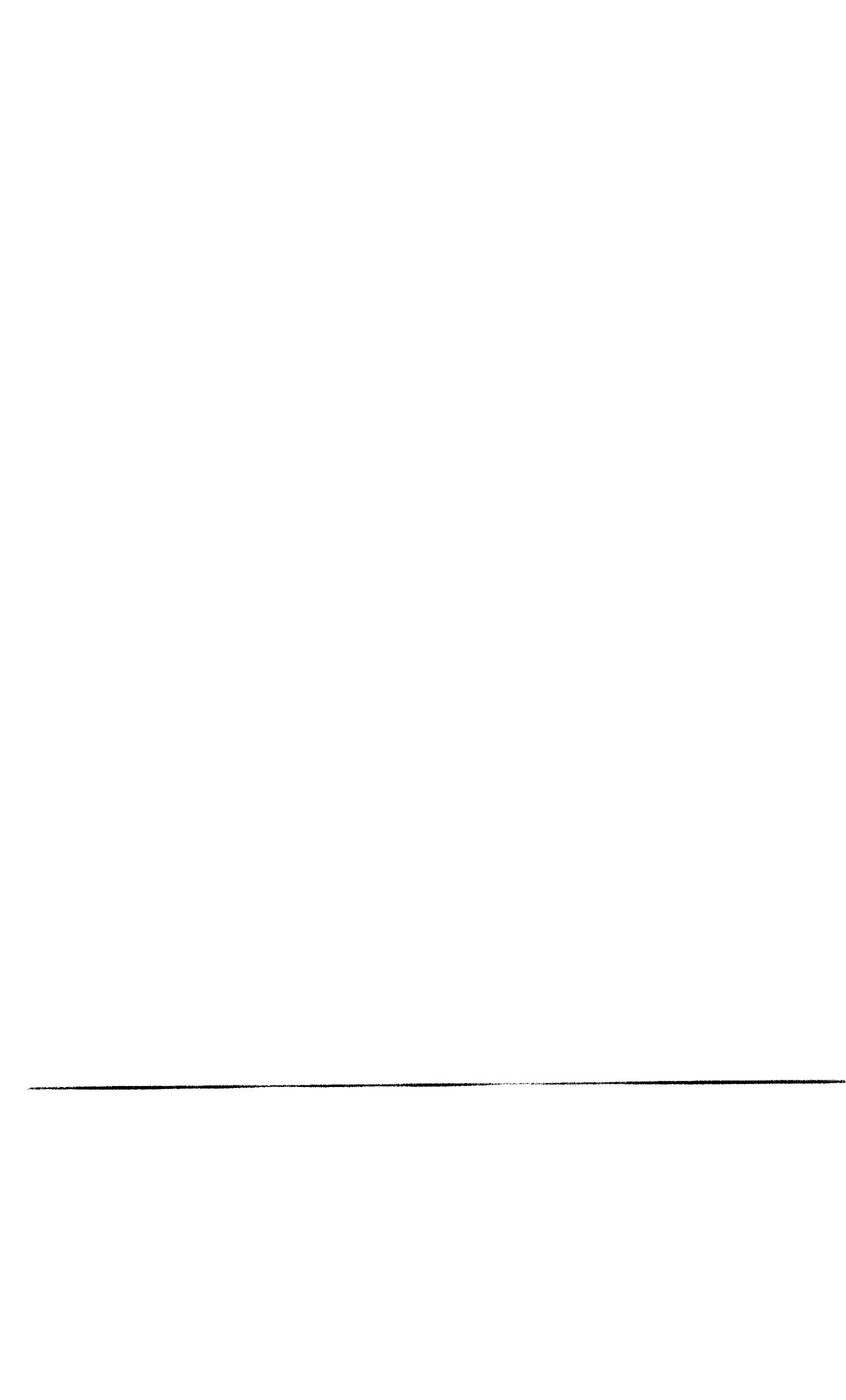
The annexation request fulfills the policies of *Resolution 54-1990*. The zone map amendment (establishment of zoning) request fulfills the policies of *Resolution 270-1980*.



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**FINDINGS – Annexation – 17 May 2001**

1. This is a request for annexation of an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel.
2. The applicant's reason for the request is to obtain City water and sewer services for an existing and a proposed mobile home development.
3. "Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Central Urban, Established Urban, and Developing Urban are 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." (*Resolution 54-1990*)
4. As per the policies of *Resolution 54-1990*, the subject land is contiguous to the City limits, has provision for convenient street access to the City and has reasonable boundaries. Utility and infrastructure requirements can be addressed at the Development Review Board at the time of platting, negating the need for a pre-annexation agreement.
5. The annexation request furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Also, hook up to the City's utility system will minimize water quality degradation resulting from on-site liquid waste disposal systems.
6. The annexation request furthers the applicable Goals and policies of the *West Side Strategic Plan* by proposing annexation that will allow for urban style services that are appropriate in the community.
7. The annexation request does not conflict with the applicable Goals and policies of the *Southwest Area Plan*.



- 
8. All adjacent roadways, rights-of-way and necessary accesses should be included in this annexation request.

***RECOMMENDATION - Annexation- 17 May 2001***

That APPROVAL of 00114 00000 01763, annexation of Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions of Approval.

***CONDITIONS OF APPROVAL - Annexation- 17 May 2001***

1. All adjacent roadways, rights-of-way and necessary accesses shall be included in this annexation request.

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***FINDINGS - Establishment of Zoning (Zone Map Amendment) - 17 May 2001***

1. This is a request to establish M-H zoning for an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel in conjunction with an associated annexation request for the same site.
2. The zoning furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Annexation and zoning of the subject site allows for provision of City utility service, including water and sanitary sewer which will reduce the potential number of well and septic systems in the area and minimize the potential for contaminants to enter the community water supply.
3. The zoning does not conflict with the Goals, policies or intent of the *West Side Strategic Plan*.

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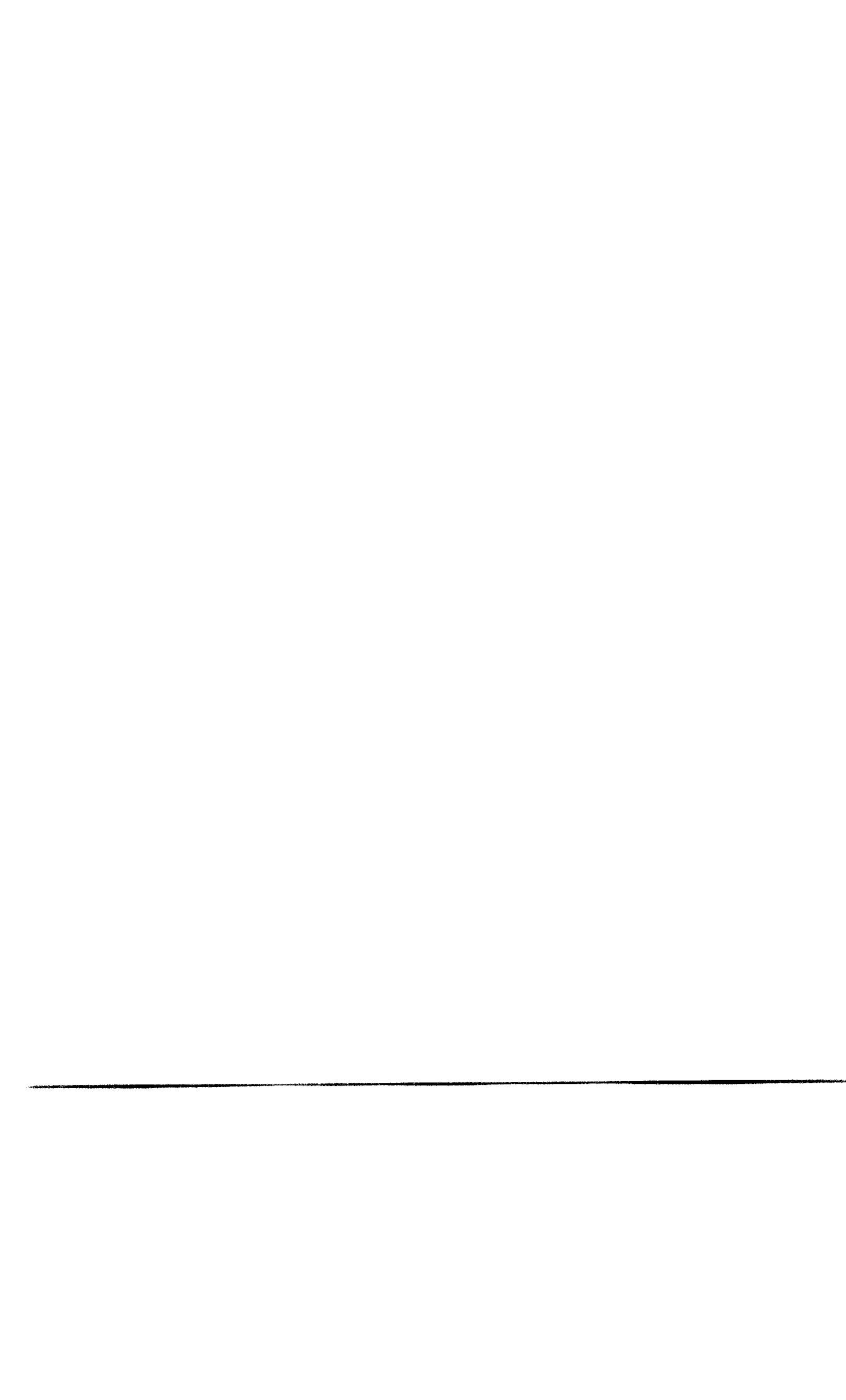
4. The zoning furthers the applicable policies of the *Southwest Area Plan* by allowing up to 9 dwelling units/acre with out significant adverse impact on the environment or existing neighborhoods.
  
5. It has been shown that the existing zoning is inappropriate as per *Resolution 270-1980*, the City's policies for zone map change applications: Annexation of the subject site into the City of Albuquerque creates a changed neighborhood or community condition that justifies the change (establishment) of zoning. Also, a different use category is more advantageous to the community, as articulated in the *Comprehensive Plan*.

**RECOMMENDATION – Establishment of Zoning (Zone Map Amendment) – 17 May 2001**

That APPROVAL of 00110 00000 01764, establishment of M-H zoning for Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions of Approval.

**CONDITIONS OF APPROVAL – Establishment of Zoning (Zone Map Amendment) – 17 May 2001**

1. Both the existing mobile home development and any future mobile home development shall be platted to create separate, distinct lots that conform to the criteria and requirements of the M-H zone.
  
  2. The Public Works Department conditions of approval include:
    - a. Provision of two independent access points from major streets in the immediate proximity to serve the 255 units.
  
    - b. Annexation shall include the adjacent segment of AMAFCA's Amole del Norte Channel.
  
    - c. Dedication of right-of-way for access, as required by City Engineer.
-

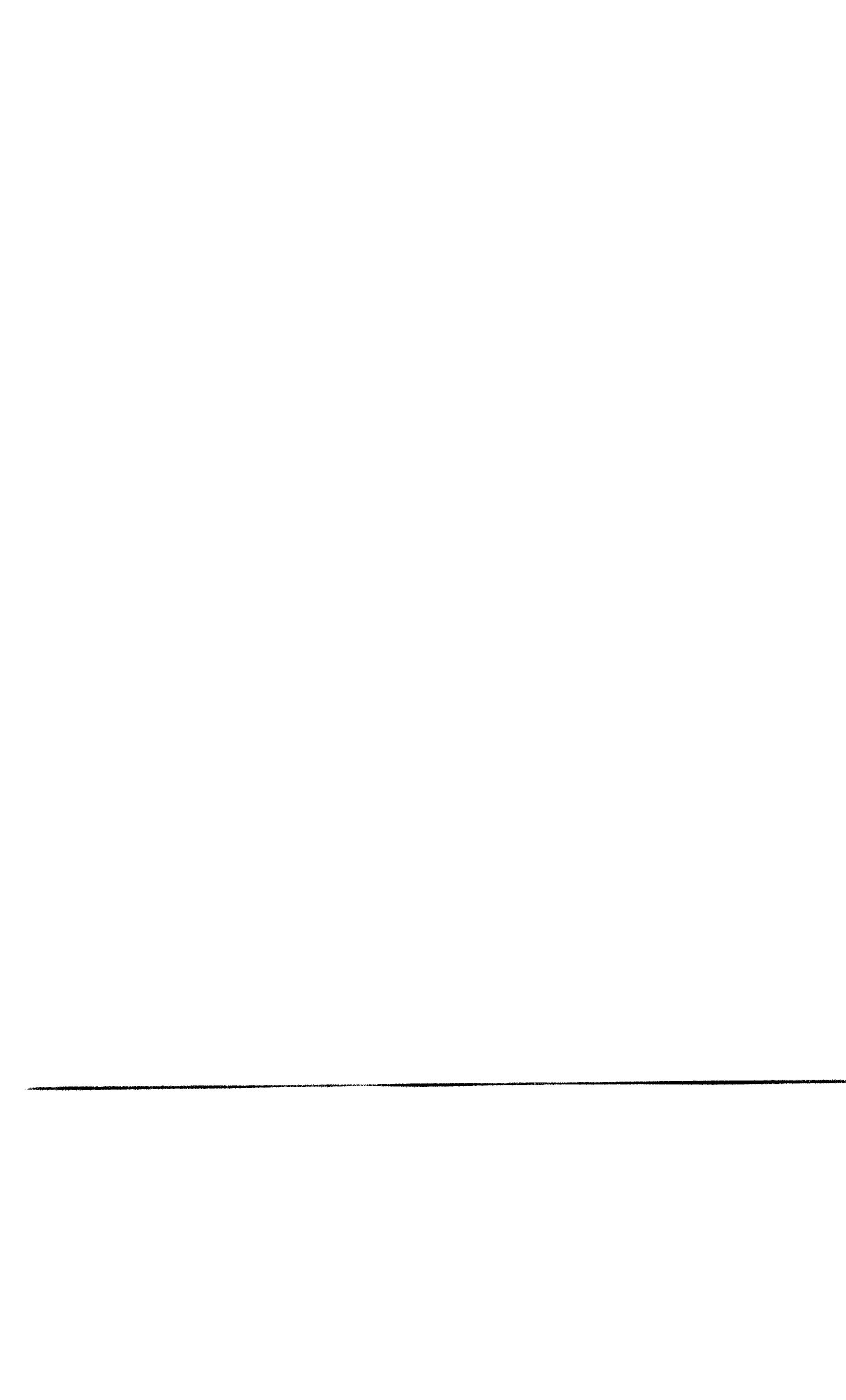




*Russell Brito*  
*Senior Planner*

cc: Tony Sena, 2503 Coors SW, Albuquerque, NM 87121  
ABQ Engineering Inc., 1631 Eubank NE, Albuquerque, NM 87112

*Attachments*



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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Code Services***

“Application indicates that this request is for SU-1, special use for MH. The advertisement indicates that the request is for MH zoning.”

