City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION
- ___ Major Subdivision action
- ___ Minor Subdivision action
- ___ Vacation
- ___ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN
- ___ for Subdivision Purposes
- ___ for Building Permit
- ___ IP Master Development Plan
- ___ Cert. of Appropriateness (LUCC)

STORM DRAINAGE
- ___ Storm Drainage Cost Allocation Plan

S Z V P L A D

ZONING & PLANNING
- ___ Annexation
  - ___ County Submittal
  - ___ EPC Submittal
- x Zone Map Amendment (Establish or Change Zoning)
- ___ Sector Plan (Phase I, II, III)
- ___ Amendment to Sector, Area, Facility or Comprehensive Plan
- ___ Text Amendment (Zoning Code/Sub Regs)
- ___ Street Name Change (Local & Collector)

APPEAL / PROTEST of...
- ___ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: Peterson Properties Real Estate Services, Inc. PHONE: 505-884-3578

ADDRESS: 2325 San Pedro NE, Suite 2-A FAX: 505-884-6793

CITY: Albuquerque STATE NM ZIP 87110 E-MAIL: douglas@petersondevelopmentgroup.com

Proprietary interest in site: Owner's Agent List all owners: James A. Peterson & Mary B. Peterson Revocable Trust dated August 18, 1998

AGENT (if any): PHONE:

ADDRESS: FAX:

CITY: STATE ___ ZIP ___ E-MAIL:

DESCRIPTION OF REQUEST: Zone Change from O-1 to SU-1 for C-1 uses MDS

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ___ Yes. x No.

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

Lot or Tract No. Lots 28 through 31 Block: A Unit:

Subdiv. / Addn. Altura Addition

Current Zoning: O-1 Proposed zoning: SU-1 for C-1 uses MDS

Zone Atlas page(s): J-16-Z No. of existing lots: 4 No. of proposed lots: N/A

Total area of site (acres): .64 Density if applicable: dwellings per gross acre: ___ dwellings per net acre: ___

Within city limits? x Yes. No___, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No

UPC No. 101705801051721420 101705801050321422 101705801050921421 101705801049721423 MRGCD Map No. Altura Addition

LOCATION OF PROPERTY BY STREETS: On or Near: Carlisle Blvd. NE

Between: Indian School Road NE and Hannett Ave. NE

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): Z-334, Z-1089, Z-1546

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team ☒. Date of review: 11/16/04

SIGNATURE [signature] DATE 12/1/04

(Print) Douglas H. Peterson x Applicant ___ Agent

FOR OFFICIAL USE ONLY

Form revised 4/04

- ☐ INTERNAL ROUTING
- ☐ All checklists are complete
- ☐ All fees have been collected
- ☐ All case #s are assigned
- ☐ AGIS copy has been sent
- ☐ Case history #s are listed
- ☐ Site is within 1000ft of a landfill
- ☐ F.H.D.P. density bonus
- ☐ F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
04EPC-01821	ZMA	Z	$ 240.00
	Ad Fee		$ 75.00
	CMF		$ 50.00
			$
			$

Total $ 365.00

Hearing date 1-20-05

[signature] 12-1-04 Project # 1003801

Planner signature / date

FORM Z: ZONE MAP, ZONING CODE TEXT & PLAN AMENDMENT

☐ **ANNEXATION**

- __ Application for zone map amendment including those submittal requirements. See below. Annexation and establishment of zoning must be applied for simultaneously.
- __ Petition for Annexation Form and necessary attachments
- __ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied). NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
- __ Letter briefly describing, explaining, and justifying the request NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990"
- __ Letter of authorization from the property owner if application is submitted by an agent
- __ BCC Notice of Decision for City Submittals
- __ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- __ Sign Posting Agreement
- __ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
- ___ Any original and/or related file numbers are listed on the cover application

EPC hearings are approximately 7 weeks after the filing deadline. Refer to schedule. **Your attendance is required.**

☐ **SECTOR DEVELOPMENT PLAN PHASE I – DRB CONCEPTUAL PLAN REVIEW** (Unadvertised)

☐ **SECTOR DEVELOPMENT PLAN PHASE II - EPC FINAL REVIEW & APPROVAL** (Public Hearing)

☐ **SECTOR DEVELOPMENT PLAN PHASE II - DRB FINAL SIGN-OFF** (Unadvertised)

- __ Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
- __ Proposed Sector Plan (**30** copies for EPC, **6** copies for DRB)
- __ Zone Atlas map with the entire plan area precisely and clearly outlined and crosshatched (to be photocopied)
- __ Letter briefly describing, explaining, and justifying the request
- __ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts (for EPC final review and approval - public hearing only)
- __ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form (for EPC final review and approval public hearing only)
- __ Fee for EPC final review and approval only (see schedule)
- __ Any original and/or related file numbers are listed on the cover application

Refer to the schedules for the dates, times and places of D.R.B. Unadvertised meetings and E.P.C. hearings. **Your attendance is required.**

☒ **AMENDMENT TO ZONE MAP (ESTABLISHMENT OF ZONING OR ZONE CHANGE)**

- N/A Application for sector development plan amendment (required only if site is within a sector plan's boundaries.)
- ✓ X Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ✓ X Letter briefly describing, explaining, and justifying the request NOTE: Justifications must adhere to the policies contained in "Resolution 270-1980"
- N/A Letter of authorization from the property owner if application is submitted by an agent
- ✓ X Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- ✓ X Sign Posting Agreement
- ✓ X TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
- ✓ X Fee (see schedule) 1365.22
- ✓ X Any original and/or related file numbers are listed on the cover application

EPC hearings are approximately 7 weeks after the filing deadline. Refer to schedule. **Your attendance is required.**

☐ **AMENDMENT TO SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN**

- __ Proposed Amendment referenced to the materials in the Plan being amended (text and/or map)
- __ Plan to be amended with materials to be changed noted and marked
- __ Zone Atlas map with the entire plan/amendment area precisely and clearly outlined and crosshatched (to be photocopied)
- __ Letter briefly describing, explaining, and justifying the request
- __ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts (sector plans only)
- __ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
- __ Fee (see schedule)
- __ Any original and/or related file numbers are listed on the cover application

EPC hearings are approximately 7 weeks after the filing deadline. Refer to schedule. **Your attendance is required.**

☐ **AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATIONS TEXT**

- __ Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended
- __ Sections of the Zone Code/Subdivision Regulations to be amended with text to be changed noted and marked
- __ Letter briefly describing, explaining, and justifying the request
- __ Fee (see schedule)
- __ Any original and/or related file numbers are listed on the cover application

EPC hearings are approximately 7 weeks after the filing deadline. Refer to schedule. **Your attendance is required.**

☐ **STREET NAME CHANGE** **24 copies of the request are required**

- __ Zone Atlas map with the entire plan/amendment area precisely and clearly outlined and crosshatched (to be photocopied)
- __ Letter briefly describing, explaining, and justifying the request
- __ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts (sector plans only)
- __ Fee (see schedule)

DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

DEAN SMITH
Applicant name (print)

12/1/04
Applicant signature / date

Form revised 4/04

☐ Checklists complete
☐ Fees collected
☐ Case #s assigned
☐ Related #s listed

Application case numbers
04EPC - 01821
- -
- -

12/01/04
Planner signature / date

Project # 1003801

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

Date: March 18, 2005

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1003801**
04EPC-01821 Zone Map Amendment

Peterson Properties Real Estate Services, Inc.
2325 San Pedro NE, Suite 2A
Albuq. NM 87110

LEGAL DESCRIPTION: for all or a portion of Lots 28-31, Block A, **Altura Addition**, a zone map amendment from O-1 to SU-1 for C-1, located on the east side of CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE, containing approximately 1 acre. (J-16) David Stallworth, Staff Planner

On March 17, 2005 the Environmental Planning Commission voted to approve Project 1003801/ 04EPC – 01821, a zoning map amendment from O-1 to SU-1 for C-1 with exclusions, for Lots 28 through 31, Block A, Altura Addition, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a zoning map amendment from O-1 (Office) to SU-1 for C-1 with exclusions for Lots 28 through 31, Block A, Altura Addition Subdivision. No proposed development is associated with this request.

2. The proposed zone change would be a logical extension of existing commercial zoning to the north of the subject area, and commercial uses would be an appropriate use of the property, in accordance with *Policy II.B.5.d* of the *City/County Comprehensive Plan*

3. No public improvements or extensions of public utilities are required to accommodate the request, and there are transit facilities in place to adequately support a commercial development, in accordance with *Policy II.B.5.e* of the *City/County Comprehensive Plan.*

4. The proposed zone change will offer employment opportunities and services that will complement the surrounding area, in accordance with *Policies II.B.5.i* and *II.B.5.o* of the *City/County Comprehensive Plan.*

5. The proposed zone change is sensitive to, and compatible with, surrounding development, and it functions as infill development that could become a catalyst for redevelopment, in accordance with *Policies II.B.5.k* and *II.B.5.l* of the *City/County Comprehensive Plan.*

6. The proposed zone change request is not required to correct an error in zoning classification, as articulated in *Resolution 270-1980*, section *1-D-1.*

7. As redevelopment of older neighborhoods is encouraged, the proposed development is advantageous to the City overall and represents orderly development of the City, as articulated in *Resolution 270-1980*, section *1-D-3.*

8. The proposed zone change request would not constitute a spot zone or a strip zone, as articulated in *Resolution 270-1980*, sections *1-I* and *1-J.*

9. The applicant is authorized to request a zone change on the subject property.

10. There is citizen opposition to the project. Issues centering on perceived developmental impact were brought forth through facilitation. A consensus among all parties of interest was reached, and no recommendations to modify the applicant's zone change request were offered.

11. During a second meeting between the developer and area residents, a mutual list of permitted and conditional land uses that would be excluded or modified to suit the project area was compiled for inclusion in the requested zone change and any future site development plan. All parties involved have agreed to this list with the exception of the elimination of restaurants as a permitted land use, as desired by area residents.

CONDITIONS:

1. A site development plan must be submitted and approved within six (6) months after the date of final City approval is voted, or else said approval shall be declared null and void.

2. The zoning and the site development plan shall include the following land use exclusions:
   A. Outdoor restaurant seating
   B. Liquor sales in conjunction with a restaurant use
   C. Gasoline service station
   D. Outside sales of gas, oil, or liquefied petroleum
   E. On premise automobile and motorized bicycle (moped) repair and body work
   F. Pawn shops
   G. Car wash
   H. Laundromats
   I. Off-premise signage
   J. Free-standing wireless telecommunications facilities up to 65 feet in height

K. Collocated free-standing wireless telecommunications facilities up to 75 feet in height
L. Antennae exceeding 65 feet in height
M. Community residential program in accordance with section 14.16.2.16.B.2 of the Zoning Code
N. Auto, trailer and truck rental, service and storage
O. Drive-up service windows and drive thru facilities including banking facilities
P. Fireworks sales
Q. Games within a completely enclosed building, operated for profit and not a permissive C-1 use
R. Kennel
S. Mortuary
T. Mobile home as caretaker quarters
U. Recycling bin as an accessory use
V. Uses or activities in a tent
W. Roof-mounted wireless telecommunications facilities.

3. The zoning and the site development plan shall include the following modifications:
   A. Bicycle repair, provided it is done within a completely enclosed building
   B. Dry cleaning, with no on-premise dry-cleaning or laundering (Drop-off station only)
   C. Electronic and pinball game rooms within a completely enclosed building and with no more than four game machines per business.

4. Restaurant Use is allowed only if approved by the EPC in conjunction with a site development plan for building permit that demonstrates adequate separation buffering and protection of adjacent residential uses from adverse effects of noise, lighting, pollution, traffic and odors.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **APRIL 1, 2005** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT I S NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC's RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC's DECISION.

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 they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY 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,

for Russell Bob

Richard Dineen
Planning Director

RD/DS/ac

cc: Denise Hammer, Altura Addition NA, 1735 Aliso Dr. NE, Albuq. NM 87110
Lucerne Knight, Altura Addition NA, 1718 Hermosa NE, Albuq. NM 87110
Will Gleason, Summit Park NA, 732 Lafayette NE, Albuq. NM 87106
Desi Brown, Summit Park NA, 1113 Richmond NE, Albuq. NM 87106
Suzie Kubie, 1800 Aliso Dr. NE, Albuq. Nm 87110
Walter Burke, 1823 Hermosa Dr. NE, Albuq. NM 87110
Wanda Pitts, 1831 Hermosa Dr. NE, Albuq. NM 87110
Jeanne Adams, 1405 Solano Dr. NE, Albuq. NM 87110

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT, DEVELOPMENT REVIEW DIVISION
P.O. BOX 1293, ALBUQUERQUE, NM 87103

September 7, 2005

Peterson Properties Real Estate Services, Inc.
2325 San Pedro NE, Suite 2A
Albuq. NM 87110

CERTIFICATE OF ZONING

FILE: 05EPC 01821 (Project 1003801)
DATE OF FINAL ACTION: March 17, 2005
LEGAL DESCRIPTION: for all or a portion of Lots 28-31, Block A, **Altura Addition**, a zone map amendment from O-1 to SU-1 for C-1, located on the east side of CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE, containing approximately 1 acre. (J-16) David Stallworth, Staff Planner

THE POSSIBLE APPEAL PERIOD HAVING EXPIRED, THE ZONING ON THE ABOVE CITED PROPERTY IS NOW CHANGED AS FOLLOWS:

FROM *O-1*
TO *SU-1 for C-1 with Exclusions*

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,

Russell Brito
for Richard Dineen
Planning Director

RD/ac
cc: Zoning Code Services Division
Neal Weinberg, AGIS Division

s. Approval of the proposed left-in access from southbound Coors Boulevard to Street "B" by the Metropolitan Transportation Board (MTB) of the Mid-Region Council of Governments.
t. Access at Montano and Winterhaven will be restricted to right turn in/right turn out unless otherwise approved by the Director of Municipal Development. In additional when the future grade separation is constructed access will no longer be allowed to Montano Road from Winterhaven consistent with the Long Range Roadway System.
u. Access coordination is required with NMDOT.

10. The future applications for building permit shall include resolution of the archeological sensitive sites by the State Historical Preservation Office.

11. The applicant shall assess any issues regarding the existing Cottonwoods and habitat for the Tawny Bellied Rat.

MOVED BY COMMISSIONER JESIONOWSKI
SECONDED BY COMMISSIONER STEELE MOTION PASSED UNANIMOUSLY

11. Project # 1003801
04EPC-01821 Zone Map Amendment

PETERSON PROPERTIES REAL ESTATE SERVICES request the above action for all or a portion of Lots 28-31, **Altura Addition**, a zone map amendment from O-1 to C-1, located on CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE, containing approximately 1 acre. (J-16) David Stallworth, Staff Planner **(DEFERRED TO MARCH 17, 2005)**

STAFF PRESENT:

David Stallworth, Planning Department

PERSONS PRESENT TO SPEAK IN FAVOR OF THIS REQUEST:

Doug Peterson, 2325 San Pedro NE

PERSONS PRESENT TO SPEAK IN OPPOSITION OF THIS REQUEST:

Denise Hammer, 1735 Aliso Dr. NE
Chris Addis, 3708 Hannett Ave. NE
Lucerne Knight, 1718 Hermosa NE
Richard Royman, 1822 Solano NE
Walter Bauke, 1823 Hermosa NE

MR. STALLWORTH: Reiterated comments made in the staff report in which approval was recommended.

FINAL ACTION TAKEN

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission voted to defer Project 1003801/ 04EPC-01821 Zone Map Amendment, to the Environmental Planning Commission Public Hearing on March 17, 2005.

MOVED BY COMMISSIONER JESIONOWSKI
SECONDED BY COMMISSIONER STEELE MOTION PASSED UNANIMOUSLY

12. Project # 1003718*
04EPC-01579 Text Amendment

CITY OF ALBUQUERQUE/PLANNING DEPARTMENT agents, for CITY OF ALBUQUERQUE request the above action for Approval of the Night Sky Protection Ordinance. Josh Skarsgard, Research Analyst **(CONTINUED TO MARCH 17, 2005))**

STAFF PRESENT:

Josh Skarsgard, Planning Department

PERSONS PRESENT TO SPEAK IN FAVOR OF THIS REQUEST:

Laurie Moyeee, PNM
Shannon Wagers, 317 Monroe NE
David Penasa, 11201 Paseo del Oso NE
Peter Eschman, 1916 Conita Real SW

PERSONS PRESENT TO SPEAK IN OPPOSITION OF THIS REQUEST:

Charles Henson, 9105 Hackney NE
Jeff Lawlis, 5900 2nd St.
Mike Mons, 136 Louisiana NE
Johnny Plath, 1525 Candelaria NE
Gene Vance, 320 Gold SW
Guy Conway, 3021 Casa del Norte NE
Ruben Baca, 11505 Angelina Ne
David Pelletier, 9101 Corona Ave.
Sally Adams
Richard Zimmerly, 5904 Royal Oak St. NE

ALBUQUERQUE
Making History

ENVIRONMENTAL PLANNING COMMISSION

A G E N D A

Thursday March 17, 2005
8:30 a.m.

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

MEMBERS

Jens Deichmann, Chairman
Jeffery Jesionowski, Vice Chair

James Grout
David Steele
Ishmael Valenzuela

Larry Chavez
Virginia Klebesadel
Klarissa Pena

****

NOTE: A LUNCH BREAK AND DINNER BREAK WILL BE ANNOUNCED AS NECESSARY

Agenda items will be heard in the order specified unless changes are approved by the EPC at the beginning of the hearing; deferral and withdrawal requests (by applicants) are generally reviewed at this time (see item 1A and 1B below). Applications with no known opposition that are supported by the Planning Department are scheduled at the beginning of the agenda; these cases are noted with an asterisk (*). Applications deferred from a previous hearing are normally scheduled at the end of the agenda.

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. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak. **In the interest of time, presentation times are limited as follows, unless otherwise granted by the Commission Chair: Staff - 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each. An authorized representative of a recognized neighborhood association or other organization may be granted additional time if requested.**

All written materials – including petitions, legal analysis and other documents – should be submitted at least 10 days prior to the public hearing, ensuring presentation at the EPC Study Session. The EPC strongly discourages submission of written material at the public hearing. Except in extraordinary circumstances, the EPC will not consider written materials submitted at the hearing. In the event the EPC believes that newly submitted material may influence its final decision, the application may be deferred to a subsequent hearing.

NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.

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 January 20, 2005.

2. Project # 1002358*
05EPC-00187 SPR Special Planning Request

CIP, agents for CITY OF ALBUQUERQUE/CIP request the above action for as required by CIP Ordinance, this request is for EPC to hold a public hearing on the proposed 2005 GO Bond Program & 2005-2014 Decade Plan.

3. Project # 1002457*
05EPC-00177 EPC Site Development Plan-Building Permit
05EPC-00178 Zone Map Amendment

CONSENSUS PLANNING, INC., agents for REMAX ELITE, requests the above actions, including a zone map amendment from C-1 and P to SU-1 for PRD, for all of a portion of Tracts X1-A and X2-A, Block 2, **Glenwood Hills, Unit 1,** located at the southeast corner of TRAMWAY BOULEVARD, NE and MONTGOMERY BOULEVARD, NE, containing approximately 2.1 acres. (G-23) David Stallworth, Planner

4. Project # 1003919*
05EPC-00179 EPC Site Development Plan-Amendment to Building Permit

CONSENSUS PLANNING, INC. agents for CITY OF ALBUQUERQUE/DEPT. OF MUNIC DEVEL request the above action for all or a portion of Lot A1, **Paradise Skies Unit 5**, zoned SU-1/R-T, located on SAGITTARIUS AVE. NW, between ROCKCLIFF COURT NW and CASSIOPEIA ST. NW, containing approximately 5 acres. (A-10) Stephanie Shumsky, Staff Planner

5. Project # 1003921*
05EPC-00181 Zone Map Amendment
05EPC-00182 Amendment - La Cueva Sector Development Plan
05EPC-00183 Park Master Development Plan

CONSENSUS PLANNING, INC. agents for CITY OF ALBUQUERQUE/DEPT. OF MUNIC. DEV request the above actions, including a zone map amendment from R-D/ R-T to SU-1 for Community Park & Related Facilities, for all or a portion of Lots 1-32, Tract 2, Unit 3, **North Albuq. Acres,** located on CARMEL AVE. NE, between LOUISIANA BLVD. NE and WYOMING BLVD. NE, containing approximately 60 acres. (C-19) Carmen Marrone, Staff Planner

6. Project # 1001620*
05EPC-00207 Amendment to the Zone Code

CITY OF ALBUQUERQUE/Planning Department, agents for City of Albuquerque/ City Council request an amendment to the Comprehensive City Zoning Code regarding Off Premise Signs.

7. Project # 1001620*
05EPC-00327 Text Amendment to the Comprehensive City Zone Code

CITY OF ALBUQUERQUE PLANNING DEPARTMENT, agents for the CITY OF ALBUQUERQUE CITY COUNCIL request amending the Zoning Code Section 14-16-3-3(B)(2) to revise the barrier requirement for a residential swimming pool. CITY WIDE

8. Project # 1001946*
05EPC-00176 EPC Site Development Plan-Subdivision

DENISH + KLINE ASSOCIATES, INC. agents for LOWE'S INC. request the above action for Lot A (Los Angeles Center); Remainder 26, 27, 28 & 6, Block 2; Lot 5, 6, 7, 27 & 28, Block 3, NAA Tr. A, Unit A, zoned M-1, located on PASEO DEL NORTE NE, between INTERSTATE 25 and SAN PEDRO DR., containing approximately 37.7 acres. (D-18) Makita Hill, Staff Planner

9. Project # 1003798*
05EPC-00038 Zone Map Amendment

COA/METROPOLITAN REDEVELOPMENT AGENCY agents for CITY OF ALBUQUERQUE request the above action for all or a portion of Lot 6, **Emil Mann Addition**, a zone map amendment from SU-1 for Frat. Lodge & Club to R-T, located on DALLAS SE, between SOUTHERN SE and PENNSLYVANIA SE, containing approximately 1 acre. (L-19) Anna DiMambro, Staff Planner **(DEFERRED FROM FEBRUARY 17, 2005)**

10. Project # 1003445
05EPC-00022 EPC Site Development Plan-Subdivision

DEVIN CANNADY agent for INTERSTATE DEVELOPMENT CO. LLC request the above action for Lots 2 and 3 of Block B, Lots 10A1 and 10A2 of Block D, Lot C1, Lot B1, Lot F, Lot E2, Lot 6A1, Lot D1, Albuquerque West and Lot 1, Tabernacle Praise Church, zoned SU-1 PDA to include C-3 Uses, located on PARADISE BLVD. NW, between PARADISE BLVD. NW and PASEO DEL NORTE NW, containing approximately 38 acres. (C-12) Elvira Lopez, Staff Planner

11. Project # 1003901
05EPC-00098 Zone Map Amendment

MARTHA CARMONA requests the above action for all of a portion of Tracts 81 and 82, **MRCGD Map 37,** a zone map amendment from SU-2/C-3 to SU2/R-2, located on the west side of EDITH BOULEVARD, NE, between ROSEMONT AVENUE, NE and KINLEY AVENUE, NE, containing approximately .25 acres. (J-14) David Stallworth, Planner

12. Project # 1003916
05EPC-00171 Zone Map Amendment

ARCH+PLAN LAND USE CONSULTANTS, LLC, agent for INTERSTATE DEVELOPMENT CO. INC., requests the above action for all of a portion of Tract A, Unit A, Blocks 18 and 19, **North Albuquerque Acres,** a zone map amendment from SU-1 for Mobile Home Park to R-1, located on the west side of LOUISIANA BOULEVARD, NE, between DERICKSON AVENUE, NE and SANTA MONICA AVENUE, NE, containing approximately 59.5 acres. (D-18) David Stallworth, Planner

13. Project # 1003918
05EPC-00174 EPC Site Development Plan-Building Permit

RIO GRANDE ENGINEERS agents for DAVID & JENNIFER SOULE request the above action(s) for all or a portion of Tracts 10A & 11A, **Paradise Hills Investment Properites, Unit 1**, zoned SU-1 for C-1 Uses, located on BUGLO Ave. NW, between LYONS BLVD. NW and Lilienthal Ave. NW, containing approximately 2 acres. (B-11) Elvira Lopez, Staff Planner

14. Project # 1003920
05EPC-00180 Zone Map Amendment

DAVID WEATHERMAN agent for LINDA & RONNIE CARRELL request the above action for all or a portion of Lots 6, 7, 8, 9, and 10 **Westpark**, a zone map amendment from R-1 to RT, located on NEW YORK SW, between GALLUP SW and CENTRAL SW, containing approximately 1 acre. (J-13) Stephanie Shumsky, Staff Planner

15. Project # 1003801
04EPC-01821 Zone Map Amendment

PETERSON PROPERTIES REAL ESTATE SERVICES agents for PETERSON PROPERTIES REAL ESTATE SERVICES request the above action for all or a portion of Lots 28-31, Block A, **Altura Addition**, a zone map amendment from O-1 to SU-1 for C-1, located on the east side of CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE, containing approximately 1 acre. (J-16) David Stallworth, Staff Planner

16. Project # 1003747
05EPC-00024 EPC Site Development Plan-Subdivision
05EPC-00025 EPC Site Development Plan-Building Permit

TIERRA WEST LLC agents for WALMART STORES EAST, LP & WEINGARTEN REALTY INVESTORS request the above actions for all of Tracts 1, 4 and 5, being a portion of the **Wyoming Mall Summary Plat**, zoned C-2 (SC), located on WYOMING BLVD. NE, between MENAUL BLVD. NE and NORTHEASTERN ST. NE, containing approximately 25 acres. (H-20) Carmen Marrone, Staff Planner

17. Project # 1003532
04EPC-01036 Zone Map Amendment
04EPC-01037 Sector Plan Amendment
04EPC-01040 EPC Site Development Plan- Subdivision
04EPC-01039 EPC Site Development Plan-Building Permit

MYERS, OLIVER & PRICE agent for J & G REALTY ASSOCIATES, LLC and J & J ASSOCIATES, LLC request the above actions, including a zone map amendment from SU-2/Mixed Use to SU-2/C-1 to include alcohol sales, for all or a portion of Lots 17& 18, Block 9 and Lots 13, 14, and 20-22, Block 10, **North Albuquerque Acres**, located on WYOMING BLVD. NE, between PASEO DEL NORTE NE and HOLLY AVE. NE, containing approximately 8 acre(s). (C-19) Carmen Marrone, Staff Planner **(DEFERRED FROM NOVEMBER 18, 2004)**

18. Project # 1002112
04EPC-01222 EPC Site Development Plan-Building Permit
04EPC-01221 EPC Site Development Plan-Amendment to Subdivision

CONSENSUS PLANNING, INC. agent for SOLID GOLD CLASSIC, LTD. request the above actions for all or a portion of Lots 1-5 & 28-32, Tract A, **North Albuquerque Acres**, zoned SU-2 Mixed Use, located on WYOMING BLVD NE, between PASEO DEL NORTE NE and PALOMAS DR. NE, containing approximately 6 acres. (D-19) (Juanita Garcia, Staff Planner) **(DEFERRED FROM DECEMBER 16, 2004)**

19. Project # 1003708
04EPC-01544 Zone Map Amendment
04EPC-01839 EPC Site Development Plan-Subdivision

FAYE MCAFEE agent(s) for DAVID & FAYE MCAFEE request the above action(s) for all or a portion of Lot(s) 6, Block(s) 10, **MONTGOMERY HEIGHTS**, a zone map amendment from R-1 to SU-1 for C-1 w/Exceptions , located on MONTGOMERY BLVD NE, between CARLISLE BLVD NE and I-25, (G-16) Stephanie Shumsky, Staff Planner **(DEFERRED FROM JANUARY 20, 2005)**

20. Project # 1003718
04EPC-01579 Text Amendment

CITY OF ALBUQUERQUE/PLANNING DEPARTMENT agents, for CITY OF ALBUQUERQUE request the above action for Approval of the Night Sky Protection Ordinance. Josh Skarsgard, Research Analyst **(CONTINUED FROM JANUARY 20, 2005)**

21. Project # 1000163
04EPC-01828 EPC Site Development Plan-Building Permit

SANDERS & ASSOCIATES ARCH. agent(s) for DR & MRS. ERNESTO GARZA request the above action(s) for all or a portion of Tract(s) E, **La Cueva Village**, zoned C-2/SC, located on CARMEL AVE. NE, between WYOMING NE and BARSTOW NE, containing approximately 1 acre. (C-19) Elvira Lopez, Staff Planner **(DEFERRED FROM JANUARY 20, 2005)**

22. Project # 1003763
04EPC-01715 EPC Site Development Plan-Building Permit

CLAUDIO VIGIL ARCHITECTS agent for DWAYNE PINO-AERMI CONTRACTORS LLC request the above action for all or a portion of Tract 17-A-3, **Eagle Ranch**, zoned SU-1 for C-2 and R-2, located at the north-northwest corner of PARADISE BLVD. NW, between PARADISE BOULEVARD NW and EAGLE RANCH ROAD NW, containing approximately 2 acres. (C-13) David Stallworth, Staff Planner **(DEFERRED FROM FEBRUARY 17, 2005)**

23. Project # 1003803
04EPC-01826 EPC Sector Development Plan
04EPC-01827 Zone Map Amendment

CITY OF ALBUQUERQUE/PLANNING agent(s) for CITY OF ALBUQUERQUE request the above action(s) for all or a portion of Lot(s) 3 & 4, **Major Acres Subdivision**, from SU-2/ RT to R-1, located on MAJOR NW, between 10th St. NW and 12TH ST. NW, containing approximately 1 acre(s). (G-14) Elvira Lopez, Staff Planner, Staff Planner **(DEFERRED FROM FEBRUARY 17, 2005)**

24. Project # 1003868
05EPC-00012 Zone Map Amendment

SANTIAGO HIDALGO agent(s) for ADAM & SUZANNE POWELL request the above action(s) for all or a portion of Lot(s) 9, **University Heights**, a zone map amendment from R-1 to RT, located on GIRARD BLVD. SE, between LEAD SE and COAL SE, containing approximately 1 acre(s). (K-16) Stephanie Shumsky, Staff Planner **(DEFERRED FROM FEBRUARY 17, 2005)**

25. Project # 1003116
05EPC-00020 EPC Site Development Plan-Subdivision
05EPC-00021 EPC Site Development Plan-Building Permit

MARK GOODWIN & ASSOCIATES, agent for STILLBROOK HOMES requests the above actions for an unplatted portion of the W ½ of the SW ¼ of the SE ¼ of S27, T10N, R4E within Four Hills Ranch, zoned SU-1 PRD, and located at the western terminus of HIDDEN VALLEY ROAD, SE, west of HACKBERRY TRAIL, SE, containing approximately 10.1 acres (M-22). David Stallworth, Staff Planner **(DEFERRED FROM FEBRUARY 17, 2005)**

26. 05EPC-00122 Project # 1003520
04DRB-01567 Major-Vacation of Pub Right-of-Way

James R Phillips Jr. appeals the Development Review Board's approval of a request for all or a portion of Lot(s) 27 & 28, Block(s) 16, Tract(s) 1, NORTH ALBUQUERQUE ACRES UNIT 3 (to be known as **BENJAMIN PLACE SUBDIVISION**) zoned R-D, located on GLENDALE AVE NE, between BARSTOW ST NE and VENTURA ST NE containing approximately 2 acre(s). [REF: 04DRB00999] *[Deferred from 11/3/04, 12/1/04,12/15/04 & 1/5/05] [04DRB-1570 WAS WITHDRAWN]* (B-20)

27. Other Matters

STATE OF NEW MEXICO
County of Bernalillo SS

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 1 times, the first publication being on the 2 day of March 2005 and the subsequent consecutive publications on _____, 20___.

Sworn and subscribed to before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 2 day of March of 2005

My Comm

PRICE $65.76

Statement to come at end of month.

ACCOUNT NUMBER C80583

CLA-22-A (R-1/93)

CITY OF ALBUQUERQUE 1706 NEW MEXICO

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a Public Hearing on Thursday, March 17, 2005, 8:30 p.m., in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following: (Note: these items are not in the order they will be heard).

Project # 1003445
05EPC-00022 EPC Site Development Plan-Subdivision DEVIN CANNADY agent for INTERSTATE DEVELOPMENT CO. LLC request the above action for Lots 2 and 3 of Block B, Lots 10A1 and 10A2 of Block D, Lot C1, Lot B1, Lot F, Lot E2, Lot 6A1, Lot D1, Albuquerque West and Lot 1, Tabernacle Praise Church, zoned SU-1 PDE to include C-3 Uses, located on PARADISE BLVD. NW between PARADISE BLVD. NW and PASEO DEL NORTE NW, containing approximately 38 acres. (C-12) Elvira Lopez, Staff Planner

Project # 1001946
05EPC-00176 EPC Site Development Plan-Subdivision DENISH + KLINE ASSOCIATES, INC. agents for LOWE'S INC. request the above action for Lot A (Los Angeles Center); Remainder 26, 27, 28 & 6, Block 2; Lot 5, 6, 7, 27 & 28, Block 3, NAA Tr. A, Unit A, zoned M-1, located on PASEO DEL NORTE NE, between INTERSTATE 25 and SAN PEDRO DR., containing approximately 10 acres. (D-18) Makita Hill, Staff Planner

Project #1003801
04EPC-01821 Zone Map Amendment
PETERSON PROPERTIES REAL ESTATE SERVICES agents for PETERSON PROPERTIES REAL ESTATE SERVICES request the above action for all or a portion of Lots 28-31, block A, Altura Addition, a zone map amandment from O-1 to SU-1 for C-1, located on the east side of CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE, containing approximately 1 acre. (J-16) David Stallworth, Staff Planner.

Project # 1001820
05EPC-00207 Amendment to the Zone Code CITY OF ALBUQUERQUE/Planning Department, agents for City of Albuquerque/ City Council request an amendment to the Comprehensive City Zoning Code regarding Off Premise Signs.

Details of these applications may be examined at the Development Services Division of the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street, NW between 10:00 a.m. and 12:00 and between 2:00 and 4:00 p.m., Monday through Friday, or you may call April Candelaria at 924 3886. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should contact April Candelaria 924-3886.

Jens Deichmann, Chairman
Environmental Planning Commission

Russell Brito, Senior Planner
Planning Department
Journal: March 2, 2005

11. Project # 1003801
04EPC-01821 Zone Map Amendment

PETERSON PROPERTIES REAL ESTATE SERVICES agents for PETERSON PROPERTIES REAL ESTATE SERVICES request the above action for all or a portion of Lots 28-31, Block A, **Altura Addition**, a zone map amendment from O-1 to SU-1 for C-1, located on the east side of CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE, containing approximately 1 acre. (J-16) David Stallworth, Staff Planner (**APPROVED)**

STAFF PRESENT:

David Stallworth, Planning Department
Russell Brito, Planning Department

PERSON PRESENT TO SPEAK IN FAVOR OF THIS REQUEST:

Doug Peterson, 2325 San Pedro NE

PERSON PRESENT TO SPEAK IN OPPOSITION OF THIS REQUEST:

Denise Hammer, 1735 Aliso NE
Susie Kubie, 1800 Aliso Dr. NE
Lucerne Knight, 1718 Hermosa Dr. NE
Walter Burke, 1823 Hermosa
Wanda Pitts, 1831 Hermosa Dr. NE
Jeanne Adams, 1405 Solano Dr. NE

MR. STALLWORTH: Reiterated comments made in the staff report in which approval was recommended.

FINAL ACTION TAKEN

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission voted to approve Project 1003801/ 04EPC – 01821, a zoning map amendment from O-1 to SU-1 for C-1 with exclusions, for Lots 28 through 31, Block A, Altura Addition, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a zoning map amendment from O-1 (Office) to SU-1 for C-1 with exclusions for Lots 28 through 31, Block A, Altura Addition Subdivision. No proposed development is associated with this request.

2. The proposed zone change would be a logical extension of existing commercial zoning to the north of the subject area, and commercial uses would be an appropriate use of the property, in accordance with *Policy II.B.5.d* of the *City/County Comprehensive Plan*

3. No public improvements or extensions of public utilities are required to accommodate the request, and there are transit facilities in place to adequately support a commercial development, in accordance with *Policy II.B.5.e* of the *City/County Comprehensive Plan*.

4. The proposed zone change will offer employment opportunities and services that will complement the surrounding area, in accordance with *Policies II.B.5.i* and *II.B.5.o* of the *City/County Comprehensive Plan*.

5. The proposed zone change is sensitive to, and compatible with, surrounding development, and it functions as infill development that could become a catalyst for redevelopment, in accordance with *Policies II.B.5.k* and *II.B.5.l* of the *City/County Comprehensive Plan.*

6. The proposed zone change request is not required to correct an error in zoning classification, as articulated in *Resolution 270-1980*, section *1-D-1.*

7. As redevelopment of older neighborhoods is encouraged, the proposed development is advantageous to the City overall and represents orderly development of the City, as articulated in *Resolution 270-1980*, section *1-D-3.*

8. The proposed zone change request would not constitute a spot zone or a strip zone, as articulated in *Resolution 270-1980*, sections *1-I* and *1-J.*

9. The applicant is authorized to request a zone change on the subject property.

10. There is citizen opposition to the project. Issues centering on perceived developmental impact were brought forth through facilitation. A consensus among all parties of interest was reached, and no recommendations to modify the applicant's zone change request were offered.

11. During a second meeting between the developer and area residents, a mutual list of permitted and conditional land uses that would be excluded or modified to suit the project area was compiled for inclusion in the requested zone change and any future site development plan. All parties involved have agreed to this list with the exception of the elimination of restaurants as a permitted land use, as desired by area residents.

CONDITIONS:

1. A site development plan must be submitted and approved within six (6) months after the date of final City approval is voted, or else said approval shall be declared null and void.