### ***PUBLIC WORKS DEPARTMENT***

#### **Transportation Development Services:**

Conditions of approval of the proposed annexation and establishment of zoning request should include:

A) Provision of two independent access points from major streets in the immediate proximity to serve the 255 units.

#### **Utility Development:**

No adverse comment. Annexation is a requirement of water and sanitary sewer service from the City. See availability statements of June 24, 1994 through September 8, 2000. SU-1 zoning requires a site plan, which should be included in this submittal. There is a County approved plan covering approximately 30-acres. It would have to be expanded to cover the 40-acres included in this action. UPC and legal information appears incomplete. Record data shows the land as unplatted with at least 3 separate assessments. Platting must be a condition of approval.

#### **Traffic Engineering Operations:**

Access locations are critical on this large tract for traffic operations. Good sight distance is essential. No objection to zoning.

#### **Hydrology:**

An approved conceptual grading and drainage plan to identify infrastructure requirements and conveyance is required prior to City Engineer approval of annexation request.

#### **Transportation Planning:**

City of Albuquerque Public Works Department, Transportation Planning Division has no objection to annexation and zoning. Annexation should include the adjacent segment of AMAFCA's Amole del Norte Channel.

It is not apparent from the application whether the existing streets within the mobile home park are to remain as private streets or to become public streets. Underground utilities in the streets may be a factor.

Primary access to the mobile home park is via an existing private road (from Coors Boulevard) that is not shown in any way on the zone atlas map. Dedication of a right-of-way and naming of this street should be a condition of approval. See attached map.

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Secondary access to the mobile home park is via Ervien Lane, a county road. However, entry apparently involves the use of a short segment of undedicated road that is an extension of Ervien Lane. Dedication of right-of-way at this location is also needed.

CONDITION of approval for annexation:

- Dedication of right-of-way for access, as required by City Engineer.

**ENVIRONMENTAL HEALTH DEPARTMENT**

**Air Quality Division**

"No Adverse Comment."

**Environmental Services Division**

**NEIGHBORHOOD SERVICES**

"No recognized associations. Westgate Vecinos was notified."

**PARKS AND RECREATION**

**Planning and Design**

No objection to the annexation and zoning requests.

If annexation and establishment of requested zoning occurs, future subdivision plats will be subject to the requirements of the City Park Dedication and Development Ordinance which include:

The dedication of land suitable for the development of a neighborhood park and/or the payment of a fee in lieu of and equal to the value of the required park land dedication prior to sign-off on the related plat.

The park development requirement will be met via the payment of a fee prior to issuance of building permit for each new dwelling unit.

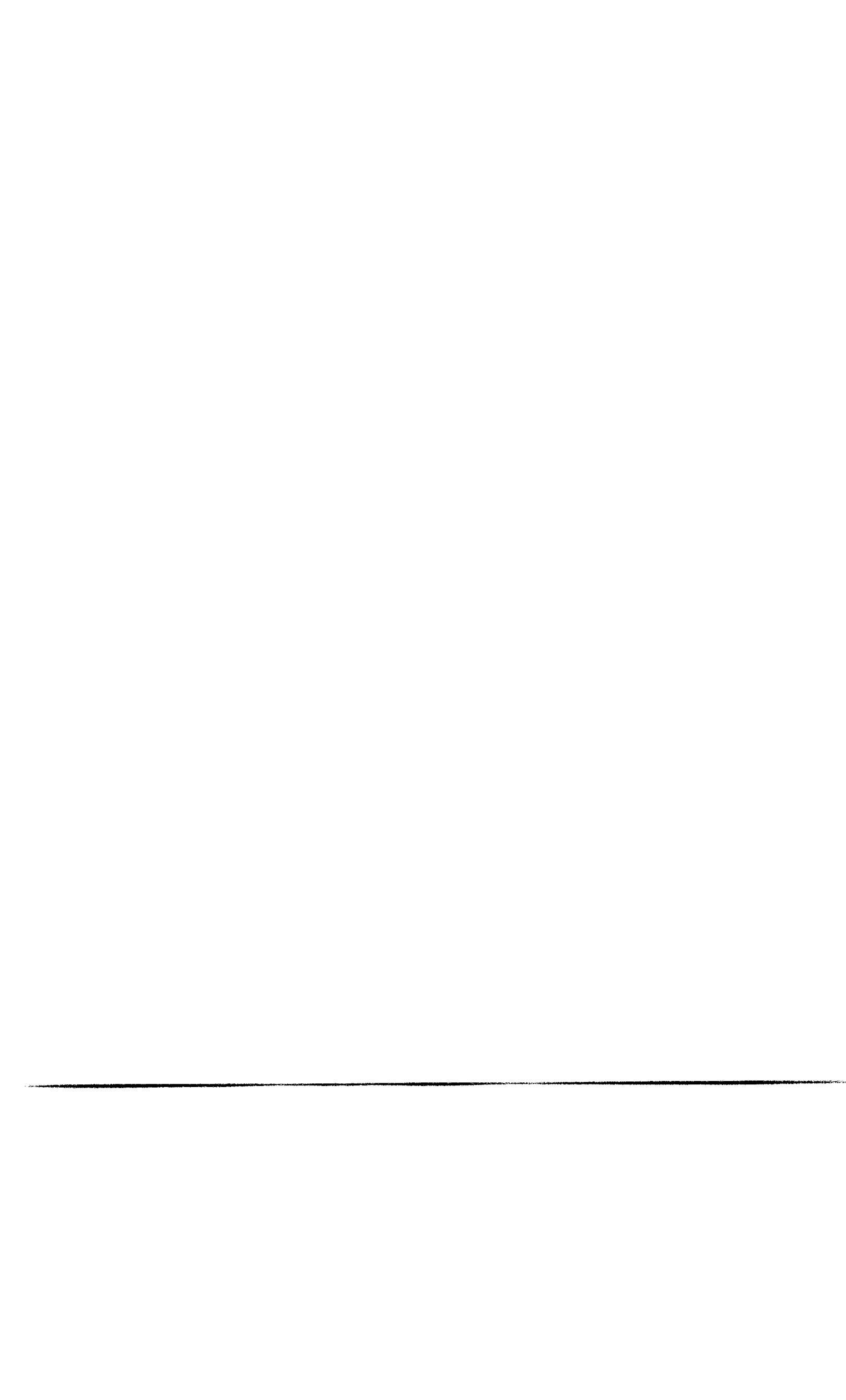
The Trails & Bikeways Facility Plan proposes a Secondary Trail along the Amole del Norte Channel in this location. Design of this facility is getting underway; exact location not yet determined.

**OPEN SPACE DIVISION**

"No Adverse Comment."

**POLICE DEPARTMENT/Planning**

"No Comment."



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**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

“No Adverse Comment.”

**FIRE DEPARTMENT/Planning**

“No Adverse Comment.”

**TRANSIT DEPARTMENT**

“No comments on annexation.

This area is served by Route 52.”

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

**ALBUQUERQUE METROPOLITAN FLOOD CONTROL AUTHORITY**

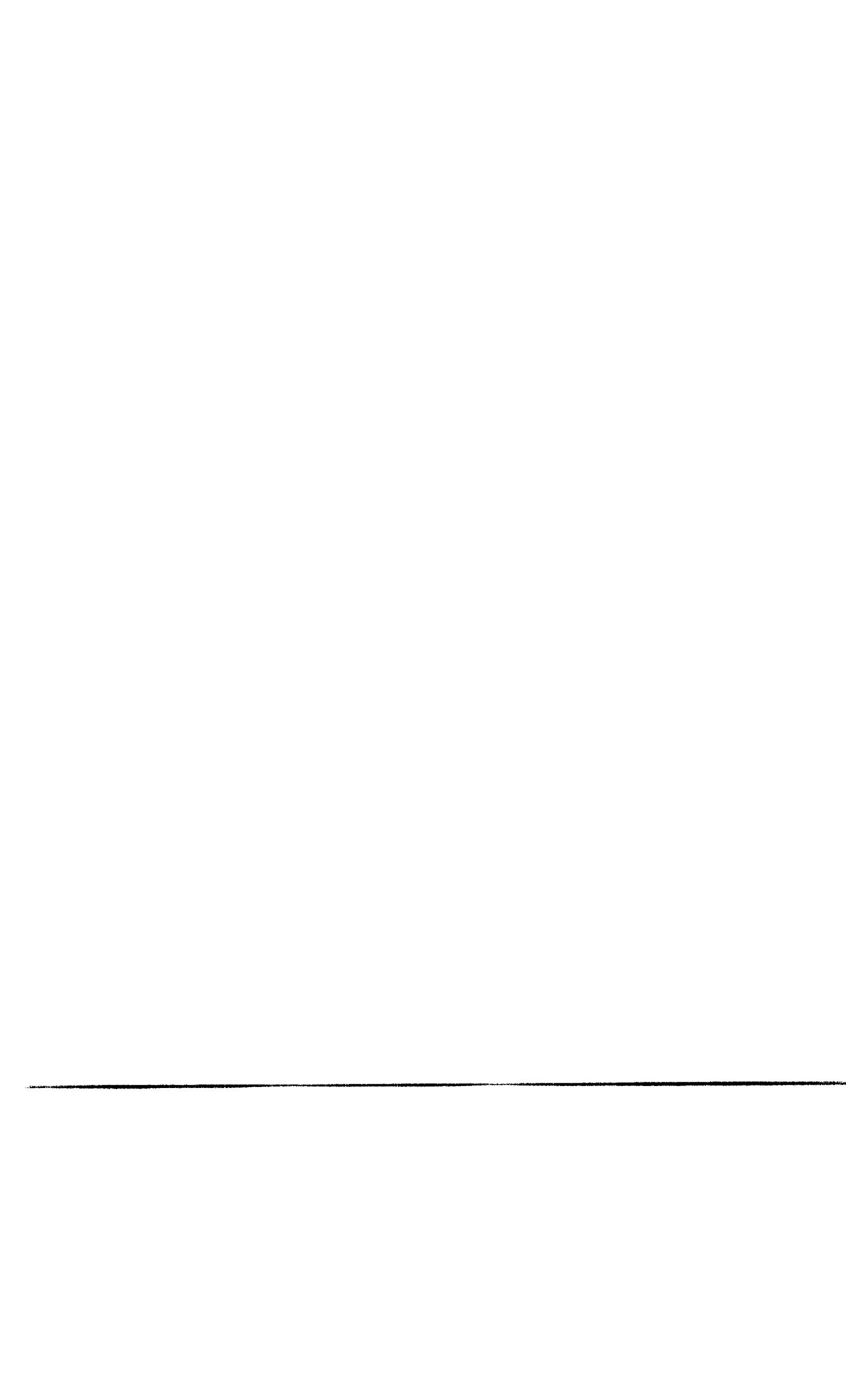
“No objection to requested action. AMAFCA will require an approved Grading and Drainage Plan.”

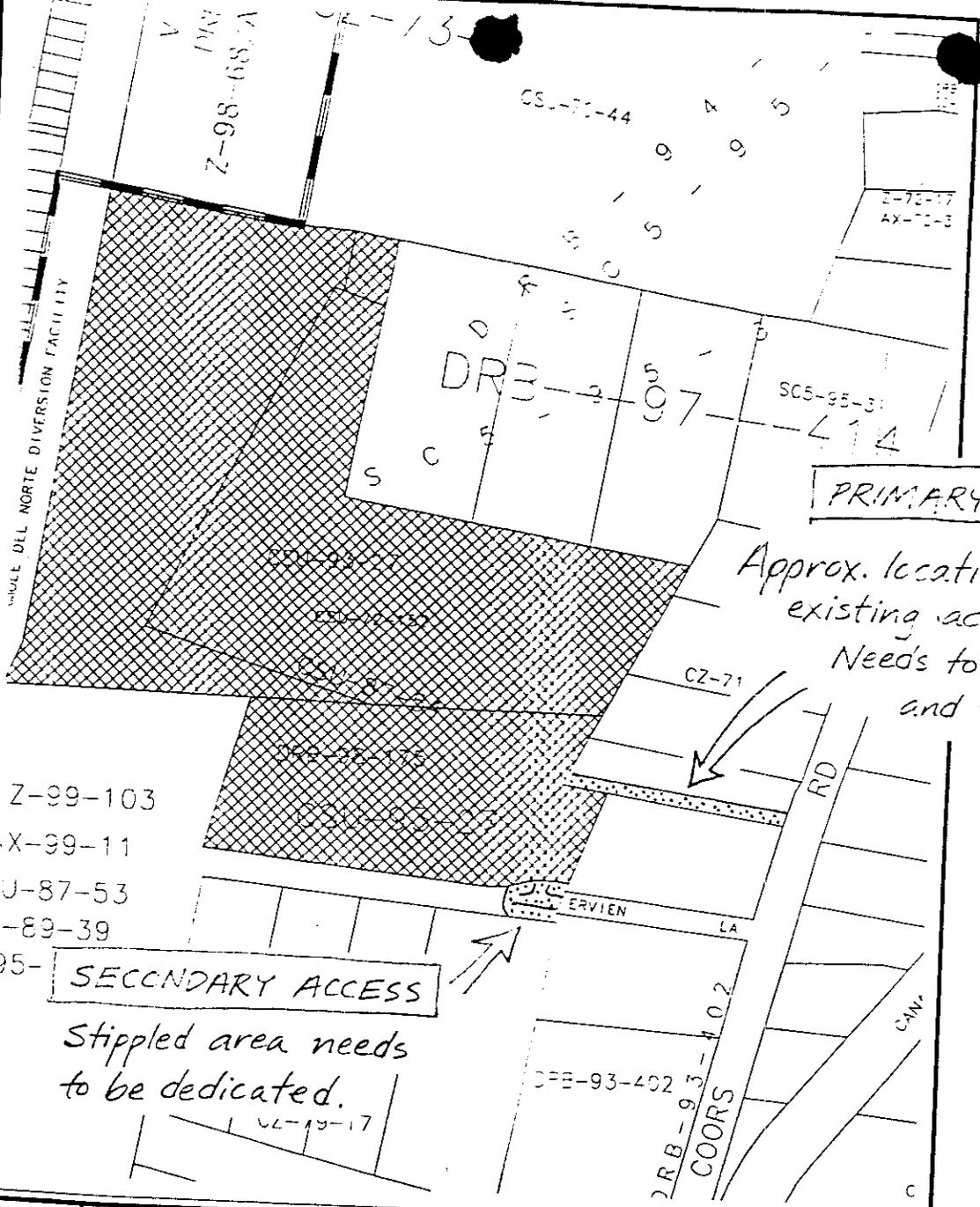
**ALBUQUERQUE PUBLIC SCHOOLS**

The 40 acres (Lands of Tony Sena tract A), currently zoned A-1/SU-1 (MH County), of the proposed **Riverside West Mobile Home Park** (SU-1 MH City), will affect Navajo Elementary School, Harrison Middle School, and Rio Grande High School. The APS facilities in the area at the high school level are either at or approaching site capacity. In 1998, the district opened a new elementary school (Painted Sky) in the area, another elementary is slated to open in the fall of 2003. A middle school (Jimmy Carter) opened in the of fall 2000. Regardless of the recent and planned additions to existing educational facilities, the region's growth may well outpace the district's ability to construct new schools. As schools become overcrowded, boundary changes, alternative schedules, transportation to less crowded schools, and/or combinations of the above strategies may be employed to relieve schools with large numbers of students.