2. The zoning and the site development plan shall include the following land use exclusions:
   A. Outdoor restaurant seating
   B. Liquor sales in conjunction with a restaurant use
   C. Gasoline service station
   D. Outside sales of gas, oil, or liquefied petroleum
   E. On premise automobile and motorized bicycle (moped) repair and body work
   F. Pawn shops
   G. Car wash
   H. Laundromats
   I. Off-premise signage
   J. Free-standing wireless telecommunications facilities up to 65 feet in height
   K. Collocated free-standing wireless telecommunications facilities up to 75 feet in height
   L. Antennae exceeding 65 feet in height
   M. Community residential program in accordance with section 14.16.2.16.B.2 of the Zoning Code
   N. Auto, trailer and truck rental, service and storage
   O. Drive-up service windows and drive thru facilities including banking facilities
   P. Fireworks sales
   Q. Games within a completely enclosed building, operated for profit and not a permissive C-1 use
   R. Kennel
   S. Mortuary
   T. Mobile home as caretaker quarters
   U. Recycling bin as an accessory use
   V. Uses or activities in a tent
   W. Roof-mounted wireless telecommunications facilities.

3. The zoning and the site development plan shall include the following modifications:
   A. Bicycle repair, provided it is done within a completely enclosed building
   B. Dry cleaning, with no on-premise dry-cleaning or laundering (Drop-off station only)
   C. Electronic and pinball game rooms within a completely enclosed building and with no more than four game machines per business.

4. Restaurant Use is allowed only if approved by the EPC in conjunction with a site development plan for building permit that demonstrates adequate separation buffering and protection of adjacent residential uses from adverse effects of noise, lighting, pollution, traffic and odors.

MOVED BY COMMISSIONER STEELE
SECONDED BY COMMISSIONER JESIONOWSKI

MOTION PASSED UNANIMOUSLY (COMMISSIONER CHAVEZ HAS LEFT)

12. Project # 1003718
04EPC-01579 Text Amendment

CITY OF ALBUQUERQUE/PLANNING DEPARTMENT agents, for CITY OF ALBUQUERQUE request the above action for Approval of the Night Sky Protection Ordinance. Josh Skarsgard, Research Analyst **(DEFERRED TO JANUARY 19, 2006)**

STAFF PRESENT:

Russell Brito, Planning Department

FINAL ACTION TAKEN

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission voted to defer Project 1003718/*04EPC 01579,* text amendments of the Zoning Code for implementation of night sky protection regulations to the Environmental Planning Commission Public Hearing on January 19, 2006.

MOVED BY COMMISSIONER JESIONOWSKI
SECONDED BY COMMISSIONER KLEBESADEL

MOTION PASSED UNANIMOUSLY (COMMISSIONER CHAVEZ HAS LEFT)

13. Project # 1000163
04EPC-01828 EPC Site Development Plan-Building Permit

SANDERS & ASSOCIATES ARCH. agent(s) for DR & MRS. ERNESTO GARZA request the above action(s) for all or a portion of Tract(s) E, **La Cueva Village**, zoned C-2/SC, located on CARMEL AVE. NE, between W YOMING NE and BARSTOW NE, containing approximately 1 acre. (C-19) Elvira Lopez, Staff Planner **(APPROVED WITH CONDITIONS)**

CITY OF PLANNING
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST

Meeting Date: MARCH 17, 2005
Zone Atlas Page: J-16-Z
Notification Radius: 100 Ft.

Project# 1003801
App# 04EPC-01821

Cross Reference and Location:

Applicant: PETERSON PROPERTIES REAL ESTATE SERVICES, INC.
Address: 2325 SAN PEDRO DR NE, STE# 2-A
ALBUQUERQUE NM 87110

Agent:
Address:

Special Instructions:

Notice must be mailed from the City's 21 day prior to the meeting.

Date Mailed: FEBRUARY 24, 2005

Signature: KYLE TSETHLIKAI

PROPERTY OWNERSHIP / LEGAL LIST

App#_____
Proj#_____

Date:_____

Page 1 Of 1

Zone Atlas Page	Zone Atlas #	Grid Location	Parcel Sequence	Name & Address				
J-17	1017058	010-517	214-20	✓	1016058	515-515	128	22
		010-509	21	✓	1016059	506-036	402	05
		010-503	22	✓	1017055	040-046	301	23
		010-497	23	✓				
		010-491	24	✓				
		011-475	26	✓				
		010-525	19	✓				
		021-479	10	✓				
		021-485	11	✓				
		021-491	12	✓				
		021-497	13	✓				
		021-503	14	✓				
		021-509	15	✓				
		021-515	16	✓				
		021-522	17	✓				
		021-528	18	✓				
	1016058	515-480	128-15	✓				
		515-450	18	✓				
		516-502	20	✓				

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1          R E C O R D S   W I T H   L A B E L S                    PAGE
1
01017058                 ***  THIS UPC CODE HAS NO MASTER RECORD ON FILE
0101705801051721420      LEGAL: 031  A AL TURA ADDN
LAND USE:
                         PROPERTY ADDR: 00000   CARLISLE
                            OWNER NAME: PETERSON JAMES A TRUSTEE
                            OWNER ADDR: 02325   SAN PEDRO                DR NE
ALBUQUERQUE NM          87110
0101705801050921421      LEGAL: 030  A AL TURA ADDN
LAND USE:
                         PROPERTY ADDR: 00000   CARLISLE
                            OWNER NAME: PETERSON JAMES A TRUSTEE
                            OWNER ADDR: 02325   SAN PEDRO                DR NE
ALBUQUERQUE NM          87110
0101705801050321422      LEGAL: 029  A AL TURA ADDN
LAND USE:
                         PROPERTY ADDR: 00000   CARLISLE
                            OWNER NAME: PETERSON JAMES A TRUSTEE
                            OWNER ADDR: 02325   SAN PEDRO                DR NE
ALBUQUERQUE NM          87110
0101705801049721423      LEGAL: 028  A AL TURA ADDN
LAND USE:
                         PROPERTY ADDR: 00000   CARLISLE
                            OWNER NAME: PETERSON JAMES A TRUSTEE
                            OWNER ADDR: 02325   SAN PEDRO                DR NE
ALBUQUERQUE NM          87110
0101705801049121424      LEGAL: 027  A AL TURA ADDN
LAND USE:
                         PROPERTY ADDR: 00000   CARLISLE
                            OWNER NAME: CAVCO LTD CO
                            OWNER ADDR: PO BOX 5966
ALBUQUERQUE NM          87125
0101705801147521426      LEGAL: TR A 1A P LAT OF TRS A1A & A1B BLK A ALTURA
LAND USE:
                         PROPERTY ADDR: 00000   CARLISLE
                            OWNER NAME: CAVCO LTD CO
                            OWNER ADDR: PO BOX 5966
ALBUQUERQUE NM          87125
0101705801052521419      LEGAL: LT 3 3-A  BLK A LT 33-A BLOCK A ALTURA ADDITION
CON  LAND USE:
                         PROPERTY ADDR: 00000   CARLISLE
                            OWNER NAME: HOSSAIN AYESHA
                            OWNER ADDR: 02823   BEL AIR                  DR NE
ALBUQUERQUE NM          87110
0101705802147921410      LEGAL: 009  A AL TURA ADDN
LAND USE:
                         PROPERTY ADDR: 00000   HERMOSA
                            OWNER NAME: SWEENEY DONALD G
                            OWNER ADDR: 01735   HERMOSA                  AV NE
ALBUQUERQUE NM          87110
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0101705802148521411 LEGAL: 008 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: PARKER RICHARD
OWNER ADDR: 01811 HERMOSA DR NE
ALBUQUERQUE NM 87110

0101705802149121412 LEGAL: 007 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: VIGIL ESQUIPULA & DOLORES
OWNER ADDR: 01815 HERMOSA NE
ALBUQUERQUE NM 87110

0101705802149721413 LEGAL: 006 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: CORDOVA MANUEL ETUX
OWNER ADDR: 01819 HERMOSA NE
ALBUQUERQUE NM 87110

0101705802150321414 LEGAL: 005 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: BAUKE WALTER E & BARBARA A
OWNER ADDR: 5762 OKEECHOBEE BLVD PMB 1
WEST PALM BEFL 33409

0101705802150921415 LEGAL: 004 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: PAGE ABBY
OWNER ADDR: 00022 SILVER HILLS LN SE
ALBUQUERQUE NM 87123

0101705802151521416 LEGAL: 003 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: PITTS ELMER R ETUX
OWNER ADDR: 01831 HERMOSA DR NE
ALBUQUERQUE NM 87110

0101705802152221417 LEGAL: 002 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: LERMA MARY FRANCES
OWNER ADDR: 01835 HERMOSA NE
ALBUQUERQUE NM 87110

0101705802152821418 LEGAL: 001 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: YOUNG GRETCHEN
OWNER ADDR: 21509 4TH AV
BOTHELL WA 98021

0101605851548012815 LEGAL: A-2 1 RE PLAT OF LOT A BLK 1 GARLAND SCOTT SUBD
CON LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: CHAVEZ HORACE S & MARGARET E
OWNER ADDR: 01909 CARLISLE BL NE
ALBUQUERQUE NM 87110

0101605851549012818 LEGAL: A-1 1 RE PLAT OF LOT A BLK 1 GARLAND SCOTT SUBD
CON LAND USE:
PROPERTY ADDR: 00000 CARLISLE
OWNER NAME: LOCHRIDGE DAIN E &
OWNER ADDR: 01921 CARLISLE BL NE
ALBUQUERQUE NM 87110

0101605851650212820 LEGAL: 014 001G ARLAND SCOTCH SUBD LOT 14 15 16
LAND USE:
PROPERTY ADDR: 00000 CARLISLE
OWNER NAME: WILLIAMS JAMES R TRUSTEE OF
OWNER ADDR: 02001 CARLISLE BL NE
ALBUQUERQUE NM 87110

0101605851551512822 LEGAL: TR A BLK 1 GARLAND SCOTT SUBD REPL OF LOTS
11,12 & LAND USE:
PROPERTY ADDR: 00000 CARLISLE
OWNER NAME: PADILLA ALEX E SR & DOROTHY S
OWNER ADDR: PO BOX 52085 DC-17
PHOENIX AZ 85072

0101605950603640205 LEGAL: TR C & T R A EXC THE E'LY PORT OUT TO R/W FOR
CARLI LAND USE:
PROPERTY ADDR: 00000 2109 CARLISLE
OWNER NAME: RANDYS INVESTMENTS LLC
OWNER ADDR: 03375 MITCHELL LN
BOULDER CO 80301

0101705904004630123 LEGAL: TR A PLT OF TRS A & B CARLISLE & INDIAN SCHOOL
SUB LAND USE:
PROPERTY ADDR: 00000 CARLISLE
OWNER NAME: CARLISLE ASSOC
OWNER ADDR: 00033 SOUTH SERVICE RD
JERICHO NY 11753

.
QUIT

Project# 1003801

Peterson Properties Real Estate Service, Inc.
2325 San Pedro Dr. NE, Ste# 2-A
Albuquerque NM 87110

WILL GLEASON
Summit Park Neigh. Assoc.
732 LAFAYETTE NE
ALBUQUERQUE NM 87106

101705801049121424

CAVCO LTD CO
PO BOX 5966
ALBUQUERQUE NM 87125

101705802148521411

PARKER RICHARD
1811 HERMOSA DR NE
ALBUQUERQUE NM 87110

101705802150321414

BAUKE WALTER E & BARBARA A
5762 OKEECHOBEE BLVD, PMB# 1
WEST PALM BEACH FL 33409

101705802152221417

LERMA MARY FRANCES
1835 HERMOSA NE
ALBUQUERQUE NM 87110

101605851549012818

LOCHRIDGE DAIN E &
1921 CARLISLE BL NE
ALBUQUERQUE NM 87110

101605950603640205

RANDYS INVESTMENTS LLC
3375 MITCHELL LN
BOULDER CO 80301

DENISE HAMMER
Altura Addition Neigh. Assoc.
1735 ALISO DR. NE
ALBUQUERQUE NM 87110

DESI BROWN
Summit Park Neigh. Assoc.
1113 RICHMOND NE
ALBUQUERQUE NM 87106

101705801052521419

HOSSAIN AYESHA
2823 BEL AIR DR NE
ALBUQUERQUE NM 87110

101705802149121412

VIGIL ESQUIPULA & DOLORES
1815 HERMOSA NE
ALBUQUERQUE NM 87110

101705802150921415

PAGE ABBY
22 SILVER HILLS LN SE
ALBUQUERQUE NM 87123

101705802152821418

YOUNG GRETCHEN
21509 4TH AV
BOTHELL WA 98021

101605851650212820

WILLIAMS JAMES R TRUSTEE OF
2001 CARLISLE BL NE
ALBUQUERQUE NM 87110

101705904004630123

CARLISLE ASSOC
33 SOUTH SERVICE RD
JERICHO NY 11753

LUCERNE KNIGHT
Altura Addition Neigh. Assoc.
1718 HERMOSA NE
ALBUQUERQUE NM 87110

101705801051721420

PETERSON JAMES A TRUSTEE
2325 SAN PEDRO DR NE
ALBUQUERQUE NM 87110

101705802147921410

SWEENEY DONALD G
1735 HERMOSA AV NE
ALBUQUERQUE NM 87110

101705802149721413

CORDOVA MANUEL ETUX
1819 HERMOSA NE
ALBUQUERQUE NM 87110

101705802151521416

PITTS ELMER R ETUX
1831 HERMOSA DR NE
ALBUQUERQUE NM 87110

101605851548012815

CHAVEZ HORACE S & MARGARET E
1909 CARLISLE BL NE
ALBUQUERQUE NM 87110

101605851551512822

PADILLA ALEX E SR & DOROTHY S
PO BOX 52085 DC-17
PHOENIX AZ 85072

"Attachment A"

Doug Peterson, Peterson Properties
Zone Map: J-16

Altura Addition NA (R)
*** Denise Hammer**
1735 Aliso Dr. NE / 87110 268-1250 (h)
Lucerne Knight
1718 Hermosa NE / 87110 256-1018 (h)

Summit Park NA (R)
***Will Gleason**
732 Lafayette NE / 87106 266-0236 (h)
Desi Brown
1113 Richmond NE / 87106 256-0668

ALTHOUGH YOU ARE NOT "OFFICIALLY REQUIRED" BY O-92, you are most welcomed to notify the following *"Unrecognized"* neighborhood associations of this project.

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.

Environmental Planning Commission

Agenda Number: 15
Project Number: 1003801
Case #'s: 04EPC 01821
March 17, 2005

Staff Report

Agent	Douglas Peterson
Applicant	Peterson Properties Real Estate Services, Inc.
Request(s)	**Zone Map Amendment**
Legal Description	Lots 28 through 31, Block A, Altura Addition
Location	On the east side of CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE
Size	Approximately 0.64 acres
Existing Zoning	O-1
Proposed Zoning	SU-1 for C-1 with exclusions

Staff Recommendation

APPROVAL of 04EPC – 01821, based on the findings on page 7 and subject to the conditions of approval on page 8.

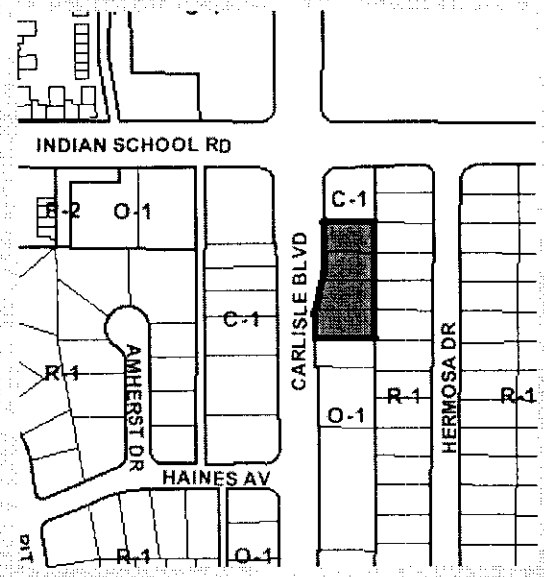
Staff Planner

David J. Stallworth

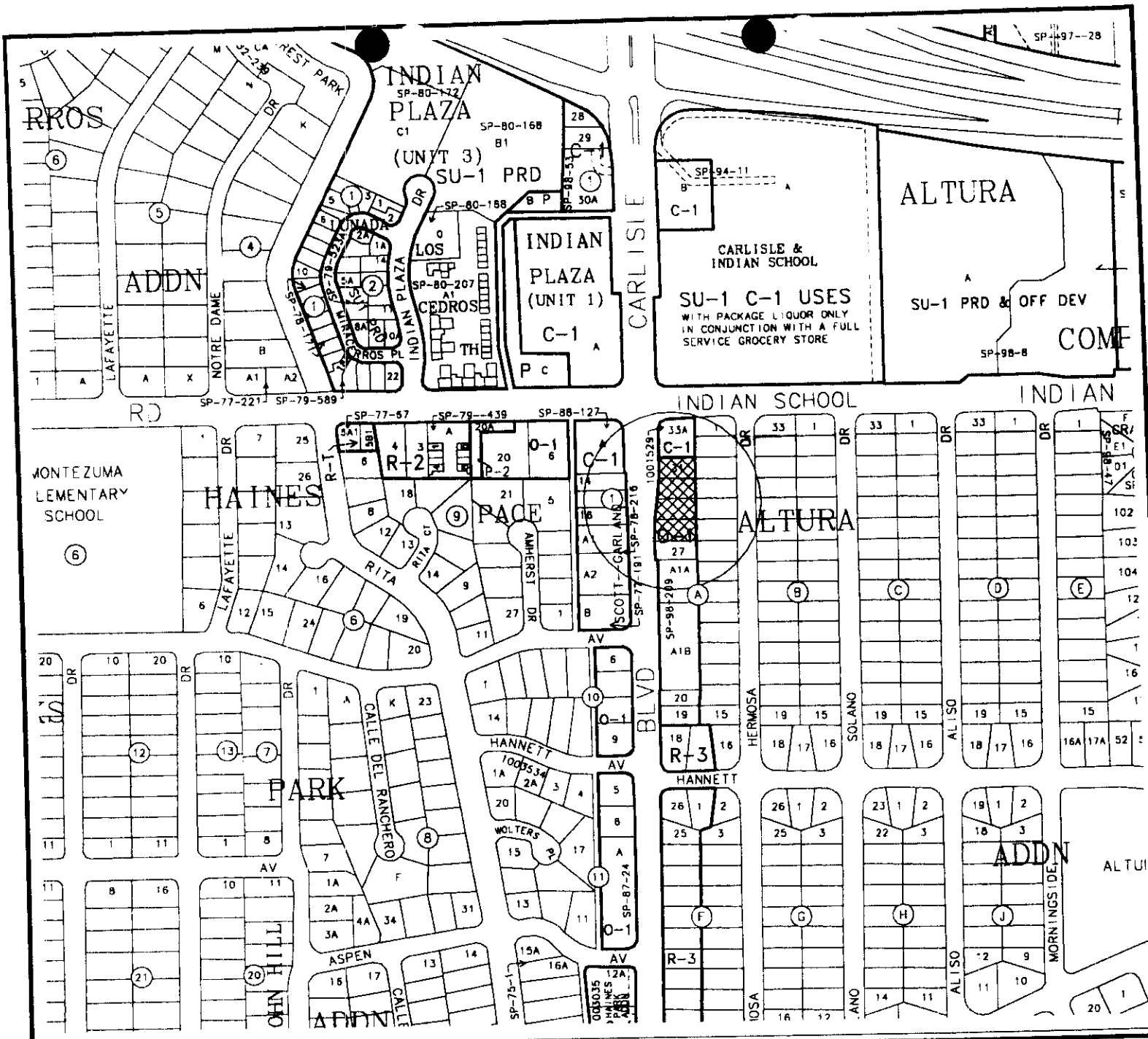
Summary of Analysis

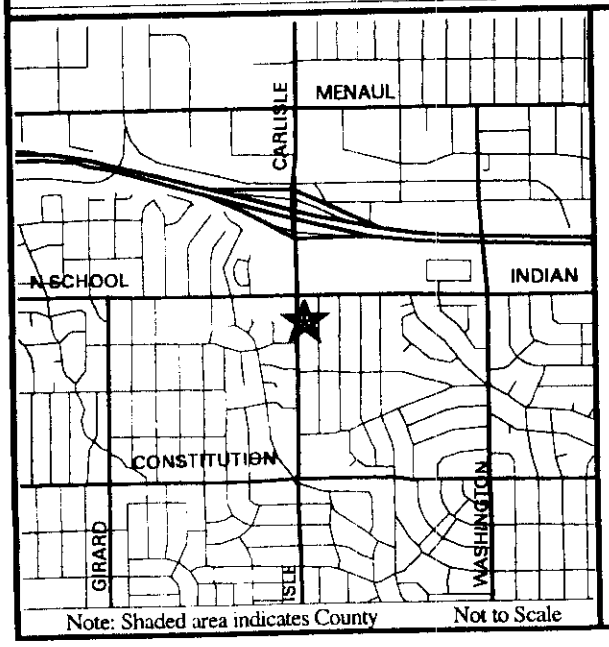
The project site is located on the east side of Carlisle Boulevard, NE, +/-109 feet south of Indian School Road, NE. No development proposal is associated with this request.

The request does not constitute either a spot zone or a strip zone, as defined in Resolution R-270-1980. The request satisfies several key land use policies of the *City/County Comprehensive Plan*, and it serves as a logical response to changing development conditions. As infill development, it will serve as a redevelopment stimulus and will therefore be advantageous to both the surrounding community and the City.



City Departments and other interested agencies reviewed this application from 12/2/04 to 12/17/04.
Agency comments were used in the preparation of this report, and begin on page 10.





Note: Shaded area indicates County

Not to Scale

ZONING MAP

AGIS

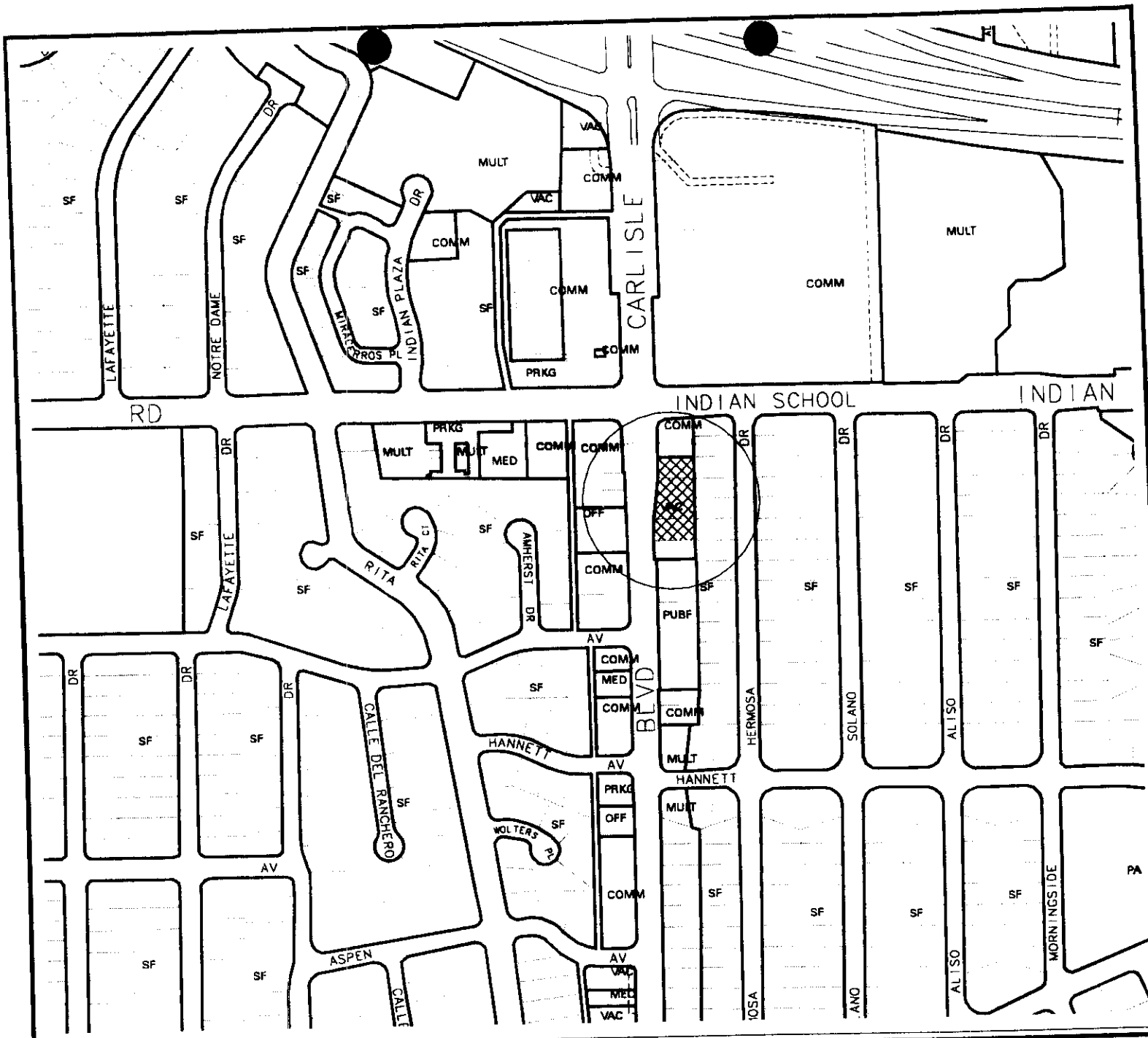
Scale 1" = 408'

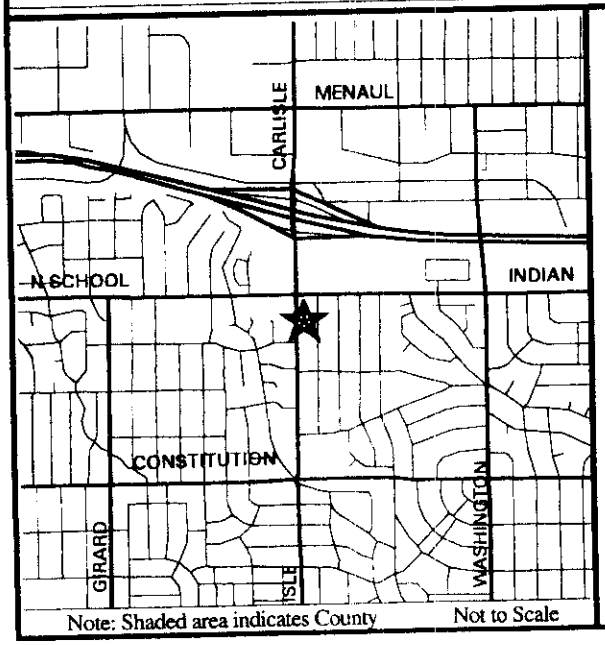
PROJECT NO.
1003801

HEARING DATE
1-20-05

MAP NO.
J-16

ADDITIONAL CASE NUMBER(S)
04EPC-01821





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 Crganization
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

AGIS

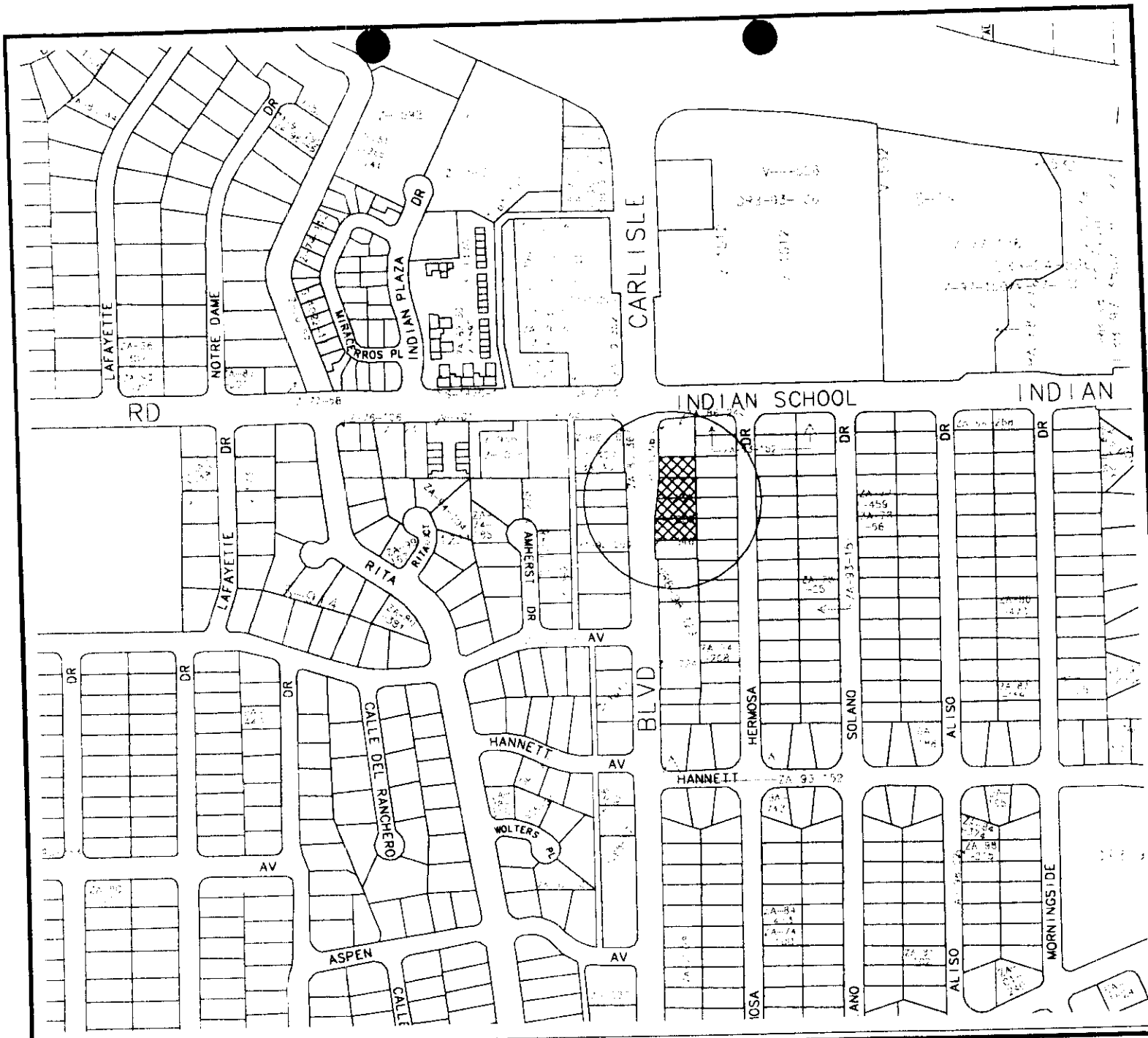
Scale 1"=408 '

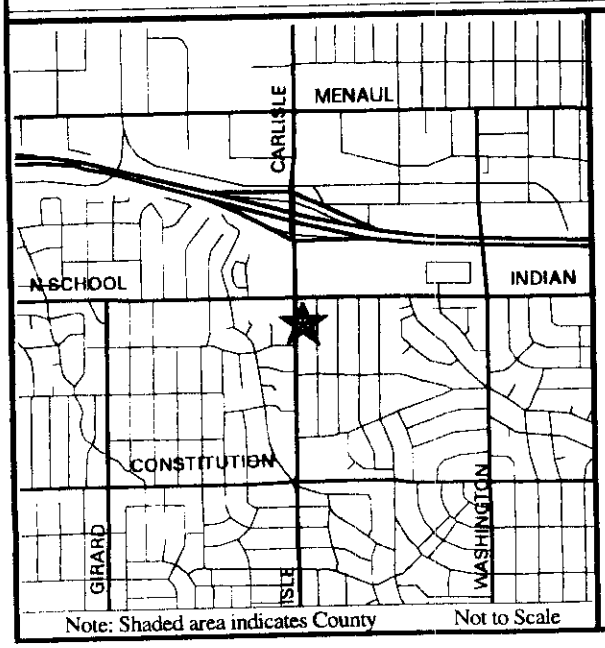
PROJECT NO.
1003801

HEARING DATE
1-20-05

MAP NO.
J-16

ADDITIONAL CASE NUMBER(S)
04EPC-01821





Note: Shaded area indicates County

Not to Scale

HISTORY MAP

AGIS

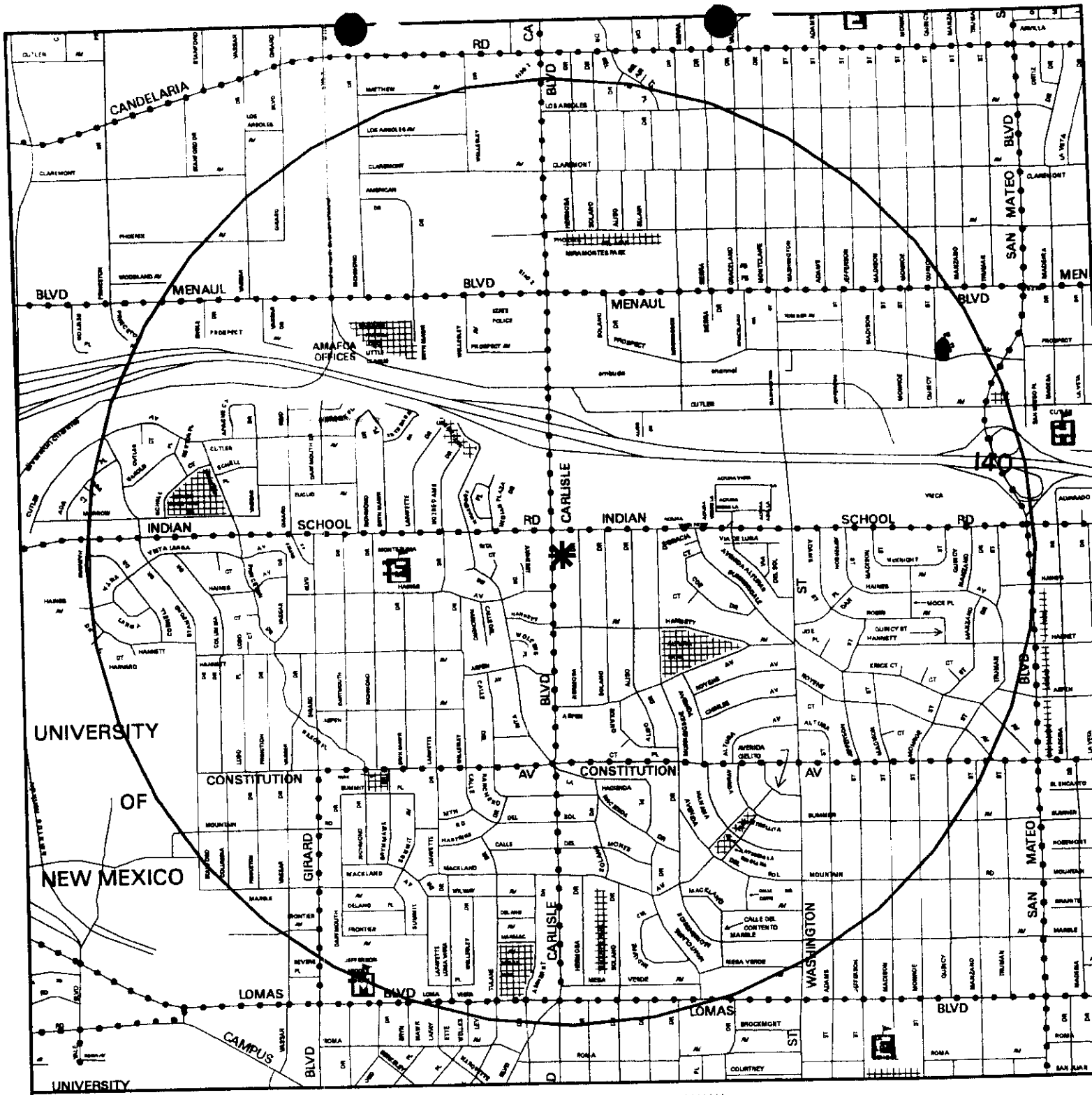
Scale 1" = 408'

PROJECT NO.
1003801

HEARING DATE
1-20-05

MAP NO.
J-16

ADDITIONAL CASE NUMBER(S)
04EPC-01821



Senior Center

Community Center

Multi-Service Center

Library

Police

Sheriff

Fire Station

Pool

APS Schools

Elementary

Middle

High

Suntran Routes

City Limits

1003801

Developed City Park

Undeveloped City Park

County Park

Landfill

Buffer designated by EHD

AGIS

0 1/2 Mile 1 Mil

Scale 1" = 1500'

Development Services Report

SUMMARY OF REQUEST

Request(s)	*A zoning map amendment from O-1 (Office) to C-1 (Neighborhood Commercial)*
Location	*On the east side of CARLISLE BOULEVARD, NE, between INDIAN SCHOOL ROAD, NE, and HANNETT AVE, NE.*

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	***Comprehensive Plan Area; Applicable Rank II & III Plans***	***Land Use***
Site	O-1	Established Urban	Vacant
North	C-1	Established Urban	Gas Station and Convenience Store
South	O-1	Established Urban	Vacant lot, office building
East	R-1	Established Urban	Single-family residential
West	Public ROW; C-1	Established Urban	Carlisle Blvd.; office buildings

Background, History and Context

History: This project was deferred on January 20, 2005 to encourage a dialogue with area residents with respect to land use restrictions within the project site. As the initial request was a zone map amendment involving a conventional zone change, conditions involving land use restrictions could not be imposed. In an effort to work with the residents within the surrounding area, the developer has amended the request to reflect a change to SU-1 for C-1, which requires site plan consideration and approval before the Planning Commission. This establishes the foundation to pursue land use restrictions that are mutually agreed upon by all interested parties.

Background: The .64-acre (27878.40 square feet) project site consists of four vacant, contiguous lots and is located on the east side of Carlisle Boulevard, NE, approximately 109 feet south of Indian School Road, NE. The applicant is requesting a zone change from O-1 (Office) to C-1 (Neighborhood Commercial); there is no proposed development associated with this request. The subject area originated from the Altura Addition Subdivision of the early 1950's.

The subject area has been undeveloped in excess of fifty years and was originally zoned R-3. There were three previous attempts to change the zoning of this area from residential to commercial, with the most recent action being a successful conversion to O-1 in 1965. A similar zone change request

was made in 1999 (Z-99-57); the applicant withdrew this request before it was considered, however. In each case, there was noted opposition from residents within the surrounding area.