**MIDDLE RIO GRANDE COUNCIL OF GOVERNMENTS**

“No Adverse Comment.”





**PRIMARY ACCESS**

*Approx. location of existing access street. Needs to be dedicated and named.*

**SECONDARY ACCESS**

*Stippled area needs to be dedicated.*

**HISTORY MAP**



Scale 1" = 433'

PROJECT NO.  
1000976

HEARING DATE  
02-15-01

MAP NO.  
M-10

APPLICATION NO.  
00114-00000-01763  
00110-00000-01764

Scale





## ENVIRONMENTAL PLANNING COMMISSION

### A G E N D A

Thursday, February 15, 2001, 9:00 a.m.

Plaza del Sol Hearing Room  
Lower Level  
600 2nd Street NW

### MEMBERS

Elizabeth Begay, Chairman  
Alan Schwartz, Vice Chair

Chuck Gara  
Mick McMahan  
Camilla Serrano

Susan Johnson  
Larry Chavez

\*\*\*\*\*  
**NOTE: A LUNCH BREAK AND DINNER BREAK WILL BE ANNOUNCED AS NECESSARY.**  
Agenda items will be heard in the order indicated below unless modifications to the Agenda are approved by the EPC at the beginning of the hearing (see item 1A and 1B below); deferral and withdrawal requests (by applicants) are generally reviewed at this time.

There is no set time for cases to be heard; however, interested parties can monitor the progress of the hearing by calling the Planning Department at 924-3860. All parties wishing to address the Commission must sign-in with the Commission Secretary at the front table prior to the case being heard. In the interest of time, the Chairman may establish time limitations on speakers. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak.

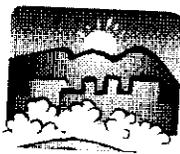
1. Call to Order.

- A. Announcement of changes and/or Additions to the Agenda.
- B. Approval of the Amended Agenda.
- C. Approval of Minutes for December 21, 2000.

- 1D. 00110 00000 01644  
00128 00000 01645  
00128 00000 01646  
00128 00000 01647  
Project # 1000938  
Consensus Planning, Inc., agents for GSL Properties, Inc. request a zone map amendment from SU-1 for O-1, SU-1 for R-2 to SU-1 for O-1, SU-1 for R-2 plus approval of a site development plan for subdivision purposes and approval of a site development plan for building permit for Tract G-3 & Tract H-1, Manzano Mesa Addition, located on Eubank SE between Central Avenue SE and Sandia National Labs SE, containing approximately 36.3 acres. (L-21) Debbie Stover, Staff Planner **(RESCHEDULED FROM FEBRUARY 8, 2000 DUE TO LACK OF A QUORUM)**
  
  2. 00114 00000 01184  
00138 00000 01185  
Project # 1000 766  
Mark Goodwin & Associates, PA, agents for Unite-Us, LLC, request annexation and establishment of RD zoning plus an amendment to the Tower-Unser Sector Development Plan for Tracts 3-7, Unit 2, Town of Atrisco Grant, located on Tower Road NW between Unser Boulevard and 75<sup>th</sup> Street, containing approximately 20 acres. (L-10) Debbie Stover, Staff Planner **(DEFERRED FROM DECEMBER 21, 2000)**
  
  3. 00110 00000 01515  
00128 00000 01516  
00128 00000 01523  
Project # 1000651  
Herb Denish and Associates, Inc., agents for Tijeras Place, LLC request a zone map amendment from SU-1 PDA C-1 Uses & Office to SU-1 PDA C-1 Uses & Office & Auto Sales plus approval of a site development plan for subdivision purposes and approval of a site development plan for building permit for Tract A29A, Town of Atrisco Grant Northeast, located on Coors Boulevard NW between Pheasant Avenue NW and Redlands Road NW, containing approximately 3.41 acres. (G-11) Debbie Stover, Staff Planner **(DEFERRED FROM JANUARY 18, 2001)**
  
  4. 00110 00000 01500  
00138 00000 01501  
00128 00000 01502  
Project # 1000892  
Garcia Kraemer, agents for Charles Benzaquen, request a zone map amendment from SU-2/TH to SU-2/SU-1 Single Family Residence & Restaurant plus an amendment to the Sector Development Plan and approval of a site development plan for building permit for Lots 47 & 48, Perea Addition, located on the northeast corner of Tijeras Avenue and 13<sup>th</sup> Street, containing approximately .11 acres. (J-13) Simon Shima, Staff Planner **(DEFERRED FROM JANUARY 18, 2001)**
  
  5. 00110 00000 01626  
00128 00000 01625  
Project #1000931  
Consensus Planning, Inc., agents for Curb West, Inc. request a zone map from SU-1 for C-1 and R-1 to SU-1 for Church and related facilities O-1, and R-2 Permissive Uses; SU-1 for C-1 O-1 and R-2, (with restaurants with full service liquor and liquor sales for off site consumption) and R-LT for Tract B-2 & Lots 1-28 & Lots 1-29, Block 15 & 16, Paradise Heights Addition, located on Irving Boulevard between Universe Boulevard and Unser Boulevard, containing approximately 146.8 acres. (A-10) Mary Piscitelli, Staff Planner **(CONTINUED FROM JANUARY 18, 2001)**
-

6. 00114 00000 01727  
00110 00000 01728  
Project # 1000960  
Consensus Planning, Inc., agents for NM State Land Office request annexation and establishment of IP zoning for A certain tract of land containing 24.4972 acres and situate being the S1/2 SW1/4 NW1/4 together with the northerly 140 feet of NW1/4 NW1/4 of Section 33, Township 10 North, Range 4 East, New Mexico Principal Meridian, Bernalillo County, New Mexico and also being the same as the Public Service Sub-Station tract as shown and designated on the Summary Plat for annexation to the City of Albuquerque of NW1/4 NE1/4, S1/2 NE1/4, NW1/4 & SW1/4 & NW1/4 SW1/4 of Section 33, T.10N., R.4E., N.M.P.M., Bernalillo County, New Mexico, County, New Mexico on August 24, 1982, in Volume C20, Folio 24 as Document No. 82-44125 , located on Eubank Boulevard SE between Southern SE and KAFB, containing approximately 100 acres. (M-21) Makita Hill, Staff Planner
  
7. 01221 00000 00126  
Project #1001032  
The City of Albuquerque request an amendment to the Comprehensive, City Zoning Code Section 14-16-2-22, Special Use Zone, (B)(31)(e), ROA 1994, a portion of the Zoning Code to allow for concealed wireless telecommunication facilities as permissive. Cynthia Borrego-Archuleta, Staff Planner
  
8. 01221 00000 00136  
Project #1001032  
The City of Albuquerque request an amendment to the Comprehensive, City Zoning Code Section 14-16-3-17, (11) (b) Wireless Telecommunications Regulations, ROA 1994, a portion of the Zoning Code allowing for collocation on PNM power poles restricting the size of the poles to not less than KV-46 poles (as defined by the City of Albuquerque Facilities Plan) and allowing for collocation only in commercial areas. Cynthia Borrego-Archuleta, Staff Planner
  
9. 00114 00000 01742  
00128 00000 01743  
01110 00000 00006  
Project #1000965  
Consensus Planning, Inc., agents for Ray A. Graham III request annexation and establishment of SU-1 C-1, O-1, PRD zoning plus approval of a site development plan for subdivision purposes for a Tract of land located in the south of 1/2 Section 25, the east 1/2 and NE 1/4 of Section 35 and the west 1/2 of Section 36, T11N, R2E, located on Coors Boulevard between Montano Road and Namaste Road, containing approximately 229.2 acres. (E-12, F-11, F-12) Debbie Stover, Staff Planner

10. 00114 00000 01763  
00110 00000 01764  
01110 00000 00007  
Project #1000976  
ABQ Engineering Inc., agents for Tony Sena request annexation and establishment of M-H zoning for Tract A, Lands of Tony Sena, Section 34, T10N, R2E Atrisco Grant and Lands of George Sena, Section 34, T10N, R2E and Section 3, T9N, R2E Atrisco Grant, located on Ervien Lane SW between Coors SW and the Amole Diversion Channel, containing approximately 40 acres. (M-10) Russell Brito, Staff Planner
11. 00114 00000 01780  
00128 00000 01781  
Project # 1000984  
Consensus Planning, Inc., agents for Bluewater North LLC, Curb Inc. West and Ninety-Eighth Street Land Company LLC, request annexation and establishment of SU-1 for IP and C-2 zoning plus a site development plan for subdivision purposes for Tract A, B, B-38, Unit 5, Block 37, Unit 5, B-36, Unit 5, B-35, Unit 5, B-34, Unit 5, Town of Atrisco Grant, located on Bluewater NW between Interstate 40 and Central, containing approximately 57 acres. (K-9) Loretta Naranjo-Lopez, Staff Planner
12. 00110 00000 01779  
Project #1000983  
James F. Crabtree, agent for Virginia Entley-Moore request a zone map amendment from O-1 to RT for Lots 9 & 10, Block 10, Unit 3, Volcano Cliffs Addition, located on the south east corner of Mojave and Unser Boulevard between Montano and Mojave NW, containing approximately 1 acre. (E-10) Lola Bird, Staff Planner
13. 00110 00000 01778  
Project #1000982  
Scott Steinberg request a zone map amendment from R-1 to M-1 for Lot A, Block 7, Unit 2, Mandell Addition #2, located on 3<sup>rd</sup> Street between Woodland and La Poblana, containing approximately .9 acre. (H-14) Loretta Naranjo-Lopez, Staff Planner
14. 00110 00000 01784  
00138 00000 01785  
Project #1000985  
Consensus Planning, Inc., agents for New Mexico Activities Association request an amendment to the North I-25 Sector Development Plan plus a zone map amendment from SU-2 for O-1 to SU-2 C-1 for Lot 1-A, Block 12, Unit A, North Albuquerque Acres, located on the SE corner of San Pedro NE and Palomas NE, containing approximately 2.5 acres. (D-18) Debbie Stover, Staff Planner
15. OTHER MATTERS



Agenda Number: 10  
Case Number: 00114 00000 01763 /  
00110 0000 01764  
February 15, 2001

### Staff Report

<b>Agent</b>	ABQ Engineering Inc.
<b>Applicant</b>	Tony Sena
<b>Requests</b>	Annexation Establishment of Zoning
<b>Legal Description</b>	Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant
<b>Location</b>	Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel
<b>Size</b>	Approximately 40 acres
<b>Existing Zoning</b>	County A-1 & A-1 with a Special Use permit for a MH park
<b>Proposed Zoning</b>	M-H

**Staff Recommendation**

That **APPROVAL** of 00114 00000 01763 be forwarded to the City Council, based on the findings on pages 8 - 9, and subject to the conditions of approval on page 9.

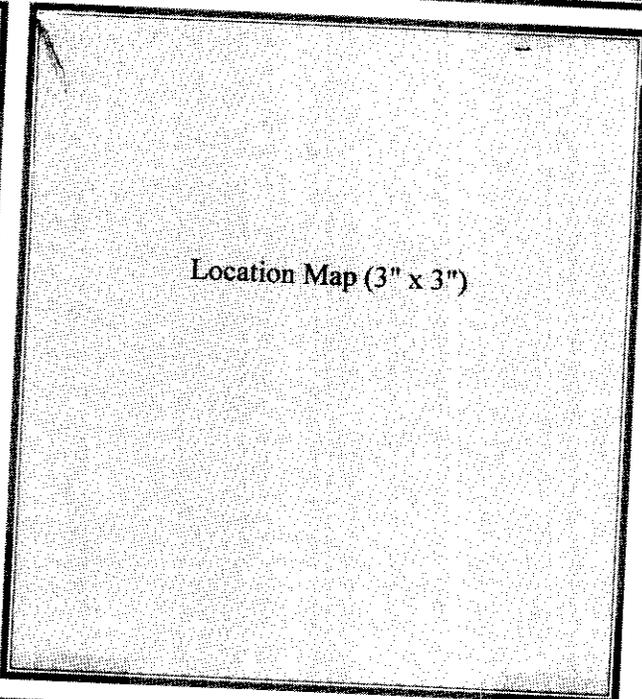
That **APPROVAL** of 00110 00000 01764 be forwarded to the City Council, based on the findings on pages 9 - 10, and subject to the conditions of approval on page 10.