Area Characteristics: The subject area fronts Carlisle Boulevard, a minor arterial. Right-of-way widths abutting the subject area vary from approximately 75 to 100 feet. The subject area is approximately 960 feet south of Interstate 40 and is also within 250 feet of a major commercial node containing a specialty retail grocer and a nationwide department store retailer. To the immediate north of the subject area is a gas station that has been at the southeast corner of Carlisle and Indian School as far back as 1956. Detached single-family development exists to the east, with Hannett and Aspen Avenues being the only direct entrances to this abutting development from Carlisle. Both an undeveloped lot and an under-occupied office building are situated to the south.

Overall, there is substantive office development within proximity of the subject area, with much of it extending along the west side of Carlisle. A portion of this development is located within a C-1 zone between Indian School and Haines Avenue. It is single-storied and houses predominantly medical, legal and insurance-related businesses. There is extensive multi-family development along the east side of Carlisle, and a smaller-scale commercial node exists near the intersection of Carlisle and Constitution Avenue. The land uses south of this intersection and along Carlisle become predominantly single-family residential.

Public Facilities/Community Services

The #5 bus route is within walking distance of the project site.

ANALYSIS

Conformance to Adopted Plans, Policies, and Ordinances

City/County Comprehensive Plan: The project area is situated in an area designated by this plan as ***Established Urban***. The primary goal for this area is "to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing...while creating a visually pleasing built environment." Some of the Plan's policies salient to this discussion include:

1. ***Policy II.B.5.d*** – **The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social and recreational concern.** As the proposed development abuts a substantive commercial node, the proposed zone change should function as a logical extension and should not result in any negative impact, given its limited size and layout. Current design standards governing non-residential development and residential adjacency should provide adequate buffering and mitigation.

2. *Policy II.B.5.e* – **New growth shall be accommodated through development in areas where vacant land is contiguous to existing programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.** The project site is located on an existing public street right-of-way and has access to existing municipal services. As Carlisle Boulevard may be substandard at the project site, right-of-way dedication may be required; nevertheless, no major public improvements are anticipated. Given that the subject area has remained vacant in excess of fifty years, the new zoning designation could stimulate new infill development.

3. *Policy II.B.5.i* – **Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution and traffic on residential environments.** Design standards governing residential adjacency of non-residential development should mitigate any potential impacts. Additionally, there are several permitted land uses that could potentially function as adequate buffer to traffic noise emanating along Carlisle, and the developer sought input from area residents as to potentially amenable land uses for the subject area. The subject area does not have any direct access to the residential development immediately adjacent to the east.

4. *Policy II.B.5.k* – **Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic.** The project site has approximately 240 feet of frontage along Carlisle, and about two-thirds of the site is affected by a raised median within Carlisle that will limit the occurrence of cross-traffic. Any proposed development should require reciprocal access to accommodate both internal and neighboring development in an effort to diminish the number of curb cuts.

5. *Policy II.B.5.l* – **Quality and innovation in design (which is appropriate to the plan area) shall be encouraged in all new development...**The developer should be thoughtful of the surrounding area and be ingenious in design so that the end result will not be visually obtrusive or garish. Any proposed development would be subject to site plan consideration and review before the Planning Commission.

6. *Policy II.B.5.o* – **Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.** Given that the subject area is currently vacant, the proposed zone change could be a catalyst for further positive development of an otherwise underdeveloped area. The applicant has involved the affected neighborhood associations and residents in proposed land use issues.

Zoning

Under current O-1 zoning restrictions, building heights are limited to 26 feet within 85 feet of a residential zone, and there are no minimum lot size requirements. There is, however, a required 15-foot minimum rear setback when adjacent to a residential zone. Parking requirements for general

office uses are one space per each 200 net-square-feet of lease area at ground level and one space per each 300 net-square-feet of lease area above ground.

Under C-1 zoning, building height and setback requirements remain the same. Using general retail parking standards as a basis, one space is required for each 200 net-square-feet of lease area. The intent of the proposed SU-1 designation is to allow for flexibility that would not be afforded under conventional zoning for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design. Building and site design in accordance with §14-16-3, subsections 9, 10 and 18 of the Zoning Code would be taken into consideration during site plan review.

Offices and retail are allowed C-1 land uses. In this particular case, however, all interested parties reached near-mutual consensus with regard to the placement of restrictions to certain land uses within the subject area as a means of mitigating any potential negative impact. As the project area abuts an existing C-1 zone to the north, the modified request should not constitute either a spot zone or a strip zone.

Long Range Roadway System

CARLISLE ROAD, NE is a *Minor Arterial* street, with a minimum right-of-way width of 86'.

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. The burden is on the applicant to offer sound justification for a zone change request. In this particular request, the applicant must demonstrate that the existing zoning is inappropriate either because changing the zone would be a reasonable response to changing neighborhood or community conditions, or because a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan. No errors in zoning have been demonstrated in this particular case.

The applicant cites changing dynamics in the prevailing area that necessitate a zone change, including the restructuring of commercial nodes near the Interstate 40 interchange and at the intersection of Lomas and Carlisle which have resulted in a net loss of 22,000 square feet of retail space, and the reorientation of office demand to newly renovated areas near Interstate 40 and Louisiana Street. Converted office uses dominate much of the C-1 zones along the west side of Carlisle. The applicant cites that this is a result of "functional obsolescence" because existing buildings can't meet today's commercial retail demands. The changes cited, however, reflect a situation in which redevelopment as allowed under current zoning restrictions may be nothing more than a logical response to changing market conditions. This stance would not satisfy the burden of section 1.D.2 of the Resolution and could potentially conflict with section 1.G, which disallows economic considerations as a determinant.

The applicant does cite, however, that the immediate area lacks sufficient commercial uses to complement both the adjacent neighborhood and the surrounding offices, and that the introduction of C-1 could potentially "satisfy the day-to-day needs of residential areas." The applicant offers the following arguments in support of this position:

A. New complementary services as a result of the zone change would be situated within walking distance of both surrounding offices and the adjacent residential neighborhood, thus encouraging more pedestrian activity, which is in concert with *Policy II.B.5.e* of the Comprehensive Plan.

B. The applicant notes that the project area has access to existing urban facilities and services and will promote infill development through the conversion of vacant property presently serving as a magnet for nuisances into something beneficial to the community, thus meeting *Policy II.B.5.e* of the Comprehensive Plan.

C. The applicant cites that the "New retail development on the subject site will provide employment and service to the immediate neighborhood and community...," thus promoting a more pedestrian environment in keeping with *Policy II.B.5.i* of the Comprehensive Plan.

D. The development could serve as a suitable noise buffer between Carlisle and the adjacent residential neighborhood. Furthermore, development of the site will result in less access to Carlisle and improved cross access between lots, thus positively affecting traffic flow, as desired in *Policy II.B.5.k* of the Comprehensive Plan.

E. The developer will utilize quality design in any development proposed for this site, and input from the neighborhood will be welcomed, which is in concert with *Policy II.B.5.l* of the Comprehensive Plan.

F. The applicant emphasizes that a zone change will facilitate infill development and serve as an employment generator and a potential catalyst for further positive redevelopment along Carlisle, as stipulated in *Policy II.B.5.o* of the Comprehensive Plan.

In this particular case, a different land use category would be advantageous to both the surrounding area and the City as it meets several key policies of the City/County Comprehensive Plan.

Neighborhood Concerns

One phone call in opposition to the project was received. A facilitated meeting was held on January 4, 2005 in response to some concerns regarding the proposed zone change and its perceived effects on the surrounding community. Among the more prevailing issues were:

1. A potential increase in traffic as a result of any proposed development on the site and how that traffic would be mitigated;

2. Street widening along Carlisle to alleviate significant congestion near the Carlisle/Indian School intersection;
3. A perceived demand for office space in the surrounding area, given recent redevelopment of former commercial buildings into offices;
4. The possibility of liquor stores, restaurants serving liquor, or drive-thru restaurants being located on the site.

The attendees were advised there was no difference in most of the development standards between O-1 and C-1 except for signage requirements and allowed land uses, and that both packaged liquor sales are not allowed in the C-1 zone. Also, drive-thru services and restaurants with on-premise alcoholic consumption are subject to conditional use permits requiring a public hearing. They were also informed that conditions of approval cannot be placed on a conventional zone. A good working relationship between affected citizens and the applicant was encouraged. The affected citizens were advised to actively participate in the site design and land use aspects to safeguard against possible negative uses. There were no recommendations from either party to modify the zone change request. A copy of the facilitator's report is attached.

This project was deferred on January 20, 2005 by the Planning Commission to encourage a dialogue with area residents with respect to land use restrictions on the project site. On February 10, a meeting between the developer and representatives from both the Altura Addition and Summit Park Neighborhood Associations was held to discuss possible land use restrictions on the subject site. Attached "Exhibit A" represents a compilation of those land uses that are excluded or modified by mutual agreement. It should be mentioned, however, that a point of contention exists regarding the allowed placement of restaurants on the site, which is opposed by the Associations. It is argued that a restaurant would be harmful to surrounding residents as it contributes offensive odors and truck noise. On the other hand, the developer contends that given the number of concessions made, this additional restriction would be onerous and unreasonable.

FINDINGS – 04EPC – 01821, 3.17.05

1. This is a request for a zoning map amendment from O-1 (Office) to SU-1 for C-1 with exclusions for Lots 28 through 31, Block A, Altura Addition Subdivision. No proposed development is associated with this request.

2. The proposed zone change would be a logical extension of existing commercial zoning to the north of the subject area, and commercial uses would be an appropriate use of the property, in accordance with *Policy II.B.5.d* of the *City/County Comprehensive Plan*

3. No public improvements or extensions of public utilities are required to accommodate the request, and there are transit facilities in place to adequately support a commercial development, in accordance with *Policy II.B.5.e* of the *City/County Comprehensive Plan.*

4. The proposed zone change will offer employment opportunities and services that will complement the surrounding area, in accordance with *Policies II.B.5.i* and *II.B.5.o* of the *City/County Comprehensive Plan.*

5. The proposed zone change is sensitive to, and compatible with, surrounding development, and it functions as infill development that could become a catalyst for redevelopment, in accordance with *Policies II.B.5.k* and *II.B.5.l* of the *City/County Comprehensive Plan.*

6. The proposed zone change request is not required to correct an error in zoning classification, as articulated in *Resolution 270-1980*, section *1-D-1.*

7. As redevelopment of older neighborhoods is encouraged, the proposed development is advantageous to the City overall and represents orderly development of the City, as articulated in *Resolution 270-1980*, section *1-D-3.*

8. The proposed zone change request would not constitute a spot zone or a strip zone, as articulated in *Resolution 270-1980*, sections *1-I* and *1-J.*

9. The applicant is authorized to request a zone change on the subject property.

10. There is citizen opposition to the project. Issues centering on perceived developmental impact were brought forth through facilitation. A consensus among all parties of interest was reached, and no recommendations to modify the applicant's zone change request were offered.

11. During a second meeting between the developer and area residents, a mutual list of permitted and conditional land uses that would be excluded or modified to suit the project area was compiled for inclusion in the requested zone change and any future site development plan. All parties involved have agreed to this list with the exception of the elimination of restaurants as a permitted land use, as desired by area residents.

RECOMMENDATION – 04EPC-01821, 3.17.04

APPROVAL of 04EPC – 01821, a zoning map amendment from O-1 to SU-1 for C-1 with exclusions, for Lots 28 through 31, Block A, Altura Addition, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL – 04EPC-01821, 3.17.05

1. A site development plan must be submitted and approved within six (6) months after the date of final City approval is voted, or else said approval shall be declared null and void.

2. The zoning and the site development plan shall include the following land use exclusions:

   A. Outdoor restaurant seating
   B. Liquor sales in conjunction with a restaurant use
   C. Gasoline service station
   D. Outside sales of gas, oil, or liquefied petroleum
   E. On premise automobile and motorized bicycle (moped) repair and body work
   F. Pawn shops
   G. Car wash
   H. Laundromats
   I. Off-premise signage
   J. Free-standing wireless telecommunications facilities up to 65 feet in height
   K. Collocated free-standing wireless telecommunications facilities up to 75 feet in height
   L. Antennae exceeding 65 feet in height
   M. Community residential program in accordance with section 14.16.2.16.B.2 of the Zoning Code
   N. Auto, trailer and truck rental, service and storage
   O. Drive-up service windows
   P. Fireworks sales
   Q. Games within a completely enclosed building, operated for profit and not a permissive C-1 use
   R. Kennel
   S. Mortuary
   T. Mobile home as caretaker quarters
   U. Recycling bin as an accessory use
   V. Uses or activities in a tent
   W. Roof-mounted wireless telecommunications facilities.

3. The zoning and the site development plan shall include the following modifications:

   A. Bicycle repair, provided it is done within a completely enclosed building
   B. Dry cleaning, with no on-premise dry-cleaning or laundering (Drop-off station only)

C. Electronic and pinball game rooms within a completely enclosed building and with no more than four game machines per business.

David J. Stallworth
Planner

cc: Peterson Properties Real Estate Services, Inc., 2325 San Pedro NE, Suite 2A, Albuq. NM 87110
Denise Hammer, Altura Addition NA, 1735 Aliso Dr. NE, Albuq. NM 87110
Lucerne Knight, Altura Addition NA, 1718 Hermosa NE, Albuq. NM 87110
Will Gleason, Summit Park NA, 732 Lafayette NE, Albuq. NM 87106
Desi Brown, Summit Park NA, 1113 Richmond NE, Albuq. NM 87106

Attachments

- Geographic information package (Zoning, land use, case history, city services maps)
- Initial application package (Application w/ checklist, traffic/environmental impact form)
- Applicant's request letters to the Environmental Planning Commission
- Determination letter, Office of Neighborhood Coordination
- Facilitator's report

CITY OF ALBUQUERQUE AGENCY COMMENTS

The *Altura Addition* and *Summit Park Neighborhood Associations* were notified of the proposed project. A facilitated meeting was held on January 4, 2005. One phone call in opposition to the project was received. The following inter-agencies and public entities did not offer any comments or objections to the applicant's request(s):

Planning, Advance Planning
Planning, Hydrology
Planning, Transportation Development
Planning, Utilities Development
Planning, Zoning
Public Works Dept., Traffic Engineering
Public Works Dept., Street Maintenance
City of ABQ, Fire Dept.
City of ABQ, Legal Dept.
City of ABQ, Parks & Recreation/Open Space
City of ABQ, Police Dept.
City of ABQ, Real Property Section
City of ABQ, Water Authority
Albuquerque Metropolitan Flood Control Authority
Albuquerque Public Schools
Bernalillo County
Environmental Health Dept.
Middle Rio Grande Conservancy District
Middle Rio Grande Council of Governments
Municipal Development, Park Design
Municipal Development, Transportation Planning
NM Dept. of Transportation
Petroglyph National Monument
Public Service Company of NM
Solid Waste Management Dept.

ALBUQUERQUE
Making History

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

Date: January 21, 2005

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1003801**
04EPC-01821 Zone Map Amendment

Peterson Properties Real Estate Services, Inc.
2325 San Pedro NE, Suite 2A
Albuq. NM 87110

LEGAL DESCRIPTION: for all or a portion of Lots 28-31, **Altura Addition**, a zone map amendment from O-1 to C-1, located on CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE, containing approximately 1 acre. (J-16) David Stallworth, Staff Planner

On January 20, 2005 the Environmental Planning Commission voted to defer Project 1003801/ 04EPC-01821 Zone Map Amendment, to the Environmental Planning Commission Public Hearing on March 17, 2005.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **FEBRUARY 4, 2005** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT I S NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC's RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC's DECISION.

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 they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

Bill Tafoya, being duly sworn, declares and says that he is Classified Advertising Manager of **The Albuquerque Journal**, and that said 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 1 times, the first publication being on the 29 day of December 2004 and the subsequent consecutive publications on _____, 20___.

Sworn and subscribed to before me, a Notary Public, in and for the County of Bernalillo and State of New Mexico this 29 day of December of 2004

PRICE 137.20

Statement to come at end of month.

ACCOUNT NUMBER C80583

CLA-22-A (R-1/93)

My Commis

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will conduct an informational **Study Session on the Mesa del Sol project on Wednesday, January 12, 2005, 1:00 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM. The public is welcome to attend.

There will be no Study Session for Environmental Planning Commission review of current land use applications scheduled for the January 20th EPC public hearing. Staff reports on applications scheduled for the January 20th hearing will be available to the public beginning at 1:00 PM on Thursday, January 13th in the Planning Department offices on the 3rd floor of the Plaza del Sol building.

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, January 20, 2005, 8:30 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]

Project # 1003708
04EPC-01544 Zone Map Amendment
04EPC-01839 EPC Site Development Plan-Subdivision FAYE MCAFEE agent(s) for DAVID & FAYE MCAFEE request the above action(s) for all or a portion of Lot(s) 6, Block(s) 10, MONTGOMERY HEIGHTS, a zone map amendment from R-1 to SU-1 for C-1 w/Exceptions located on MONTGOMERY BLVD NE, between CARLISLE BLVD NE and I-25, (G-16) Stephanie Shumsky, Staff Planner

Project # 1003784
04EPC-01776 Zone Map Amendment/ Sector Development Plan Amendment JESUS ESPINOSA request the above action for all or a portion of a 50 FT VACATED PORTION OF ALAMEDA LATERAL within Block 4A, Franciscan Acres, a zone map amendment from LATERAL to SU2 R-1, located on PROSPECT AVE NE, between EDITH BLVD. NE and BROADWAY BLVD. NE, containing approximately 1 acre. (H-14) David Stallworth, Staff Planner

Project # 1003798
04EPC-01813 Zone Map Amendment CITY OF ALBUQUERQUE/PLANNING DEPARTMENT agents for CITY OF ALBUQUERQUE request the above actions for all or a portion of Lots 7-12, Emil Mann Addition, a zone map amendment from SU-1 for Fraternity Lodge & Club to R-T, located on DALLAS SE, between SOUTHERN SE and PENNSYLVANIA SE, containing approximately 2 acres. (L-19) Anna DiMambro, Staff Planner

Project # 1003801
04EPC-01821 Zone Map Amendment PETERSON PROPERTIES REAL ESTATE SERVICES request the above action for all or a portion of Lots 26-31, Altura Addition, a zone map amendment from O-1 to C-1, located on CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE, containing approximately 1 acre. (J-16) David Stallworth, Staff Planner.

Project # 1000163
04EPC-01828 EPC Site Development Plan-Building Permit SANDERS & ASSOCIATES ARCH, agent(s) for DR & MRS. ERNESTO GARZA request the above action(s) for all or a portion of Tract(s) E, La Cueva Village, zoned C-2/SC, located on CARMEL AVE. NE, between WYOMING NE and BARSTOW NE, containing approximately 1 acre. (C-19) Elvira Lopez, Staff Planner

Project # 1003803
04EPC-01826 EPC Sector Development Plan
04EPC-01827 Zone Map Amendment CITY OF ALBUQUERQUE/PLANNING agent(s) for CITY OF ALBUQUERQUE request the above action(s) for all or a portion of Lot(s) 3 & 4, Major Acres Subdivision, from SU-2/ RT to R-1, located on MAJOR NW, between 10th St. NW and 12TH ST. NW, containing approximately 1 acre(s). (G-14) Elvira Lopez, Staff Planner, Staff Planner

Project # 1003804
04EPC-01831 Amendment to EPC Site Development Plan-Building Permit GREGORY T. HICKS & ASSOC. PC agent for LOVELACE SANDIA HEALTH SYSTEM request the above action for , Parcel M-1, University Heights Hospital, zoned SU-1 Hospital & Professional Office, located on MONTGOMERY BLVD. NE, between JEFFERSON NE and SAN MATEO NE, containing approximately 12 acres. (F-17) Carmen Marrone, Staff Planner

Project # 1003868
04EPC-01833 EPC Site Development Plan-Building Permit BOHANNAN HUSTON INC agents for THE TRAILS LLC request the above actions for all or a portion of Tract H, The Trails Subdivision, zoned RD, located WEST OF RAINBOW BLVD. NW, between WOODMONT AVE. and PASEO DEL NORTE NW, containing approximately 1 acre. (C-9) Elvira Lopez, Staff Planner

Project # 1003849
04EPC-01834 EPC Site Development Plan-Building Permit
04EPC 01840 EPC Zone Map Amendment GARCIA/KRAEMER & ASSOCIATES agents for KENRIC & KRISTY GARCIA request the above actions for all or a portion of Tract A, Division of Land of Richard Casaus, zoned R-1 to SU-1 for O-1, located on MONTANO ROAD, between 2ND ST. NW and 4TH ST. NW, containing approximately 1 acre. (F-15) Stephanie Shumsky, Staff Planner

Stephanie Shumsky, Staff Planner

Project # 1002529
04EPC-01840 EPC Site Development Plan-Subdivision
04EPC-01841 EPC Site Development Plan-Building Permit
04EPC-01843 Zone Map Amendment CONSENSUS PLANNING, INC. agents for CAS, LLC request the above actions for all or a portion of Tracts 6-B Lot 1 to SU-1 for O-1 Permissive Uses; Lot 2 to SU-1 for C-1 Permissive Uses; Lot 2 to Sales and Storage; Lots 3-5 to SU-1 for C-1 Permissive Uses. Partition of Black Ranch, zoned RD, located on COORS BLVD. NW, between WESTSIDE DR. NW and CALABACILLAS ARROYO, containing approximately 6 acres. (B-13) Nekita Hill, Staff Planner

Project # 1003805
04EPC-01842 Zone Map Amendment CONSENSUS PLANNING, INC. agents for AUTO ZONE, INC. request the above action for all or a portion of Lots 2F-1, Chelwood Park Subdivision, a zone map amendment from C-1 (SC) to C-1, located on LOMAS BLVD. NE, between NAKOMIS DR. NE and GEORGENE DR. NE, containing approximately 2 acres. (K-22) Stephanie Shumsky, Staff Planner

Project # 1003859
04EPC-01845 EPC Site Development Plan- Subdivision CONSENSUS PLANNING, INC. agent(s) for SILVERLEAF VENURES, LLC request the above action(s) for all or a portion of Tract(s) A & 6B, Lands of Ray Graham III, Ovenwest Corp., zoned SU-1, C-1, C-2 and PRD, located on COORS BLVD. NW, between MONTANO ROAD NW and LEARNING ROAD NW, containing approximately 70 acre(s). (E-12) Juanita Garcia, Staff Planner

Project # 1003475
04EPC-01846 EPC Site Development Plan-Subdivision WILSON & COMPANY, INC. agents for FELIX RABADI request the above action for a portion of unplatted Tract 7, Horizon Lan Corporation in the N. ½ of the SE of Section 10, Township 11N, Range 2E and a nearly portion of Tract 2, Lands of Paragon Resources, Inc., Town of Alameda Grant Company, zoned SU-1 PRD, located on the south side of PARADISE BLVD. NW, between CONEFLOWER DR. NW and LYON BLVD. NW, (B-10) David Stallworth, Staff Planner

Details of these applications may be examined at the Development Services Division of the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street, NW, between 10:00 a.m. and [illegible] Monday through Friday, or you may call April Candelaria at 924 3886. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should contact April Candelaria 924-3886.

Jeff Jesionowski, Chairman
Environmental Planning Commission
APPROVED
Russell Brito, Senior Planner
Planning Department
Journal: December 29, 2004

11. Project # 1003801
04EPC-01821 Zone Map Amendment

PETERSON PROPERTIES REAL ESTATE SERVICES agents for PETERSON PROPERTIES REAL ESTATE SERVICES request the above action for all or a portion of Lots 28-31, Block A, **Altura Addition**, a zone map amendment from O-1 to SU-1 for C-1, located on the east side of CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE, containing approximately 1 acre. (J-16) David Stallworth, Staff Planner **(APPROVED)**

STAFF PRESENT:

David Stallworth, Planning Department
Russell Brito, Planning Department

PERSON PRESENT TO SPEAK IN FAVOR OF THIS REQUEST:

Doug Peterson, 2325 San Pedro NE

PERSON PRESENT TO SPEAK IN OPPOSITION OF THIS REQUEST:

Denise Hammer, 1735 Aliso NE
Susie Kubie, 1800 Aliso Dr. NE
Lucerne Knight, 1718 Hermosa Dr. NE
Walter Burke, 1823 Hermosa
Wanda Pitts, 1831 Hermosa Dr. NE
Jeanne Adams, 1405 Solano Dr. NE

MR. STALLWORTH: Reiterated comments made in the staff report in which approval was recommended.

FINAL ACTION TAKEN

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission voted to approve Project 1003801/ 04EPC – 01821, a zoning map amendment from O-1 to SU-1 for C-1 with exclusions, for Lots 28 through 31, Block A, Altura Addition, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a zoning map amendment from O-1 (Office) to SU-1 for C-1 with exclusions for Lots 28 through 31, Block A, Altura Addition Subdivision. No proposed development is associated with this request.

2. The proposed zone change would be a logical extension of existing commercial zoning to the north of the subject area, and commercial uses would be an appropriate use of the property, in accordance with *Policy II.B.5.d* of the *City/County Comprehensive Plan*

3. No public improvements or extensions of public utilities are required to accommodate the request, and there are transit facilities in place to adequately support a commercial development, in accordance with *Policy II.B.5.e* of the *City/County Comprehensive Plan*.

4. The proposed zone change will offer employment opportunities and services that will complement the surrounding area, in accordance with *Policies II.B.5.i* and *II.B.5.o* of the *City/County Comprehensive Plan*.

5. The proposed zone change is sensitive to, and compatible with, surrounding development, and it functions as infill development that could become a catalyst for redevelopment, in accordance with *Policies II.B.5.k* and *II.B.5.l* of the *City/County Comprehensive Plan*.

6. The proposed zone change request is not required to correct an error in zoning classification, as articulated in *Resolution 270-1980*, section *1-D-1*.

7. As redevelopment of older neighborhoods is encouraged, the proposed development is advantageous to the City overall and represents orderly development of the City, as articulated in *Resolution 270-1980*, section *1-D-3*.

8. The proposed zone change request would not constitute a spot zone or a strip zone, as articulated in *Resolution 270-1980*, sections *1-I* and *1-J*.

9. The applicant is authorized to request a zone change on the subject property.

10. There is citizen opposition to the project. Issues centering on perceived developmental impact were brought forth through facilitation. A consensus among all parties of interest was reached, and no recommendations to modify the applicant's zone change request were offered.

11. During a second meeting between the developer and area residents, a mutual list of permitted and conditional land uses that would be excluded or modified to suit the project area was compiled for inclusion in the requested zone change and any future site development plan. All parties involved have agreed to this list with the exception of the elimination of restaurants as a permitted land use, as desired by area residents.

CONDITIONS:

1. A site development plan must be submitted and approved within six (6) months after the date of final City approval is voted, or else said approval shall be declared null and void.

2. The zoning and the site development plan shall include the following land use exclusions:
   A. Outdoor restaurant seating
   B. Liquor sales in conjunction with a restaurant use
   C. Gasoline service station
   D. Outside sales of gas, oil, or liquefied petroleum
   E. On premise automobile and motorized bicycle (moped) repair and body work
   F. Pawn shops
   G. Car wash
   H. Laundromats
   I. Off-premise signage
   J. Free-standing wireless telecommunications facilities up to 65 feet in height
   K. Collocated free-standing wireless telecommunications facilities up to 75 feet in height
   L. Antennae exceeding 65 feet in height
   M. Community residential program in accordance with section 14.16.2.16.B.2 of the Zoning Code
   N. Auto, trailer and truck rental, service and storage
   O. Drive-up service windows and drive thru facilities including banking facilities
   P. Fireworks sales
   Q. Games within a completely enclosed building, operated for profit and not a permissive C-1 use
   R. Kennel
   S. Mortuary
   T. Mobile home as caretaker quarters
   U. Recycling bin as an accessory use
   V. Uses or activities in a tent
   W. Roof-mounted wireless telecommunications facilities.

3. The zoning and the site development plan shall include ~~the~~ following modifications:
   A. Bicycle repair, provided it is done within a completely enclosed building
   B. Dry cleaning, with no on-premise dry-cleaning or laundering (Drop-off station only)
   C. Electronic and pinball game rooms within a completely enclosed building and with no more than four game machines per business.

4. Restaurant Use is allowed only if approved by the EPC in conjunction with a site development plan for building permit that demonstrates ~~a~~dequate separation buffering and protection of adjacent residential uses from adverse effects of noise, lighting, pollution, traffic and odors.

MOVED BY COMMISSIONER STEELE
SECONDED BY COMMISSIONER JESIONOWSKI

MOTION PASSED UNANIMOUSLY (COMMISSIONER CHAVEZ HAS LEFT)

12. Project # 1003718
04EPC-01579 Text Amendment

CITY OF ALBUQUERQUE/PLANNING DEPARTMENT agents, for CITY OF ALBUQUERQUE request the above action for Approval of the Night Sky Protection Ordinance. Josh Skarsgard, Research Analyst **(DEFERRED TO JANUARY 19, 2006)**

STAFF PRESENT:

Russell Brito, Planning Department

FINAL ACTION TAKEN

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission voted to defer Project 1003718/*04EPC 01579,* text amendments of the Zoning Code for implementation of night sky protection regulations to the Environmental Planning Commission Public Hearing on January 19, 2006.

MOVED BY COMMISSIONER JESIONOWSKI
SECONDED BY COMMISSIONER KLEBESADEL

MOTION PASSED UNANIMOUSLY (COMMISSIONER CHAVEZ HAS LEFT)

13. Project # 1000163
04EPC-01828 EPC Site Development Plan-Building Permit

SANDERS & ASSOCIATES ARCH. agent(s) for DR & MRS. ERNESTO GARZA request the above action(s) for all or a portion of Tract(s) E, **La Cueva Village**, zoned C-2/SC, located on CARMEL AVE. NE, between WYOMING NE and BARSTOW NE, containing approximately 1 acre. (C-19) Elvira Lopez, Staff Planner **(APPROVED WITH CONDITIONS)**

ALBUQUERQUE
Making History

ENVIRONMENTAL PLANNING COMMISSION

A G E N D A

Thursday, January 20, 2005, 8:30 a.m.

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

MEMBERS

Jeffery Jesionowski, Chairman
Jens Deichmann, Vice Chair

James Grout
David Steele
Ishmael Valenzuela

Larry Chavez
Virginia Klebesadel
Klarissa Pena

****

NOTE: A LUNCH BREAK AND DINNER BREAK WILL BE ANNOUNCED AS NECESSARY

Agenda items will be heard in the order specified unless changes are approved by the EPC at the beginning of the hearing; deferral and withdrawal requests (by applicants) are generally reviewed at this time (see item 1A and 1B below). Applications with no known opposition that are supported by the Planning Department are scheduled at the beginning of the agenda; these cases are noted with an asterisk (*). Applications deferred from a previous hearing are normally scheduled at the end of the agenda.

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. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak. **In the interest of time, presentation times are limited as follows, unless otherwise granted by the Commission Chair: Staff - 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each.**

All written materials -- including petitions, legal analysis and other documents – should be submitted at least 10 days prior to the public hearing, ensuring presentation at the EPC Study Session. The EPC strongly discourages submission of written material at the public hearing. Except in extraordinary circumstances, the EPC will not consider written materials submitted at the hearing. In the event the EPC believes that newly submitted material may influence its final decision, the application may be deferred to a subsequent hearing.

NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.

1. **Call to Order.**
   A. Election of Officers
   B. Announcement of Changes and/or Additions to the Agenda
   C. Approval of the Amended Agenda
   D. Approval of the Minutes for November 18, 2004.

2. Project # 1003784*
04EPC-01776 Zone Map Amendment/Sector Development Plan Amendment

JESUS ESPINOSA request the above action for all or a portion of a 50 FT VACATED PORTION OF ALAMEDA LATERAL within Block 4A, **Franciscan Acres**, a zone map amendment from LATERAL to SU2 R-1, located on PROSPECT AVE. NE, between EDITH BLVD. NE and BROADWAY BLVD. NE, containing approximately 1 acre. (H-14) David Stallworth, Staff Planner

3. Project # 1003798*
04EPC-01813 Zone Map Amendment

CITY OF ALBUQUERQUE/PLANNING DEPARTMENT agents for CITY OF ALBUQUERQUE request the above actions for all or a portion of Lots 7-12, **Emil Mann Addition**, a zone map amendment from SU-1 for Fraternity Lodge & Club to R-T, located on DALLAS SE, between SOUTHERN SE and PENNSYLVANIA SE, containing approximately 2 acres. (L-19) Anna DiMambro, Staff Planner

4. Project # 1000163*
04EPC-01828 EPC Site Development Plan-Building Permit

SANDERS & ASSOCIATES ARCH. agent(s) for DR & MRS. ERNESTO GARZA request the above action(s) for all or a portion of Tract(s) E, **La Cueva Village**, zoned C-2/SC, located on CARMEL AVE. NE, between WYOMING NE and BARSTOW NE, containing approximately 1 acre. (C-19) Elvira Lopez, Staff Planner

5. Project # 1003804*
04EPC-01831 Amendment to EPC Site Development Plan-Building Permit

GREGORY T. HICKS & ASSOC. PC agent for LOVELACE SANDIA HEALTH SYSTEM request the above action for , **Parcel M-1, University Heights Hospital**, zoned SU-1 Hospital & Professional Office, located on MONTGOMERY BLVD. NE, between JEFFERSON NE and SAN MATEO NE, containing approximately 12 acres. (F-17) Carmen Marrone, Staff Planner

6. Project # 1003688*
04EPC-01833 EPC Site Development Plan-Building Permit

BOHANNAN HUSTON INC agents for THE TRAILS LLC request the above actions for all or a portion of Tract H, **The Trails Subdivision**, zoned RD, located WEST OF RAINBOW BLVD. NW, between WOODMONT AVE. and PASEO DEL NORTE NW, containing approximately 1 acre. (C-9) Elvira Lopez, Staff Planner

7. Project # 1003649*
04EPC-01834 EPC Site Development Plan-Building Permit
04EPC 01340 EPC Zone Map Amendment

GARCIA/KRAEMER & ASSOCIATES agents for KENRIC & KRISTY GARCIA request the above actions for all or a portion of Tract A, **Divsision of Land of Richard Casaus**, zoned R-1 to SU-1 for O-1, located on MONTANO ROAD, between 2ND ST. NW and 4TH ST. NW, containing approximately 1 acre. (F-15) Stephanie Shumsky, Staff Planner

8. Project # 1002529*
04EPC-01840 EPC Site Development Plan-Subdivision
04EPC-01841 EPC Site Development Plan-Building Permit
04EPC-01843 Zone Map Amendment

CONSENSUS PLANNING, INC. agents for CAS, LLC request the above actions for all or a portion of Tracts 6-B Lot 1 to SU-1 for O-1 Permissive Uses; Lot 2 to SU-1 for C-1 Permissive Uses and Auto Sales and Storae; Lots 3-5 to SU-1 for C-1 Permissive Uses, **Partition of Black Ranch**, zoned RD, located on COORS BLVD. NW, between WESTSIDE DR. NW and CALABACILLAS ARROYO, containing approximately 6 acres. (B-13) Makita Hill, Staff Planner

9. Project # 1003805*
04EPC-01842 Zone Map Amendment

CONSENSUS PLANNING, INC. agents for AUTO ZONE, INC. request the above action for all or a portion of Lots 2F-1, **Chelwood Park Subdivision**, a zone map amendment from C-1 (SC) to C-1, located on LOMAS BLVD. NE, between NAKOMIS DR. NE and GEORGENE DR. NE, containing approximately 2 acres. (K-22) Stephanie Shumsky, Staff Planner

10. Project # 1003859*
04EPC-01845 EPC Site Development Plan-Subdivision

CONSENSUS PLANNING, INC. agent(s) for SILVERLEAF VENURES, LLC request the above action(s) for all or a portion of Tract(s) A & 6B, **Lands of RAy Graham III, Ovenwest Corp.**, zoned SU-1, O-1, C-2 and PRD, located on COORS BLVD. NW, between MONTANO ROAD NW and LEARNING ROAD NW, containing approximately 70 acre(s). (E-12) Juanita Garcia, Staff Planner

11. Project # 1003801
04EPC-01821 Zone Map Amendment

PETERSON PROPERTIES REAL ESTATE SERVICES request the above action for all or a portion of Lots 28-31, **Altura Addition**, a zone map amendment from O-1 to C-1, located on CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE, containing approximately 1 acre. (J-16) David Stallworth, Staff Planner

12. Project # 1003708
04EPC-01544 Zone Map Amendment
04EPC-01839 EPC Site Development Plan-Subdivision

FAYE MCAFEE agent(s) for DAVID & FAYE MCAFEE request the above action(s) for all or a portion of Lot(s) 6, Block(s) 10, **MONTGOMERY HEIGHTS**, a zone map amendment from R-1 to SU-1 for C-1 w/Exceptions , located on MONTGOMERY BLVD NE, between CARLISLE BLVD NE and I-25, (G-16) Stephanie Shumsky, Staff Planner

13. Project # 1003803
04EPC-01826 EPC Sector Development Plan
04EPC-01827 Zone Map Amendment

CITY OF ALBUQUERQUE/PLANNING agent(s) for CITY OF ALBUQUERQUE request the above action(s) for all or a portion of Lot(s) 3 & 4, **Major Acres Subdivision**, from SU-2/ RT to R-1, located on MAJOR NW, between 10th St. NW and 12TH ST. NW, containing approximately 1 acre(s). (G-14) Elvira Lopez, Staff Planner, Staff Planner

14. Project # 1003475
04EPC-01846 EPC Site Development Plan-Subdivision

WILSON & COMPANY, INC. agents for FELIX RABADI request the above action for a portion of unplatted Tract 7, Horizon Lan Colrporation in the N. ½ of the SE ¼ of Section 10, Township 11N, Range 2E and a nearly portion of Tract 2, Lands of Paragon Resources, Inc., Town of Alameda Grant Company, zoned SU-1 PRD, located on the south side of PARADISE BLVD. NW, between CONEFLOWER DR. NW and LYON BLVD. NW, (B-10) David Stallworth, Staff Planner

15. Project # 1003647
04EPC-01338 EPC Sector Development Plan

PLANNING DEPARTMENT agent(s) for CITY OF ALBUQUERQUE request the above action(s) for rescission of the La Cuesta Sector Development Plan. Josh Skarsgard, Research Analyst **(DEFERRED FROM DECEMBER 16, 2004)**

16. Project # 1003718*
04EPC-01579 Text Amendment

CITY OF ALBUQUERQUE/PLANNING DEPARTMENT agents, for CITY OF ALBUQUERQUE request the above action for Approval of the Night Sky Protection Ordinance. Josh Skarsgard, Research Analyst **(DEFERRED FROM DECEMBER 16, 2004)**

17. Project # 1001945
04EPC-01666 Zone Map Amendment

MADELINE DUNN request the above action for all or a portion of Tracts 297 & 298, **MRGCD Map #38**, a zone map amendment from R-1 to RLT, located on the north side of CARSON ROAD NW, between RIO GRANDE BOULEVARD NW and the ALAMEDA DRAIN, containing approximately 1 acre. (J-13) David Stallworth, Staff Planner **(DEFERRED FROM DECEMBER 16, 2004)**

18. Project # 1003709
04EPC-01545 EPC Site Development Plan-Subdivision
04EPC-01546 EPC Site Development Plan-Building Permit
04EPC 01547 EPC Sector Plan Amendment
04EPC 01785 EPC Sector Plan Amendment

GEORGE RAINHART ARCHITECTS & ASSOC agents for ANNA TASSO & CHRISTOPHER CHRONIS request the above actions for all or a portion of Tracts 64, **TOWN OF ATRISCO GRANT UNIT 6**, zoned 0-1, and Lots 32-35, Hubbell Heights Subdivision, Zoned R-1, a zone map amendment to SU-1 for O-1 C-1 and Restaurant with Full Service Liquor, located on COORS BLVD SW, between 65TH ST SW and CENTRAL AVE SW, containing approximately 5 acres. (K-11) Makita Hill, Staff Planner **(DEFERRED FROM DECEMBER 16, 2004)**

19. Project # 1003763
04EPC-01715 EPC Site Development Plan-Building Permit

CLAUDIO VIGIL ARCHITECTS agent for DWAYNE PINO-AERMI CONTRACTORS LLC request the above action for all or a portion of Tract 17-A-3, **Eagle Ranch**, zoned SU-1 for C-2 and R-2, located at the north-northwest corner of PARADISE BLVD. NW, between PARADISE BOULEVARD NW and EAGLE RANCH ROAD NW, containing approximately 2 acres. (C-13) David Stallworth, Staff Planner **(DEFERRED FROM DECEMBER 16, 2004)**

20. Project # 1001620
04EPC-00692 Text Amendment

CITY OF ALBUQUERQUE PLANNING DEPARTMENT agents for CITY OF ALBUQUERQUE CITY COUNCIL request the above action for amendments to the Zoning Code, Section 14-16-2-22, SU-1 Zone, to create a new Subsection 21, Mixed-Use Development, to be comprised of Planned Residential Development (PRD), MU-1 and MU-2 mixed-use development categories. Makita Hill, Staff Planner **(DEFERRED FROM DECEMBER 9, 2004)**

21. Project # 1002403
04EPC-00695 Text Amendment

CITY OF ALBUQUERQUE PLANNING DEPARTMENT agent for CITY OF ALBUQUERQUE CITY COUNCIL request amendments to the Comprehensive Plan (Section II, Goals and Policies; B. Land Use, Subsection 7, Activity Centers, Policy b, Net Residential Densities; D. Community Resource Management, Subsection 4, Transportation and Transit, Policy a, Table 11, Corridor Policies) to allow for higher residential densities for mixed-use development in Centers and Corridors locations within the City limits. Makita Hill, Staf Planner **(DEFERRED FROM DECEMBER 9, 2004)**

22. OTHER MATTERS

Environmental Planning Commission

Agenda Number: 11
Project Number: 1003801
Case #'s: 04EPC 01821
January 20, 2005

Staff Report

Agent	Douglas Peterson
Applicant	Peterson Properties Real Estate Services, Inc.
Request(s)	**Zone Map Amendment, O-1 to C-1**
Legal Description	Lots 28 through 31, Block A, Altura Addition
Location	On the east side of CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE
Size	Approximately .64 acres
Existing Zoning	O-1
Proposed Zoning	C-1

Staff Recommendation

APPROVAL of 04EPC – 01821, based on the findings on page 6

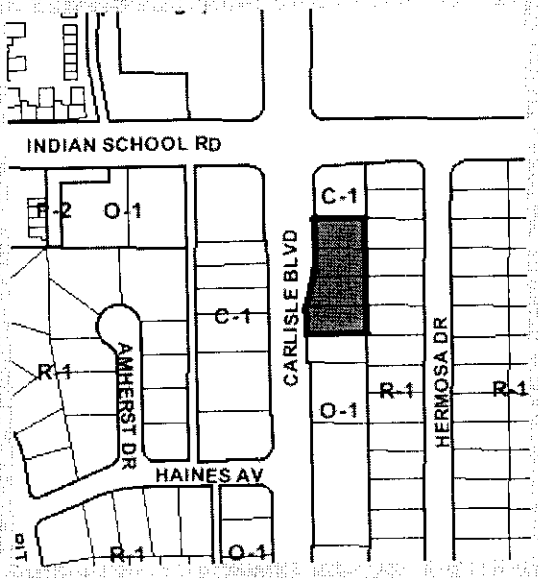
Staff Planner

David J. Stallworth

Summary of Analysis

The project site is located on the east side of Carlisle Boulevard, NE, +/-109 feet south of Indian School Road, NE. No development proposal is associated with this request.

The request does not constitute either a spot zone or a strip zone, as defined in Resolution R-270-1980. The request satisfies several key land use policies of the *City/County Comprehensive Plan*, and it serves as a logical response to changing development conditions. As infill development, it will serve as a redevelopment stimulus and will therefore be advantageous to both the surrounding community and the City.



City Departments and other interested agencies reviewed this application from 12/2/04 to 12/17/04.
Agency comments were used in the preparation of this report, and begin on page 8.

Development Services Report

SUMMARY OF REQUEST

Request(s)	*A zoning map amendment from O-1 (Office) to C-1 (Neighborhood Commercial)*
Location	*On the east side of CARLISLE BOULEVARD, NE, between INDIAN SCHOOL ROAD, NE, and HANNETT AVE, NE.*

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	***Comprehensive Plan Area; Applicable Rank II & III Plans***	***Land Use***
Site	O-1	Established Urban	Vacant
North	C-1	Established Urban	Gas Station and Convenience Store
South	O-1	Established Urban	Vacant lot, office building
East	R-1	Established Urban	Single-family residential
West	Public ROW; C-1	Established Urban	Carlisle Blvd.; office buildings

Background, History and Context

Background: The .64-acre (27878.40 square feet) project site consists of four vacant, contiguous lots and is located on the east side of Carlisle Boulevard, NE, approximately 109 feet south of Indian School Road, NE. The applicant is requesting a zone change from O-1 (Office) to C-1 (Neighborhood Commercial); there is no proposed development associated with this request. The subject area originated from the Altura Addition Subdivision of the early 1950's.

The subject area has been undeveloped in excess of fifty years and was originally zoned R-3. There were three previous attempts to change the zoning of this area from residential to commercial, with the most recent action being a successful conversion to O-1 in 1965. A similar zone change request was made in 1999 (Z-99-57); the applicant withdrew this request before it was considered, however. In each case, there was noted opposition from residents within the surrounding area.

Area Characteristics: The subject area fronts Carlisle Boulevard, a minor arterial. Right-of-way widths abutting the subject area vary from approximately 75 to 100 feet. The subject area is approximately 960 feet south of Interstate 40 and is also within 250 feet of a major commercial node containing a specialty retail grocer and a nationwide department store retailer. To the immediate north of the subject area is a gas station that has been at the southeast corner of Carlisle and Indian School as far back as 1956. Detached single-family development exists to the east, with Hannett and

Aspen Avenues being the only direct entrances to this abutting development from Carlisle. Both an undeveloped lot and an under-occupied office building are situated to the south.

Overall, there is substantive office development within proximity of the subject area, with much of it extending along the west side of Carlisle. A portion of this development is located within a C-1 zone between Indian School and Haines Avenue. It is single-storied and houses predominantly medical, legal and insurance-related businesses. There is extensive multi-family development along the east side of Carlisle, and a smaller-scale commercial node exists near the intersection of Carlisle and Constitution Avenue. The land uses south of this intersection and along Carlisle become predominantly single-family residential.

Public Facilities/Community Services

The #5 bus route is within walking distance of the project site.

ANALYSIS

Conformance to Adopted Plans, Policies, and Ordinances

City/County Comprehensive Plan: The project area is situated in an area designated by this plan as ***Established Urban***. The primary goal for this area is "to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing...while creating a visually pleasing built environment." Some of the Plan's policies salient to this discussion include:

1. *Policy II.B.5.d* – The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social and recreational concern.
   - Analysis – As the proposed development abuts a substantive commercial node, the proposed zone change should function as a logical extension and should not result in any negative impact, given its limited size and layout. Current design standards governing non-residential development and residential adjacency should provide adequate buffering and mitigation.

2. *Policy II.B.5.e* – New growth shall be accommodated through development in areas where vacant land is contiguous to existing programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.
   - Analysis – The project site is located on an existing public street right-of-way and has access to existing municipal services. As Carlisle Boulevard may be substandard at the project site, right-of-way dedication may be required; nevertheless, no major public improvements are anticipated. Given that the subject area has remained vacant in excess of fifty years, the new zoning designation could stimulate new infill development.

3. *Policy II.B.5.i* – Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution and traffic on residential environments.
   - Analysis – Design standards governing residential adjacency of non-residential development should mitigate any potential impacts. Additionally, there are several permitted land uses that could potentially function as adequate buffer to traffic noise emanating along Carlisle. The subject area does not have any direct access to the residential development immediately adjacent to the east.

4. *Policy II.B.5.k* – Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic.
   - Analysis – The project site has approximately 240 feet of frontage along Carlisle, and about two-thirds of the site is affected by a raised median within Carlisle that will limit the occurrence of cross-traffic. Any proposed development should require reciprocal access to accommodate both internal and neighboring development in an effort to diminish the number of curb cuts.

5. *Policy II.B.5.l* – Quality and innovation in design (which is appropriate to the plan area) shall be encouraged in all new development…
   - Analysis – The developer should be thoughtful of the surrounding area and be ingenious in design so that the end result will not be visually obtrusive or garish. Additional design guidelines for non-residential development also exist in the Zoning Code.

6. *Policy II.B.5.o* – Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.
   - Analysis – Given that the subject area is currently vacant, the proposed zone change could be a catalyst for further positive development of an otherwise underdeveloped area. The applicant should involve the affected neighborhood associations and residents in any site design and proposed land use issues.

Zoning

Under current O-1 zoning restrictions, building heights are limited to 26 feet within 85 feet of a residential zone, and there are no minimum lot size requirements. There is, however, a required 15-foot minimum rear setback when adjacent to a residential zone. Parking requirements for general office uses are one space per each 200 net-square-feet of lease area at ground level and one space per each 300 net-square-feet of lease area above ground.

Under the proposed C-1 zoning, building height and setback requirements remain the same. Using general retail parking standards as a basis, one space is required for each 200 net-square-feet of lease area. In any case, building and site design shall be in accordance with §14-16-3, subsections 9, 10 and 18 of the Zoning Code regulating non-residential land uses. The only difference between the

two zones is the signage regulations. As the project area abuts an existing C-1 zone to the north, the request does not constitute either a spot zone or a strip zone.

Long Range Roadway System

CARLISLE ROAD, NE is a *Minor Arterial* street, with a minimum right-of-way width of 86'.

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. The burden is on the applicant to offer sound justification for a zone change request. In this particular request, the applicant must demonstrate that the existing zoning is inappropriate either because changing the zone would be a reasonable response to changing neighborhood or community conditions, or because a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan. No errors in zoning have been demonstrated in this particular case.

The applicant cites changing dynamics in the prevailing area that necessitate a zone change, including the restructuring of commercial nodes near the Interstate 40 interchange and at the intersection of Lomas and Carlisle which have resulted in a net loss of 22,000 square feet of retail space, and the reorientation of office demand to newly renovated areas near Interstate 40 and Louisiana Street. Converted office uses dominate much of the C-1 zones along the west side of Carlisle. The applicant cites that this is a result of "functional obsolescence" because existing buildings can't meet today's commercial retail demands. The changes cited, however, reflect a situation in which redevelopment as allowed under current zoning restrictions may be nothing more than a logical response to changing market conditions. This stance would not satisfy the burden of section 1.D.2 of the Resolution and could potentially conflict with section 1.G, which disallows economic considerations as a determinant.

The applicant does cite, however, that the immediate area lacks sufficient commercial uses to complement both the adjacent neighborhood and the surrounding offices, and that the introduction of C-1 could potentially "satisfy the day-to-day needs of residential areas." The applicant offers the following arguments in support of this position:

- New complementary services as a result of the zone change would be situated within walking distance of both surrounding offices and the adjacent residential neighborhood, thus encouraging more pedestrian activity, which is in concert with *Policy II.B.5.e* of the Comprehensive Plan.
- The applicant notes that the project area has access to existing urban facilities and services and will promote infill development through the conversion of vacant property presently serving as a magnet for nuisances into something beneficial to the community, thus meeting *Policy II.B.5.e* of the Comprehensive Plan.

- The applicant cites that the "New retail development on the subject site will provide employment and service to the immediate neighborhood and community...," thus promoting a more pedestrian environment in keeping with *Policy II.B.5.i* of the Comprehensive Plan.
- The development could serve as a suitable noise buffer between Carlisle and the adjacent residential neighborhood. Furthermore, development of the site will result in less access to Carlisle and improved cross access between lots, thus positively affecting traffic flow, as desired in *Policy II.B.5.k* of the Comprehensive Plan.
- The developer will utilize quality design in any development proposed for this site, and input from the neighborhood will be welcomed, which is in concert with *Policy II.B.5.l* of the Comprehensive Plan.
- The applicant emphasizes that a zone change will facilitate infill development and serve as an employment generator and a potential catalyst for further positive redevelopment along Carlisle, as stipulated in *Policy II.B.5.o* of the Comprehensive Plan.

In this particular case, a different land use category would be advantageous to both the surrounding area and the City as it meets several key policies of the City/County Comprehensive Plan.

Neighborhood Concerns

One phone call in opposition to the project was received. A facilitated meeting was held on January 4, 2005 in response to some concerns regarding the proposed zone change and its perceived effects on the surrounding community. Among the more prevailing issues were:

1. A potential increase in traffic as a result of any proposed development on the site and how that traffic would be mitigated;
2. Street widening along Carlisle to alleviate significant congestion near the Carlisle/Indian School intersection;
3. A perceived demand for office space in the surrounding area, given recent redevelopment of former commercial buildings into offices;
4. The possibility of liquor stores, restaurants serving liquor, or drive-thru restaurants being located on the site.

The attendees were advised there was no difference in most of the development standards between O-1 and C-1 except for signage requirements and allowed land uses, and that both packaged liquor sales are not allowed in the C-1 zone. Also, drive-thru services and restaurants with on-premise alcoholic consumption are subject to conditional use permits requiring a public hearing. They were also informed that conditions of approval cannot be placed on a conventional zone. A good working relationship between affected citizens and the applicant was encouraged. The affected citizens were advised to actively participate in the site design and land use aspects to safeguard against possible negative uses. There were no recommendations from either party to modify the zone change request. A copy of the facilitator's report is attached.

FINDINGS – 04EPC – 01821, 1.20.04

1. This is a request for a zoning map amendment from O-1 (Office) to C-1 (Neighborhood Commercial) for Lots 28 through 31, Block A, Altura Addition Subdivision. No proposed development is associated with this request.

2. The proposed zone change would be a logical extension of existing commercial zoning to the north of the subject area, and commercial uses would be an appropriate use of the property, in accordance with *Policy II.B.5.d* of the *City/County Comprehensive Plan*

3. No public improvements or extensions of public utilities are required to accommodate the request, and there are transit facilities in place to adequately support a commercial development, in accordance with *Policy II.B.5.e* of the *City/County Comprehensive Plan.*

4. The proposed zone change will offer employment opportunities and services that will complement the surrounding area, in accordance with *Policies II.B.5.i* and *II.B.5.o* of the *City/County Comprehensive Plan.*

5. The proposed zone change is sensitive to, and compatible with, surrounding development, and it functions as infill development that could become a catalyst for redevelopment, in accordance with *Policies II.B.5.k* and *II.B.5.l* of the *City/County Comprehensive Plan.*

6. The proposed zone change request is not required to correct an error in zoning classification, as articulated in Resolution 270-1980, section 1-D-1.

7. As redevelopment of older neighborhoods is encouraged, the proposed development is advantageous to the City overall and represents orderly development of the City, as articulated in Resolution 270-1980, section 1-D-3.

8. The proposed zone change request would not constitute a spot zone or a strip zone, as articulated in Resolution 270-1980, sections 1-I and 1-J.

9. The applicant is authorized to request a zone change on the subject property.

10. There is citizen opposition to the project. Issues centering on perceived developmental impact were brought forth through facilitation. A consensus among all parties of interest was reached, and no recommendations to modify the applicant's zone change request were offered.

RECOMMENDATION – 04EPC-01821, 1.20.04

APPROVAL of 04EPC – 01821, a zoning map amendment from O-1 to C-1, for Lots 28 through 31, Block A, Altura Addition, based on the preceding Findings.

David J. Stallworth
Planner

cc: Peterson Properties Real Estate Services, Inc., 2325 San Pedro NE, Suite 2A, Albuq. NM 87110
Denise Hammer, Altura Addition NA, 1735 Aliso Dr. NE, Albuq. NM 87110
Lucerne Knight, Altura Addition NA, 1718 Hermosa NE, Albuq. NM 87110
Will Gleason, Summit Park NA, 732 Lafayette NE, Albuq. NM 87106
Desi Brown, Summit Park NA, 1113 Richmond NE, Albuq. NM 87106

Attachments

- Geographic information package (Zoning, land use, case history, city services maps)
- Initial application package (Application w/ checklist, traffic/environmental impact form)
- Applicant's request letters to the Environmental Planning Commission
- Determination letter, Office of Neighborhood Coordination
- Facilitator's report

CITY OF ALBUQUERQUE AGENCY COMMENTS

The *Altura Addition* and *Summit Park Neighborhood Associations* were notified of the proposed project. A facilitated meeting was held on January 4, 2005. One phone call in opposition to the project was received. The following inter-agencies and public entities did not offer any comments or objections to the applicant's request(s):

Planning, Advance Planning
Planning, Hydrology
Planning, Transportation Development
Planning, Utilities Development
Planning, Zoning
Public Works Dept., Traffic Engineering
Public Works Dept., Street Maintenance
City of ABQ, Fire Dept.
City of ABQ, Legal Dept.
City of ABQ, Parks & Recreation/Open Space
City of ABQ, Police Dept.
City of ABQ, Real Property Section
City of ABQ, Water Authority
Albuquerque Metropolitan Flood Control Authority
Albuquerque Public Schools
Bernalillo County
Environmental Health Dept.
Middle Rio Grande Conservancy District
Middle Rio Grande Council of Governments
Municipal Development, Park Design
Municipal Development, Transportation Planning
NM Dept. of Transportation
Petroglyph National Monument
Public Service Company of NM
Solid Waste Management Dept.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will conduct an informational **Study Session on the Mesa del Sol project on Wednesday, January 12, 2005, 1:00 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM. The public is welcome to attend.

There will be no Study Session for Environmental Planning Commission review of current land use applications scheduled for the January 20th EPC public hearing. Staff reports on applications scheduled for the January 20th hearing will be available to the public beginning at 1:00 PM on Thursday, January 13th in the Planning Department offices on the 3rd floor of the Plaza del Sol building.

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, January 20, 2005, 8:30 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]

Project # 1003708
04EPC-01544 Zone Map Amendment
04EPC-01839 EPC Site Development Plan-Subdivision

FAYE MCAFEE agent(s) for DAVID & FAYE MCAFEE request the above action(s) for all or a portion of Lot(s) 6, Block(s) 10, **MONTGOMERY HEIGHTS**, a zone map amendment from R-1 to SU-1 for C-1 w/Exceptions , located on MONTGOMERY BLVD NE, between CARLISLE BLVD NE and I-25, (G-16) Stephanie Shumsky, Staff Planner

Project # 1003784
04EPC-01776 Zone Map Amendment/Sector Development Plan Amendment

JESUS ESPINOSA request the above action for all or a portion of a 50 FT VACATED PORTION OF ALAMEDA LATERAL within Block 4A, **Franciscan Acres**, a zone map amendment from LATERAL to SU2 R-1, located on PROSPECT AVE. NE, between EDITH BLVD. NE and BROADWAY BLVD. NE, containing approximately 1 acre. (H-14) David Stallworth, Staff Planner

Project # 1003798
04EPC-01813 Zone Map Amendment

CITY OF ALBUQUERQUE/PLANNING DEPARTMENT agents for CITY OF ALBUQUERQUE request the above actions for all or a portion of Lots 7-12, **Emil Mann Addition**, a zone map amendment from SU-1 for Fraternity Lodge & Club to R-T, located on DALLAS SE, between SOUTHERN SE and PENNSYLVANIA SE, containing approximately 2 acres. (L-19) Anna DiMambro, Staff Planner

Project # 1003801
04EPC-01821 Zone Map Amendment

PETERSON PROPERTIES REAL ESTATE SERVICES request the above action for all or a portion of Lots 28-31, **Altura Addition**, a zone map amendment from O-1 to C-1, located on CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE, containing approximately 1 acre. (J-16) David Stallworth, Staff Planner

Project # 1000163
04EPC-01828 EPC Site Development Plan-Building Permit

SANDERS & ASSOCIATES ARCH. agent(s) for DR & MRS. ERNESTO GARZA request the above action(s) for all or a portion of Tract(s) E, **La Cueva Village**, zoned C-2/SC, located on CARMEL AVE. NE, between WYOMING NE and BARSTOW NE, containing approximately 1 acre. (C-19) Elvira Lopez, Staff Planner

Project # 1003803
04EPC-01826 EPC Sector Development Plan
04EPC-01827 Zone Map Amendment

CITY OF ALBUQUERQUE/PLANNING agent(s) for CITY OF ALBUQUERQUE request the above action(s) for all or a portion of Lot(s) 3 & 4, **Major Acres Subdivision**, from SU-2/ RT to R-1, located on MAJOR NW, between 10th St. NW and 12TH ST. NW, containing approximately 1 acre(s). (G-14) Elvira Lopez, Staff Planner, Staff Planner

Project # 1003804
04EPC-01831 Amendment to EPC Site Development Plan-Building Permit

GREGORY T. HICKS & ASSOC. PC agent for LOVELACE SANDIA HEALTH SYSTEM request the above action for , **Parcel M-1, University Heights Hospital**, zoned SU-1 Hospital & Professional Office, located on MONTGOMERY BLVD. NE, between JEFFERSON NE and SAN MATEO NE, containing approximately 12 acres. (F-17) Carmen Marrone, Staff Planner

Project # 1003688
04EPC-01833 EPC Site Development Plan-Building Permit

BOHANNAN HUSTON INC agents for THE TRAILS LLC request the above actions for all or a portion of Tract H, **The Trails Subdivision**, zoned RD, located WEST OF RAINBOW BLVD. NW, between WOODMONT AVE. and PASEO DEL NORTE NW, containing approximately 1 acre. (C-9) Elvira Lopez, Staff Planner

Project # 1003649
04EPC-01834 EPC Site Development Plan-Building Permit
04EPC 01340 EPC Zone Map Amendment

GARCIA/KRAEMER & ASSOCIATES agents for KENRIC & KRISTY GARCIA request the above actions for all or a portion of Tract A, **Divsision of Land of Richard Casaus**, zoned R-1 to SU-1 for O-1, located on MONTANO ROAD; between 2ND ST. NW and 4TH ST. NW, containing approximately 1 acre. (F-15) Stephanie Shumsky, Staff Planner

Project # 1002529
04EPC-01840 EPC Site Development Plan-Subdivision
04EPC-01841 EPC Site Development Plan-Building Permit
04EPC-01843 Zone Map Amendment

CONSENSUS PLANNING, INC. agents for CAS, LLC request the above actions for all or a portion of Tracts 6-B Lot 1 to SU-1 for O-1 Permissive Uses; Lot 2 to SU-1 for C-1 Permissive Uses and Auto Sales and Storae; Lots 3-5 to SU-1 for C-1 Permissive Uses, **Partition of Black Ranch,** zoned RD, located on COORS BLVD. NW, between WESTSIDE DR. NW and CALABACILLAS ARROYO, containing approximately 6 acres. (B-13) Makita Hill, Staff Planner

Project # 1003805
04EPC-01842 Zone Map Amendment

CONSENSUS PLANNING, INC. agents for AUTO ZONE, INC. request the above action for all or a portion of Lots 2F-1, **Chelwood Park Subdivision,** a zone map amendment from C-1 (SC) to C-1, located on LOMAS BLVD. NE, between NAKOMIS DR. NE and GEORGENE DR. NE, containing approximately 2 acres. (K-22) Stephanie Shumsky, Staff Planner

Project # 1003859
04EPC-01845 EPC Site Development Plan-Subdivision

CONSENSUS PLANNING, INC. agent(s) for SILVERLEAF VENURES, LLC request the above action(s) for all or a portion of Tract(s) A & 6B, **Lands of RAy Graham III, Ovenwest Corp.**, zoned SU-1, O-1, C-2 and PRD, located on COORS BLVD. NW, between MONTANO ROAD NW and LEARNING ROAD NW, containing approximately 70 acre(s). (E-12) Juanita Garcia, Staff Planner

Project # 1003475
04EPC-01846 EPC Site Development Plan-Subdivision

WILSON & COMPANY, INC. agents for FELIX RABADI request the above action for a portion of unplatted Tract 7, Horizon Lan Colrporation in the N. ½ of the SE ¼ of Section 10, Township 11N, Range 2E and a nearly portion of Tract 2, Lands of Paragon Resources, Inc., Town of Alameda Grant Company, zoned SU-1 PRD, located on the south side of PARADISE BLVD. NW, between CONEFLOWER DR. NW and LYON BLVD. NW, (B-10) David Stallworth, Staff Planner

Details of these applications may be examined at the Development Services Division of the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street, NW between 10:00 a.m. and 12:00 and between 2:00 and 4:00 p.m., Monday through Friday, or you may call April Candelaria at 924-3886. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should contact April Candelaria 924-3886.

Jeff Jesionowski, Chairman
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL DECEMBER 29, 2004.

APPROVED

Russell Brito, Senior Planner
Planning Department

CITY OF PLANNING
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST

Meeting Date: JANUARY 20, 2005
Zone Atlas Page: J-16-Z
Notification Radius: 100 Ft.

Project# 1003801
App# 04EPC-01821

Cross Reference and Location:

Applicant: PETERSON PROPERTIES REAL ESTATE SERVICES, INC.
Address: 2325 SAN PEDRO DR. NE, STE# 2-A
ALBUQUERQUE NM 87110

Agent:
Address:

Special Instructions:

Notice must be mailed from the City's 21 day prior to the meeting.

Date Mailed: DECEMBER 30, 2004

Signature: KYLE TSETHLIKAI

PROPERTY OWNERSHIP / LEGAL LIST

App#_____
Proj#_____

Date:_____

Page 1 Of 1

Zone Atlas Page	Zone Atlas #	Grid Location	Parcel Sequence	Name & Address				
J-17	1017058	010-517	24-20	✓ mf	1016058	515-515	128	22
		010-509	21	✓ mf	1016059	506-036	402	05
		010-503	22	✓ mf	1017059	040-046	301	03
		010-497	23	✓ mf				
		010-491	24	✓ mf				
		011-475	26	✓ mf				
		010-525	19	✓				
		021-479	10	✓				
		021-~~485~~ 485	11	✓				
		021-491	12	✓				
		021-497	13	✓				
		021-503	14	✓				
		021-509	15	✓				
		021-515	16	✓				
		021-522	17	✓				
		021-528	18	✓				
	1016058	515-480	128-15	✓				
		515-490	18	✓				
		516-502	20	✓				

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1          R E C O R D S   W I T H   L A B E L S                          PAGE
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LAND USE:
                          PROPERTY ADDR: 00000   CARLISLE
                             OWNER NAME: PETERSON JAMES A TRUSTEE
                             OWNER ADDR: 02325   SAN PEDRO                DR NE
ALBUQUERQUE NM           87110
0101705801050921421       LEGAL: 030  A AL TURA ADDN
LAND USE:
                          PROPERTY ADDR: 00000   CARLISLE
                             OWNER NAME: PETERSON JAMES A TRUSTEE
                             OWNER ADDR: 02325   SAN PEDRO                DR NE
ALBUQUERQUE NM           87110
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LAND USE:
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                             OWNER ADDR: 02325   SAN PEDRO                DR NE
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LAND USE:
                          PROPERTY ADDR: 00000   CARLISLE
                             OWNER NAME: CAVCO LTD CO
                             OWNER ADDR: PO BOX 5966
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0101705801147521426       LEGAL: TR A 1A P LAT OF TRS A1A & A1B BLK A ALTURA
LAND USE:
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                             OWNER NAME: CAVCO LTD CO
                             OWNER ADDR: PO BOX 5966
ALBUQUERQUE NM           87125
0101705801052521419       LEGAL: LT 3 3-A  BLK A LT 33-A BLOCK A ALTURA ADDITION
CON  LAND USE:
                          PROPERTY ADDR: 00000   CARLISLE
                             OWNER NAME: HOSSAIN AYESHA
                             OWNER ADDR: 02823   BEL AIR                  DR NE
ALBUQUERQUE NM           87110
0101705802147921410       LEGAL: 009  A AL TURA ADDN
LAND USE:
                          PROPERTY ADDR: 00000   HERMOSA
                             OWNER NAME: SWEENEY DONALD G
                             OWNER ADDR: 01735   HERMOSA                  AV NE
ALBUQUERQUE NM           87110
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0101705802148521411 LEGAL: 008 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: PARKER RICHARD
OWNER ADDR: 01811 HERMOSA DR NE
ALBUQUERQUE NM 87110

0101705802149121412 LEGAL: 007 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: VIGIL ESQUIPULA & DOLORES
OWNER ADDR: 01815 HERMOSA NE
ALBUQUERQUE NM 87110

0101705802149721413 LEGAL: 006 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: CORDOVA MANUEL ETUX
OWNER ADDR: 01819 HERMOSA NE
ALBUQUERQUE NM 87110

0101705802150321414 LEGAL: 005 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: BAUKE WALTER E & BARBARA A
OWNER ADDR: 5762 OKEECHOBEE BLVD PMB 1
WEST PALM BEFL 33409

0101705802150921415 LEGAL: 004 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: PAGE ABBY
OWNER ADDR: 00022 SILVER HILLS LN SE
ALBUQUERQUE NM 87123

0101705802151521416 LEGAL: 003 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: PITTS ELMER R ETUX
OWNER ADDR: 01831 HERMOSA DR NE
ALBUQUERQUE NM 87110

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LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: LERMA MARY FRANCES
OWNER ADDR: 01835 HERMOSA NE
ALBUQUERQUE NM 87110

0101705802152821418 LEGAL: 001 A AL TURA ADDN
LAND USE:
PROPERTY ADDR: 00000 HERMOSA
OWNER NAME: YOUNG GRETCHEN
OWNER ADDR: 21509 4TH AV
BOTHELL WA 98021

0101605851548012815 LEGAL: A-2 1 RE PLAT OF LOT A BLK 1 GARLAND SCOTT SUBD
CON LAND USE:
PROPERTY ADDR: 00000 N/A
OWNER NAME: CHAVEZ HORACE S & MARGARET E
OWNER ADDR: 01909 CARLISLE BL NE
ALBUQUERQUE NM 87110

0101605851549012818 LEGAL: A-1 1 RE PLAT OF LOT A BLK 1 GARLAND SCOTT SUBD
CON LAND USE:

PROPERTY ADDR: 00000 CARLISLE
OWNER NAME: LOCHRIDGE DAIN E &
OWNER ADDR: 01921 CARLISLE BL NE

ALBUQUERQUE NM 87110
0101605851650212820 LEGAL: 014 001G ARLAND SCOTCH SUBD LOT 14 15 16
LAND USE:

PROPERTY ADDR: 00000 CARLISLE
OWNER NAME: WILLIAMS JAMES R TRUSTEE OF
OWNER ADDR: 02001 CARLISLE BL NE

ALBUQUERQUE NM 87110
0101605851551512822 LEGAL: TR A BLK 1 GARLAND SCOTT SUBD REPL OF LOTS
11,12 & LAND USE:

PROPERTY ADDR: 00000 CARLISLE
OWNER NAME: PADILLA ALEX E SR & DOROTHY S
OWNER ADDR: PO BOX 52085 DC-17

PHOENIX AZ 85072
0101605950603640205 LEGAL: TR C & T R A EXC THE E'LY PORT OUT TO R/W FOR
CARLI LAND USE:

PROPERTY ADDR: 00000 2109 CARLISLE
OWNER NAME: RANDYS INVESTMENTS LLC
OWNER ADDR: 03375 MITCHELL LN

BOULDER CO 80301
0101705904004630123 LEGAL: TR A PLT OF TRS A & B CARLISLE & INDIAN SCHOOL
SUB LAND USE:

PROPERTY ADDR: 00000 CARLISLE
OWNER NAME: CARLISLE ASSOC
OWNER ADDR: 00033 SOUTH SERVICE RD

JERICHO NY 11753

.
QUIT

Project# 1003801

Peterson Properties Real Estate Service, Inc.
2325 San Pedro Dr. NE, Ste# 2-A
Albuquerque NM 87110

WILL GLEASON
Summit Park Neigh. Assoc.
732 LAFAYETTE NE
ALBUQUERQUE NM 87106

101705801049121424

CAVCO LTD CO
PO BOX 5966
ALBUQUERQUE NM 87125

101705802148521411

PARKER RICHARD
1811 HERMOSA DR NE
ALBUQUERQUE NM 87110

101705802150321414

BAUKE WALTER E & BARBARA A
5762 OKEECHOBEE BLVD, PMB# 1
WEST PALM BEACH FL 33409

101705802152221417

LERMA MARY FRANCES
1835 HERMOSA NE
ALBUQUERQUE NM 87110

101605851549012818

LOCHRIDGE DAIN E &
1921 CARLISLE BL NE
ALBUQUERQUE NM 87110

101605950603640205

RANDYS INVESTMENTS LLC
3375 MITCHELL LN
BOULDER CO 80301

DENISE HAMMER
Altura Addition Neigh. Assoc.
1735 ALISO DR. NE
ALBUQUERQUE NM 87110

DESI BROWN
Summit Park Neigh. Assoc.
1113 RICHMOND NE
ALBUQUERQUE NM 87106

101705801052521419

HOSSAIN AYESHA
2823 BEL AIR DR NE
ALBUQUERQUE NM 87110

101705802149121412

VIGIL ESQUIPULA & DOLORES
1815 HERMOSA NE
ALBUQUERQUE NM 87110

101705802150921415

PAGE ABBY
22 SILVER HILLS LN SE
ALBUQUERQUE NM 87123

101705802152821418

YOUNG GRETCHEN
21509 4TH AV
BOTHELL WA 98021

101605851650212820

WILLIAMS JAMES R TRUSTEE OF
2001 CARLISLE BL NE
ALBUQUERQUE NM 87110

101705904004630123

CARLISLE ASSOC
33 SOUTH SERVICE RD
JERICHO NY 11753

LUCERNE KNIGHT
Altura Addition Neigh. Assoc.
1718 HERMOSA NE
ALBUQUERQUE NM 87110

101705801051721420

PETERSON JAMES A TRUSTEE
2325 SAN PEDRO DR NE
ALBUQUERQUE NM 87110

101705802147921410

SWEENEY DONALD G
1735 HERMOSA AV NE
ALBUQUERQUE NM 87110

101705802149721413

CORDOVA MANUEL ETUX
1819 HERMOSA NE
ALBUQUERQUE NM 87110

101705802151521416

PITTS ELMER R ETUX
1831 HERMOSA DR NE
ALBUQUERQUE NM 87110

101605851548012815

CHAVEZ HORACE S & MARGARET E
1909 CARLISLE BL NE
ALBUQUERQUE NM 87110

101605851551512822

PADILLA ALEX E SR & DOROTHY S
PO BOX 52085 DC-17
PHOENIX AZ 85072

"Attachment A"

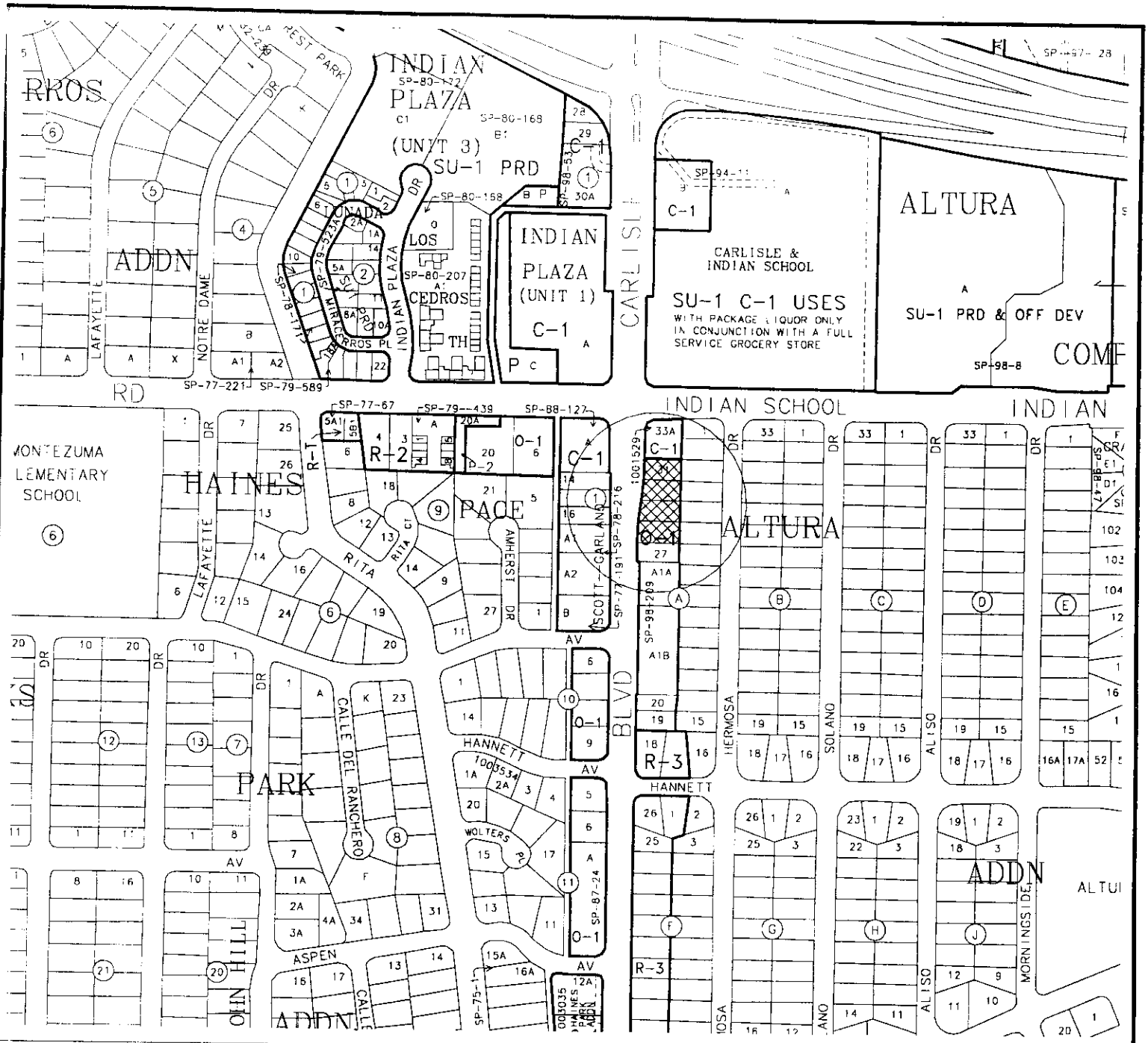
Doug Peterson, Peterson Properties
Zone Map: J-16

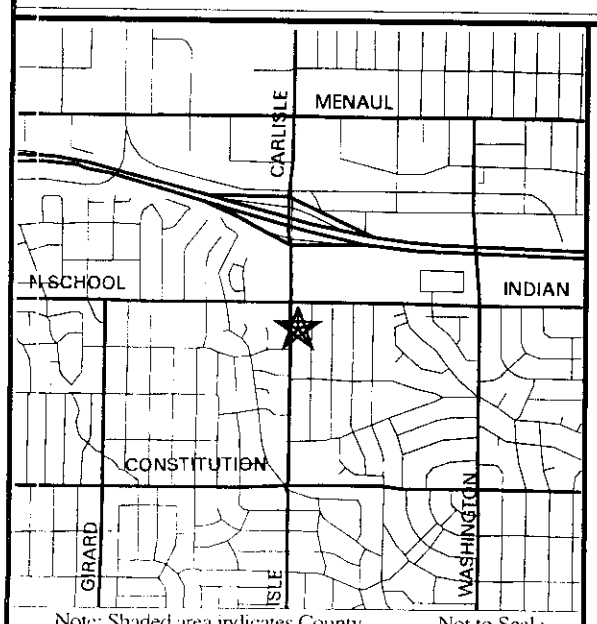
Altura Addition NA (R)
*** Denise Hammer**
1735 Aliso Dr. NE / 87110 268-1250 (h)
Lucerne Knight
1718 Hermosa NE / 87110 256-1018 (h)

Summit Park NA (R)
***Will Gleason**
732 Lafayette NE / 87106 266-0236 (h)
Desi Brown
1113 Richmond NE / 87106 256-0668

ALTHOUGH YOU ARE NOT "OFFICIALLY REQUIRED" BY O-92, you are most welcomed to notify the following *"Unrecognized"* neighborhood associations of this project.