**Staff Planner**  
*Russell Brito, Senior Planner*

**Summary of Analysis**

The annexation and zone map amendment requests further the applicable Goals, policies and intents of the *Comprehensive Plan*, the *West Side Strategic Plan* and the *Southwest Area Plan*.

The annexation request fulfills the policies of *Resolution 54-1990*. The zone map amendment (establishment of zoning) request fulfills the policies of *Resolution 270-1980*.



City Departments and other interested agencies reviewed this application from 5 January 2000 to 19 January 2000. Agency comments were used in the preparation of this report, and begin on page 12.



**Development Services Report**

**SUMMARY OF REQUEST**

<b>Requests</b>	<b>Annexation</b> <b>Establishment of Zoning</b>
<b>Location</b>	Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant, located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel

**AREA CHARACTERISTICS AND ZONING HISTORY**

*Surrounding zoning, plan designations, and land uses:*

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	County A-1 & A-1 with an SU permit for a MH park	Developing Urban; West Side Strategic Plan; Southwest Area Plan	Existing mobile home park and undeveloped land
<b>North</b>	R-LT; A-1 and County M-1	"	Undeveloped
<b>South</b>	County M-1 & A-1 SU permit mini-storage, RV storage and container storage	"	Undeveloped and storage
<b>East</b>	County M-1	"	Undeveloped and commercial
<b>West</b>	R-LT separated from the subject site by the Amole del Norte Diversion Channel	"	Amole del Norte Diversion Channel and single family residential

**Background, History and Context**

This reason for this request is to obtain City water and sewer service for the subject site as required by the City's utility extension policies. Part of the subject site includes an existing mobile home development with mobile home spaces, tenants, landscaping and other amenities.

The land to the west, across the Amole Del Norte Diversion Channel, was annexed into the City in 1975 (Z-75-82/AX-75-19). The land to the north, adjacent to the subject site was annexed into the City and zoned R-LT in 1998 (Z-98-68/AX-98-7). The land to the south, adjacent to the subject site was the subject of an annexation request that was withdrawn at the EPC level in 1999 (Z-99-103/AX-99-11).

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## APPLICABLE PLANS AND POLICIES

### *Albuquerque / Bernalillo County Comprehensive Plan*

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 within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment." Applicable policies include:

- Policy a: The Established and Developing Urban Areas as shown by the plan map allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.
- Policy 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, or recreational concern.
- Policy 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 integrity of existing neighborhoods can be ensured.
- Policy h: Higher density housing is most appropriate in areas where a mixed density pattern is already established by zoning, in areas where it is compatible with existing area land uses, and in areas where a transition is needed between single-family homes and much more intensive development.

The Goal of the Water Quality section should also be addressed. It states: "The Goal is to maintain a dependable, quality supply of water for the urbanized area's needs." Applicable policies include:

- Policy a: Minimize the potential for contaminants to enter the community water supply.
- Policy b: Water quality degradation resulting from on-site liquid waste disposal systems shall be minimized.
- Policy e: Provide greater emphasis on a total systems approach to water as a valuable resource.

### *West Side Strategic Plan*

The *West Side Strategic Plan (WSSP)* was adopted in 1997. 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 is based on a Community Concept that identified seven communities in the plan and established a community-based urban form which defines areas for low density and open spaces



as well as nodes of higher density development to support services and transit. Each community is comprised of villages and the plan describes uses that should occur in core and adjacent areas of the Community and Village centers. The WSSP strives to create and encourage a multi-nodal pattern of low-density and high-density forms.

The site is located just within the Bridge/Westgate Community designated by the WSSP. The boundaries of the Community roughly follow Central Avenue on the North, Coors Boulevard on the east, the 118<sup>th</sup> Street corridor on the west and Blake Road on the south. According to the WSSP, this community is planned to provide substantial growth capacity for Albuquerque at urban densities; "Growth will be encouraged in this area." An applicable policy is:

- Policy 3.38: Urban style services are appropriate in the community. This area shall receive a high priority for public infrastructure spending.

***Southwest Area Plan (Rank II)***

The Southwest Area Plan was adopted in 1988. It encompasses 115 square miles bounded by the Rio Puerco on the West, I-40, Central Avenue and Woodward Avenue on the North, the Rio Grande (north of Woodward Avenue) and I-25 (south of Woodward Avenue) on the East and the Isleta Indian Reservation on the South.

The plan establishes a framework to follow the goals and policies of the Comprehensive plan in encouraging infill and other development within or adjacent to the existing urban water and service area prior to encouraging extensive growth beyond that boundary.

The subject site is located in Residential Area 5 of the Southwest Area Plan. The plan states that up to 9 dwelling units/acre can be accommodated in this area with out significant adverse impact on the environment or existing neighborhoods. Applicable policies include:

- Policy 6: The residential densities contained in Table 2 shall be those controlling zoning in the plan area.
- Policy 8: Between higher and lower intensity land uses and in areas adjacent to arterials, there shall be land uses which act as transition to avoid adjacent incompatible land uses.

***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 a subject site 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 the requests to the City Council.



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***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.

***Resolution 91-1998 (R-70)***

This Resolution establishes an overall direction for implementation of the City's growth policies, with a framework emphasizing:

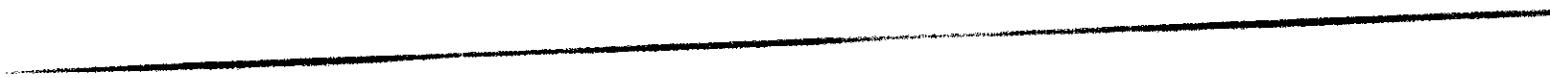
- development of community and regional activity centers and major transportation corridors (high capacity corridors); encourage increased densities and mixed uses in activity centers and corridors; meet the needs of residents closer to their homes or employment to decrease Vehicle Miles Traveled and automobile dependence.
- maintenance, enhancements and upgrades of roads and utilities in the core area, to prevent deterioration of existing communities and to encourage infill; diversify the Downtown land use mix with public facilities, hotels, office and retail development, more and higher density housing; generate more activity and attract more private investment in the Downtown area.
- enhance transit system performance, consistent with the principles of a compact urban form and a network of centers and corridors; improve the viability of transit as an alternative to the single-occupancy vehicle and reduce Vehicle Miles Traveled; improve pedestrian mobility and the character of the pedestrian environment, transit orientation and bicycle connections, within centers and corridors.
- plan the timing of road and utility construction to ensure orderly growth, and coordinate capacity increases and street extensions; transportation improvement programs must recognize the significance of natural, historic, and cultural resources and include strategies for minimizing adverse impacts on them.

***Long Range Roadway System***

The Long Range Roadway System designates Coors Road as a Principal Arterial, with a right-of-way of 124'.

The Long Range Roadway System designates Blake as a Collector street, with a right-of-way of 68'.

The Long Range Bikeway System designates a bike lane along Coors Boulevard.



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**ANALYSIS - Annexation**

***Conformance to Adopted Plans, Policies, and Ordinances***

This is a request for annexation of an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel.

The applicant's reason for the request is to obtain City water and sewer services for an existing and a proposed mobile home development. The applicant has submitted a "Water/Sewer Availability Statement" from the City of Albuquerque Public Works Department, Utility Development Division that states:

"Per City service policy, City water and sewer service is contingent upon annexation. When Phase I was developed, the property did not meet conditions for annexation. Since that time, surrounding properties have been annexed and this property now meets conditions."

The subject site is located in the area designated Developing Urban by the *Comprehensive Plan, Resolution 54-1990*, the City's policies on annexation states:

"Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Central Urban, Established Urban, and Developing Urban are 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."

As per the policies of *Resolution 54-1990*, the subject land is contiguous to the City limits, has provision for convenient street access to the City and has reasonable boundaries. Utility and infrastructure requirements can be addressed at the Development Review Board at the time of platting, negating the need for a pre-annexation agreement.

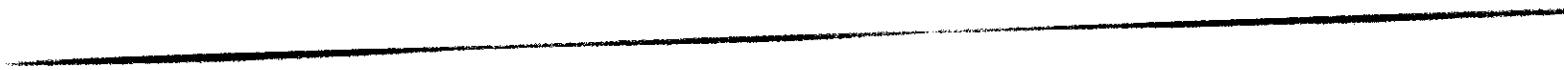
The annexation request furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Also, hook up to the City's utility system will minimize water quality degradation resulting from on-site liquid waste disposal systems.

The annexation request furthers the applicable Goals and policies of the *West Side Strategic Plan* by proposing annexation that will allow for urban style services that are appropriate in the community.

The annexation request does not conflict with the applicable Goals and policies of the *Southwest Area Plan*.

***Vehicular Access***

All adjacent roadways, rights-of-way and necessary accesses should be included in this annexation request. This will be reflected in the draft legislation that will be forwarded to the City Council with the Environmental Planning Commission's recommendation.



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**ANALYSIS – Establishment of Zoning (Zone Map Amendment)**

***Conformance to Adopted Plans, Policies, and Ordinances***

This is a request to establish M-H zoning for an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel in conjunction with an associated annexation request for the same site.

There is an existing, approximately 10 to 15-acre mobile home development on the site that has obtained City utilities. Provision of service to the balance of the site requires annexation into the City limits (see annexation analysis above).

The zoning furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Annexation and zoning of the subject site allows for provision of City utility service, including water and sanitary sewer which will reduce the potential number of well and septic systems in the area and minimize the potential for contaminants to enter the community water supply.

The zoning does not conflict with the Goals, policies or intent of the *West Side Strategic Plan*.

The zoning furthers the applicable policies of the *Southwest Area Plan* by allowing up to 9 dwelling units/acre with out significant adverse impact on the environment or existing neighborhoods.

*Resolution 270-1980*, the City's policies for zone map change applications, requires that the existing zoning be shown to be inappropriate because of at least one of three criteria. It has been shown that the existing zoning is inappropriate: Annexation of the subject site into the City of Albuquerque creates a changed neighborhood or community condition that justifies the change (establishment) of zoning. Also, a different use category is more advantageous to the community, as articulated in the *Comprehensive Plan*.

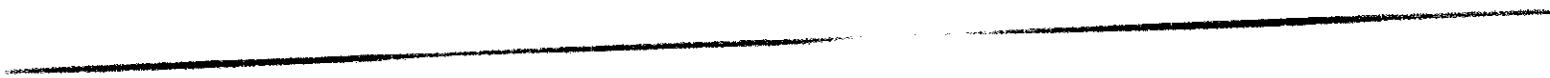
***Site Layout / Configuration***

The existing mobile home development is unplatted. Both the existing mobile home development and any future mobile home development should be platted to create separate, distinct lots that conform to the criteria and requirements of the M-H zone.

***Concerns of Reviewing Agencies / Pre-Hearing Discussion***

The Public Works Department conditions of approval include:

- A) Provision of two independent access points from major streets in the immediate proximity to serve the 255 units.
- B) Annexation should include the adjacent segment of AMAFCA's Amole del Norte Channel.
- C) Dedication of right-of-way for access, as required by City Engineer.



*Neighborhood Concerns*

The Planning Department has not received any correspondence regarding these requests.

*Conclusions*

The annexation and zone map amendment requests further the applicable Goals, policies and intents of the *Comprehensive Plan*, the *West Side Strategic Plan* and the *Southwest Area Plan*.

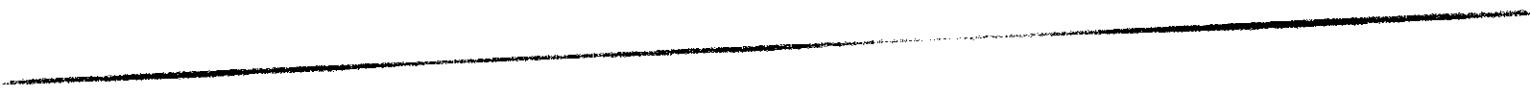
The annexation request fulfills the policies of *Resolution 54-1990*. The zone map amendment (establishment of zoning) request fulfills the policies of *Resolution 270-1980*.

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**FINDINGS - Annexation**

1. This is a request for annexation of an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel.
2. The applicant's reason for the request is to obtain City water and sewer services for an existing and a proposed mobile home development.
3. "Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Central Urban, Established Urban, and Developing Urban are 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." (*Resolution 54-1990*)
4. As per the policies of *Resolution 54-1990*, the subject land is contiguous to the City limits, has provision for convenient street access to the City and has reasonable boundaries. Utility and infrastructure requirements can be addressed at the Development Review Board at the time of platting, negating the need for a pre-annexation agreement.
5. The annexation request furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Also, hook up to the City's utility system will minimize water quality degradation resulting from on-site liquid waste disposal systems.
6. The annexation request furthers the applicable Goals and policies of the *West Side Strategic Plan* by proposing annexation that will allow for urban style services that are appropriate in the community.
7. The annexation request does not conflict with the applicable Goals and policies of the *Southwest Area Plan*.



- 
8. All adjacent roadways, rights-of-way and necessary accesses should be included in this annexation request.

***RECOMMENDATION - Annexation***

That APPROVAL of 00114 00000 01763, annexation of Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions of Approval.

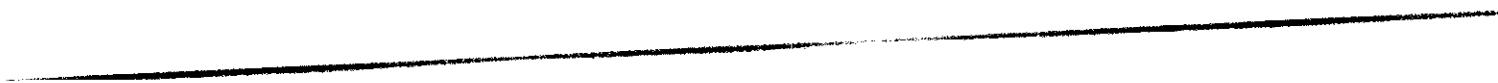
***CONDITIONS OF APPROVAL - Annexation***

1. All adjacent roadways, rights-of-way and necessary accesses shall be included in this annexation request.

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***FINDINGS - Establishment of Zoning (Zone Map Amendment)***

1. This is a request to establish M-H zoning for an approximately 40-acre site located on Ervien Lane SW between Arenal and Blake and Coors and the Amole Diversion Channel in conjunction with an associated annexation request for the same site.
2. The zoning furthers the applicable Goals and policies of the *Comprehensive Plan* by allowing for an urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and choice in housing, transportation, work areas and life styles. Annexation and zoning of the subject site allows for provision of City utility service, including water and sanitary sewer which will reduce the potential number of well and septic systems in the area and minimize the potential for contaminants to enter the community water supply.
3. The zoning does not conflict with the Goals, policies or intent of the *West Side Strategic Plan*.