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.





Note: Shaded area indicates County

Not to Scale

ZONING MAP

AGIS

Scale 1"=408'

PROJECT NO.
1003801

HEARING DATE
1-20-05

MAP NO.
J-16

ADDITIONAL CASE NUMBER(S)
04EPC-01821

PETERSON PROPERTIES
Real Estate Services, Inc.
"The Shopping Center Specialists"

HAND DELIVERED
February 4, 2005

Planning Department, 3rd Floor
City of Albuquerque
Attn: April Candelaria
600 2nd St. NW
Albuquerque, NM 87103

RE: CASE #1003801; AMENDED APPLICATION FOR ZONE MAP AMENDMENT FROM O-1 TO SU-1 FOR C-1 USES
STAFF PLANNER: DAVID STALLWORTH

Dear April:

Please find enclosed the following items in connection with our amended application for a zone map amendment with respect to Lots 28, 29, 30 and 31, Block A, Altura Addition, Albuquerque:

1. Revised Justification Letter
2. 12 copies of Site Plan

Per recommendation of the Environmental Planning Commission, a hearing of this case has been deferred until the March 17, 2005 public hearing. The above items are being submitted in anticipation of that hearing. Thank you for your consideration and assistance. Please contact me at the number below if you need anything else.

Sincerely,

Dean Smith

cc: James A. Peterson

2325 SAN PEDRO, N.E., SUITE 2-A • ALBUQUERQUE, NEW MEXICO 87110 • (505) 884-3578 • FAX (505) 884-6793

(REVISED) REQUEST FOR ZONE MAP AMENDMENT

Summary of Request

As described under "Case History" below, this is a revised request, per recommendation of the Environmental Planning Commission at its January 20, 2005 hearing.

This is a request for a zone map amendment for a property located near the intersection of Carlisle Blvd. NE and Indian School Rd. NE (Lots 28, 29, 30 and 31, Block A, Altura Addition) (the "Property"). The Property is not located within the boundaries of any Area or Sector Development Plan. This request is to change the zoning from O-1 to SU-1 for C-1 Uses. The Property is currently vacant and is approximately .64 acres. The owner of the Property, The James A. Peterson & Mary B. Peterson Revocable Trust (dated August 18, 1998), would like to develop the Property for retail use.

This zone map amendment request meets the requirements of Resolution 270-1980 and is supported by several City planning policies and goals as detailed below. This letter is to demonstrate that the proposed zoning is more advantageous to the neighborhood and community and that changed conditions are present which justify this request. The proposed zoning is more advantageous because it provides infill development by replacing an ugly stretch of dirt with high-quality retail space that will serve the needs of the neighborhood. It also promotes increased walk-ability and less automobile use among those who live and work nearby. Countless conditions have changed since the Property was zoned O-1 (contrary to the desires of the property owner at the time) in 1965. Examples include the clustering of office developments in new regions of the City, like Uptown and I-25, and changes to the types of structures that retail and service tenants require, which have made the buildings in the C-1 zone on the west side of Carlisle Blvd. functionally obsolescent for their intended retail and service use. More recent changed conditions include a loss of small retail space in the immediate area, an increase in office vacancies, and the redevelopment of the Interstate 40 / Carlisle Blvd. interchange.

Case History

Originally, this was a request for a zone map amendment from O-1 to C-1. The request was presented before the Environmental Planning Commission ("EPC") at its January 20, 2005 hearing. David Stallworth, as the Staff Planner for this case, recommended approval of a zone map amendment from O-1 to C-1. As stated in his Staff Report, Mr. Stallworth's recommendation was based on the following findings, summarized for convenience: (i) the proposed zoning would be a logical extension of existing commercial zoning in the area, (ii) infrastructure and transit facilities are already in place, (iii) the proposed zone change will offer employment opportunities and services that will complement the surrounding area, (iv) the proposed zone change is sensitive to, and compatible with, surrounding development, (v) the proposed zone change encourages infill development that could become a catalyst for redevelopment, and (vi) the proposed zoning is advantageous to the City overall and represents orderly development of the City.

At the January 20, 2005 EPC hearing, a handful of persons who live in neighborhoods near the Property voiced opposition to the request. The EPC recommended that the application be amended to request a zone map amendment from O-1 to SU-1 for C-1 Uses, and that a hearing on the case be deferred for 60 days. Accordingly, this letter is revised to reflect a request for a zone map amendment from O-1 to SU-1 for C-1 Uses.

Site Characteristics

The Property is comprised of four vacant lots forming a rectangle. The Property is adjacent to, and east of, Carlisle Blvd., a Minor Arterial roadway. At the point where Carlisle Blvd. is adjacent to the Property, it is four lanes. North of Indian School Rd. Carlisle Blvd. is six lanes and provides full access to Interstate 40 at the interchange located less than a block north of the Property. A small corner lot separates the Property from Indian School Rd., also a Minor Arterial roadway. This corner lot to the north of the Property is zoned C-1, and is being used for a gas station. The property to the east is zoned R-1, and is being used for single family housing. The property directly across Carlisle Blvd. to the west is zoned C-1 and is being used for a gas station, an animal clinic, and insurance offices. There is a vacant lot adjacent to, and south of, the Property which is zoned O-1. The property further south along Carlisle Blvd. is also zoned O-1, and is being used for offices, mailing services, and employment services. In addition, a Wild Oats Natural Marketplace is located on the northwest corner of the intersection of Carlisle Blvd. and Indian School Rd., and a K-Mart is located on the northeast corner of the same intersection. The Property has been zoned O-1 since 1965 and has never been developed as such. The owner of the property does not intend to develop it during the next several years if the zoning remains O-1.

Plans and Policies Supporting the Zone Map Amendment

Resolution 270-1980

A. The requested zone change is consistent with the health, safety, morals, and general welfare of the City. The zone change would allow infill development which is consistent with City policies and goals. It would also benefit the neighboring community by replacing ugly vacant lots with an attractive and useful new retail use. The immediate area is in need of small retail stores and services to serve those who live and work nearby. However, the commercial properties in the surrounding area feature almost exclusively larger spaces and larger users, such as those occupied by K-Mart (on the northeast corner of Carlisle and Indian School), Wild Oats (on the northwest corner of Carlisle and Indian School) and Smith's supermarket (on the northeast corner of Carlisle and Constitution).

The requested zone change would promote the safety of the community by allowing for a safer traffic entrance into the Property. Specifically, because the Property is comprised of four lots, the owner of each would be entitled at the time of development to separate curb cuts (assuming separate ownership). This would create up to four curb cuts within 180 feet of frontage along Carlisle Blvd., where 23,400 vehicles pass by every day (*See* Mid Region Council of

Governments Traffic Flow Map for 2003, Revised 9/01/04). With the gas station adjacent to the north, and the undeveloped lot adjacent to the south, there is the potential for seven curb cuts within 355 feet of frontage, which would increase the likelihood of accidents and cause northbound traffic along Carlisle to back up. If the requested zoning is approved, the owner will seek to have the four lots platted into one and develop the Property as one project, thereby minimizing the number of curb cuts and making traffic conditions safer. The owner of the Property will also support extension of the median south along Carlisle Blvd., provided enough space remains for south-bound traffic to turn into the Property.

B. The requested zone change would promote stability of the land and complement the intention of the Zoning Code. Specifically, the buildings located in the C-1 zone on the west side of Carlisle Blvd. between the Circle K and Hannett Ave. are being used for low rent offices because the buildings on that land are several decades old and are functionally obsolescent in that they do not meet the needs of modern day commercial retail users. Through the passage of time, the older buildings on the west side of Carlisle Blvd. have brought to the immediate area the amount of office space that the Zoning Code originally intended. Accordingly, the zoning of the Property should be changed to SU-1 for C-1 Uses to accomplish the Zoning Code's intended amount of C-1 uses in the area, which are not present on the existing C-1 properties on the west side of Carlisle Blvd.

There are commercial uses immediately to the north of the Property, and immediately to the west along Carlisle Blvd. The proposed zoning will continue to ensure a buffer between the Carlisle Blvd. thoroughfare and the residential neighborhood to the east, and will not create a significant increase in the amount of development possible. Both O-1 and C-1 zoning allow many of the same permissive and conditional uses, and many of the requirements for each are the same, for example, parking lot regulations, setback requirements, and lighting standards.

C. The proposed change is not in conflict with adopted elements of the Comprehensive Plan. The requested zone change helps to implement several of the Comprehensive Plan policies for the Established Urban Area of the City, as outlined later in this request.

D. The existing zoning is inappropriate as follows:

1. Changed Community Conditions: There are a number of changed conditions in the surrounding neighborhood and community that justify the proposed zone change.

(i) *Redevelopment of Interstate 40* – The recent redevelopment of the I-40 / I-25 interchange, and the subsequent expansion of the I-40 / Carlisle Blvd. interchange have considerably increased traffic levels on Carlisle Blvd. and strengthened the retail services character of the area surrounding the Property. Carlisle Blvd. is now a Minor Arterial roadway offering convenient access to Interstate 40 for those who live and work in the neighborhood. This is a changed condition justifying a zone change. SU-1 for C-1 Uses zoning is appropriate because it will allow "office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas." (as stated in §14-16-2-16 of the City Zoning Code)

(ii) *Loss of Small Retail Space* – Approximately 7,000 square feet of small retail space was eliminated in 1998 when Indian Plaza (at the northwest corner of the intersection of Carlisle Blvd. and Indian School Rd.) was redeveloped to include a Wild Oats Natural Marketplace. Although retail space remains available at Indian Plaza, the space is large and inappropriate for the type of smaller retail and service uses contemplated for development of the Property. In 2003, a 10,000 square feet building located in front of K-Mart that could have served small retail and service tenants was demolished and not replaced. Approximately 15,000 square feet of small retail space was eliminated in 1998 when the property at the northwest corner of Carlisle Blvd. and Lomas (less than one mile to the south) was redeveloped to include a Walgreen's Drug Store.

Together, these actions resulted in a substantial decrease in the amount of small retail space available in the immediate area. This is a changed condition justifying a zone change. The proposed zone change will allow new construction of quality small retail space to meet the needs of the area. The owner of the Property intends to apply for a building permit for a retail and service building within one year of final approval of this application.

(ii) *Increased Office Vacancies* – A recent report on Albuquerque market trends by Grubb & Ellis Property Solutions (available at http://www.grubb-ellis.com/offices/NewMexico/city_localprofile.asp) shows an increase in office vacancies in our community in recent years, while retail vacancies have decreased. Retail vacancies during the last two years decreased by nearly three percent, while office vacancies during the same period increased nearly three percent. While the applicant fully understands that economic considerations shall not be the determining factor for a zone change, this market information represents a changed community condition (expressed as a quantitative measure of what the community needs) justifying a zone change. The proposed zone change is consistent with these changing community conditions.

2. More Advantageous to the Community: The community and adjacent neighborhoods will benefit from the proposed zone change and subsequent development in a number of ways. The community will benefit from implementation of City plans and policies that support and promote infill development. The current O-1 zoning designation was made forty years ago, and the fact that the Property has remained vacant while Albuquerque has grown around it is prima facie evidence of the fact that the zoning is inappropriate. The community will also benefit from improved neighborhood aesthetics and increased variety for both consumers and business owners. The neighborhoods in the immediate vicinity will benefit from having a useful and visually appealing development rather than ugly empty lots and the nuisances that come with them, including illegal dumping and water ponding. Development of the Property into small retail space will also benefit the local neighborhood and office users by encouraging increased walk-ability along Carlisle Blvd., while decreasing automobile travel. The proposed zone change and development will also preserve and bolster the buffer between the Carlisle Blvd. thoroughfare and the residential area to the east of the Property. As part of its development of the Property, the

owner would either repair or replace the western face of the party wall separating the Property from the residences to the east. As is, the wall is plain, gray CMU block material.

E. The permissive uses in the C-1 zone will not be harmful to the adjacent property, the neighborhood, or the community. The Property is located in an area where commercial and residential uses complement each other. Indeed, the area should properly be referred to as a "neighborhood commercial" area. Section 14-16-2-16 of the City Zoning Code states that C-1 zoning "provides suitable sites for office, service, institutional, and limited commercial uses *to satisfy the day-to-day needs of residential areas.*" (emphasis added) This is the very purpose for pursuing a zone map amendment.

F. The requested zone change would not require major and/or unprogrammed capital expenditures by the City. Fortunately, City infrastructure is already in place in this area. Rather, the proposed zone change would facilitate infill development, one of the City's primary goals. To not recognize and correct inappropriate zoning designations on the interior of the City encourages sprawl by sending users to find suitable locations on the City's edge, where plenty of vacant property exists.

G. The cost of land and other economic considerations are not a primary basis for this request. The proposed zoning is consistent with the changed conditions outlined above, and will promote a beneficial use for the Property and help to satisfy the needs of the neighborhood. This is consistent with City objectives.

H. Location on a major street is not the basis for this request. Carlisle Blvd. is a Minor Arterial roadway serving both residential and commercial areas. C-1 zoning is appropriate because it is designed specifically for this type of neighborhood commercial area. Development of the Property under the requested zoning would allow the creation of uses that would complement and serve the surrounding neighborhoods.

I. The requested zone change does not constitute spot zoning. The property immediately adjacent to the north and the property to the west across Carlisle Blvd. have C-1 zoning, as does the northwest corner at the intersection of Carlisle Blvd. and Indian School Rd. The northeast corner of that same intersection is zoned SU-1 C-1 Uses, and includes a K-Mart.

J. The requested zone change does not constitute strip zoning for the same reasons stated in Section "I" above.

Albuquerque/Bernalillo County Comprehensive Plan

The Albuquerque/Bernalillo County Comprehensive Plan designates the Property as Established Urban. This zone change request is consistent with the stated goal of the Established Urban area:

> *The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and*

which offers a variety and maximum choice in housing, transportation, work areas, and lifestyle, while creating a visually pleasing built environment.

The requested zoning will permit development of empty lots into an attractive and useful retail space that will add variety and increase the choices available to the community.

The zone change request is also consistent with many of the specific policies of the Established Urban area:

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.*

The proposed zoning and subsequent development is appropriate for the location, and will benefit the neighborhood by replacing undesirable vacant lots full of weeds, trash and water ponds, with an attractive and useful small retail space. In addition, a retail use will benefit the area by increasing walk-ability and reducing automobile use. Those who live and work nearby will have a convenient place to eat, shop or enjoy service without having to take their automobiles. The area immediately around the Property has a considerable amount of office space, but very little commercial space to serve the needs of those who occupy that office space. Developing the Property as additional office space might contribute to a saturation of the market for office space, leading to vacancies which would adversely impact the neighborhood.

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.*

Technique 1: *Identify and remove unnecessary obstacles to appropriate infill development.*

Carlisle Blvd. is a well-used thoroughfare with established infrastructure. The requested zone change would allow vacant land contiguous to existing urban facilities and services (i.e., the Property) to be developed into a use that will complement the area's neighborhood commercial character. This is the type of infill development promoted by this policy. The Property has been zoned O-1 for forty years, without development. The proposed zoning will allow this vacant property to be developed into an attractive and useful small retail space, and will increase walk-ability while reducing reliance on automobile travel.

Policy I *Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.*

New retail development on the subject site will provide employment and service to the immediate neighborhood and community, with minimal adverse effects on nearby residential environments. The owner of the property will continue to welcome the participation of neighbors during the process of designing and developing the Property.

Policy K *Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.*

Carlisle Blvd. is a Minor Arterial roadway with considerable traffic levels. The proposed zoning and subsequent development of the Property will preserve and bolster the buffer between the Carlisle Blvd. thoroughfare and the residential areas to the east, thus minimizing the harmful effects of traffic. Additionally, as noted above, the owner of the Property will seek to have the four lots platted into a single lot prior to its contemplated development. This will mean fewer curb cuts and increased traffic safety for those traveling on Carlisle Blvd., which transitions from six lanes to two lanes in the stretch between Interstate 40 and Constitution Ave. If requested by the City, the owner of the Property will also support road improvements for Carlisle Blvd., including the extension of the median south along Carlisle Blvd., provided enough space is left for south-bound traffic to turn into the Property.

Policy L *Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.*

The owner of the Property is an experienced developer who, over the course of 35 years, has developed several million square feet of retail space throughout New Mexico and the Southwest with a reputation for high-quality, well-designed developments. The requested zoning would facilitate development of well-designed small retail space to replace the existing empty lots.

Policy O *Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.*

Technique 1: Address all facets of neighborhood economic development including business development, job creation, historic preservation, and commercial revitalization within a neighborhood context with a strong emphasis on citizen participation.

The residential areas surrounding the Property represent the type of older and established neighborhoods this policy concerns. The requested zone change would facilitate development of a useful and attractive small retail space, contributing to neighborhood economic and business development and creating local jobs. The owner of the Property has, and will continue to welcome neighborhood involvement in the development process.

The requested zone change also promotes policies included in the Economic Development element of the Comprehensive Plan:

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

Policy F *The City and the County should remove obstacles to sound growth management and economic development throughout the community.*

New retail development on the Property will contribute to the development of the economy in this area by creating needed opportunities for business and employment, without sacrificing the social, cultural and environmental goals of the neighborhood and community. The proposed zoning will allow development of a visually pleasing retail space that is consistent with the neighborhood commercial character of the area, and that will provide a valuable service to those who live and work in the immediate area.

Resolution 70

The purpose of R-70 is to establish a growth policy framework to govern key land use decisions of the City. A theme of the resolution is to encourage sound development, including infill development. The requested zone change would facilitate the attractive and useful development of now-vacant lots in an area already served by City services and utilities.

Summary

- This request is for a zone map amendment for a .64 acre vacant property located near the intersection of Carlisle Blvd. NE and Indian School Rd. NE.
- The requested zone map amendment is from O-1 to SU-1 for C-1 Uses.
- The owner of the Property seeks to develop the site for retail use, complementing the neighboring residential and commercial areas.
- The proposed zoning is supported by several City and County goals and policies, including the Comprehensive Plan and Resolution 70.
- The requested zone change meets the requirements of Resolution 270-1980, being more advantageous to the community and based on changed community conditions. Changes in the community include increased access and a stronger retail service character as a result of the Interstate 40 expansion, the recent loss of similar small retail space, and increased office vacancies. The requested zoning is more advantageous to the community and neighborhood because it will facilitate the replacement of ugly vacant lots with an attractive and useful small retail use, promote increased walk-ability, preserve and bolster a buffer between residences and a thoroughfare, and provide economic and business opportunities to the area.

We respectfully request your approval of this application. Thank you.

PETERSON PROPERTIES
Real Estate Services, Inc.

VIA US MAIL
February 28, 2005

Attn: David Stallworth
City of Albuquerque
Planning Department
600 2nd St. NW
Albuquerque, NM 87103

RE: CASE #1003801, REQUEST FOR ZONE MAP AMENDMENT FROM O-1 TO SU-1 FOR C-1 USES, CARLISLE / INDIAN SCHOOL

Dear Mr. Stallworth:

Per our telephone conversation today, the following is brief summary of events which have transpired between us and the Altura Addition and Summit Park Neighborhood Associations since our January 20, 2005 hearing before the EPC:

On February 10, 2005, representatives of both NAs attended a meeting held at our office. There were ten neighbors in attendance. Denise Hammer, President of the Altura Addition NA, acted as the primary voice and representative of the neighbors. We spent about two hours discussing the permissive and conditional uses listed under C-1 zoning. We went through each use individually, and in response to concerns raised by one or more neighbors, we agreed to delete or modify more than 25 of the uses permitted under the Zoning Code. One of the neighbors voiced strong opposition to any use of the site for a restaurant, mainly because of any resulting odor. We expressed our desire to allow restaurant use at the site, but indicated that we would investigate possible measures to reduce the impact of restaurant odors. The tone of the meeting was positive, and we felt that it was very productive.

After the meeting, we prepared a formal list of the deletions and modifications and sent it to Ms. Hammer for verification and approval. A copy of the list is attached. We also learned that filter technology is available to mitigate restaurant odors. We learned that the most effective filter system increases the cost of a restaurant by roughly $14,000.00. We informed Ms. Hammer that we were willing to require this filter system in any restaurant with an exhaust system that wished to operate on the property, and we gave her the construction specifications for the system, which she shared with some of the NA members. The neighbors held a private meeting on February 24, 2005. Thereafter, we received an email from Mrs. Hammer expressing thanks for our willingness to work with the neighbors, but additionally requesting that any use of the site for a restaurant be completely prohibited. A copy of the email is attached. We will not agree to this final request. We feel that we have been accommodative to the neighbors, but we are concerned that the requested limitation regarding restaurant use goes too far in hindering the viability of this site for the proposed retail use, and would prevent it from providing the full benefit to the neighborhood.

2325 SAN PEDRO, N.E., SUITE 2-A • ALBUQUERQUE, NEW MEXICO 87110 • (505) 884-3578 • FAX (505) 884-6793
www.PetersonProperties.net

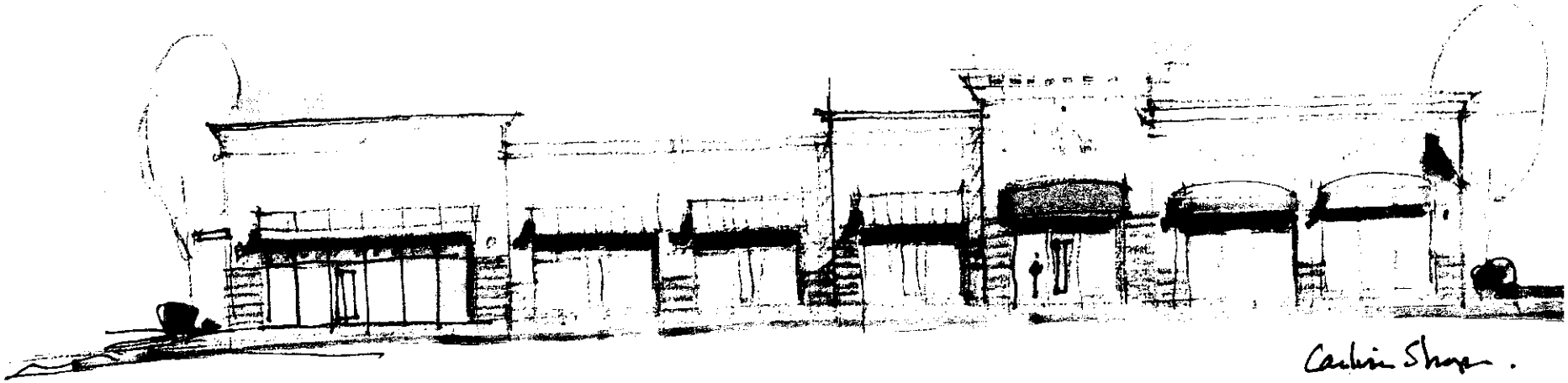
Please include the attached list of "Deletions and/or Modifications to C-1 Uses" with our application for zone map amendment, which is scheduled for the EPC hearing on March 17, 2005. Also enclosed are copies of the site plan and rendering that we provided for the neighbors at our meeting on February 10th. Please contact me if you have any questions. Thank you.

Sincerely,

Dean Smith

cc: James A. Peterson

enc: Deletions and/or Modifications to C-1 Uses
Email from Denise Hammer dated 2/28/05
Rendering of Proposed Development
Site Plan (dated 2/3/05)



GR 2/2/05

DELETIONS AND/OR MODIFICATIONS TO C-1 USES
Albuquerque Zoning Code §14-16-2-16

A.	**Permissive Uses**
7(i).	Add: "There shall be no outdoor restaurant seating."
7(i)2.	Delete
7(i)3.	Delete
7(k).	Add: "There shall be no gasoline service station and no outside sales of gas, oil or liquified petroleum gas."
9(a).	Delete and replace with: "Bicycle repairing, provided it shall be done within a completely enclosed building."
9(b).	Delete the following: ", including pawn. Drive-in facilities permitted on the condition the vehicle movement plan is approved by the traffic engineer." Add: "No pawn shall be allowed."
9(d).	Delete
9(f)3.	Delete and replace with: "The dry cleaning and laundering process will not be done on the premises and no Laundromat shall be permitted."
9(g)2.	Delete and replace with: "There shall be no more than four game machines on the premises."
10.	Delete
14(a).	Delete
14(b).	Delete
B.	**Conditional Uses**
1.	Delete
2.	Delete
3.	Delete

5.	Delete
7.	Delete
8.	Delete
9.	Delete
10.	Delete
11.	Delete
12(d).	Delete
16.	Delete
19.	Delete
20.	Delete
21.	Delete
22. (NEW)	Add: "Drive-in facilities for banking, on the condition the vehicle movement plan is approved by the Traffic Engineer."

You forwarded this message on 2/28/2005 10:59 AM.

Douglas Peterson

From: ArchHero@aol.com [ArchHero@aol.com] **Sent:** Mon 2/28/2005 10:26 AM
To: Douglas Peterson
Cc:
Subject: Carlisle Zone Change
Attachments:

Doug,

The AANA Board met Thursday evening (Feb. 24) to discuss the issue of Restaurant use on the Carlisle / Indian School site for which you are requesting a Zone Change. Based on that discussion, the Board continues to have many concerns about the use of the site as a Restaurant. These concerns continue to include noise, lighting, and odor.

The Board appreciates your concern about the odor issue, and the information you have provided regarding kitchen ventilation systems which help to mitigate odors. However, for various reasons, including City Enforcement issues regarding a ventilation system, Restaurant dumpster odors, Restaurant truck delivery noise (as experienced by the neighbors behind the Smith's Bakery) , etc., the Board continues to believe that Restaurant use on this site is harmful to the neighbors, especially those immediately adjacent to the Carlisle property.

Therefore, the AANA Board thanks you for the time you have taken and your willingness to make this Zone Change Request work for the neighborhood, and we respectfully request that in addition to the uses you are currently eliminating from the C-1 uses on this site, you also eliminate Restaurant use from your Zone Change Request.

Thanks very much.
We look forward to seeing you in the neighborhood.

Denise Hammer
Altura Addition NA

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S	Z	**ZONING & PLANNING**
___ Major Subdivision action			___ Annexation
___ Minor Subdivision action			___ County Submittal
___ Vacation	V		___ EPC Submittal
___ Variance (Non-Zoning)			x Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	P		___ Sector Plan (Phase I, II, III)
___ for Subdivision Purposes			___ Amendment to Sector, Area, Facility or Comprehensive Plan
___ for Building Permit			___ Text Amendment (Zoning Code/Sub Regs)
___ IP Master Development Plan			___ Street Name Change (Local & Collector)
___ Cert. of Appropriateness (LUCC)	L	A	**APPEAL / PROTEST of...**
STORM DRAINAGE	D		___ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals
___ Storm Drainage Cost Allocation Plan			

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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: Peterson Properties Real Estate Services, Inc. PHONE: 505-884-3578

ADDRESS: 2325 San Pedro NE, Suite 2-A FAX: 505-884-6793

CITY: Albuquerque STATE NM ZIP 87110 E-MAIL: douglas@petersondevelopmentgroup.com

Proprietary interest in site: Owner's Agent **List all owners:** James A. Peterson & Mary B. Peterson Revocable Trust dated August 18, 1998

AGENT (if any): ___ PHONE: ___

ADDRESS: ___ FAX: ___

CITY: ___ STATE ___ ZIP ___ E-MAIL: ___

DESCRIPTION OF REQUEST: Zone Change from O-1 to SU-1 for C-1 uses MD

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ___ Yes. x No.

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

Lot or Tract No. Lots 28 through 31 Block: A Unit: ___

Subdiv. / Addn. Altura Addition MD

Current Zoning: O-1 Proposed zoning: SU-1 for C-1 uses MD

Zone Atlas page(s): J-16-Z No. of existing lots: 4 No. of proposed lots: N/A

Total area of site (acres): .64 Density if applicable: dwellings per gross acre: ___ dwellings per net acre: ___

Within city limits? x Yes. No___, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No

UPC No. 101705801051721420 101705801050321422 101705801050921421 101705801049721423 MRGCD Map No. Altura Addition

LOCATION OF PROPERTY BY STREETS: On or Near: Carlisle Blvd. NE

Between: Indian School Road NE and Hannett Ave. NE

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): ___

Z-334, Z-1089, Z-1546

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team ☒. Date of review: 11/16/04

SIGNATURE [signature] DATE 12/1/04

(Print) Douglas H. Peterson x Applicant ___ Agent

FOR OFFICIAL USE ONLY Form revised 4/04

INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
☐ All checklists are complete	04EPC 01821	ZMA	2	$ 240.00
☐ All fees have been collected		Ad Fee		$ 75.00
☐ All case #s are assigned		CMF		$ 50.00
☐ AGIS copy has been sent				$
☐ Case history #s are listed				$
☐ Site is within 1000ft of a landfill				Total
☐ F.H.D.P. density bonus				$ 365.00
☐ F.H.D.P. fee rebate	Hearing date 1-20-05			

[signature] 12-1-04 Project # 1003801

Planner signature / date

FORM Z: ZONE MAP, ZONING CODE TEXT & PLAN AMENDMENT

☐ **ANNEXATION**

___ Application for zone map amendment including those submittal requirements. See below. Annexation and establishment of zoning must be applied for simultaneously.
___ Petition for Annexation Form and necessary attachments
___ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied).
NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
___ Letter briefly describing, explaining, and justifying the request
NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990"
___ Letter of authorization from the property owner if application is submitted by an agent
___ BCC Notice of Decision for City Submittals
___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
___ Sign Posting Agreement
___ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
___ Any original and/or related file numbers are listed on the cover application
EPC hearings are approximately 7 weeks after the filing deadline. Refer to schedule. **Your attendance is required.**

☐ **SECTOR DEVELOPMENT PLAN PHASE I – DRB CONCEPTUAL PLAN REVIEW** (Unadvertised)

☐ **SECTOR DEVELOPMENT PLAN PHASE II - EPC FINAL REVIEW & APPROVAL** (Public Hearing)

☐ **SECTOR DEVELOPMENT PLAN PHASE II - DRB FINAL SIGN-OFF** (Unadvertised)

___ Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
___ Proposed Sector Plan (30 copies for EPC, 6 copies for DRB)
___ Zone Atlas map with the entire plan area precisely and clearly outlined and crosshatched (to be photocopied)
___ Letter briefly describing, explaining, and justifying the request
___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts (for EPC final review and approval - public hearing only)
___ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form (for EPC final review and approval public hearing only)
___ Fee for EPC final review and approval only (see schedule)
___ Any original and/or related file numbers are listed on the cover application
Refer to the schedules for the dates, times and places of D.R.B. Unadvertised meetings and E.P.C. hearings. **Your attendance is required.**

☒ **AMENDMENT TO ZONE MAP (ESTABLISHMENT OF ZONING OR ZONE CHANGE)**

N/A Application for sector development plan amendment (required only if site is within a sector plan's boundaries.)
✓ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
✓ Letter briefly describing, explaining, and justifying the request NOTE: Justifications must adhere to the policies contained in "Resolution 270-1980"
N/A Letter of authorization from the property owner if application is submitted by an agent
✓ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
✓ Sign Posting Agreement
✓ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
✓ Fee (see schedule)
✓ Any original and/or related file numbers are listed on the cover application
EPC hearings are approximately 7 weeks after the filing deadline. Refer to schedule. **Your attendance is required.**

☐ **AMENDMENT TO SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN**

___ Proposed Amendment referenced to the materials in the Plan being amended (text and/or map)
___ Plan to be amended with materials to be changed noted and marked
___ Zone Atlas map with the entire plan/amendment area precisely and clearly outlined and crosshatched (to be photocopied)
___ Letter briefly describing, explaining, and justifying the request
___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts (sector plans only)
___ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
___ Fee (see schedule)
___ Any original and/or related file numbers are listed on the cover application
EPC hearings are approximately 7 weeks after the filing deadline. Refer to schedule. **Your attendance is required.**

☐ **AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATIONS TEXT**

___ Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended
___ Sections of the Zone Code/Subdivision Regulations to be amended with text to be changed noted and marked
___ Letter briefly describing, explaining, and justifying the request
___ Fee (see schedule)
___ Any original and/or related file numbers are listed on the cover application
EPC hearings are approximately 7 weeks after the filing deadline. Refer to schedule. **Your attendance is required.**

☐ **STREET NAME CHANGE** **24 copies of the request are required**

___ Zone Atlas map with the entire plan/amendment area precisely and clearly outlined and crosshatched (to be photocopied)
___ Letter briefly describing, explaining, and justifying the request
___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts (sector plans only)
___ Fee (see schedule)
DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

DEAN SMITH
Applicant name (print)

12/1/04
Applicant signature / date

Form revised 4/04

☐ Checklists complete
☐ Fees collected
☐ Case #s assigned
☐ Related #s listed

Application case numbers
04EPC - 01821
___ - ___ - ___
___ - ___ - ___

12/01/04
Planner signature / date

Project # 1003801

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) / ENVIRONMENTAL HEALTH INFORMATION FORM

TO BE COMPLETED BY APPLICANT

APPLICANT: Peterson Properties Real Estate Services, Inc. **Date of request:** 12 / 01 / 04 **Zone atlas page(s):** J-16-Z

CURRENT:

Zoning: O-1

Parcel Size (acres / sq.ft.): .64 acres

Legal Description -

Lot or Tract #: Lots 28-31 Block #: A

Subdivision Name: Altura Addition

REQUESTED CITY ACTION(S):

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

TO C-1

PROPOSED DEVELOPMENT:

No construction / development [x]

New Construction [ ]

Expansion of existing development [ ]

GENERAL DESCRIPTION OF ACTION: [1] Zone Change to C-1

# of units - _____

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 _____ Date _____

(To be signed upon completion of processing by Traffic Engineer and Environmental Health)

TRANSPORTATION DEVELOPMENT

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO [X] BORDERLINE [ ]

Planning Dept., Dev. & Bldg. Services Div., Transportation Dev. Section - 2nd FL. 600 2nd St. NW Plaza del Sol Bldg. 924-3994

THRESHOLDS MET? YES [ ] NO [X] 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.**

Tony Loyd — TRAFFIC ENGINEER

12-1-04 — DATE

ENVIRONMENTAL HEALTH

Per letter dated August 7, 2003 from the Director of the Environmental Health Department to the Director of the Planning Department, "all 5 CO monitors within Bernalillo County are yielding 8-hour average CO levels at less than 50% of the Federal CO standard ..." and "based on our review of the available scientific data, we do not foresee a circumstance where preparation of a detailed air quality study for a land use development will be warranted - regardless of the project size, location or traffic generated".

Required **TIS** **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** ___ / ___ / ___

- **FINALIZED** ___ / ___ / ___

_____ TRAFFIC ENGINEER

_____ DATE

PETERSON PROPERTIES
Real Estate Services, Inc.
"The Shopping Center Specialists"

HAND DELIVERED
December 1, 2004

Planning Department
City of Albuquerque
600 2nd St. NW
Albuquerque, NM 87103

Dear Sir or Madam:

This letter is to request your consideration of the enclosed application for a zone map amendment with respect to Lots 28, 29, 30 and 31, Block A, Altura Addition, Albuquerque. The following items are enclosed:

1. Application
2. Zone Atlas Page J-16-Z
3. Letter justifying this request
4. Response to inquiry from the Office of Neighborhood Coordination
5. Notifying letters and Return Receipts from Neighborhood Associations
6. Traffic Impact Study Form
7. Check to City of Albuquerque for $365.00

Thank you for your consideration and assistance. Please contact either of us at the number below if there are any questions or concerns.

Sincerely,

Douglas H. Peterson

Dean Smith

cc: James A. Peterson

2325 SAN PEDRO, N.E., SUITE 2-A • ALBUQUERQUE, NEW MEXICO 87110 • (505) 884-3578 • FAX (505) 884-6793

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.

ALBUQUERQUE
Making History

City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

November 17, 2004

Doug Peterson
Peterson Properties
2325 San Pedro NE, Ste.2A / 87110
Phone: 884-3578 Fax: 884-6793

Dear Doug:

Thank you for your inquiry of **November 17, 2004** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **LOTS 28 THRU 31, BLOCK A, ALTURA ADDITION, LOCATED ON CARLISLE BLVD. NE BETWEEN INDIAN SCHOOL RD. NE AND HANNET**
zone map **J-16**

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

SEE "ATTACHMENT A" FOR NEIGHBORHOOD INFORMATION.

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3914 or via an e-mail message at juliaking@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Julia King

Julia King
Senior Office Assistant
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

planningrnaform(10/27/04)

"Attachment A"

Doug Peterson, Peterson Properties
Zone Map: J-16

Altura Addition NA (R)
*** Denise Hammer**
1735 Aliso Dr. NE / 87110 268-1250 (h)
Lucerne Knight
1718 Hermosa NE / 87110 256-1018 (h)

Summit Park NA (R)
***Will Gleason**
732 Lafayette NE / 87106 266-0236 (h)
Desi Brown
1113 Richmond NE / 87106 256-0668

ALTHOUGH YOU ARE NOT "OFFICIALLY REQUIRED" BY O-92, you are most welcomed to notify the following *"Unrecognized"* neighborhood associations of this project.

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Summit Park N.A.
Attn: Will Gleason
732 Lafayette NE
Albuquerque, NM 87106

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☒ Agent ☐ Address

B. Received by (*Printed Name*) S. Gagnon

C. Date of Deliv 11-19-04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchand
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (*Transfer from service label*) 7001 2510 0009 4692 1678

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Summit Park N.A.
Attn: Desi Brown
1113 Richmond NE
Albuquerque, NM 87106

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Address

B. Received by (*Printed Name*) Desi Brown

C. Date of Deliv 11/28/0

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandi
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (*Transfer from service label*) 7001 2510 0009 4692 1661

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-15

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or on the front if space permits

1. Article Addressed to:
Altura Addition N.A.
Attn: Denise Hammer
1735 Miss Br. NE
Albuquerque, NM 87110

2. Article Number (*Transfer from service label*) 7001 2510 0009 4692 1647

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

CITY OF ALBUQUERQUE

ALBUQUERQUE
Making History

Planning Department

P.O. Box 1293

Albuquerque, NM 87103

1003801

EPC

ANK

101705802152821418

YOUNG GRETCHEN
21509 4TH AV
BOTHELL WA 98021

UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 00.37⁰
0004329277 DEC 29 2004
MAILED FROM ZIP CODE 87102

NIXIE 980 1 01 01/05/05
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 87103129393 *0258-11378-29-37

98021475711 87103%1293

CITY OF ALBUQUERQUE

ALBUQUERQUE NM 87101

RETURN TO SENDER
ATTEMPTED
NOT KNOWN

UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 00.37⁰
0004329277 DEC 29 2004
MAILED FROM ZIP CODE 87102

ALBUQUERQUE
Making History

Planning Department

P.O. Box 1293

Albuquerque, NM 87103

EPC

1003801

101705802147921410

SWEENEY DONALD G
1735 HERMOSA AV NE
ALBUQUERQUE NM 87110

Facilitator's Report

Facilitated Meeting Held

January 6, 2005 – 5:30 p.m.
Peterson Properties
Real Estate Services, Inc

Applicant: PETERSON PROPERTIES REAL ESTATE SERVICES
Agent: Peterson Properties Real Estate Services

Neighborhood Associations: ALTURA ADDITION
SUMMIT PARK

Re: **Project #1003801** in which Peterson Properties Real Estate Services agent for PETERSON PROPERTIES REAL ESTATE SERVICES request a Zone Map Amendment from 0-1 to C-1 for all or portion of Lots 28-31, Altura Addition, located on Carlisle Boulevard NE between Indian School Road NE and Hannett Avenue NE containing approximately one acre.
Case Planner: David Stallworth

Facilitator: Angelica Chacon

Summary: Doug Peterson of Peterson Properties began the meeting by giving the NAs a brief description of the project and the zone change that is being requested on the application. This was followed by a question and answer period. The Staff Planner for this project attended the meeting and answered questions from the NAs. Several of the neighbors voiced concerns that their neighborhoods are becoming overbuilt with strip commercial space, which lowers property values and changes the quality of life in their neighborhoods. It was stated that more urban style, pedestrian friendly development would be preferred.

Notes from the meeting

PROJECT INFORMATION PROVIDED BY AGENT:

- Family owned property
- Requesting Zone Change from 0-1 to C-1
- Proposed 7,000 sq. ft. retail center
- Possible "free standing user," may or may not be a restaurant
- 6-7 different users, perhaps a Satellite Coffee, no pawn shops

- Reasons for Zone Change
  - Have considered City wide demands
  - More need for small retail space
  - Creates opportunities for small businesses
  - City in favor of developing vacant lots

NEIGHBOR'S QUESTIONS:

Have you had any small businesses approach you yet?
We would like to get the zoning in place before we approach them.

Why is commercial use more beneficial, higher rent?
More benefit to the community in Gross Receipts Tax.

Will there be an alley?
No

What is to prevent a liquor store from being opened?
It would require C-2 zoning and have to go through the same process.

Wouldn't a restaurant be able to sell liquor?
More direct relationship between seller and consumer. Won't have a bunch of drunks.

Would you lease residential space?
Will be selling entire site, not in portions, one development, one user.

What is the chance of a Sonic or something like it being built?
Would have to go before Planning & Zoning and request Conditional Use Zoning. Would probably not go for that.
Planner - Any drive-thru would require Conditional Use Zoning. NA could appeal the decision

Are they going to redo the intersection at Carlisle/Indian School?
Planner - Not aware of any Capital Improvement Project. To be honest, don't know.

Can the concrete barrier be extended further south to eliminate left turn into property?
Would be addressed when building permit is applied for. Would not be opposed to barrier being extended and still allowing left hand turn. Would request no U-turn. Have to abide by what City Traffic Engineer decides.

Would you address traffic congestion at existing gas station?
Planner – Is already an existing property, only if they apply for an expansion, is up to the City.

What is meant by "reciprocal access?"
Property on either side has free flowing access to each other's property, areas where cars can go through. This avoids multiple curb cuts.

Is Traffic Study considered before or after Zone change?
After. Will be considered at Building Permit stage, may not warrant a traffic study due to current established thresholds.

What about addressing left turn concerns?
Planner – Will be part of my Staff Report, will recommend cross access, not a bunch of entrances.

Imperative that there be no u-turns allowed.

0-1 is considered a better buffer zone for residential community, if City grants 0-1 what do you propose to do to address those issues?

-Lighting - would be addressed during the building permit process
-Traffic - no traffic study has yet been done, traffic analysis is not needed at this point by the City Traffic Engineer

Style of buildings?
Similar to Wild Oats, brick/rod iron, metal awnings, will try to match similar designs of neighborhood. Some current existing projects done by Petersons:

-Current building
-SW corner Central/San Pedro
-SE corner Montgomery/Louisiana
-Rio Grande/ Central
-Rio Rancho/Hastings
-NW corner 4th/Osuna
-NE corner Tramway/Montgomery

When considering building, will meet with NAs again to discuss design.

If there is a problem with odors coming from future businesses that are built, what can be done?
Fixes come after the building is done, would use fans and hopefully do something that would smell good.

Date of EPC Hearing?
January 20, 2005

NEIGHBOR'S CONCERNS AND STATEMENTS

This is basically the same process from five years ago, same applicant, same property.
Planner- Could not find the EPC # associated with that application.
(At this point Neighbor provided Project #Z9957 – Zone Map Amendment to Planner)

Agent – Conditions have changed since then:

- New interchange at I40/Carlisle
- Wild Oats took over old space
- K-Mart tore down tire store, eliminated retail space

Would like some discussion on lighting.
Planner- Cannot be any conditions placed on Conditional Zoning, would have to be Special Zoning. However lighting can be agreed privately between developer and neighbors.

Do not feel it would be appropriate to have a restaurant that serves liquor close to Adalante Training Program for developmentally disabled adults.
Given the size and type of property, it would not appeal to businesses such as Chile's etc., would be more mom and pop.

Would like to see a satellite library built if City purchased property.

City is only looking at project as to how it benefits Developer not neighbors. City does not offer negotiating options.

Neighborhoods need to balance the benefits of developing property rather than having it remain a vacant lot.

Should be up to the NAs to decide which Zoning best suites their needs. Neighborhoods are going through changes and would feel better with design guidelines. Could think about what NAs envision for their future.
Would be willing to continue to meet with NAs. Would be willing to state that in front of EPC.

ATTENDEES

Doug Peterson	2325 San Pedro NE #2A	87110	Peterson Properties
Dean Smith	2325 San Pedro NE #2A	87110	Peterson Properties
Denise Hammer	1735 Aliso NE	87110	Altura Addition NA
Lucerne Knight	1718 Hermosa NE	87110	Altura Addition NA
Wanda Pitts	1831 Hermosa NE	87110	Altura Addition NA
Chris Addis	8708 Hannett Ave NE	87110	Altura Addition NA
Patricia Heggem	4000 Hannett Ave NE	87110	Altura Addition NA
David Stallworth			City of Albuquerque
Ken Romig	8317 WilWay NE	87106	Summit Park NA
Barbara Barrity	1335 Bryn Mawr NE	87106	Summit Park NA
Colin Adams	1405 Solano NE	87110	Altura Addition NA
Jeanne Adams	1405 Solano NE	87110	Altura Addition NA
Andrea Schoellkoepf	1401 Aliso NE	87110	Altura Addition NA

ALTURA ADDITION NEIGHBORHOOD ASSOCIATION

STATEMENT ON APPLICATION FOR ZONE MAP AMENDMENT CASE NO. 04EPC-01821 PROJECT NO. 1003801 INVOLVING AMENDMENT FROM O-1 TO C-1

TO: Environmental Planning Commission
City of Albuquerque, New Mexico

City Planner: David Stallworth

I. APPLICANT

The Applicant for Zone Map Amendment Case No. 04EPC-01821 and Project No. 1003801 is Peterson Properties Real Estate Services, Inc.

II. FACTS

This Application requests a zone map amendment for Lots 28, 29, 30 and 31 in Block A of Altura Addition, Zone Map J-16. Applicant seeks to re-zone these four lots from O-1 to C-1. The Application states that the lots total .6419 acres.

These lot back up to, and are immediately adjacent to lots that are zoned R-1 and on which single family dwellings are located. Those dwellings are a part of a well established residential neighborhood.

III. RESOLUTION 270-1980 ZONE MAP AMENDMENT STANDARDS

Resolution 270-1980 of the City Council of the City of Albuquerque established standards for zone map amendments:

- Section 1.B. of the Resolution provides that the burden in on the Applicant for a zone map amendment to show why the amendment should be made and that the Applicant must provide a sound justification for the amendment.

- Section 1.D. of the Resolution states that the Applicant must demonstrate that the existing zoning is inappropriate because:

  (1) there was an error when the existing zone map pattern was created, or
  (2) changed neighborhood or community conditions justify the change, or
  (3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though 1 and 2 above do not apply.

- Section 1.E. of the Resolution states that a change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.

- Sections 1.I. and 1.J of the Resolution provide, respectively, that "spot zoning" or "strip commercial zoning" may be approved only when:

  (1) the change will clearly facilitate realization of the Comprehensive Plan, or
  (2) the area of the proposed zone change is different from surrounding land because:
    (a) it could function as a transition between adjacent zones; or
    (b) the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic or special adverse land uses nearly.

IV. DECISIONS OF THE NEW MEXICO COURTS

- The New Mexico Courts have held that "spot zoning" and "strip zoning" are generally impermissible.

- New Mexico law generally prohibits a zone change where the proposed zone change (1) includes uses that fail to comply with the Comprehensive Plan, (2) includes uses that are inconsistent with surrounding area, (3) would grant a discriminatory benefit to the landowner, or (4) would harm neighboring properties or community welfare.

V. POSITION OF THE ALTURA ADDITION NEIGHBORHOOD ASSOCIATION

1. Neither the neighborhood nor the community conditions have changed. Thus, a zone map amendment from O-1 to C-1 is not justified.

   Example: The Applicant asserts that small retail has been eliminated by the construction of Wild Oats, but the Wild Oats property began development (October 1998) prior to the applicant's last request (May 1999) for Zone Change on this same property. The elimination of the two free-standing C-1 uses (the K-Mart Tire Center, and the Old Walgreen's Fox Photo) do not account for a change in community conditions.

   Example: The expansion of the Smith's at Constitution and Carlisle in the past few years actually eliminated available small Office space.

2. A different use category for the subject lots would not be advantageous to the community.

3. Some of the permissive uses in the requested C-1 zone, and their associated conditions, would be harmful to adjacent property, the neighborhood and the community and are objectionable overall.

4. Conditional uses in the requested C-1 zone, and their associated conditions, would be harmful to adjacent property, the neighborhood and the community and are objectionable overall.

5. The subject lots are part of a current buffer between the adjacent residential neighborhood and nearby retail commercial properties and the requested zone change

would destroy that buffer and allow encroachment of retail commercial development into the residential neighborhood.

6. The subject lots are suitable for development for uses allowed in adjacent properties zoned O-1, as evidenced by the established office developments immediately south of the subject lots.

   Example: A new Medical Office Building was built in the past year across the street and just south of this property.
   Example: The Winchells Donut Shop across the street from this property was a C-1 use which was converted from Commercial use to Office use in past couple of years. It is now an MVD Center.

7. The Applicant has not made a sufficient showing to justify this "spot zoning" or "strip zoning" request.

8. This requested encroachment of a C-1 zone into the adjacent residential neighborhood is impermissible and will result in a decrease in property values.

9. New Mexico law generally prohibits the zone map amendment requested.

10. Due to the proximity of the subject lots to the intersection of Indian School and Carlisle, traffic attempting to enter and exist any proposed retail development on the property could interfere with traffic flow through that intersection and cause a danger to the neighborhood and the community.

11. A C-1 zone adjacent to this residential neighborhood will have an adverse effect on the adjacent property, neighborhood and community in regards to such matters as, but not limited to, traffic, safety, noise, pollution and property values.

SUBMITTED ON BEHALF OF THE ALTURA ADDITION NEIGHBORHOOD ASSOCIATION

DATED: January 11, 2005

Approved: Denise Hammer

Denise Hammer, President

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

Dear Commissioners:

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The Commission must consider the interests of the neighborhood. It must not permit a use on this property which will subject the neighborhood and in particular the adjacent residents, to the noxious effect of odors and noise from a restaurant operation.

Sincerely,

David D Dass

Date: 3-11-05

Name: David D Dass

Address: 1810 Hermosa Dr
ABQ, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

R. Mn

Date: 3/11/05

Name: Ray Mansour

Address: 1838 Hermosa NE
Albuquerque, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Wanda Pitts

Date: March 17 2005

Name: Wanda Pitts

Address: 831 Hermosa drive
Albuq NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Robert Moore

Date: 3/13/05

Name: Robert Moore

Address: 1723 Hermosa NE

87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Donald Knight

Date: March 11, 2005

Name: Donald Knight

Address: 1718 Hermosa Dr NE
Alb. NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102 Re: Four vacant lots on Carlisle NE south of Economy Gas Carl Mart located at Carlisle Blvd. and Indian School Rd. intersection.

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Sincerely,

Date: 3/12/05

Name: Diego Molina

Address: 1826 Sorano Dr.

Alb. NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
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Sincerely,

Tony Fitch

Date: 3/11/05

Name: Anthony Fitch

Address: 3904 Hannett NW
Albuq NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

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Sincerely,

Date: 13 MARCH, 2005

Name: JAMES L. WRIGHT

Address: 1735 ALISO DR., NE
ALBUQUERQUE 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Date: 3/11/05

Name: Arnold E. Melnikoff

Address: 1800 Aliso NE
Alb. N.M. 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Robert + Julie Moslow

Date: 3-13-05

Name: Robert + Julie Moslow

Address: 1510 Kenmore Dr. NE
Alb. NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Melanie S Brooks

Date: March 15, 2005

Name: ~~1314 Hermosa Dr~~ Melanie Brooks

Address: 1314 Hermosa Dr NE

Albuquerque, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Denice Noore

Date: March 13, 2005

Name: Denice Noore

Address: 1829 Hermosa, NE
Albuquerque, NM
87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Helen Moore

Date: March 13 - 2004

Name: Helen Moore

Address: 1723 Hermosa NE
Alb. NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

[signature]

Date: 3-13-05

Name: Donald Chavez

Address: 1837 Hermosa DZWC

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Date: 3-10-05

Name: BRUCE McCONNELL

Address: 1734 HERMOSA NE
ALBUQUERQUE, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Date: 3/14/05

Name: Bryan Eckart

Address: 1405 Solano Dr. NE
Albuquerque, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Laura E. Veytia

Date: 3/11/05

Name: Laura Veytia

Address: 1730 Hermosa NE
ABQ, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Richard D. Parker

Date: March 11, 2005

Name: Richard D. Parker

Address: 1811 Hermosa N.E.
Alb. NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

S.T. Collins

Date: 3-11-05

Name: S.T. Collins

Address: 1730 HERMOSA
Albuquerque NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Date: 3/11/05

Name: Patricia Snyder

Address: 1822 Hermosa NE
Alb, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

L. J. Martinez

Date: 3-11-05

Name: L. J. Martinez

Address: 1819 Hermosa NE
ABQ NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Patrick Florence

Date: 11-Mar-05

Name: Patrick Florence

Address: 1822 Hermosa NE

ABQ 87110

11 March, 2005

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc.;
04EPC-01821 Zone Map Amendment

Dear Commissioners:

During a meeting with Peterson Properties on February 10, 2005, our neighborhood was presented a preliminary site plan showing the location of the proposed building on the site for the above mentioned zone change request. At the time there were several items regarding this site plan which appeared to be non-conforming in relation to several specific zoning requirements.

1. Rear Yard Setback:

   According to the requirements of the C-1 zone, setbacks shall comply with the requirements of an O-1 zone. The rear setback requirement from the rear of any residential lot is 15 feet. The Peterson property abuts the rear yards of several residential properties on Hermosa, and yet the site plan indicated a setback of only 10 feet.

   This setback is a requirement under the existing O-1 zoning for this site, and should not be reduced in order to better accommodate an increase in building area on the site. Any compromise could be detrimental to the adjacent residential properties, increasing fire hazards, moving potential noise and odor closer to their own property, limiting site and solar angles, etc.

2. Off Street Parking:

   The site plan presented did not identify the number of parking spaces required, but when asked, Mr. Peterson did indicate that the number of parking spaces identified on the site did NOT meet the requirement of 1 space per 200 square feet of leasable retail area.

   In addition, Mr. Peterson has requested restaurant use of the site which has a parking requirement of 1 space per 4 seats, or 1 space per 3 persons of permitted fire occupancy load. This additional requirement has the potential to increase the current deficiency in the required number of parking space on the site.

This parking requirement is standard throughout the City's Zoning Code, and should not be reduced in order to better accommodate an increase in building area on the site; thereby creating increased potential from noise and fume odor caused by cars seeking available parking spaces.

3. Dumpster:
   The site plan presented did not identify the location of a dumpster.

   Any dumpster located on this site should be sufficiently setback from the residential properties which abut the rear of the property in order to protect the residents from issues related to noise and odor.

4. Bicycle Parking:
   The site plan presented did not identify bicycle parking spaces on the site.

   This parking requirement is standard throughout the City's Zoning Code, and should not be reduced in order to better accommodate an increase in building area on the site; thereby eliminating neighborhood bike riding to this site.

5. Height Restrictions:
   During presentation of the site plan, Mr. Peterson indicated an interest in requesting a significant height increase to the required limit of 26 feet in order to install parapet heights of perhaps as high as 36 feet and similar to those designed for the various Walgreen's properties scattered throughout the city.

   Height restrictions of 26 feet are required for all commercial properties under the City Zoning Code including larger scaled C-2, and C-3 properties. Allowable heights only approach 36 feet under manufacturing or industrial zones where residential properties rarely abut. Any increased height could be detrimental to the residents directly adjacent to this site, limiting the use of their own property such as a restriction in available natural light and sun angles.

On behalf of the neighbors directly adjacent to the requested zone change, I firmly request that the EPC in consideration of granting approval of this zone change from O-1 to SU-1 with C-1 uses, strongly protect these residents from any harm which may come to their pleasurable use of their already established properties.

Sincerely,

Denise Hammer
1735 Aliso Drive NE
Albuquerque, NM 87110

ALTURA ADDITION NEIGHBORHOOD ASSOCIATION

STATEMENT ON APPLICATION FOR
ZONE MAP AMENDMENT
CASE NO. 04EPC-01821
PROJECT NO. 1003801
INVOLVING AMENDMENT FROM O-1 TO SU-1 WITH C-1 USES

TO: Environmental Planning Commission
City of Albuquerque, New Mexico

City Planner: David Stallworth

I. APPLICANT

The Applicant for Zone Map Amendment Case No. 04EPC-01821 and Project No. 1003801 is Peterson Properties Real Estate Services, Inc.

II. FACTS

This Application requests a zone map amendment for Lots 28, 29, 30 and 31 in Block A of Altura Addition, Zone Map J-16. Applicant seeks to re-zone these four lots from O-1 to
SU-1 with C-1 uses. The Application states that the lots total .6419 acres.

III. POSITION OF THE ALTURA ADDITION NEIGHBORHOOD ASSOCIATION

1. The Altura Addition Neighborhood Association reinforces their position submitted to the EPC in the letter dated January 11, 2005 (see attached) that a zone map amendment from O-1 to SU-1 with C-1 uses is not justified, and that some of the permissive uses in the requested C-1 zone, and their associated conditions, would be harmful to adjacent property, the neighborhood and the community.

2. In the spirit of compromise and at the request of the Commission, the Altura Addition Neighborhood Association (AANA) met with Peterson Properties on February 10, 2005 to discuss uses on the proposed site which would be harmful to the neighborhood, and in particular to the adjacent properties. As stated by the Commission at the initial hearing on January 20, 2005, harmful uses are those primarily associated with odor and noise.

   Attached is a list of the C-1 uses agreed to by Peterson Properties and the AANA which would be either deleted and / or modified in the event that the Zone Change Request is granted by the Commission.

Peterson Properties and the AANA could NOT AGREE on restaurant use of the site. AANA and the adjacent residents strongly believe that restaurant use of the site will be harmful to the neighborhood due to excessive increases in both odors and noise on the site. AANA has requested that Peterson Properties delete restaurant use from this Zone Change Request.

3. In the event that restaurant use is deleted as a use on this site, the AANA accepts this Zone Change Request from O-1 to SU-1 with C-1 uses, subject to the attached 'DELETIONS AND/OR MODIFICATIONS TO C-1 USES' agreed upon by Peterson Properties and the AANA on February 10, 2005.

4. In the event that restaurant use is NOT deleted as a use on this site, the AANA opposes any Zone Change on this site from O-1 to SU-1 with C-1 uses.

SUBMITTED ON BEHALF OF THE ALTURA ADDITION NEIGHBORHOOD ASSOCIATION

DATED: March 9, 2005

Approved: Denise Hammer

Denise Hammer, President

DELETIONS AND/OR MODIFICATIONS TO C-1 USES
Albuquerque Zoning Code §14-16-2-16

Agreed to by Peterson Properties and the
Altura Addition Neighborhood Association on
February 10, 2005

A.	**Permissive Uses**
7(i).	Add: "There shall be no outdoor restaurant seating."
7(i)2.	Delete
7(i)3.	Delete
7(k).	Add: "There shall be no gasoline service station and no outside sales of gas, oil or liquified petroleum gas."
9(a).	Delete and replace with: "Bicycle repairing, provided it shall be done within a completely enclosed building."
9(b).	Delete the following: ", including pawn. Drive-in facilities permitted on the condition the vehicle movement plan is approved by the traffic engineer." Add: "No pawn shall be allowed."
9(d).	Delete
9(f)3.	Delete and replace with: "The dry cleaning and laundering process will not be done on the premises and no Laundromat shall be permitted."
9(g)2.	Delete and replace with: "There shall be no more than four game machines on the premises."
10.	Delete
14(a).	Delete
14(b).	Delete

B.	**Conditional Uses**
1.	Delete
2.	Delete
3.	Delete
5.	Delete
7.	Delete
8.	Delete
9.	Delete
10.	Delete
11.	Delete
12(d).	Delete
16.	Delete
19.	Delete
20.	Delete
21.	Delete
22. (NEW)	Add: "Drive-in facilities for banking, on the condition the vehicle movement plan is approved by the Traffic Engineer."

ALTURA ADDITION NEIGHBORHOOD ASSOCIATION

STATEMENT ON APPLICATION FOR
ZONE MAP AMENDMENT
CASE NO. 04EPC-01821
PROJECT NO. 1003801
INVOLVING AMENDMENT FROM O-1 TO C-1

TO: Environmental Planning Commission
City of Albuquerque, New Mexico

City Planner: David Stallworth

I. APPLICANT

The Applicant for Zone Map Amendment Case No. 04EPC-01821 and Project No. 1003801 is Peterson Properties Real Estate Services, Inc.

II. FACTS

This Application requests a zone map amendment for Lots 28, 29, 30 and 31 in Block A of Altura Addition, Zone Map J-16. Applicant seeks to re-zone these four lots from O-1 to C-1. The Application states that the lots total .6419 acres.

These lot back up to, and are immediately adjacent to lots that are zoned R-1 and on which single family dwellings are located. Those dwellings are a part of a well established residential neighborhood.

III. RESOLUTION 270-1980 ZONE MAP AMENDMENT STANDARDS

Resolution 270-1980 of the City Council of the City of Albuquerque established standards for zone map amendments:

- Section 1.B. of the Resolution provides that the burden in on the Applicant for a zone map amendment to show why the amendment should be made and that the Applicant must provide a sound justification for the amendment.

- Section 1.D. of the Resolution states that the Applicant must demonstrate that the existing zoning is inappropriate because:

  (1) there was an error when the existing zone map pattern was created, or
  (2) changed neighborhood or community conditions justify the change, or
  (3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though 1 and 2 above do not apply.

- Section 1.E. of the Resolution states that a change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.

- Sections 1.I. and 1.J of the Resolution provide, respectively, that "spot zoning" or "strip commercial zoning" may be approved only when:

  (1) the change will clearly facilitate realization of the Comprehensive Plan, or
  (2) the area of the proposed zone change is different from surrounding land because:
      (a) it could function as a transition between adjacent zones; or
      (b) the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic or special adverse land uses nearly.

IV. DECISIONS OF THE NEW MEXICO COURTS

- The New Mexico Courts have held that "spot zoning" and "strip zoning" are generally impermissible.

- New Mexico law generally prohibits a zone change where the proposed zone change (1) includes uses that fail to comply with the Comprehensive Plan, (2) includes uses that are inconsistent with surrounding area, (3) would grant a discriminatory benefit to the landowner, or (4) would harm neighboring properties or community welfare.

V. POSITION OF THE ALTURA ADDITION NEIGHBORHOOD ASSOCIATION

1. Neither the neighborhood nor the community conditions have changed. Thus, a zone map amendment from O-1 to C-1 is not justified.

   Example: The Applicant asserts that small retail has been eliminated by the construction of Wild Oats, but the Wild Oats property began development (October 1998) prior to the applicant's last request (May 1999) for Zone Change on this same property. The elimination of the two free-standing C-1 uses (the K-Mart Tire Center, and the Old Walgreen's Fox Photo) do not account for a change in community conditions.

   Example: The expansion of the Smith's at Constitution and Carlisle in the past few years actually eliminated available small Office space.

2. A different use category for the subject lots would not be advantageous to the community.

3. Some of the permissive uses in the requested C-1 zone, and their associated conditions, would be harmful to adjacent property, the neighborhood and the community and are objectionable overall.

4. Conditional uses in the requested C-1 zone, and their associated conditions, would be harmful to adjacent property, the neighborhood and the community and are objectionable overall.

5. The subject lots are part of a current buffer between the adjacent residential neighborhood and nearby retail commercial properties and the requested zone change would destroy that buffer and allow encroachment of retail commercial development into the residential neighborhood.

6. The subject lots are suitable for development for uses allowed in adjacent properties zoned O-1, as evidenced by the established office developments immediately south of the subject lots.

   Example: A new Medical Office Building was built in the past year across the street and just south of this property.
   Example: The Winchells Donut Shop across the street from this property was a C-1 use which was converted from Commercial use to Office use in past couple of years. It is now an MVD Center.

7. The Applicant has not made a sufficient showing to justify this "spot zoning" or "strip zoning" request.

8. This requested encroachment of a C-1 zone into the adjacent residential neighborhood is impermissible and will result in a decrease in property values.

9. New Mexico law generally prohibits the zone map amendment requested.

10. Due to the proximity of the subject lots to the intersection of Indian School and Carlisle, traffic attempting to enter and exist any proposed retail development on the property could interfere with traffic flow through that intersection and cause a danger to the neighborhood and the community.

11. A C-1 zone adjacent to this residential neighborhood will have an adverse effect on the adjacent property, neighborhood and community in regards to such matters as, but not limited to, traffic, safety, noise, pollution and property values.

SUBMITTED ON BEHALF OF THE ALTURA ADDITION NEIGHBORHOOD ASSOCIATION

DATED: January 11, 2005

Approved: Denise Hammer

Denise Hammer, President

14 March, 2005

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc.;
04EPC-01821 Zone Map Amendment

Dear Commissioners:

Attached are approximately 65 letters from members of the neighborhood directly adjacent to the Peterson Properties zone change request for the property located at Indian School Road and Carlisle Boulevard NE.

These letters expressly request that **if restaurant use is not deleted** as a use on this property, **the EPC deny the zone change request**.

Sincerely,

Denise Hammer

Denise Hammer
1735 Aliso Drive NE
Albuquerque, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

Dear Commissioners:

I am a resident of the neighborhood that is adjacent to the property that Peterson Properties wants to have the zoning changed to SU-1 with C-1 uses. The property is currently zoned for office use (O-1), consistent with the surrounding property and, as such, provides a buffer zone between the residential neighborhood and nearby commercial property.

Peterson Properties has advised the Altura Addition Neighborhood Association that it will not accept a zone change without the allowed use of a restaurant on the property. I object to the requested zone change unless it expressly prohibits use of the property for restaurant purposes. If restaurant use is not deleted as a use on this property, then I object to any zone change for the property.

The Commission must consider the interests of the neighborhood. It must not permit a use on this property which will subject the neighborhood and in particular the adjacent residents, to the noxious effect of odors and noise from a restaurant operation.

Sincerely,

Susie Kubie

Date: 3/12/05

Name: Susie Kubie

Address: 1800 Alisa Drive N.E.
ABQ 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

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Sincerely,

Date: 3/12/05

Name: Mira Berkstein

Address: 1815 Aliso Dr. NE
ABQ 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Louis Patrell

Date: 3-12-05

Name: Louis Patrell

Address: 1811 Alvarado Dr. NE
Albuq

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

John C Patchell

Date: March 17, 2005

Name: John C Patchell

Address: 1811 Aliso DR NE

ABQ

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Date: 3-12-05

Name: JAMES I. Hoyt

Address: 1726 ALISO DR NE
ALBUQ NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Date: 3-12-05

Name: DAN W LATIMORE

Address: 1714 ALISO NE
Albuq. N.M. 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Betty Latimore

Date: 8-12-05

Name: Betty Latimore

Address: 1714 Aliso NE
ABQ, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Jose P. Guevara

Date: 3-12-05

Name: Jose P Guevara

Address: 1710 Also Dr NE
ABQ NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102 Re: Four vacant lots on Carlisle NE south of Economy Gas Carl Mart located at Carlisle Blvd. and Indian School Rd. intersection.

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

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Sincerely,

_____

Date: 3.12.05

Name: Evelyn J. Dodd

Address: 1823 Salano Dr. N.E.
Albuquerque

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
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Sincerely,

Date: 3/12/05

Name: JEFF KARDAS

Address: 1722 SOLANO

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
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Sincerely,

Date: 3-12-05

Name: RAFAEL - MOLINA

Address: 1826 SOLANO NE

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Albuquerque, N.M.
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Sincerely,

Date: 11 Mar 05

Name: Bethany Kolb

Address: 1618 Alison Dr NE
ABQ, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
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Sincerely,

Joan G Daut

Date: 3/12-05

Name: JOAN G DAUT

Address: 1718 Solano NE.
Albuq NM 87110

Environmental Planning Commission
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600 Second Street, N.W.
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Sincerely,

C H Nattress
Ann Nattress

Date: 3-11-05

Name:

Address: 4122 Coe Dr. N.E.

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102 Re: Four vacant lots on Carlisle NE south of Economy Gas Carl Mart located at Carlisle Blvd. and Indian School Rd. intersection.

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

Dear Commissioners:

I am a resident of the neighborhood that is adjacent to the property that Peterson Properties wants to have the zoning changed to SU-1 with C-1 uses. The property is currently zoned for office use (O-1), consistent with the surrounding property and, as such, provides a buffer zone between the residential neighborhood and nearby commercial property.

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The Commission must consider the interests of the neighborhood. It must not permit a use on this property which will subject the neighborhood and in particular the adjacent residents, to the noxious effect of odors and noise from a restaurant operation.

Sincerely,

Date: 3.12.05

Name: SHARON P. MUSSALANO

Address: 1720 SOLANO DR. NE
ALBQ.

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

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Sincerely,

Date: 3-12-05

Name: Alex Allen

Address: 1722 Hermosa NE
ALB NM
87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

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The Commission must consider the interests of the neighborhood. It must not permit a use on this property which will subject the neighborhood and in particular the adjacent residents, to the noxious effect of odors and noise from a restaurant operation.

Sincerely,

Date: March 11, 2005

Name: BRIAN GARCIA

Address: 1718 Hermosa N.E.
Albuquerque N.M. 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

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Sincerely,

Christina Knight

Date: March, 11, 2005

Name: Christina Knight

Address: 1718 Hermosa NE
Alb, N.M 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

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Sincerely,

Lucerne Knight

Date: March 11, 2005

Name: Lucerne Knight

Address: 1718 Hermosa NE.
Albuquerque, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Tom Spidel

Date: 3.12.05

Name: TOM SPIDEL

Address: 1726 HERMOSA DR NE

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

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Sincerely,

Valerie A. Rangel

Date: 2-11-2005

Name: VALERIE A. RANGEL

Address: 1735 HERMOSA (NE)
ALB. NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

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Sincerely,

Ramon Calderon

Date: 2-11-2005

Name: Ramon Calderon

Address: 1735 Hermosa NE
Alb. NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

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Sincerely,

Dorine McConnell

Date: 3/11/05

Name: DORINE McCONNELL

Address: 1734 HERMOSA DRIVE
ALBUQUERQUE, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

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Sincerely,

Date: March 13, 05

Name: Dolores M Vigil

Address: 1815 Hermosa Dr NE
Alb, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

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Sincerely,

Seretha Scott

Date: 3/11/05

Name: SERETHA SCOTT

Address: 1827 HERMOSA DR. NE.
Albuq. NM. 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Steven D. Scott

Date: 3/11/05

Name: STEVE SCOTT

Address: 1827 Hermosa Dr. NE.
Albuq. NM. 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Mary M. Gallemore

Date: 3/11/05

Name: Mary M. Gallemore

Address: 1830 Hermosa Drive
Alb, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

George A Coursey

Date: 3-11-05

Name: George A. Coursey

Address: 1830 Hermosa Drive
Alb, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Tara Boden

Date: 3.12.05

Name: TARA BODEN

Address: 1719 HERMOSA DR NE
ALBQ NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Geoffrey Danielson

Date: 3/12/2005

Name: Geoffrey Danielson

Address: 1715 Hermosa dr NE
Albuquerque, NM 8740

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Freddie J. Vejil

Date: 3/12/05

Name: Freddie Vejil

Address: 1700 Hermosa Dr. NE
Albq., NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

M.V. Cam

Date: March 13, 05

Name: M.V. Campbell

Address: 1711 Hermosa
ALB. NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Lynda L. Clancy

Date: 3-11-05

Name: Lynda Clancy

Address: 1711 Hermosa NE
Alb, N.M. 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Judy Larson

Date: 3-14-05

Name: Judy Larson

Address: 1618 Hermosa NE
Albuquerque, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Kenneth B. Morgan

Date: 3/12/05

Name: Kenneth Morgan

Address: 3811 Hannett NE
Albuq NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Date: 3/14/05

Name: Jodi Eckart

Address: 1405 Solano Dr. NE
Albuquerque, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

[signature]

Date: [illegible]

Name: [illegible] Tuttle

Address: [illegible] Bennett Ave
[illegible] NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Kristin Vaitkus-Tuttle

Date: 11-Mar-05

Name: KRISTIN VAITKUS-TUTTLE

Address: 3812 HANNETT AVE NE
ALB, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Sally Schwartz

Date: 3/11/05

Name: SALLY SCHWARTZ

Address: 1710 ALISO NE
ABQ NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

Re: Project No. 1003801; Peterson Properties Real Estate Services, Inc. ("Peterson Properties"); 04EPC-01821 Zone Map Amendment

Dear Commissioners:

I am a resident of the neighborhood that is adjacent to the property that Peterson Properties wants to have the zoning changed to SU-1 with C-1 uses. The property is currently zoned for office use (O-1), consistent with the surrounding property and, as such, provides a buffer zone between the residential neighborhood and nearby commercial property.