- 
4. The zoning furthers the applicable policies of the *Southwest Area Plan* by allowing up to 9 dwelling units/acre with out significant adverse impact on the environment or existing neighborhoods.
  5. It has been shown that the existing zoning is inappropriate as per *Resolution 270-1980*, the City's policies for zone map change applications: Annexation of the subject site into the City of Albuquerque creates a changed neighborhood or community condition that justifies the change (establishment) of zoning. Also, a different use category is more advantageous to the community, as articulated in the *Comprehensive Plan*.

**RECOMMENDATION – Establishment of Zoning (Zone Map Amendment)**

That APPROVAL of 00110 00000 01764, establishment of M-H zoning for Tract A, Lands of Tony Sena Sec 34, T10N, R2E Atrisco Grant & Lands of George Sena, Sec 34, T10N, R2E & Sec 3, T9N, R2E Atrisco Grant, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions of Approval.

**CONDITIONS OF APPROVAL – Establishment of Zoning (Zone Map Amendment)**

1. Both the existing mobile home development and any future mobile home development shall be platted to create separate, distinct lots that conform to the criteria and requirements of the M-H zone.
  2. The Public Works Department conditions of approval include:
    - a. Provision of two independent access points from major streets in the immediate proximity to serve the 255 units.
    - b. Annexation shall include the adjacent segment of AMAFCA's Amole del Norte Channel.
    - c. Dedication of right-of-way for access, as required by City Engineer.
-



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*Russell Brito*  
*Senior Planner*

cc: Tony Sena, 2503 Coors SW, Albuquerque, NM 87121  
ABQ Engineering Inc., 1631 Eubank NE, Albuquerque, NM 87112

*Attachments*

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## CITY OF ALBUQUERQUE AGENCY COMMENTS

### PLANNING DEPARTMENT

#### Zoning Code Services

"Application indicates that this request is for SU-1, special use for MH. The advertisement indicates that the request is for MH zoning."

### PUBLIC WORKS DEPARTMENT

#### Transportation Development Services:

Conditions of approval of the proposed annexation and establishment of zoning request should include:  
A) Provision of two independent access points from major streets in the immediate proximity to serve the 255 units.

#### Utility Development:

No adverse comment. Annexation is a requirement of water and sanitary sewer service from the City. See availability statements of June 24, 1994 through September 8, 2000. SU-1 zoning requires a site plan, which should be included in this submittal. There is a County approved plan covering approximately 30-acres. It would have to be expanded to cover the 40-acres included in this action. UPC and legal information appears incomplete. Record data shows the land as unplatted with at least 3 separate assessments. Platting must be a condition of approval.

#### Traffic Engineering Operations:

Access locations are critical on this large tract for traffic operations. Good sight distance is essential. No objection to zoning.

#### Hydrology:

An approved conceptual grading and drainage plan to identify infrastructure requirements and conveyance is required prior to City Engineer approval of annexation request.

#### Transportation Planning:

City of Albuquerque objection to annexation and zoning. Annexation should include the adjacent segment of AMAFCA's Amole del Norte Channel. It is not apparent from the application whether the existing streets within the mobile home park are to remain as private streets or to become public streets. Underground utilities in the streets may be a factor. Primary access to the mobile home park is via an existing private road (from Coors Boulevard) that is not shown in any way on the zone atlas map. Dedication of a right-of-way and naming of this street should be a condition of approval. See attached map.



Secondary access to the mobile home park is via Ervien Lane, a county road. However, entry apparently involves the use of a short segment of undedicated road that is an extension of Ervien Lane. Dedication of right-of-way at this location is also needed.

CONDITION of approval for annexation:

- Dedication of right-of-way for access, as required by City Engineer.

**ENVIRONMENTAL HEALTH DEPARTMENT**

*Air Quality Division*

"No Adverse Comment."

*Environmental Services Division*

**NEIGHBORHOOD SERVICES**

"No recognized associations. Westgate Vecinos was notified."

**PARKS AND RECREATION**

*Planning and Design*

No objection to the annexation and zoning requests.

If annexation and establishment of requested zoning occurs, future subdivision plats will be subject to the requirements of the City Park Dedication and Development Ordinance which include:

The dedication of land suitable for the development of a neighborhood park and/or the payment of a fee in lieu of and equal to the value of the required park land dedication prior to sign-off on the related plat.

The park development requirement will be met via the payment of a fee prior to issuance of building permit for each new dwelling unit.

The Trails & Bikeways Facility Plan proposes a Secondary Trail along the Amole del Norte Channel in this location. Design of this facility is getting underway; exact location not yet determined.

**OPEN SPACE DIVISION**

"No Adverse Comment."

**POLICE DEPARTMENT/Planning**

"No Comment."

\_\_\_\_\_

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**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

"No Adverse Comment."

**FIRE DEPARTMENT/Planning**

"No Adverse Comment."

**TRANSIT DEPARTMENT**

"No comments on annexation.

This area is served by Route 52."

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

**ALBUQUERQUE METROPOLITAN FLOOD CONTROL AUTHORITY**

"No objection to requested action. AMAFCA will require an approved Grading and Drainage Plan."

**ALBUQUERQUE PUBLIC SCHOOLS**

The 40 acres (Lands of Tony Sena tract A), currently zoned A-1/SU-1 (MH County), of the proposed **Riverside West Mobile Home Park** (SU-1 MH City), will affect Navajo Elementary School, Harrison Middle School, and Rio Grande High School. The APS facilities in the area at the high school level are either at or approaching site capacity. In 1998, the district opened a new elementary school (Painted Sky) in the area, another elementary is slated to open in the fall of 2003. A middle school (Jimmy Carter) opened in the of fall 2000. Regardless of the recent and planned additions to existing educational facilities, the region's growth may well outpace the district's ability to construct new schools. As schools become overcrowded, boundary changes, alternative schedules, transportation to less crowded schools, and/or combinations of the above strategies may be employed to relieve schools with large numbers of students.

**MIDDLE RIO GRANDE COUNCIL OF GOVERNMENTS**

"No Adverse Comment."

\_\_\_\_\_

STATE OF NEW MEXICO  
County of Bernalillo

Bill Tafoya, being duly sworn, declares and says that he is Classified Advertising Manager of **The Albuquerque Journal**, and that this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Session Laws of 1937, and that payment therefore has been made of assessed as court cost; that the notice, copy of which is hereto attached, was published in said paper in the regular daily edition, for 31 times, the first publication being on the 31 day of Jan, 2001, and the subsequent consecutive publications on \_\_\_\_\_, 2001.

*Elizabeth Begay*

Sworn and subscribed to before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 31 day Jan of 2001.

PRICE 273.74

Statement to come at end of month.

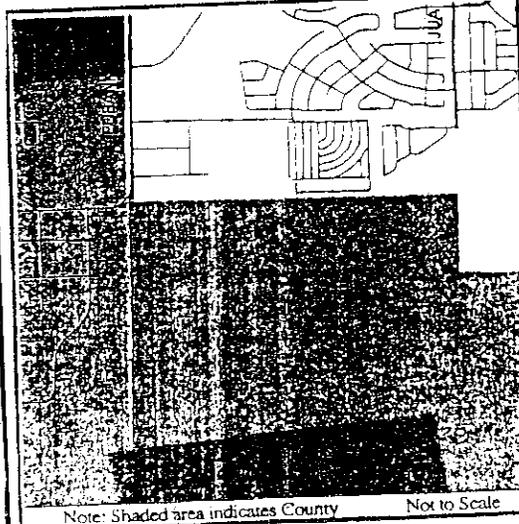
ACCOUNT NUMBER 080583

CLA-22-A (R-1/93)

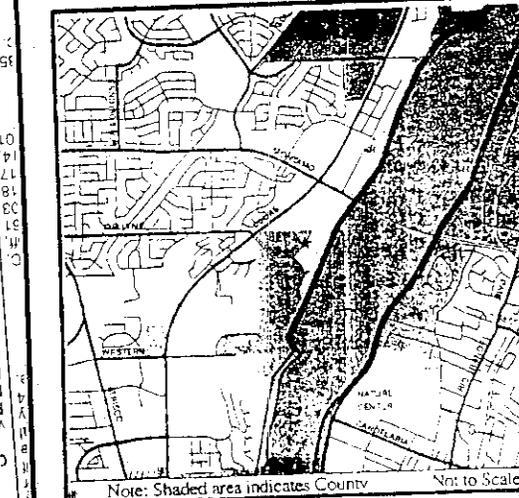


Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a public hearing on Thursday, February 15, 2001 at 9:00 a.m., in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items: (Note: these items are not in the order they will be heard)

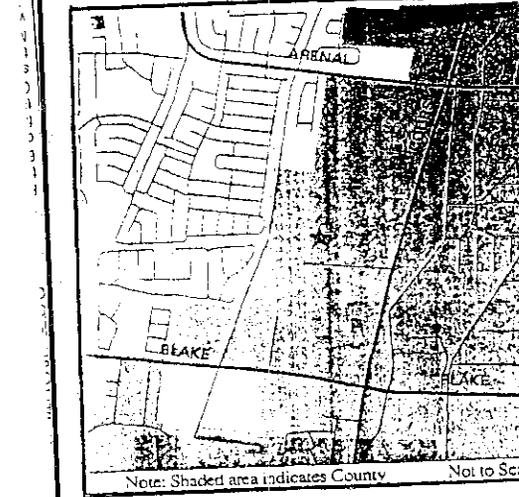
00114 00000 01727 Consensus Planning, Inc. agents for NM State  
00128 00000 01726 Land Office request annexation and establishment  
Project # 1000960 of IP zoning for A certain tract of land containing 24.4972 acres and situate being the S1/2 SW1/4 NW1/4 together with the northerly 140 feet of NW1/4 NW1/4 of Section 33, Township 10 North, Range 4 East, New Mexico Principal Meridian, Bernalillo County, New Mexico and also being the same as the Public Service Sub-Station tract as shown and designated on the Summary Plat for annexation to the City of Albuquerque of NW1/4 NE1/4, S1/2 NE1/4, NW1/4 & SW1/4 & NW1/4 SW1/4 of Section 33, T.10N., R.4E., N.M.P.M., Bernalillo County, New Mexico, County, New Mexico on August 24, 1982, in Volume C20, Folio 24 as Document No. 82-44125, located on Eubank Boulevard SE between Southern SE and KAFB containing approximately 75 acres. (M-21) Makita Hill, Staff Planner



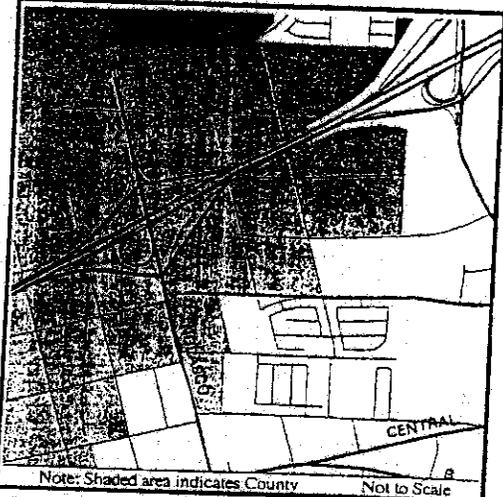
00114 00000 01742 Consensus Planning, Inc. agents for Ray A  
00128 00000 01743 Graham III request annexation and establish  
01110 00000 00006 ment of SU-1 C-1, O-1, PRD zoning plus  
Project #1000965 approval of a site development plan for subdiv  
ion purposes for a Tract of land located in the  
south of 1/2 Section 25, the east 1/2 and 1/4 of  
Section 35 and the west 1/2 of Section 36, T.11N  
R.2E, located on Coors Boulevard between  
Montano Road and Namaste Road, containing  
approximately 229.2 acres. (E-12, F-11, F-13)  
Debbie Stover, Staff Planner



00114 00000 01763 ABC Engineering Inc., agents for Tony S  
00110 00000 01764 request annexation and establishment of M-H  
01110 00000 00007 ing for Tract A, Lands of Tony Sena, Section  
Project #1000976 T.10N, R.2E Atrisco Grant and Lands of G  
Sena, Section 34, T.10N, R.2E and Section 3,  
R.2E Atrisco Grant, located on Ervian Lane  
between Coors SW and the Amole Drive  
Channel, containing approximately 40 acres.  
10) Russell Brito, Staff Planner



00114 00000 01780 Consensus Planning, Inc. agents for Bluewater  
00128 00000 01781 North LLC, Curb Inc. West and Ninety-Eighth Street  
Project # 1000984 Land Company LLC. request annexation and estab  
lishment of SU-1 for IP and C-2 zoning plus a site  
development plan for subdivision purposes for  
Tract A, B, B-38, Unit 5, Block 37, Unit 5, B-38, Unit  
5, B-35, Unit 5, B-34, Unit 5, Town of Atrisco Grant,  
located on Bluewater NW between Interstate 40  
and Central, containing approximately 57 acres.  
(K-9) Loreta Naranjo-Lopez, Staff Planner



00110 00000 01778 Scott Steinberg request a zone map amendment  
Project #1000982 from R-1 to M-1 for Lot A, Block 7, Unit 2, Mandell  
Addition #2, located on 3rd Street between  
Woodland and La Poblana, containing approxi  
mately .9 acre. (H-14) Loreta Naranjo-Lopez, Staff  
Planner

00110 00000 01779 James F. Crabtree, agent for Virginia Entley-Moore  
Project #1000983 request a zone map amendment from O-1 to RT for  
Lots 9 & 10, Block 10, Unit 3, Volcano Cliffs  
Addition, located on the south east corner of  
Mojave and Unser Boulevard between Montano  
and Mojave NW, containing approximately 1 acre.  
(E-10) Lola Bird, Staff Planner

00110 00000 01784 Consensus Planning, Inc., agents for New Mexico  
00138 00000 01785 Activities Association request an amendment to the  
Project #1000985 North I-25 Sector Development Plan plus a zone  
map amendment from SU-2 for O-1 to SU-2 C-1 for  
Lot 1-A, Block 12, Unit A, North Albuquerque Acres,  
located on the SE corner of San Pedro NE and  
Palomas NE, containing approximately 2.5 acres.  
(D-18) Debbie Stover, Staff Planner

01221 00000 00126 The City of Albuquerque request an amendment to  
Project #1001032 the Comprehensive City Zoning Code Section 14-  
16-2-22, Special Use Zone, (B)(31)(e), ROA 1994,  
a portion of the Zoning Code to allow for concealed  
wireless telecommunication facilities as permissive.  
Cynthia Borrego-Archuleta, Staff Planner

01221 00000 00136 The City of Albuquerque request an amendment to  
Project #1001032 the Comprehensive City Zoning Code Section 14-  
16-2-17, (11) (b) Wireless Telecommunications  
Regulations, ROA 1994, a portion of the Zoning  
Code allowing for collocation on PNM power poles  
restricting the size of the poles to not less than KV-  
46 poles (as defined by the City of Albuquerque  
Facilities Plan) and allowing for collocation only in  
commercial areas. Cynthia Borrego-Archuleta, Staff  
Planner

Elizabeth Begay, Chair  
Environmental Pl...