Peterson Properties has advised the Altura Addition Neighborhood Association that it will not accept a zone change without the allowed use of a restaurant on the property. I object to the requested zone change unless it expressly prohibits use of the property for restaurant purposes. If restaurant use is not deleted as a use on this property, then I object to any zone change for the property.

The Commission must consider the interests of the neighborhood. It must not permit a use on this property which will subject the neighborhood and in particular the adjacent residents, to the noxious effect of odors and noise from a restaurant operation.

Sincerely,

Max McWhirter

Date: 3/11/05

Name: Max McWhirter

Address: 3700 Hannett NE
Albuquerque NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Jeanne Ad

Date: 3/14/05

Name: Jeanne Adams

Address: 1405 Solano Dr. NE
Albuquerque, NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Eleanor H. McWhirter

Date: 3/11/05

Name: Eleanor H. McWhirter

Address: 3700 Hannett NE
Albuquerque NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Chris Addis (Marguerite C. Addis)

Date: MARCH 11, 2005

Name: CHRIS ADDIS (MARGUERITE C. ADDIS)

Address: 3708 HANNETT AVE NE
ALBUQUERQUE NM 87110

Environmental Planning Commission
City of Albuquerque
600 Second Street, N.W.
Albuquerque, N.M.
87102

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Sincerely,

Date: 3/14/05

Name: Colin L. Adams

Address: 1405 Solano Dr. NE
Albuquerque 87110

#15

Walter Bauke
1823 HERMOSA NE
ALBUQUERQUE, NM 87110

Monday, March 7 2005

City of Albuquerque, Planning Department
Environmental Planning Commission
One City Plaza NW
Albuquerque, NM 87102

RE: Request for Zone Map Amendment, Project 1003801, 04EPC01821 (Carlisle/Indian School rezoning)

Gentlemen:

In this request, Peterson Properties wishes to rezone several lots from O-1 to C-1 or SU type zoning. We own the residence at 1823 Hermosa NE, directly adjoining the subject properties. I am against this request for reasons as follows:

Our home was purchased with the full knowledge of permitted uses on adjacent properties, residential to the sides, O-1 zoning to the rear. These limit the activities which could disturb the residential use of our homes (mine as well as the direct neighbors), i.e. noise, smell and activities that would interfere with quiet, healthy living and sleeping.

Any neighbor who wishes to change this must show a case of severe hardship to support this request for change. This would be the same for an owner to the left or right of us who wishes to change to some business use, as well as one to the rear of us who wishes to change from O-1 to a zoning that permits creation of noisy or smelly businesses.

We are particularly disturbed by the fact that Mr. Peterson plans to have a restaurant in his building. Such business will cause cooking smells that would vent directly to the rear of his property, into the living/bedroom windows of our residences, just a few feet behind. Associated noise with such establishment could be from early morning (5-6am for a breakfast business) to late in the night, after midnight for a full service restaurant. Beside the disturbance that could be caused by customers, there is also the associated activity due to operation/cleanup before and after the restaurant opens and the storage of food waste that could severely affect the homes to the rear.

Furthermore, the permissive use / zoning goes with the property, not the owner. I appreciate that Mr. Peterson tries to accommodate the neighbors by installing modern, odor reducing vent systems. However, the odor is only part of the potential problem. The operation and management of the business is important. Will Peterson be the owner and manager? He is an attorney and real estate developer/manager. Is he also a restaurant operator? Can he give references of similar operations that he

owns and manages so that we can check on his proven performance record? The name of some facility of this nature operating in a commercial property owned or managed by him will not be acceptable as he has the right to change leases or to sell property at will which would leave us, the residential neighbors to face potential legal problems with some yet unknown future party. He can also sell the total tract before renting/leasing any part of it, which would make any promise given by him worthless.

I further wish to point out that Mr. Peterson purchased the property with full knowledge of the existing permitted use, which extends the full length of Carlisle on this side of the street. Your commission issued a finding (Jan 20, page 6 item 2) that states the proposed zone change is a logical extension of the zoning to the north. I can claim that the present zoning is a logical extension of the zoning to the south. This was put in place at a time when the streets were laid out, with the full intention to give the residences some protection. An extension of the zoning in the north would make it possible to extend some use for the service station, such as automobile repair, washing etc., that could create objectionable noise for residences.

In summary, we oppose a zoning change that will permit a business or commercial use that can create smell or noise in a manner which will disturb peaceful, healthy enjoyment of a home. This could be a restaurant as well as a mechanical shop. The present zoning is limited to residential use (apartments) and offices and businesses that generally close at the end of a normal business day. There are many of those along Carlisle, all apparently operating successfully which proves that this type zoning can generate successful business ventures serving the neighborhood.

We, the home owners, are not asking for any change that would affect the use of subject property. But in the same manner, we do not wish a neighbor to ask for a change that could severely affect our property for the indefinite future.

Sincerely Yours,

Walter Bauke

Walter Bauke

Cc: Ms. Denise Hammer
President, Altura Neighborhood association
1735 Aliso Drive NE
Albuquerque, NM 87110

Environmental Planning Commission

Agenda Number: 11
Project Number: 1003801
Case #'s: 04EPC 01821
January 20, 2005

Staff Report

Agent	Douglas Peterson
Applicant	Peterson Properties Real Estate Services, Inc.
Request(s)	**Zone Map Amendment, O-1 to C-1**
Legal Description	Lots 28 through 31, Block A, Altura Addition
Location	On the east side of CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE
Size	Approximately .64 acres
Existing Zoning	O-1
Proposed Zoning	C-1

Staff Recommendation

APPROVAL of 04EPC – 01821, based on the findings on page 6

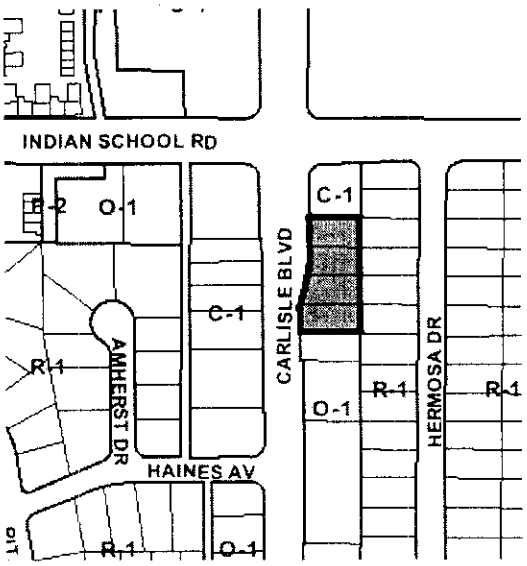
Staff Planner

David J. Stallworth

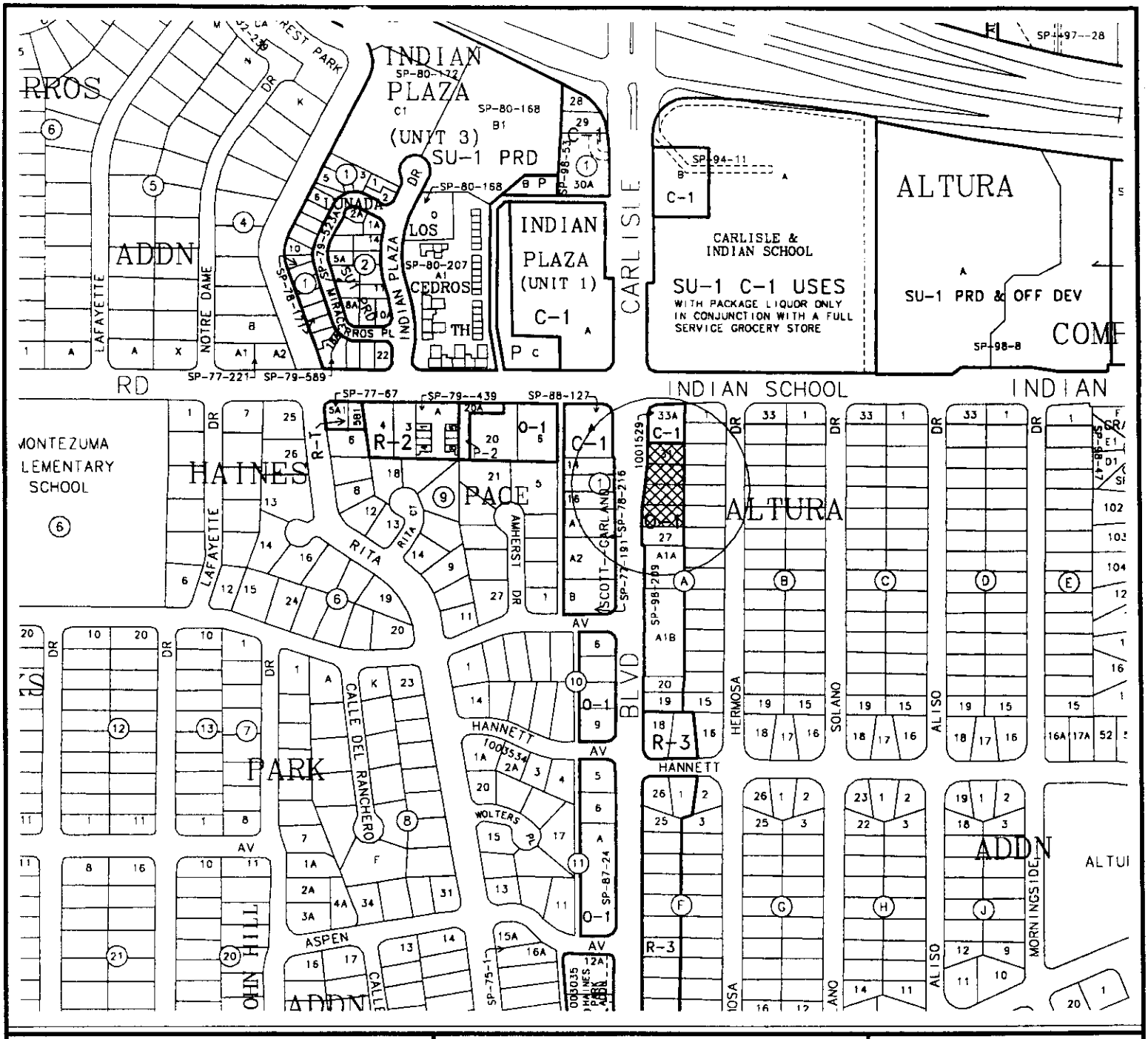
Summary of Analysis

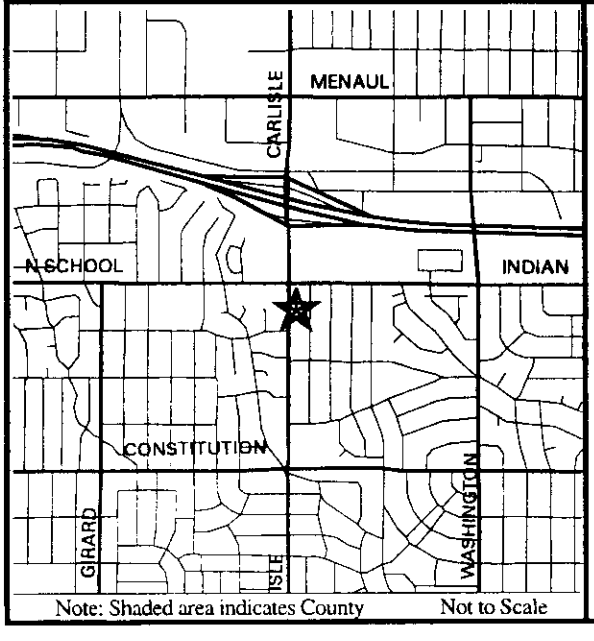
The project site is located on the east side of Carlisle Boulevard, NE, +/-109 feet south of Indian School Road, NE. No development proposal is associated with this request.

The request does not constitute either a spot zone or a strip zone, as defined in Resolution R-270-1980. The request satisfies several key land use policies of the *City/County Comprehensive Plan*, and it serves as a logical response to changing development conditions. As infill development, it will serve as a redevelopment stimulus and will therefore be advantageous to both the surrounding community and the City.



City Departments and other interested agencies reviewed this application from 12/2/04 to 12/17/04.
Agency comments were used in the preparation of this report, and begin on page 8.





Note: Shaded area indicates County Not to Scale

ZONING MAP

AGIS

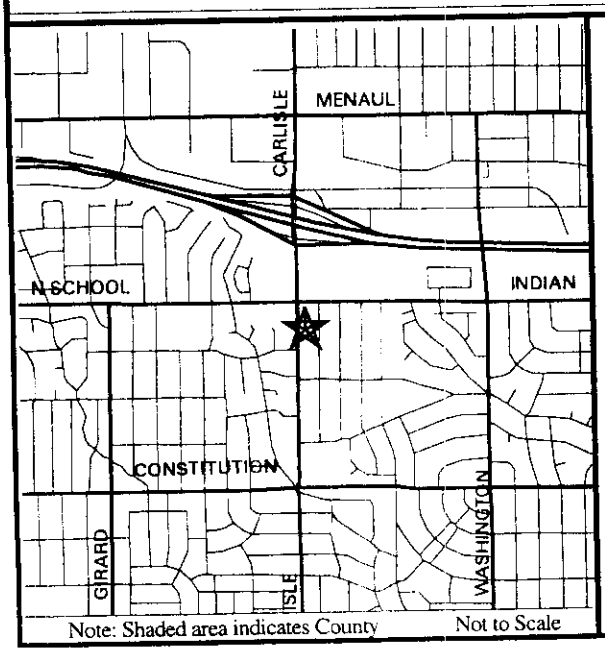
Scale 1"= 408 '

PROJECT NO.
1003801

HEARING DATE
1-20-05

MAP NO.
J-16

ADDITIONAL CASE NUMBER(S)
04EPC-01821



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

AGIS

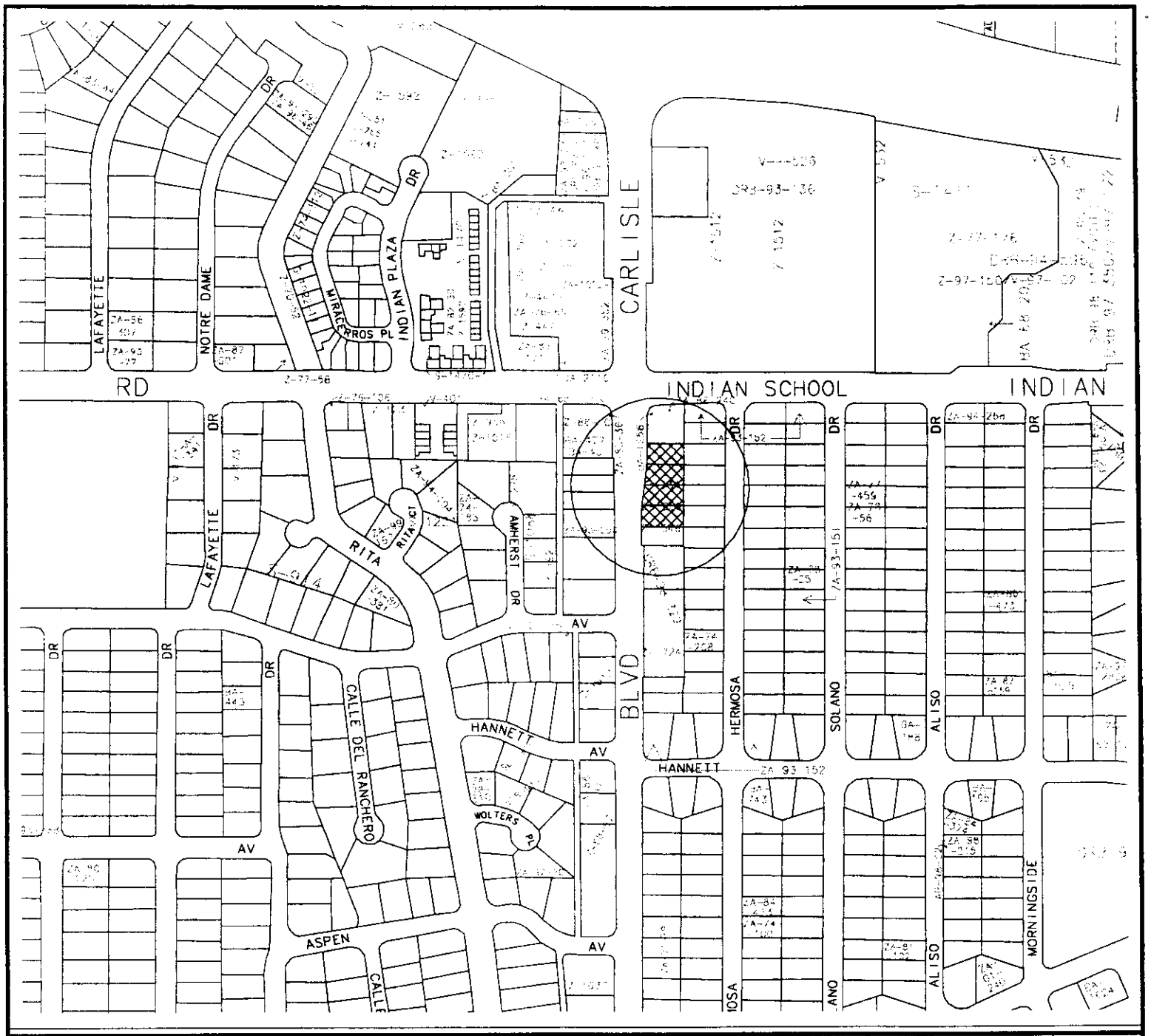
Scale 1"= 408 '

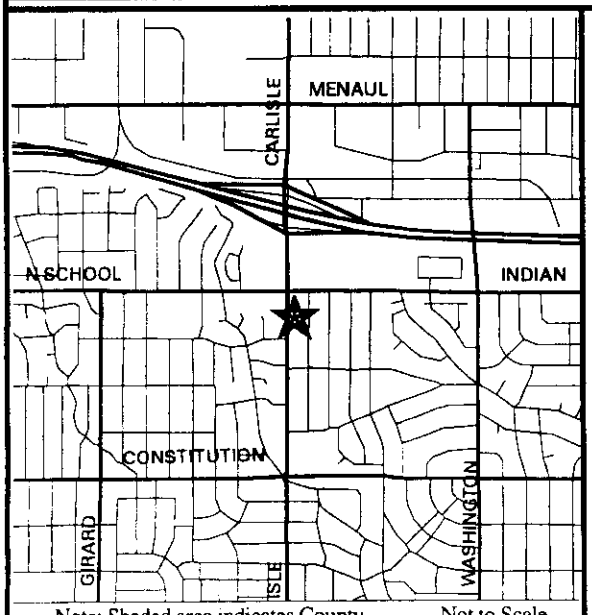
PROJECT NO.
1003801

HEARING DATE
1-20-05

MAP NO.
J-16

ADDITIONAL CASE NUMBER(S)
04EPC-01821





Note: Shaded area indicates County Not to Scale

HISTORY MAP

AGIS

Scale 1" = 408 '

PROJECT NO.
1003801

HEARING DATE
1-20-05

MAP NO.
J-16

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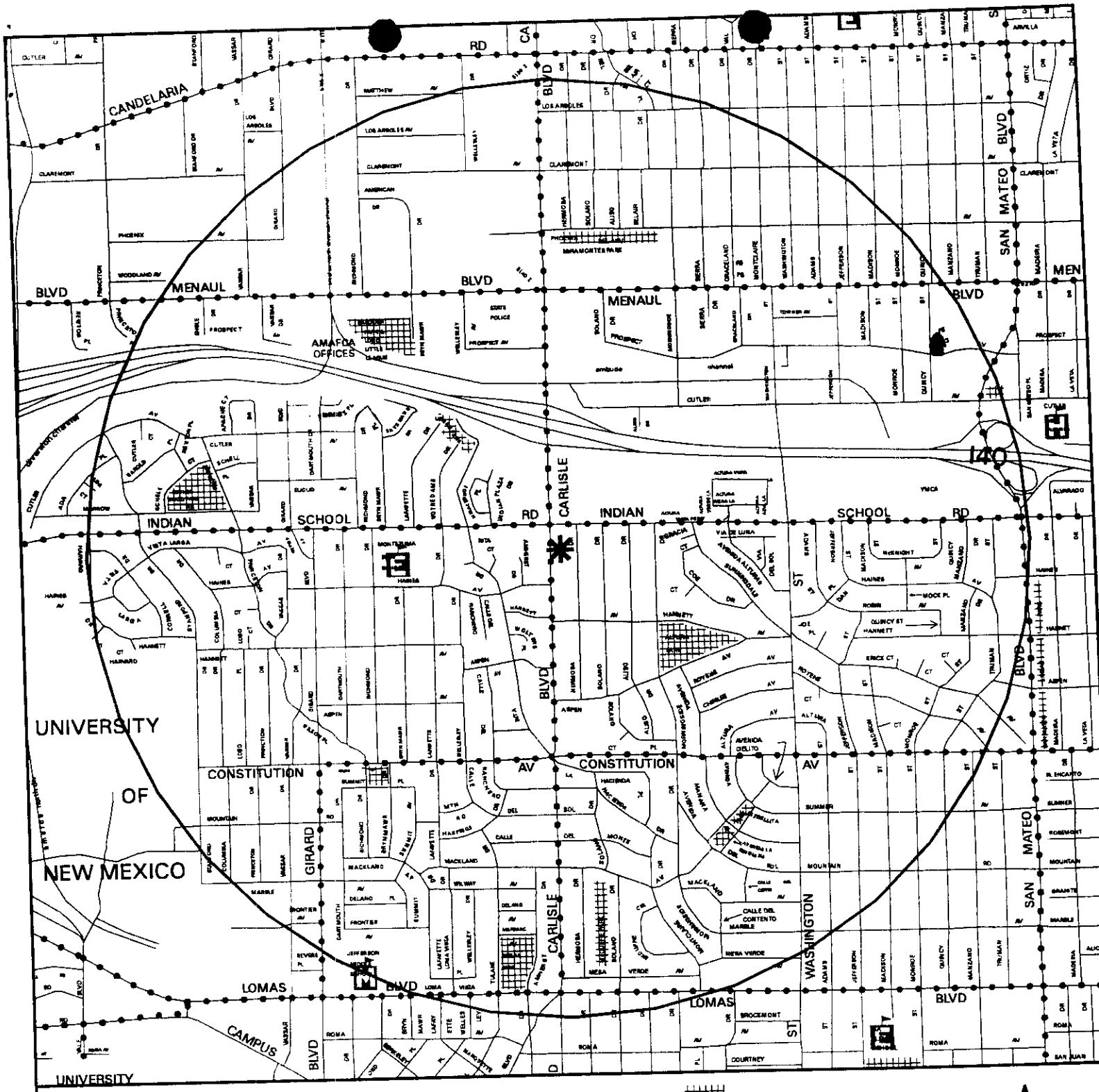
04EPC-01821



Senior Center

Community Center

Multi-Service Center

Library

Police

Sheriff

Fire Station

Pool

APS Schools

Elementary

Middle

High

Suntran Routes

City Limits

1003801

Developed City Park

Undeveloped City Park

County Park

Landfill

Buffer designated by EHD

0 1/2 Mile 1 Mile

Scale 1" = 1500'

Development Services Report

SUMMARY OF REQUEST

Request(s)	*A zoning map amendment from O-1 (Office) to C-1 (Neighborhood Commercial)*
Location	*On the east side of CARLISLE BOULEVARD, NE, between INDIAN SCHOOL ROAD, NE, and HANNETT AVE, NE.*

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	***Comprehensive Plan Area; Applicable Rank II & III Plans***	***Land Use***
Site	O-1	Established Urban	Vacant
North	C-1	Established Urban	Gas Station and Convenience Store
South	O-1	Established Urban	Vacant lot, office building
East	R-1	Established Urban	Single-family residential
West	Public ROW; C-1	Established Urban	Carlisle Blvd.; office buildings

Background, History and Context

Background: The .64-acre (27878.40 square feet) project site consists of four vacant, contiguous lots and is located on the east side of Carlisle Boulevard, NE, approximately 109 feet south of Indian School Road, NE. The applicant is requesting a zone change from O-1 (Office) to C-1 (Neighborhood Commercial); there is no proposed development associated with this request. The subject area originated from the Altura Addition Subdivision of the early 1950's.

The subject area has been undeveloped in excess of fifty years and was originally zoned R-3. There were three previous attempts to change the zoning of this area from residential to commercial, with the most recent action being a successful conversion to O-1 in 1965. A similar zone change request was made in 1999 (Z-99-57); the applicant withdrew this request before it was considered, however. In each case, there was noted opposition from residents within the surrounding area.

Area Characteristics: The subject area fronts Carlisle Boulevard, a minor arterial. Right-of-way widths abutting the subject area vary from approximately 75 to 100 feet. The subject area is approximately 960 feet south of Interstate 40 and is also within 250 feet of a major commercial node containing a specialty retail grocer and a nationwide department store retailer. To the immediate north of the subject area is a gas station that has been at the southeast corner of Carlisle and Indian School as far back as 1956. Detached single-family development exists to the east, with Hannett and

Aspen Avenues being the only direct entrances to this abutting development from Carlisle. Both an undeveloped lot and an under-occupied office building are situated to the south.

Overall, there is substantive office development within proximity of the subject area, with much of it extending along the west side of Carlisle. A portion of this development is located within a C-1 zone between Indian School and Haines Avenue. It is single-storied and houses predominantly medical, legal and insurance-related businesses. There is extensive multi-family development along the east side of Carlisle, and a smaller-scale commercial node exists near the intersection of Carlisle and Constitution Avenue. The land uses south of this intersection and along Carlisle become predominantly single-family residential.

Public Facilities/Community Services

The #5 bus route is within walking distance of the project site.

ANALYSIS

Conformance to Adopted Plans, Policies, and Ordinances

City/County Comprehensive Plan: The project area is situated in an area designated by this plan as ***Established Urban***. The primary goal for this area is "to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing...while creating a visually pleasing built environment." Some of the Plan's policies salient to this discussion include:

1. *Policy II.B.5.d* – The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social and recreational concern.
   - Analysis – As the proposed development abuts a substantive commercial node, the proposed zone change should function as a logical extension and should not result in any negative impact, given its limited size and layout. Current design standards governing non-residential development and residential adjacency should provide adequate buffering and mitigation.

2. *Policy II.B.5.e* – New growth shall be accommodated through development in areas where vacant land is contiguous to existing programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.
   - Analysis – The project site is located on an existing public street right-of-way and has access to existing municipal services. As Carlisle Boulevard may be substandard at the project site, right-of-way dedication may be required; nevertheless, no major public improvements are anticipated. Given that the subject area has remained vacant in excess of fifty years, the new zoning designation could stimulate new infill development.

3. *Policy II.B.5.i* – Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution and traffic on residential environments.
   - Analysis – Design standards governing residential adjacency of non-residential development should mitigate any potential impacts. Additionally, there are several permitted land uses that could potentially function as adequate buffer to traffic noise emanating along Carlisle. The subject area does not have any direct access to the residential development immediately adjacent to the east.

4. *Policy II.B.5.k* – Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic.
   - Analysis – The project site has approximately 240 feet of frontage along Carlisle, and about two-thirds of the site is affected by a raised median within Carlisle that will limit the occurrence of cross-traffic. Any proposed development should require reciprocal access to accommodate both internal and neighboring development in an effort to diminish the number of curb cuts.

5. *Policy II.B.5.l* – Quality and innovation in design (which is appropriate to the plan area) shall be encouraged in all new development…
   - Analysis – The developer should be thoughtful of the surrounding area and be ingenious in design so that the end result will not be visually obtrusive or garish. Additional design guidelines for non-residential development also exist in the Zoning Code.

6. *Policy II.B.5.o* – Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.
   - Analysis – Given that the subject area is currently vacant, the proposed zone change could be a catalyst for further positive development of an otherwise underdeveloped area. The applicant should involve the affected neighborhood associations and residents in any site design and proposed land use issues.

Zoning

Under current O-1 zoning restrictions, building heights are limited to 26 feet within 85 feet of a residential zone, and there are no minimum lot size requirements. There is, however, a required 15-foot minimum rear setback when adjacent to a residential zone. Parking requirements for general office uses are one space per each 200 net-square-feet of lease area at ground level and one space per each 300 net-square-feet of lease area above ground.

Under the proposed C-1 zoning, building height and setback requirements remain the same. Using general retail parking standards as a basis, one space is required for each 200 net-square-feet of lease area. In any case, building and site design shall be in accordance with §14-16-3, subsections 9, 10 and 18 of the Zoning Code regulating non-residential land uses. The only difference between the

two zones is the signage regulations. As the project area abuts an existing C-1 zone to the north, the request does not constitute either a spot zone or a strip zone.

Long Range Roadway System

CARLISLE ROAD, NE is a *Minor Arterial* street, with a minimum right-of-way width of 86'.

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. The burden is on the applicant to offer sound justification for a zone change request. In this particular request, the applicant must demonstrate that the existing zoning is inappropriate either because changing the zone would be a reasonable response to changing neighborhood or community conditions, or because a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan. No errors in zoning have been demonstrated in this particular case.

The applicant cites changing dynamics in the prevailing area that necessitate a zone change, including the restructuring of commercial nodes near the Interstate 40 interchange and at the intersection of Lomas and Carlisle which have resulted in a net loss of 22,000 square feet of retail space, and the reorientation of office demand to newly renovated areas near Interstate 40 and Louisiana Street. Converted office uses dominate much of the C-1 zones along the west side of Carlisle. The applicant cites that this is a result of "functional obsolescence" because existing buildings can't meet today's commercial retail demands. The changes cited, however, reflect a situation in which redevelopment as allowed under current zoning restrictions may be nothing more than a logical response to changing market conditions. This stance would not satisfy the burden of section 1.D.2 of the Resolution and could potentially conflict with section 1.G, which disallows economic considerations as a determinant.

The applicant does cite, however, that the immediate area lacks sufficient commercial uses to complement both the adjacent neighborhood and the surrounding offices, and that the introduction of C-1 could potentially "satisfy the day-to-day needs of residential areas." The applicant offers the following arguments in support of this position:

- New complementary services as a result of the zone change would be situated within walking distance of both surrounding offices and the adjacent residential neighborhood, thus encouraging more pedestrian activity, which is in concert with *Policy II.B.5.e* of the Comprehensive Plan.
- The applicant notes that the project area has access to existing urban facilities and services and will promote infill development through the conversion of vacant property presently serving as a magnet for nuisances into something beneficial to the community, thus meeting *Policy II.B.5.e* of the Comprehensive Plan.

- The applicant cites that the "New retail development on the subject site will provide employment and service to the immediate neighborhood and community...," thus promoting a more pedestrian environment in keeping with *Policy II.B.5.i* of the Comprehensive Plan.
- The development could serve as a suitable noise buffer between Carlisle and the adjacent residential neighborhood. Furthermore, development of the site will result in less access to Carlisle and improved cross access between lots, thus positively affecting traffic flow, as desired in *Policy II.B.5.k* of the Comprehensive Plan.
- The developer will utilize quality design in any development proposed for this site, and input from the neighborhood will be welcomed, which is in concert with *Policy II.B.5.l* of the Comprehensive Plan.
- The applicant emphasizes that a zone change will facilitate infill development and serve as an employment generator and a potential catalyst for further positive redevelopment along Carlisle, as stipulated in *Policy II.B.5.o* of the Comprehensive Plan.

In this particular case, a different land use category would be advantageous to both the surrounding area and the City as it meets several key policies of the City/County Comprehensive Plan.

Neighborhood Concerns

One phone call in opposition to the project was received. A facilitated meeting was held on January 4, 2005 in response to some concerns regarding the proposed zone change and its perceived effects on the surrounding community. Among the more prevailing issues were:

1. A potential increase in traffic as a result of any proposed development on the site and how that traffic would be mitigated;
2. Street widening along Carlisle to alleviate significant congestion near the Carlisle/Indian School intersection;
3. A perceived demand for office space in the surrounding area, given recent redevelopment of former commercial buildings into offices;
4. The possibility of liquor stores, restaurants serving liquor, or drive-thru restaurants being located on the site.

The attendees were advised there was no difference in most of the development standards between O-1 and C-1 except for signage requirements and allowed land uses, and that both packaged liquor sales are not allowed in the C-1 zone. Also, drive-thru services and restaurants with on-premise alcoholic consumption are subject to conditional use permits requiring a public hearing. They were also informed that conditions of approval cannot be placed on a conventional zone. A good working relationship between affected citizens and the applicant was encouraged. The affected citizens were advised to actively participate in the site design and land use aspects to safeguard against possible negative uses. There were no recommendations from either party to modify the zone change request. A copy of the facilitator's report is attached.

FINDINGS – 04EPC – 01821, 1.20.04

1. This is a request for a zoning map amendment from O-1 (Office) to C-1 (Neighborhood Commercial) for Lots 28 through 31, Block A, Altura Addition Subdivision. No proposed development is associated with this request.

2. The proposed zone change would be a logical extension of existing commercial zoning to the north of the subject area, and commercial uses would be an appropriate use of the property, in accordance with *Policy II.B.5.d* of the *City/County Comprehensive Plan*

3. No public improvements or extensions of public utilities are required to accommodate the request, and there are transit facilities in place to adequately support a commercial development, in accordance with *Policy II.B.5.e* of the *City/County Comprehensive Plan.*

4. The proposed zone change will offer employment opportunities and services that will complement the surrounding area, in accordance with *Policies II.B.5.i* and *II.B.5.o* of the *City/County Comprehensive Plan.*

5. The proposed zone change is sensitive to, and compatible with, surrounding development, and it functions as infill development that could become a catalyst for redevelopment, in accordance with *Policies II.B.5.k* and *II.B.5.l* of the *City/County Comprehensive Plan.*

6. The proposed zone change request is not required to correct an error in zoning classification, as articulated in Resolution 270-1980, section 1-D-1.

7. As redevelopment of older neighborhoods is encouraged, the proposed development is advantageous to the City overall and represents orderly development of the City, as articulated in Resolution 270-1980, section 1-D-3.

8. The proposed zone change request would not constitute a spot zone or a strip zone, as articulated in Resolution 270-1980, sections 1-I and 1-J.

9. The applicant is authorized to request a zone change on the subject property.

10. There is citizen opposition to the project. Issues centering on perceived developmental impact were brought forth through facilitation. A consensus among all parties of interest was reached, and no recommendations to modify the applicant's zone change request were offered.

RECOMMENDATION – 04EPC-01821, 1.20.04

APPROVAL of 04EPC – 01821, a zoning map amendment from O-1 to C-1, for Lots 28 through 31, Block A, Altura Addition, based on the preceding Findings.

David J. Stallworth
Planner

cc: Peterson Properties Real Estate Services, Inc., 2325 San Pedro NE, Suite 2A, Albuq. NM 87110
Denise Hammer, Altura Addition NA, 1735 Aliso Dr. NE, Albuq. NM 87110
Lucerne Knight, Altura Addition NA, 1718 Hermosa NE, Albuq. NM 87110
Will Gleason, Summit Park NA, 732 Lafayette NE, Albuq. NM 87106
Desi Brown, Summit Park NA, 1113 Richmond NE, Albuq. NM 87106

Attachments

- Geographic information package (Zoning, land use, case history, city services maps)
- Initial application package (Application w/ checklist, traffic/environmental impact form)
- Applicant's request letters to the Environmental Planning Commission
- Determination letter, Office of Neighborhood Coordination
- Facilitator's report

CITY OF ALBUQUERQUE AGENCY COMMENTS

The *Altura Addition* and *Summit Park Neighborhood Associations* were notified of the proposed project. A facilitated meeting was held on January 4, 2005. One phone call in opposition to the project was received. The following inter-agencies and public entities did not offer any comments or objections to the applicant's request(s):

Planning, Advance Planning
Planning, Hydrology
Planning, Transportation Development
Planning, Utilities Development
Planning, Zoning
Public Works Dept., Traffic Engineering
Public Works Dept., Street Maintenance
City of ABQ, Fire Dept.
City of ABQ, Legal Dept.
City of ABQ, Parks & Recreation/Open Space
City of ABQ, Police Dept.
City of ABQ, Real Property Section
City of ABQ, Water Authority
Albuquerque Metropolitan Flood Control Authority
Albuquerque Public Schools
Bernalillo County
Environmental Health Dept.
Middle Rio Grande Conservancy District
Middle Rio Grande Council of Governments
Municipal Development, Park Design
Municipal Development, Transportation Planning
NM Dept. of Transportation
Petroglyph National Monument
Public Service Company of NM
Solid Waste Management Dept.

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION
- ___ Major Subdivision action
- ___ Minor Subdivision action
- ___ Vacation
- ___ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN
- ___ for Subdivision Purposes
- ___ for Building Permit
- ___ IP Master Development Plan
- ___ Cert. of Appropriateness (LUCC)

STORM DRAINAGE
- ___ Storm Drainage Cost Allocation Plan

S Z V P L A D

ZONING & PLANNING
- ___ Annexation
  - ___ County Submittal
  - ___ EPC Submittal
- x Zone Map Amendment (Establish or Change Zoning)
- ___ Sector Plan (Phase I, II, III)
- ___ Amendment to Sector, Area, Facility or Comprehensive Plan
- ___ Text Amendment (Zoning Code/Sub Regs)
- ___ Street Name Change (Local & Collector)

APPEAL / PROTEST of...
- ___ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

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 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: Peterson Properties Real Estate Services, Inc. PHONE: 505-884-3578
ADDRESS: 2325 San Pedro NE, Suite 2-A FAX: 505-884-6793
CITY: Albuquerque STATE NM ZIP 87110 E-MAIL: douglas@petersondevelopmentgroup.com
Proprietary interest in site: Owner's Agent List all owners: James A. Peterson & Mary B. Peterson Revocable Trust dated August 18, 1998
AGENT (if any): PHONE:
ADDRESS: FAX:
CITY: STATE ___ ZIP ___ E-MAIL:

DESCRIPTION OF REQUEST: Zone Change from O-1 to C-1

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ___ Yes. x No.