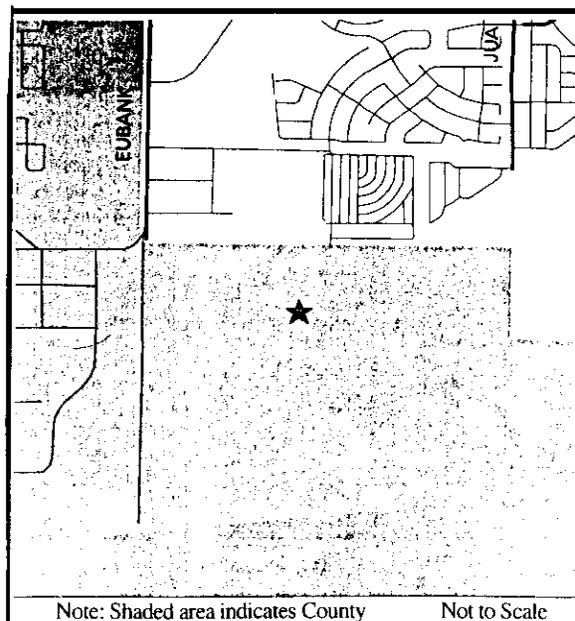




## NOTICE OF PUBLIC HEARING

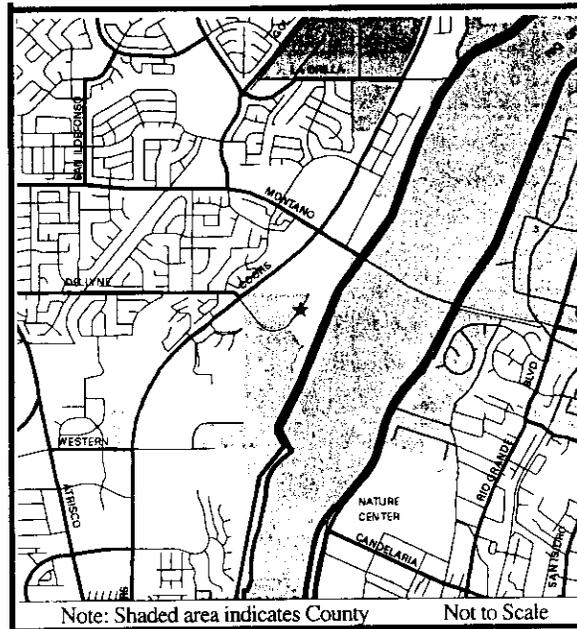
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00114 00000 01727 Consensus Planning, Inc., agents for NM State Land Office request  
00110 00000 01728 annexation and establishment of IP zoning for A certain tract of land  
Project # 1000960 containing 24.4972 acres and situate being the S1/2 SW1/4 NW1/4  
together with the northerly 140 feet of NW1/4 NW1/4 of Section 33,  
Township 10 North, Range 4 East, New Mexico Principal Meridian,  
Bernalillo County, New Mexico and also being the same as he Public  
Service Sub-Station tract as shown and designated on the Summary  
Plat for annexation to the City of Albuquerque of NW1/4 NE1/4, S1/2  
NE1/4, NW1/4 & SW1/4 & NW1/4 SW1/4 of Section 33, T.10N.,  
R.4E., N.M.P.M., Bernalillo County, New Mexico, County, New  
Mexico on August 24, 1982, in Volume C20, Folio 24 as Document  
No. 82-44125 , located on Eubank Boulevard SE between Southern SE  
and KAFB, containing approximately 75 acres. (M-21) Makita Hill,  
Staff Planner



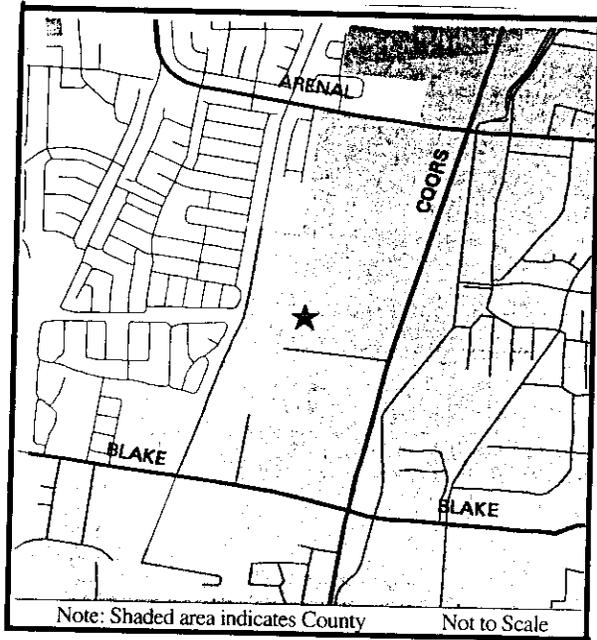
00114 00000 01742  
00128 00000 01743  
01110 00000 00006  
Project #1000965

Consensus Planning, Inc., agents for Ray A. Graham III request annexation and establishment of SU-1 C-1, O-1, PRD zoning plus approval of a site development plan for subdivision purposes for a Tract of land located in the south of ½ Section 25, the east ½ and ¼ of Section 35 and the west ½ of Section 36, T11N, R2E, located on Coors Boulevard between Montano Road and Namaste Road, containing approximately 229.2 acres. (E-12, F-11, F-12) Debbie Stover, Staff Planner



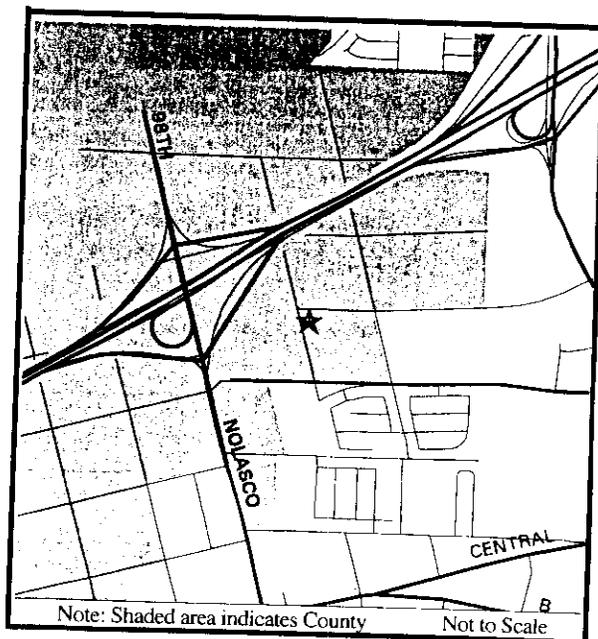
00114 00000 01763  
00110 00000 01764  
01110 00000 00007  
Project #1000976

ABQ Engineering Inc., agents for Tony Sena request annexation and establishment of M-H zoning for Tract A, Lands of Tony Sena, Section 34, T10N, R2E Atrisco Grant and Lands of George Sena, Section 34, T10N, R2E and Section 3, T9N, R2E Atrisco Grant, located on Ervien Lane SW between Coors SW and the Amole Diversion Channel, containing approximately 40 acres. (M-10) Russell Brito, Staff Planner



00114 00000 01780  
 00128 00000 01781  
 Project # 1000984

Consensus Planning, Inc., agents for Bluewater North LLC, Curb Inc. West and Ninety-Eighth Street Land Company LLC, request annexation and establishment of SU-1 for IP and C-2 zoning plus a site development plan for subdivision purposes for Tract A, B, B-38, Unit 5, Block 37, Unit 5, B-36, Unit 5, B-35, Unit 5, B-34, Unit 5, Town of Atrisco Grant, located on Bluewater NW between Interstate 40 and Central, containing approximately 57 acres. (K-9) Loretta naranjo-Lopez, Staff Planner



- 00110 00000 01778 Scott Steinberg request a zone map amendment from R-1 to M-1  
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(H-14) Loretta Naranjo-Lopez, Staff Planner
- 00110 00000 01779 James F. Crabtree, agent for Virginia Entley-Moore request a zone map  
Project #1000983 amendment from O-1 to RT for Lots 9 & 10, Block 10, Unit 3, Volcano  
Cliffs Addition, located on the south east corner of Mojave and Unser  
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approximately 1 acre. (E-10) Lola Bird, Staff Planner
- 00110 00000 01784 Consensus Planning, Inc., agents for New Mexico Activities Association  
00138 00000 01785 request an amendment to the North I-25 Sector Development Plan plus a  
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Block 12, Unit A, North Albuquerque Acres, located on the SE corner of  
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(D-18) Debbie Stover, Staff Planner
- 01221 00000 00126 The City of Albuquerque request an amendment to the Comprehensive,  
Project #1001032 City Zoning Code Section 14-16-2-22, Special Use Zone, (B)(31)(e),  
ROA 1994, a portion of the Zoning Code to allow for concealed wireless  
telecommunication facilities as permissive. Cynthia Borrego-Archuleta,  
Staff Planner
- 01221 00000 00136 The City of Albuquerque request an amendment to the Comprehensive,  
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Telecommunications Regulations, ROA 1994, a portion of the Zoning  
Code allowing for collocation on PNM power poles restricting the size  
of the poles to not less than KV-46 poles (as defined by the City of  
Albuquerque Facilities Plan) and allowing for collocation only in  
commercial areas. Cynthia Borrego-Archuleta, Staff Planner

Elizabeth Begay, Chair  
Environmental Planning Commission

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL JANUARY 31, 2001.**

APPROVED



Russell Brito, Senior Planner  
Development Services Division, Planning Department

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT - DEVELOPMENT SERVICES DIVISION  
PROPERTY OWNERSHIP LIST

Meeting Date: Feb. 15, 2001

Zone Atlas Page: M-10 E

Notification Radius: 100 Ft.

App#	<u>00114-0010-01763</u>
Proj#	<u>1000974</u>
Other#	<u>00110-0010-01764</u>

Cross Reference and Location: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant: Tony Sena

Address: 2503 Coors SW, 87121

Agent: ABQ Engineering, Inc.

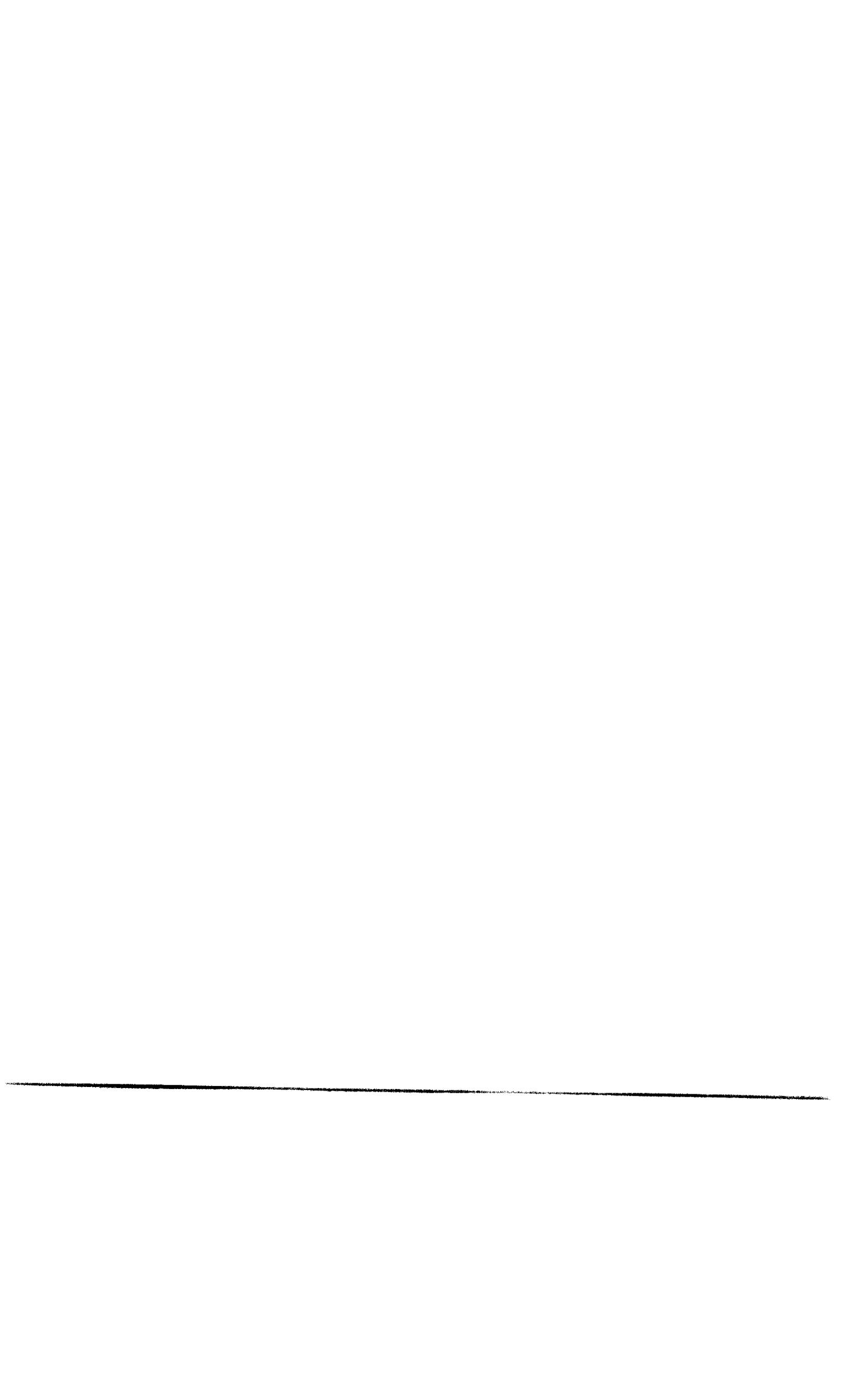
Address: 1031 Eubank NE, 87112

SPECIAL INSTRUCTIONS

Notices Must be mailed from the  
City 15 days prior to the meeting.

Date Mailed: \_\_\_\_\_

Signature: \_\_\_\_\_



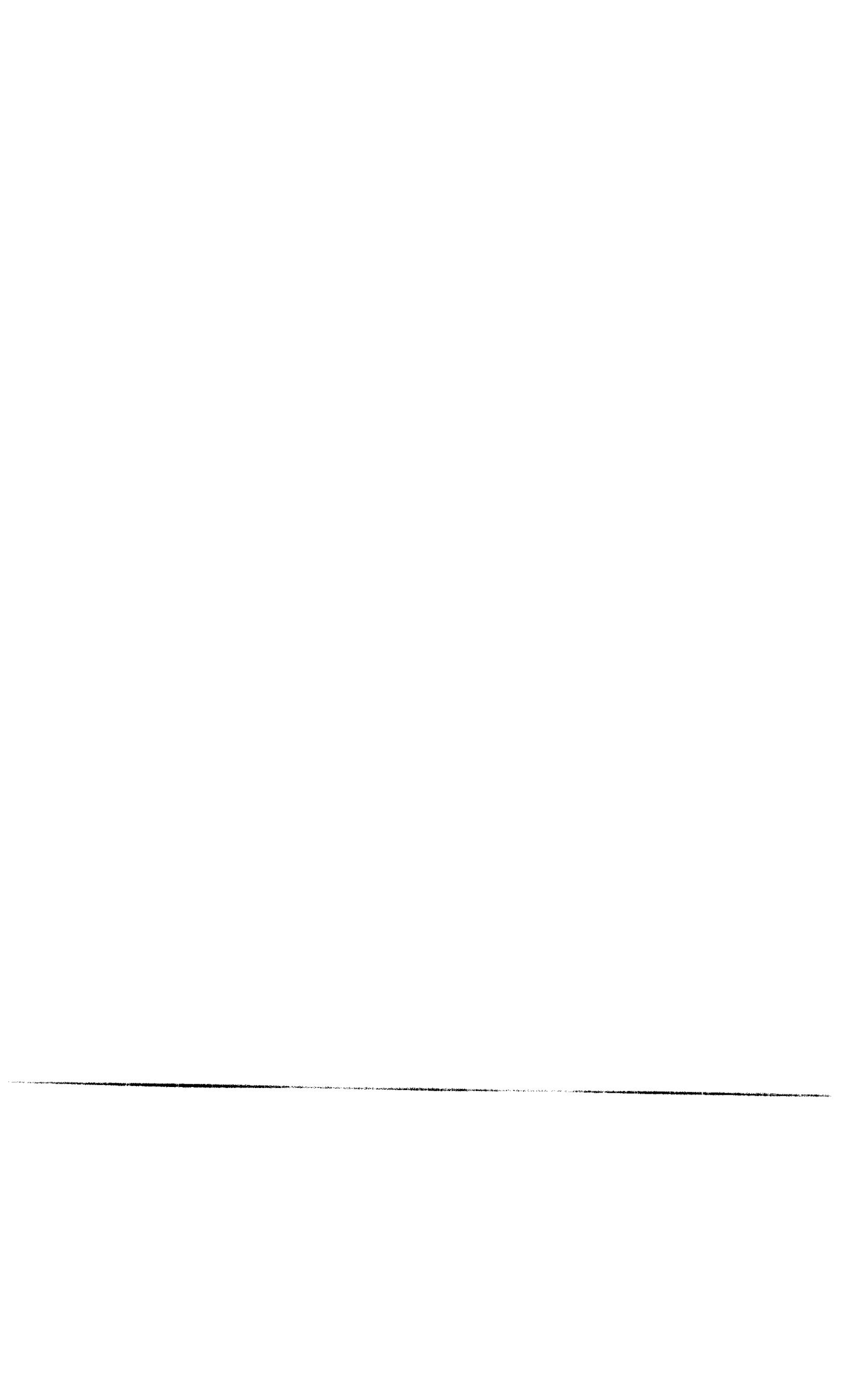
PROPERTY OWNERSHIP / LEGAL LIST

App# \_\_\_\_\_  
 Proj# \_\_\_\_\_

Date: \_\_\_\_\_

Page 1 of 1

Zone Atlas Page	Zone Atlas #	Grid Location	Parcel Sequence	Name & Address				
M-10	1010055	342-072	461-10	✓	1010054	483-512	104	34 ✓
		450-041D	05	✓				
		480-072	02	✓				
		509-039	05	✓				
		490-092	04	✓				
		494-001	03	✓				
		359-194	102	✓				
		419-155	35	✓				
		22-157	301-57	✓				
		080-085	15	✓				
N-10	1010054	130-418	005-42	✓				
		309-412	44	✓				
		373-431	104-42	✓				
		394-425	41	✓				
		413-420	38	✓				
		438-414	42	✓				
		470-480	32	✓				
		468-440	30	✓				
		472-502	33	✓				



1010055 \*\*\* THIS UPC CODE HAS NO MASTER RECORD ON FILE

101005534207240110 LEGAL: TR O F LAND EAST OF AMOLE DEL NORTE DIVERSION CHANN LAND USE:

PROPERTY ADDR: 00000 N/A

OWNER NAME: GRASS HAROLD L & MARY

OWNER ADDR: 00004 CANONCITO RD CEDAR CREST NM 87008

101005545006040125 LEGAL: T10N R2E SEC 34 TRACT IN SE1/4 OF SE1/4 CONT 18.94 LAND USE:

PROPERTY ADDR: 00000 N/A

OWNER NAME: SENA GEORGE & HANNA

OWNER ADDR: 02503 COORS BL SW ALBUQUERQUE NM 87105

101005548007240120 LEGAL: TRAC T IN SE1/4 OF SE1/4 SEC 34 T10N R2E CONT 19.96 LAND USE:

PROPERTY ADDR: 00000 2401 COORS BLV SW

OWNER NAME: HUSE KENNETH P & MARY LOU &

OWNER ADDR: 16881 E IMHOFF NERMAN OK 73071

101005550903940105 LEGAL: WLY POR OF TR 240 B ALSO K A TR B CONTS 1.68 ACS LAND USE:

PROPERTY ADDR: 00000 2501 COORS SW

OWNER NAME: GROSSETETE RICHARD & AURORA

OWNER ADDR: 02328 SHIPMAN SW ALBUQUERQUE NM 87105

101005549602240104 LEGAL: TRAC T A- 1 LAND DIVISION PLAT SUMMARY SUBDIVISION R LAND USE:

PROPERTY ADDR: 00000 2511 COORS SW

OWNER NAME: MURRAY GLEN D & LESLIE A

OWNER ADDR: 00000 PO BOX 2611 FARMINGTON NM 87499

101005549400140103 LEGAL: TRAC T A- 2 LAND DIVISION PLAT SUMMARY SUBDIVISION R LAND USE:

PROPERTY ADDR: 00000 N/A

OWNER NAME: GOMEZ OSCAR SR & ANA MARIA

OWNER ADDR: 03628 LISA RD SW ALBUQUERQUE NM 87121

101005535919440162 LEGAL: TR A PLA T FOR RAYO DEL SOL SUBDIVISION UNIT 1 LAND USE:

PROPERTY ADDR: 00000 N/A

OWNER NAME: GREAT WESTERN LAND CO

OWNER ADDR: 00000 PO BOX 14708 ALBUQUERQUE NM 87191

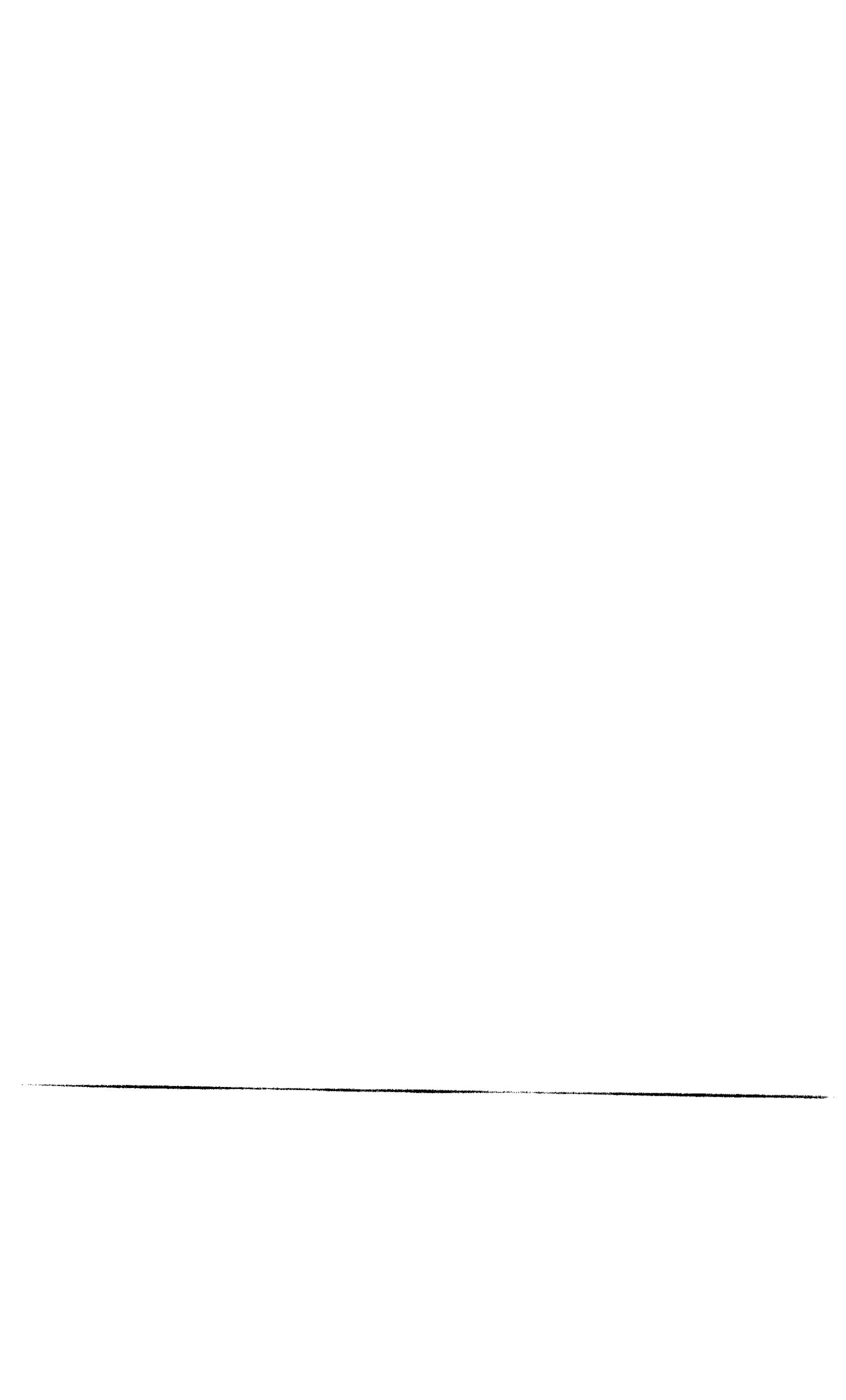
101005541915540135 LEGAL: PORT IONS WITHIN THE EAST 1/2 OF THE SOUTHEAST 1/4 LAND USE:

PROPERTY ADDR: 00000 2900 ARENAL RD SW

OWNER NAME: COUNTY OF BERNALLILLO

OWNER ADDR: 00000 ONE CIVIC PLA ALBUQUERQUE NM 87102

101005527215730150 LEGAL: TR C PLA T FOR DESERT SPRINGS SUBDIVISION CONT 14.9 LAND USE:



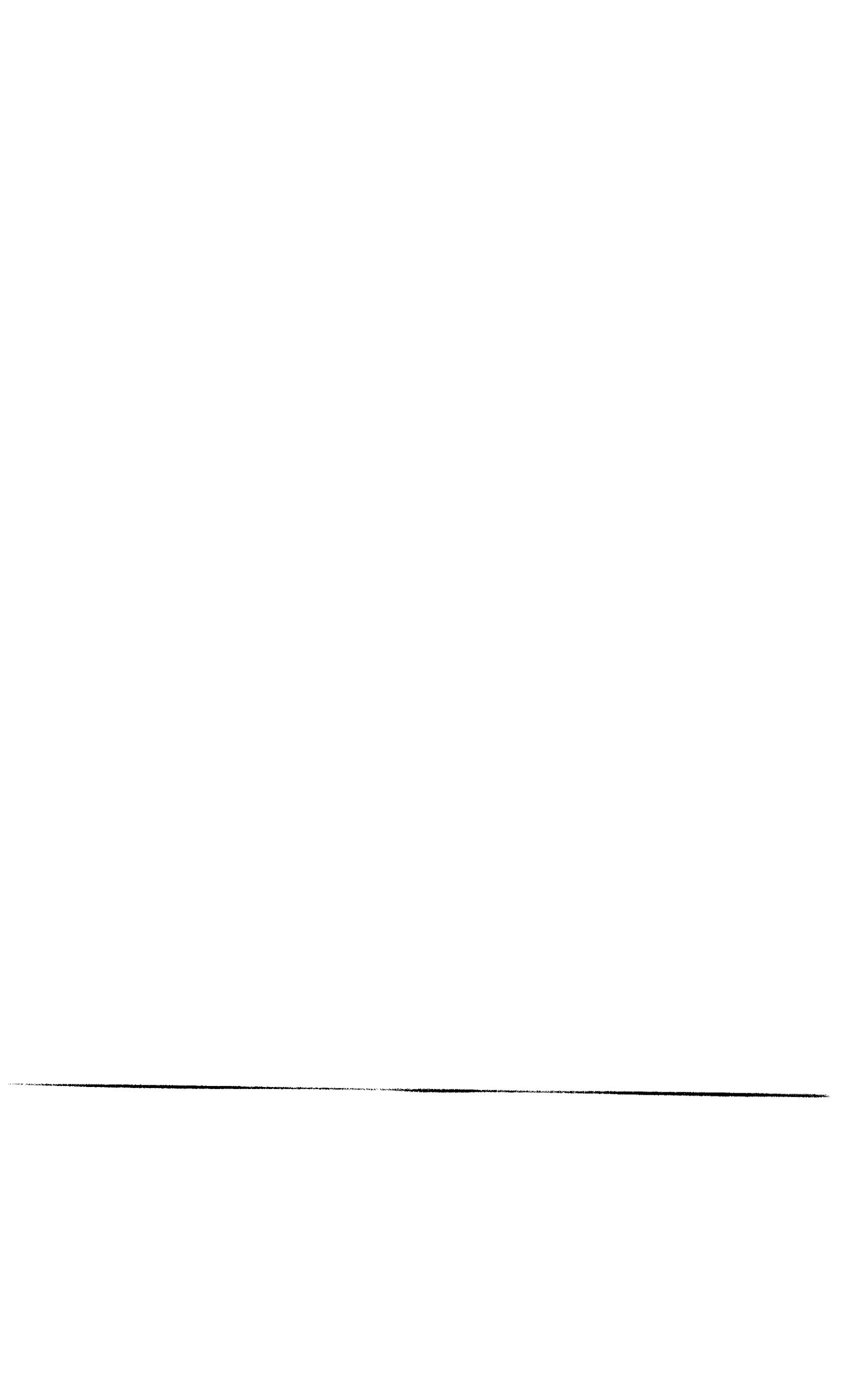
PROPERTY ADDR: 00000 N/A  
OWNER NAME: BUILDERS INVESTMENT COMPANY  
OWNER ADDR: 07007 WYOMING  
BL NE ALBUQUERQUE NM 87109

101005528008530115

LEGAL: TR O F LA ND WITHIN S/2 S/2 SEC 34 T10N R2E & WEST O LAND USE:  
PROPERTY ADDR: 00000 N/A  
OWNER NAME: TALBOT RANDALL H & MARGARET J  
OWNER ADDR: 02021 LOS POBLANOS  
PL NW ALBUQUERQUE NM 87107

101005413046820542

LEGAL: TR 3 -B-1 REPLAT OF LANDS OF ROGER COX SOUTHWEST DE LAND USE:  
PROPERTY ADDR: 00000 N/A  
OWNER NAME: VISTA DEL SOL LTD  
OWNER ADDR: 00280 DAINES  
ST BIRMINGHAM MI 48009



101005430946220544      LEGAL: TR 2 OF SUMMARY PLAT LAND OF WESTLAND DEV CO INC C LAND USE:  
PROPERTY ADDR: 00000    3901 ERVIEN LN SW  
OWNER NAME: VALLEY VISTA INC  
OWNER ADDR: 06004    AZTEC  
RD NE ALBUQUERQUE      NM    87110

101005437343010442      LEGAL: TR A PLA T OF TRACTS A, B, C & D LANDS OF MONTTOYA C LAND USE:  
PROPERTY ADDR: 00000    2538 GREVIN LN SW  
OWNER NAME: LUJAN CARLOS S  
OWNER ADDR: 02039    LENA  
SW ALBUQUERQUE      NM    87105

101005439442510441      LEGAL: TR B PLA T OF TRACTS A, B, C & D LANDS OF MONTTOYA C LAND USE:  
PROPERTY ADDR: 00000    3812 ERVIEN LN SW  
OWNER NAME: HERNANDEZ JUAN ETUX ETAL  
OWNER ADDR: 01651    SHADYSIDE  
SW ALBUQUERQUE      NM    87105

101005441342010438      LEGAL: TR C PLA T OF TRACTS A, B, C & D LANDS OF MONTTOYA C LAND USE:  
PROPERTY ADDR: 00000    N/A  
OWNER NAME: MONTTOYA ROBERT & DOROTHY &  
OWNER ADDR: 01739    ISLETA  
SW ALBUQUERQUE      NM    87105

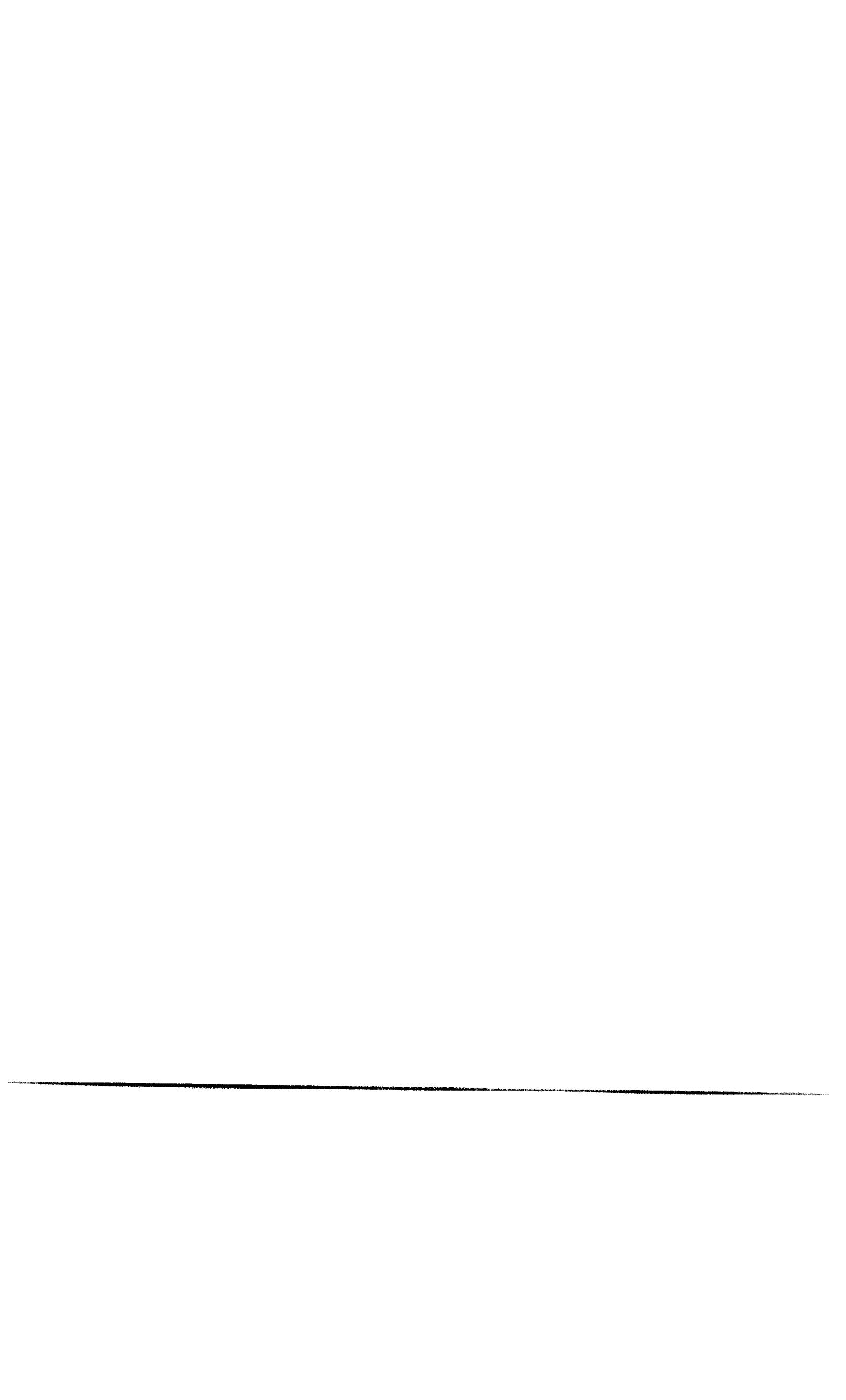
101005443841610440      LEGAL: TR D PLA T OF TRACTS A, B, C & D LANDS OF MONTTOYA C LAND USE:  
PROPERTY ADDR: 00000    N/A  
OWNER NAME: MONTTOYA ROBERT & DOROTHY &  
OWNER ADDR: 01739    ISLETA  
SW ALBUQUERQUE      NM    87105

101005447048010432      LEGAL: TR 1 PLA T OF TR 1 & 2 OF LANDS OF BRACKEN (BEING A LAND USE:  
PROPERTY ADDR: 00000    2603 COORS BLV SW  
OWNER NAME: HOWARD LLOYD G  
OWNER ADDR: 05513    CAMINO SOLEDAD  
NW ALBUQUERQUE      NM    87120

101005446844010430      LEGAL: TR 2 PLA T OF TR 1 & 2 OF LANDS OF BRACKEN (BEING A LAND USE:  
PROPERTY ADDR: 00000    2615 COORS SW  
OWNER NAME: BRACKEN WALTER G JR  
OWNER ADDR: 02615    COORS  
BL SW ALBUQUERQUE    NM    87121

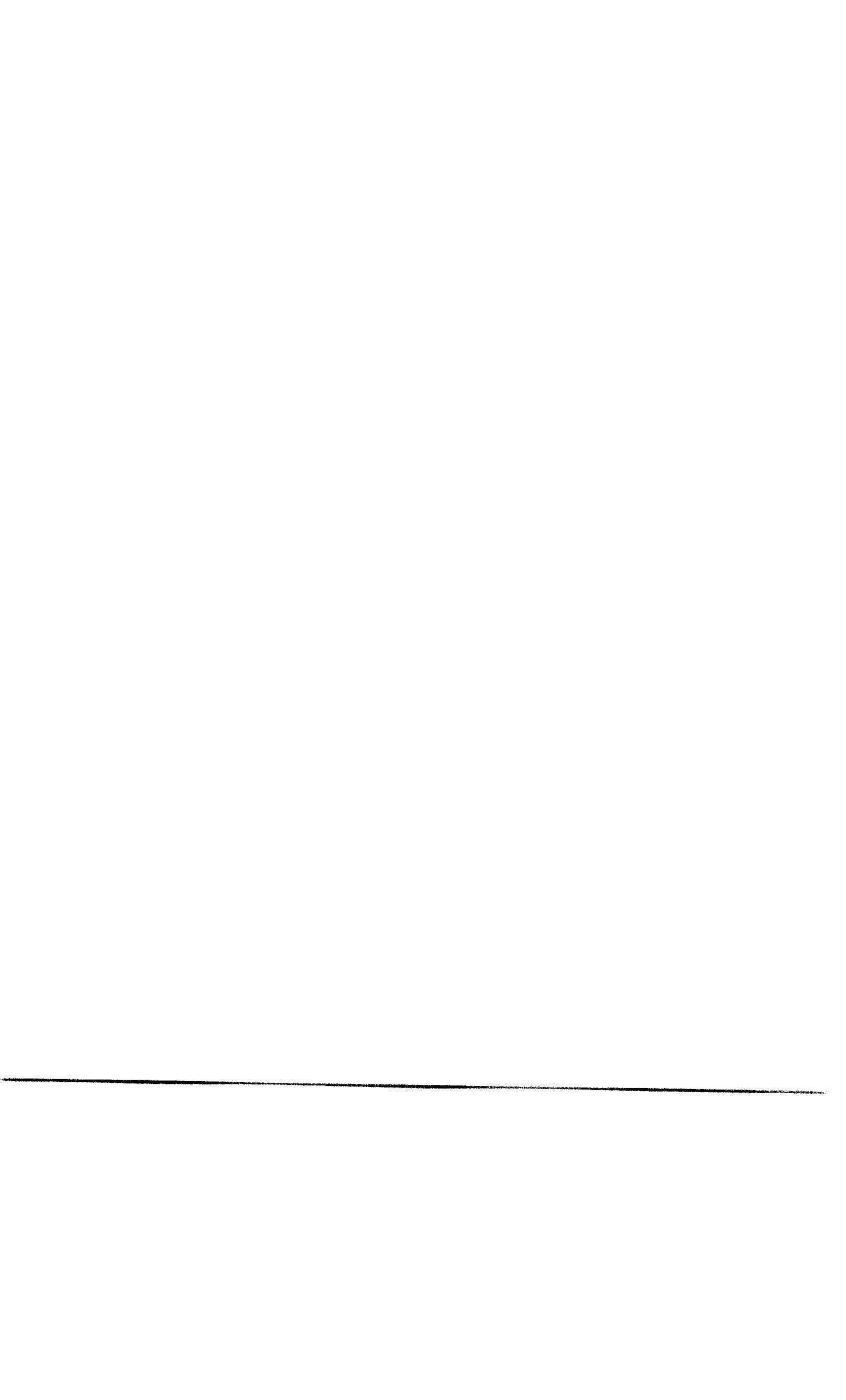
101005447250210433      LEGAL: PARC EL B -2-A OF REPL FOR DEDICATION OF ERVIEN LN S LAND USE:  
PROPERTY ADDR: 00000    COORS BLV SW  
OWNER NAME: MANZANARES RONNIE J & LISA &  
OWNER ADDR: 10204    KEEPING  
DR NW ALBUQUERQUE    NM    87114

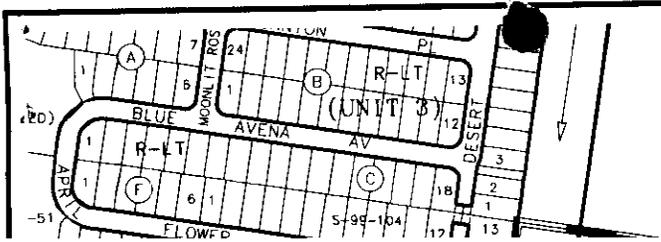
101005448351210434      LEGAL: TRAC T 'B ' LAND DIVISION PLAT SUMMARY SUBD LAND OF LAND USE:  
PROPERTY ADDR: 00000    2503 COORS BLV SW  
OWNER NAME: RIVERSIDE GENERAL CONSTRUCTION



OWNER ADDR: 02503 COORS

BL SW ALBUQUERQUE NM 87121





SOL

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S-98-60