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

Lot or Tract No. Lots 28 through 31 Block: A Unit:
Subdiv. / Addn. Altura Addition
Current Zoning: O-1 Proposed zoning: C-1
Zone Atlas page(s): J-16-Z No. of existing lots: 4 No. of proposed lots: N/A
Total area of site (acres): .64 Density if applicable: dwellings per gross acre: ___ dwellings per net acre: ___
Within city limits? x Yes. No___, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? No
UPC No. 101705801051721420 101705801050321422 101705801050921421 101705801049721423 MRGCD Map No. Altura Addition
LOCATION OF PROPERTY BY STREETS: On or Near: Carlisle Blvd. NE
Between: Indian School Road NE and Hannett Ave. NE

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): Z-334, Z-1089, Z-1546

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team ☒. Date of review: 11/16/04

SIGNATURE ___ DATE 12/1/04
(Print) Douglas H. Peterson x Applicant ___ Agent

FOR OFFICIAL USE ONLY

Form revised 4/04

- ☐ INTERNAL ROUTING
- ☐ All checklists are complete
- ☐ All fees have been collected
- ☐ All case #s are assigned
- ☐ AGIS copy has been sent
- ☐ Case history #s are listed
- ☐ Site is within 1000ft of a landfill
- ☐ F.H.D.P. density bonus
- ☐ F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
04ER-01821	ZMA	2	$ 240.00
	Ad Fee		$ 75.00
	CMF		$ 50.00
			$
			$
			Total $ 365.00

Hearing date 1-20-05

12-1-04 Planner signature / date

Project # 1003801

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) / ENVIRONMENTAL HEALTH INFORMATION FORM

TO BE COMPLETED BY APPLICANT

APPLICANT: Peterson Properties Real Estate Services, Inc. **Date of request:** 12 / 01 / 04 **Zone atlas page(s):** J-16-Z

CURRENT:
Zoning O-1
Parcel Size (acres / sq.ft.) .64 acres

Legal Description -
Lot or Tract # Lots 28-31 Block # A
Subdivision Name Altura Addition

REQUESTED CITY ACTION(S):

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

to C-1

PROPOSED DEVELOPMENT:
No construction / development [x]
New Construction [ ]
Expansion of existing development [ ]

GENERAL DESCRIPTION OF ACTION: [1] Zone Change to C-1
# of units - _____
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 _____ Date _____
(To be signed upon completion of processing by Traffic Engineer and Environmental Health)

TRANSPORTATION DEVELOPMENT

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

THRESHOLDS MET? YES [ ] NO [X] 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.**

Tony Loyd 12-1-04
TRAFFIC ENGINEER DATE

ENVIRONMENTAL HEALTH

Per letter dated August 7, 2003 from the Director of the Environmental Health Department to the Director of the Planning Department, "all 5 CO monitors within Bernalillo County are yielding 8-hour average CO levels at less than 50% of the Federal CO standard ..." and "based on our review of the available scientific data, we do not foresee a circumstance where preparation of a detailed air quality study for a land use development will be warranted - regardless of the project size, location or traffic generated".

Required **TIS** **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** ___/___/___ _____ _____
- **FINALIZED** ___/___/___ TRAFFIC ENGINEER DATE

PETERSON PROPERTIES
Real Estate Services, Inc.
"The Shopping Center Specialists"

HAND DELIVERED
December 1, 2004

Planning Department
City of Albuquerque
600 2nd St. NW
Albuquerque, NM 87103

Dear Sir or Madam:

This letter is to request your consideration of the enclosed application for a zone map amendment with respect to Lots 28, 29, 30 and 31, Block A, Altura Addition, Albuquerque. The following items are enclosed:

1. Application
2. Zone Atlas Page J-16-Z
3. Letter justifying this request
4. Response to inquiry from the Office of Neighborhood Coordination
5. Notifying letters and Return Receipts from Neighborhood Associations
6. Traffic Impact Study Form
7. Check to City of Albuquerque for $365.00

Thank you for your consideration and assistance. Please contact either of us at the number below if there are any questions or concerns.

Sincerely,

Douglas H. Peterson

Dean Smith

cc: James A. Peterson

2325 SAN PEDRO, N.E., SUITE 2-A • ALBUQUERQUE, NEW MEXICO 87110 • (505) 884-3578 • FAX (505) 884-6793

REQUEST FOR ZONE MAP AMENDMENT

Summary of Request

This is a request for a zone map amendment for a property located near the intersection of Carlisle Blvd. NE and Indian School Rd. NE (Lots 28, 29, 30 and 31, Block A, Altura Addition) (the "Property"). The Property is not located within the boundaries of any Area or Sector Development Plan. This request is to change the zoning from O-1 to C-1.

The Property is currently vacant and is approximately .64 acres. The owner of the Property, The James A. Peterson & Mary B. Peterson Revocable Trust (dated August 18, 1998), would like to develop the Property for retail use.

This zone map amendment request meets the requirements of Resolution 270-1980 and is supported by several City planning policies and goals as detailed below. This letter is to demonstrate that the proposed zoning is more advantageous to the neighborhood and community and that changed conditions are present which justify this request. The proposed zoning is more advantageous because it provides infill development by replacing an ugly stretch of dirt with high-quality retail space that will serve the needs of the neighborhood. It also promotes increased walk-ability and less automobile use among those who live and work nearby. Countless conditions have changed since the Property was zoned O-1 (contrary to the desires of the property owner at the time) in 1965. Examples include the clustering of office developments in new regions of the City, like Uptown and I-25, and changes to the types of structures that retail and service tenants require, which have made the buildings in the C-1 zone on the west side of Carlisle Blvd. functionally obsolescent for their intended retail and service use. More recent changed conditions include a loss of small retail space in the immediate area, an increase in office vacancies, and the redevelopment of the Interstate 40 / Carlisle Blvd. interchange.

Site Characteristics

The Property is comprised of four vacant lots forming a rectangle. The Property is adjacent to, and east of, Carlisle Blvd., a Minor Arterial roadway. At the point where Carlisle Blvd. is adjacent to the Property, it is four lanes. North of Indian School Rd. Carlisle Blvd. is six lanes and provides full access to Interstate 40 at the interchange located less than a block north of the Property. A small corner lot separates the Property from Indian School Rd., also a Minor Arterial roadway. This corner lot to the north of the Property is zoned C-1, and is being used for a gas station. The property to the east is zoned R-1, and is being used for single family housing. The property directly across Carlisle Blvd. to the west is zoned C-1 and is being used for a gas station, an animal clinic, and insurance offices. There is a vacant lot adjacent to, and south of, the Property which is zoned O-1. The property further south along Carlisle Blvd. is also zoned O-1, and is being used for offices, mailing services, and employment services. In addition, a Wild Oats Natural Marketplace is located on the northwest corner of the intersection of Carlisle Blvd. and Indian School Rd., and a K-Mart is located on the northeast corner of the same intersection. The Property has been zoned O-1 since 1965 and has never been developed as

such. The owner of the property does not intend to develop it during the next several years if the zoning remains O-1.

Plans and Policies Supporting the Zone Map Amendment

Resolution 270-1980

A. The requested zone change is consistent with the health, safety, morals, and general welfare of the City. The zone change would allow infill development which is consistent with City policies and goals. It would also benefit the neighboring community by replacing ugly vacant lots with an attractive and useful new retail use. The immediate area is in need of small retail stores and services to serve those who live and work nearby. However, the commercial properties in the surrounding area feature almost exclusively larger spaces and larger users, such as those occupied by K-Mart (on the northeast corner of Carlisle and Indian School), Wild Oats (on the northwest corner of Carlisle and Indian School) and Smith's supermarket (on the northeast corner of Carlisle and Constitution).

The requested zone change would promote the safety of the community by allowing for a safer traffic entrance into the Property. Specifically, because the Property is comprised of four lots, the owner of each would be entitled at the time of development to separate curb cuts (assuming separate ownership). This would create up to four curb cuts within 180 feet of frontage along Carlisle Blvd., where 23,400 vehicles pass by every day (*See* Mid Region Council of Governments Traffic Flow Map for 2003, Revised 9/01/04). With the gas station adjacent to the north, and the undeveloped lot adjacent to the south, there is the potential for seven curb cuts within 355 feet of frontage, which would increase the likelihood of accidents and cause northbound traffic along Carlisle to back up. If the requested zoning is approved, the owner will seek to have the four lots platted into one and develop the Property as one project, thereby minimizing the number of curb cuts and making traffic conditions safer. The owner of the Property will also support extension of the median south along Carlisle Blvd., provided enough space remains for south-bound traffic to turn into the Property.

B. The requested zone change would promote stability of the land and complement the intention of the Zoning Code. Specifically, the buildings located in the C-1 zone on the west side of Carlisle Blvd. between the Circle K and Hannett Ave. are being used for low rent offices because the buildings on that land are several decades old and are functionally obsolescent in that they do not meet the needs of modern day commercial retail users. Through the passage of time, the older buildings on the west side of Carlisle Blvd. have brought to the immediate area the amount of office space that the Zoning Code originally intended. Accordingly, the zoning of the Property should be changed to C-1 to accomplish the Zoning Code's intended amount of C-1 uses in the area, which are not present on the existing C-1 properties on the west side of Carlisle Blvd.

There are commercial uses immediately to the north of the Property, and immediately to the west along Carlisle Blvd. The proposed zoning will continue to ensure a buffer between the Carlisle Blvd. thoroughfare and the residential neighborhood to the east, and will not create a significant

increase in the amount of development possible. Both O-1 and C-1 zoning allow many of the same permissive and conditional uses, and many of the requirements for each are the same, for example, parking lot regulations, setback requirements, and lighting standards.

C. The proposed change is not in conflict with adopted elements of the Comprehensive Plan. The requested zone change helps to implement several of the Comprehensive Plan policies for the Established Urban Area of the City, as outlined later in this request.

D. The existing zoning is inappropriate as follows:

1. Changed Community Conditions: There are a number of changed conditions in the surrounding neighborhood and community that justify the proposed zone change.

(i) *Redevelopment of Interstate 40* – The recent redevelopment of the I-40 / I-25 interchange, and the subsequent expansion of the I-40 / Carlisle Blvd. interchange have considerably increased traffic levels on Carlisle Blvd. and strengthened the retail services character of the area surrounding the Property. Carlisle Blvd. is now a Minor Arterial roadway offering convenient access to Interstate 40 for those who live and work in the neighborhood. This is a changed condition justifying a zone change. C-1 zoning is appropriate because it will allow "office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas." (as stated in §14-16-2-16 of the City Zoning Code)

(ii) *Loss of Small Retail Space* – Approximately 7,000 square feet of small retail space was eliminated in 1998 when Indian Plaza (at the northwest corner of the intersection of Carlisle Blvd. and Indian School Rd.) was redeveloped to include a Wild Oats Natural Marketplace. Although retail space remains available at Indian Plaza, the space is large and inappropriate for the type of smaller retail and service uses contemplated for development of the Property. In 2003, a 10,000 square feet building located in front of K-Mart that could have served small retail and service tenants was demolished and not replaced. Approximately 15,000 square feet of small retail space was eliminated in 1998 when the property at the northwest corner of Carlisle Blvd. and Lomas (less than one mile to the south) was redeveloped to include a Walgreen's Drug Store.

Together, these actions resulted in a substantial decrease in the amount of small retail space available in the immediate area. This is a changed condition justifying a zone change. The proposed zone change will allow new construction of quality small retail space to meet the needs of the area. The owner of the Property intends to apply for a building permit for a retail and service building within one year of final approval of this application.

(ii) *Increased Office Vacancies* – A recent report on Albuquerque market trends by Grubb & Ellis Property Solutions (available at http://www.grubb-ellis.com/offices/NewMexico/city_localprofile.asp) shows an increase in office vacancies in our community in recent years, while retail vacancies have

decreased. Retail vacancies during the last two years decreased by nearly three percent, while office vacancies during the same period increased nearly three percent. While the applicant fully understands that economic considerations shall not be the determining factor for a zone change, this market information represents a changed community condition (expressed as a quantitative measure of what the community needs) justifying a zone change. The proposed zone change is consistent with these changing community conditions.

2. More Advantageous to the Community: The community and adjacent neighborhoods will benefit from the proposed zone change and subsequent development in a number of ways. The community will benefit from implementation of City plans and policies that support and promote infill development. The current O-1 zoning designation was made forty years ago, and the fact that the Property has remained vacant while Albuquerque has grown around it is prima facie evidence of the fact that the zoning is inappropriate. The community will also benefit from improved neighborhood aesthetics and increased variety for both consumers and business owners. The neighborhoods in the immediate vicinity will benefit from having a useful and visually appealing development rather than ugly empty lots and the nuisances that come with them, including illegal dumping and water ponding. Development of the Property into small retail space will also benefit the local neighborhood and office users by encouraging increased walk-ability along Carlisle Blvd., while decreasing automobile travel. The proposed zone change and development will also preserve and bolster the buffer between the Carlisle Blvd. thoroughfare and the residential area to the east of the Property. As part of its development of the Property, the owner would either repair or replace the western face of the party wall separating the Property from the residences to the east. As is, the wall is plain, gray CMU block material.

E. The permissive uses in the C-1 zone will not be harmful to the adjacent property, the neighborhood, or the community. The Property is located in an area where commercial and residential uses complement each other. Indeed, the area should properly be referred to as a "neighborhood commercial" area. Section 14-16-2-16 of the City Zoning Code states that C-1 zoning "provides suitable sites for office, service, institutional, and limited commercial uses *to satisfy the day-to-day needs of residential areas.*" (emphasis added) This is the very purpose for pursuing a zone map amendment.

F. The requested zone change would not require major and/or unprogrammed capital expenditures by the City. Fortunately, City infrastructure is already in place in this area. Rather, the proposed zone change would facilitate infill development, one of the City's primary goals. To not recognize and correct inappropriate zoning designations on the interior of the City encourages sprawl by sending users to find suitable locations on the City's edge, where plenty of vacant property exists.

G. The cost of land and other economic considerations are not a primary basis for this request. The proposed zoning is consistent with the changed conditions outlined above, and will promote a beneficial use for the Property and help to satisfy the needs of the neighborhood. This is consistent with City objectives.

H. Location on a major street is not the basis for this request. Carlisle Blvd. is a Minor Arterial roadway serving both residential and commercial areas. C-1 zoning is appropriate because it is designed specifically for this type of neighborhood commercial area. Development of the Property under the requested zoning would allow the creation of uses that would complement and serve the surrounding neighborhoods.

I. The requested zone change does not constitute spot zoning. The property immediately adjacent to the north and the property to the west across Carlisle Blvd. have C-1 zoning, as does the northwest corner at the intersection of Carlisle Blvd. and Indian School Rd. The northeast corner of that same intersection is zoned SU-1 C-1 Uses, and includes a K-Mart.

J. The requested zone change does not constitute strip zoning for the same reasons stated in Section "I" above.

Albuquerque/Bernalillo County Comprehensive Plan

The Albuquerque/Bernalillo County Comprehensive Plan designates the Property as Established Urban. This zone change request is consistent with the stated goal of the Established Urban area:

> *The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers a variety and maximum choice in housing, transportation, work areas, and lifestyle, while creating a visually pleasing built environment.*

The requested zoning will permit development of empty lots into an attractive and useful retail space that will add variety and increase the choices available to the community.

The zone change request is also consistent with many of the specific policies of the Established Urban area:

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.*

The proposed zoning and subsequent development is appropriate for the location, and will benefit the neighborhood by replacing undesirable vacant lots full of weeds, trash and water ponds, with an attractive and useful small retail space. In addition, a retail use will benefit the area by increasing walk-ability and reducing automobile use. Those who live and work nearby will have a convenient place to eat, shop or enjoy service without having to take their automobiles. The area immediately around the Property has a considerable amount of office space, but very little commercial space to serve the needs of those who occupy that office space. Developing the Property as additional office space might contribute to a saturation of the market for office space, leading to vacancies which would adversely impact the neighborhood.

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.*

Technique 1: Identify and remove unnecessary obstacles to appropriate infill development.

Carlisle Blvd. is a well-used thoroughfare with established infrastructure. The requested zone change would allow vacant land contiguous to existing urban facilities and services (i.e., the Property) to be developed into a use that will complement the area's neighborhood commercial character. This is the type of infill development promoted by this policy. The Property has been zoned O-1 for forty years, without development. The proposed zoning will allow this vacant property to be developed into an attractive and useful small retail space, and will increase walk-ability while reducing reliance on automobile travel.

Policy I *Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.*

New retail development on the subject site will provide employment and service to the immediate neighborhood and community, with minimal adverse effects on nearby residential environments. The owner of the property will continue to welcome the participation of neighbors during the process of designing and developing the Property.

Policy K *Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.*

Carlisle Blvd. is a Minor Arterial roadway with considerable traffic levels. The proposed zoning and subsequent development of the Property will preserve and bolster the buffer between the Carlisle Blvd. thoroughfare and the residential areas to the east, thus minimizing the harmful effects of traffic. Additionally, as noted above, the owner of the Property will seek to have the four lots platted into a single lot prior to its contemplated development. This will mean fewer curb cuts and increased traffic safety for those traveling on Carlisle Blvd., which transitions from six lanes to two lanes in the stretch between Interstate 40 and Constitution Ave. If requested by the City, the owner of the Property will also support road improvements for Carlisle Blvd., including the extension of the median south along Carlisle Blvd., provided enough space is left for south-bound traffic to turn into the Property.

Policy L *Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.*

The owner of the Property is an experienced developer who, over the course of 35 years, has developed several million square feet of retail space throughout New Mexico and the Southwest with a reputation for high-quality, well-designed developments. The requested zoning would facilitate development of well-designed small retail space to replace the existing empty lots.

Policy O *Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.*

Technique 1: Address all facets of neighborhood economic development including business development, job creation, historic preservation, and commercial revitalization within a neighborhood context with a strong emphasis on citizen participation.

The residential areas surrounding the Property represent the type of older and established neighborhoods this policy concerns. The requested zone change would facilitate development of a useful and attractive small retail space, contributing to neighborhood economic and business development and creating local jobs. The owner of the Property has, and will continue to welcome neighborhood involvement in the development process.

The requested zone change also promotes policies included in the Economic Development element of the Comprehensive Plan:

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

Policy F *The City and the County should remove obstacles to sound growth management and economic development throughout the community.*

New retail development on the Property will contribute to the development of the economy in this area by creating needed opportunities for business and employment, without sacrificing the social, cultural and environmental goals of the neighborhood and community. The proposed zoning will allow development of a visually pleasing retail space that is consistent with the neighborhood commercial character of the area, and that will provide a valuable service to those who live and work in the immediate area.

Resolution 70

The purpose of R-70 is to establish a growth policy framework to govern key land use decisions of the City. A theme of the resolution is to encourage sound development, including infill development. The requested zone change would facilitate the attractive and useful development of now-vacant lots in an area already served by City services and utilities.

Summary

- This request is for a zone map amendment for a .64 acre vacant property located near the intersection of Carlisle Blvd. NE and Indian School Rd. NE.
- The requested zone map amendment is from O-1 to C-1.

- The owner of the Property seeks to develop the site for retail use, complementing the neighboring residential and commercial areas.

- The proposed zoning is supported by several City and County goals and policies, including the Comprehensive Plan and Resolution 70.

- The requested zone change meets the requirements of Resolution 270-1980, being more advantageous to the community and based on changed community conditions. Changes in the community include increased access and a stronger retail service character as a result of the Interstate 40 expansion, the recent loss of similar small retail space, and increased office vacancies. The requested zoning is more advantageous to the community and neighborhood because it will facilitate the replacement of ugly vacant lots with an attractive and useful small retail use, promote increased walk-ability, preserve and bolster a buffer between residences and a thoroughfare, and provide economic and business opportunities to the area.

We respectfully request your approval of this application. Thank you.

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.

ALBUQUERQUE
Making History

City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

November 17, 2004

Doug Peterson
Peterson Properties
2325 San Pedro NE, Ste.2A / 87110
Phone: 884-3578 Fax: 884-6793

Dear Doug:

Thank you for your inquiry of **November 17, 2004** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **LOTS 28 THRU 31, BLOCK A, ALTURA ADDITION, LOCATED ON CARLISLE BLVD. NE BETWEEN INDIAN SCHOOL RD. NE AND HANNET**
zone map **J-16**

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

SEE "ATTACHMENT A" FOR NEIGHBORHOOD INFORMATION.

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3914 or via an e-mail message at juliaking@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Julia King

Julia King
Senior Office Assistant
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

planningrnaform(10/27/04)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Summit Park N.A.
Attn: Will Gleason
732 Lafayette NE
Albuquerque, NM 87106

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☒ Agen ☐ Addr

B. Received by (Printed Name) S. Gagnon

C. Date of De 11-19-0

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchanc
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7001 2510 0009 4692 1678

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Summit Park N.A.
Attn: Desi Brown
1113 Richmond NE
Albuquerque, NM 87106

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Address

B. Received by (Printed Name) Desi Brown

C. Date of Delive 11/28/04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7001 2510 0009 4692 1661

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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or on the front if space permits.

1. Article Addressed to:
Attura Addition N.A.
Attn: Denise Hammer
1735 Aliso Dr. NE
Albuquerque, NM 87110

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☒ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7001 2510 0009 4692 1647

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

"Attachment A"

Doug Peterson, Peterson Properties
Zone Map: J-16

Altura Addition NA (R)
*** Denise Hammer**
1735 Aliso Dr. NE / 87110 268-1250 (h)
Lucerne Knight
1718 Hermosa NE / 87110 256-1018 (h)

Summit Park NA (R)
***Will Gleason**
732 Lafayette NE / 87106 266-0236 (h)
Desi Brown
1113 Richmond NE / 87106 256-0668

ALTHOUGH YOU ARE NOT "OFFICIALLY REQUIRED" BY O-92, you are most welcomed to notify the following *"Unrecognized"* neighborhood associations of this project.

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.

CITY OF ALBUQUERQUE

THREE HUNDRED YEARS 1706 • 2006
ALBUQUERQUE
Making History

Planning Department

P.O. Box 1293

Albuquerque, NM 87103

1003801

EPC

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YOUNG GRETCHEN
21509 4TH AV
BOTHELL WA 98021

UNITED STATES POSTAGE
PITNEY BOWES
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CITY OF ALBUQUERQUE

THREE HUNDRED YEARS 1706 • 2006
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ALBUQUERQUE NM 87101

TO SENDER
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UNITED STATES POSTAGE
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02 1A $ 00.37⁰
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MAILED FROM ZIP CODE 87102

EPC

1003801

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SWEENEY DONALD G
1735 HERMOSA AV NE
ALBUQUERQUE NM 87110

Facilitator's Report

Facilitated Meeting Held

January 6, 2005 – 5:30 p.m.
Peterson Properties
Real Estate Services, Inc

Applicant: PETERSON PROPERTIES REAL ESTATE SERVICES
Agent: Peterson Properties Real Estate Services

Neighborhood Associations: ALTURA ADDITION
SUMMIT PARK

Re: **Project #1003801** in which Peterson Properties Real Estate Services agent for PETERSON PROPERTIES REAL ESTATE SERVICES request a Zone Map Amendment from 0-1 to C-1 for all or portion of Lots 28-31, Altura Addition, located on Carlisle Boulevard NE between Indian School Road NE and Hannett Avenue NE containing approximately one acre.
Case Planner: David Stallworth

Facilitator: Angelica Chacon

Summary: Doug Peterson of Peterson Properties began the meeting by giving the NAs a brief description of the project and the zone change that is being requested on the application. This was followed by a question and answer period. The Staff Planner for this project attended the meeting and answered questions from the NAs. Several of the neighbors voiced concerns that their neighborhoods are becoming overbuilt with strip commercial space, which lowers property values and changes the quality of life in their neighborhoods. It was stated that more urban style, pedestrian friendly development would be preferred.

Notes from the meeting

PROJECT INFORMATION PROVIDED BY AGENT:

- Family owned property
- Requesting Zone Change from 0-1 to C-1
- Proposed 7,000 sq. ft. retail center
- Possible "free standing user," may or may not be a restaurant
- 6-7 different users, perhaps a Satellite Coffee, no pawn shops

- Reasons for Zone Change
  - Have considered City wide demands
  - More need for small retail space
  - Creates opportunities for small businesses
  - City in favor of developing vacant lots

NEIGHBOR'S QUESTIONS:

Have you had any small businesses approach you yet?
We would like to get the zoning in place before we approach them.

Why is commercial use more beneficial, higher rent?
More benefit to the community in Gross Receipts Tax.

Will there be an alley?
No

What is to prevent a liquor store from being opened?
It would require C-2 zoning and have to go through the same process.

Wouldn't a restaurant be able to sell liquor?
More direct relationship between seller and consumer. Won't have a bunch of drunks.

Would you lease residential space?
Will be selling entire site, not in portions, one development, one user.

What is the chance of a Sonic or something like it being built?
Would have to go before Planning & Zoning and request Conditional Use Zoning. Would probably not go for that.
Planner - Any drive-thru would require Conditional Use Zoning. NA could appeal the decision

Are they going to redo the intersection at Carlisle/Indian School?
Planner - Not aware of any Capital Improvement Project. To be honest, don't know.

Can the concrete barrier be extended further south to eliminate left turn into property?
Would be addressed when building permit is applied for. Would not be opposed to barrier being extended and still allowing left hand turn. Would request no U-turn. Have to abide by what City Traffic Engineer decides.

Would you address traffic congestion at existing gas station?
Planner – Is already an existing property, only if they apply for an expansion, is up to the City.

What is meant by "reciprocal access?"
Property on either side has free flowing access to each other's property, areas where cars can go through. This avoids multiple curb cuts.

Is Traffic Study considered before or after Zone change?
After. Will be considered at Building Permit stage, may not warrant a traffic study due to current established thresholds.

What about addressing left turn concerns?
Planner – Will be part of my Staff Report, will recommend cross access, not a bunch of entrances.

Imperative that there be no u-turns allowed.

0-1 is considered a better buffer zone for residential community, if City grants 0-1 what do you propose to do to address those issues?

-Lighting - would be addressed during the building permit process
-Traffic - no traffic study has yet been done, traffic analysis is not needed at this point by the City Traffic Engineer

Style of buildings?
Similar to Wild Oats, brick/rod iron, metal awnings, will try to match similar designs of neighborhood. Some current existing projects done by Petersons:

-Current building
-SW corner Central/San Pedro
-SE corner Montgomery/Louisiana
-Rio Grande/ Central
-Rio Rancho/Hastings
-NW corner 4th/Osuna
-NE corner Tramway/Montgomery

When considering building, will meet with NAs again to discuss design.

If there is a problem with odors coming from future businesses that are built, what can be done?
Fixes come after the building is done, would use fans and hopefully do something that would smell good.

Date of EPC Hearing?
January 20, 2005

NEIGHBOR'S CONCERNS AND STATEMENTS

This is basically the same process from five years ago, same applicant, same property.
Planner- Could not find the EPC # associated with that application.
(At this point Neighbor provided Project #Z9957 – Zone Map Amendment to Planner)

Agent – Conditions have changed since then:

- New interchange at I40/Carlisle
- Wild Oats took over old space
- K-Mart tore down tire store, eliminated retail space

Would like some discussion on lighting.
Planner- Cannot be any conditions placed on Conditional Zoning, would have to be Special Zoning. However lighting can be agreed privately between developer and neighbors.

Do not feel it would be appropriate to have a restaurant that serves liquor close to Adalante Training Program for developmentally disabled adults.
Given the size and type of property, it would not appeal to businesses such as Chile's etc., would be more mom and pop.

Would like to see a satellite library built if City purchased property.

City is only looking at project as to how it benefits Developer not neighbors. City does not offer negotiating options.

Neighborhoods need to balance the benefits of developing property rather than having it remain a vacant lot.

Should be up to the NAs to decide which Zoning best suites their needs. Neighborhoods are going through changes and would feel better with design guidelines. Could think about what NAs envision for their future.
Would be willing to continue to meet with NAs. Would be willing to state that in front of EPC.

ATTENDEES

Doug Peterson	2325 San Pedro NE #2A	87110	Peterson Properties
Dean Smith	2325 San Pedro NE #2A	87110	Peterson Properties
Denise Hammer	1735 Aliso NE	87110	Altura Addition NA
Lucerne Knight	1718 Hermosa NE	87110	Altura Addition NA
Wanda Pitts	1831 Hermosa NE	87110	Altura Addition NA
Chris Addis	8708 Hannett Ave NE	87110	Altura Addition NA
Patricia Heggem	4000 Hannett Ave NE	87110	Altura Addition NA
David Stallworth			City of Albuquerque
Ken Romig	8317 WilWay NE	87106	Summit Park NA
Barbara Barrity	1335 Bryn Mawr NE	87106	Summit Park NA
Colin Adams	1405 Solano NE	87110	Altura Addition NA
Jeanne Adams	1405 Solano NE	87110	Altura Addition NA
Andrea Schoellkoepf	1401 Aliso NE	87110	Altura Addition NA

ALTURA ADDITION NEIGHBORHOOD ASSOCIATION

STATEMENT ON APPLICATION FOR ZONE MAP AMENDMENT CASE NO. 04EPC-01821 PROJECT NO. 1003801 INVOLVING AMENDMENT FROM O-1 TO C-1

TO: Environmental Planning Commission
City of Albuquerque, New Mexico

City Planner: David Stallworth

I. APPLICANT

The Applicant for Zone Map Amendment Case No. 04EPC-01821 and Project No. 1003801 is Peterson Properties Real Estate Services, Inc.

II. FACTS

This Application requests a zone map amendment for Lots 28, 29, 30 and 31 in Block A of Altura Addition, Zone Map J-16. Applicant seeks to re-zone these four lots from O-1 to C-1. The Application states that the lots total .6419 acres.

These lot back up to, and are immediately adjacent to lots that are zoned R-1 and on which single family dwellings are located. Those dwellings are a part of a well established residential neighborhood.

III. RESOLUTION 270-1980 ZONE MAP AMENDMENT STANDARDS

Resolution 270-1980 of the City Council of the City of Albuquerque established standards for zone map amendments:

- Section 1.B. of the Resolution provides that the burden in on the Applicant for a zone map amendment to show why the amendment should be made and that the Applicant must provide a sound justification for the amendment.

- Section 1.D. of the Resolution states that the Applicant must demonstrate that the existing zoning is inappropriate because:

  (1) there was an error when the existing zone map pattern was created, or
  (2) changed neighborhood or community conditions justify the change, or
  (3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though 1 and 2 above do not apply.

- Section 1.E. of the Resolution states that a change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.

- Sections 1.I. and 1.J of the Resolution provide, respectively, that "spot zoning" or "strip commercial zoning" may be approved only when:

  (1) the change will clearly facilitate realization of the Comprehensive Plan, or
  (2) the area of the proposed zone change is different from surrounding land because:
    (a) it could function as a transition between adjacent zones; or
    (b) the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic or special adverse land uses nearly.

IV. DECISIONS OF THE NEW MEXICO COURTS

- The New Mexico Courts have held that "spot zoning" and "strip zoning" are generally impermissible.

- New Mexico law generally prohibits a zone change where the proposed zone change (1) includes uses that fail to comply with the Comprehensive Plan, (2) includes uses that are inconsistent with surrounding area, (3) would grant a discriminatory benefit to the landowner, or (4) would harm neighboring properties or community welfare.

V. POSITION OF THE ALTURA ADDITION NEIGHBORHOOD ASSOCIATION

1. Neither the neighborhood nor the community conditions have changed. Thus, a zone map amendment from O-1 to C-1 is not justified.

   Example: The Applicant asserts that small retail has been eliminated by the construction of Wild Oats, but the Wild Oats property began development (October 1998) prior to the applicant's last request (May 1999) for Zone Change on this same property. The elimination of the two free-standing C-1 uses (the K-Mart Tire Center, and the Old Walgreen's Fox Photo) do not account for a change in community conditions.

   Example: The expansion of the Smith's at Constitution and Carlisle in the past few years actually eliminated available small Office space.

2. A different use category for the subject lots would not be advantageous to the community.

3. Some of the permissive uses in the requested C-1 zone, and their associated conditions, would be harmful to adjacent property, the neighborhood and the community and are objectionable overall.

4. Conditional uses in the requested C-1 zone, and their associated conditions, would be harmful to adjacent property, the neighborhood and the community and are objectionable overall.

5. The subject lots are part of a current buffer between the adjacent residential neighborhood and nearby retail commercial properties and the requested zone change

would destroy that buffer and allow encroachment of retail commercial development into the residential neighborhood.

6. The subject lots are suitable for development for uses allowed in adjacent properties zoned O-1, as evidenced by the established office developments immediately south of the subject lots.

   Example: A new Medical Office Building was built in the past year across the street and just south of this property.
   Example: The Winchells Donut Shop across the street from this property was a C-1 use which was converted from Commercial use to Office use in past couple of years. It is now an MVD Center.

7. The Applicant has not made a sufficient showing to justify this "spot zoning" or "strip zoning" request.

8. This requested encroachment of a C-1 zone into the adjacent residential neighborhood is impermissible and will result in a decrease in property values.

9. New Mexico law generally prohibits the zone map amendment requested.

10. Due to the proximity of the subject lots to the intersection of Indian School and Carlisle, traffic attempting to enter and exist any proposed retail development on the property could interfere with traffic flow through that intersection and cause a danger to the neighborhood and the community.

11. A C-1 zone adjacent to this residential neighborhood will have an adverse effect on the adjacent property, neighborhood and community in regards to such matters as, but not limited to, traffic, safety, noise, pollution and property values.

SUBMITTED ON BEHALF OF THE ALTURA ADDITION NEIGHBORHOOD ASSOCIATION

DATED: January 11, 2005

Approved: Denise Hammer

Denise Hammer, President

"Dean"
<Dean@petersonproperties.net>
01/12/2005 11:24 AM

To <dstallworth@cabq.gov>
cc <douglas@petersondevelopmentgroup.com>
bcc
Subject 2nd Revised Letter; Case 1003801

David,

Attached is our second revised letter requesting a zone map amendment with respect to our property on Carlisle Blvd. As always, your assistance is much appreciated.

Dean Smith
Peterson Properties Real Estate Services, Inc.
2325 San Pedro NE, Suite 2-A
Albuquerque, NM 87110
505.884.3578
Fax: 505.884.6793
Dean@PetersonProperties.net

Argument for Amendment.doc

REQUEST FOR ZONE MAP AMENDMENT

Summary of Request

This is a request for a zone map amendment for a property located near the intersection of Carlisle Blvd. NE and Indian School Rd. NE (Lots 28, 29, 30 and 31, Block A, Altura Addition) (the "Property"). The Property is not located within the boundaries of any Area or Sector Development Plan. This request is to change the zoning from O-1 to C-1.

The Property is currently vacant and is approximately .64 acres. The owner of the Property, The James A. Peterson & Mary B. Peterson Revocable Trust (dated August 18, 1998), would like to develop the Property for retail use.

This zone map amendment request meets the requirements of Resolution 270-1980 and is supported by several City planning policies and goals as detailed below. This letter is to demonstrate that the proposed zoning is more advantageous to the neighborhood and community and that changed conditions are present which justify this request. The proposed zoning is more advantageous because it provides infill development by replacing an ugly stretch of dirt with high-quality retail space that will serve the needs of the neighborhood. It also promotes increased walk-ability and less automobile use among those who live and work nearby. Countless conditions have changed since the Property was zoned O-1 (contrary to the desires of the property owner at the time) in 1965. Examples include the clustering of office developments in new regions of the City, like Uptown and I-25, and changes to the types of structures that retail and service tenants require, which have made the buildings in the C-1 zone on the west side of Carlisle Blvd. functionally obsolescent for their intended retail and service use. More recent changed conditions include a loss of small retail space in the immediate area, an increase in office vacancies, and the redevelopment of the Interstate 40 / Carlisle Blvd. interchange.

Site Characteristics

The Property is comprised of four vacant lots forming a rectangle. The Property is adjacent to, and east of, Carlisle Blvd., a Minor Arterial roadway. At the point where Carlisle Blvd. is adjacent to the Property, it is four lanes. North of Indian School Rd. Carlisle Blvd. is six lanes and provides full access to Interstate 40 at the interchange located less than a block north of the Property. A small corner lot separates the Property from Indian School Rd., also a Minor Arterial roadway. This corner lot to the north of the Property is zoned C-1, and is being used for a gas station. The property to the east is zoned R-1, and is being used for single family housing. The property directly across Carlisle Blvd. to the west is zoned C-1 and is being used for a gas station, an animal clinic, and insurance offices. There is a vacant lot adjacent to, and south of, the Property which is zoned O-1. The property further south along Carlisle Blvd. is also zoned O-1, and is being used for offices, mailing services, and employment services. In addition, a Wild Oats Natural Marketplace is located on the northwest corner of the intersection of Carlisle Blvd. and Indian School Rd., and a K-Mart is located on the northeast corner of the same intersection. The Property has been zoned O-1 since 1965 and has never been developed as

such. The owner of the property does not intend to develop it during the next several years if the zoning remains O-1.

Plans and Policies Supporting the Zone Map Amendment

Resolution 270-1980

A. The requested zone change is consistent with the health, safety, morals, and general welfare of the City. The zone change would allow infill development which is consistent with City policies and goals. It would also benefit the neighboring community by replacing ugly vacant lots with an attractive and useful new retail use. The immediate area is in need of small retail stores and services to serve those who live and work nearby. However, the commercial properties in the surrounding area feature almost exclusively larger spaces and larger users, such as those occupied by K-Mart (on the northeast corner of Carlisle and Indian School), Wild Oats (on the northwest corner of Carlisle and Indian School) and Smith's supermarket (on the northeast corner of Carlisle and Constitution).

The requested zone change would promote the safety of the community by allowing for a safer traffic entrance into the Property. Specifically, because the Property is comprised of four lots, the owner of each would be entitled at the time of development to separate curb cuts (assuming separate ownership). This would create up to four curb cuts within 180 feet of frontage along Carlisle Blvd., where 23,400 vehicles pass by every day (*See* Mid Region Council of Governments Traffic Flow Map for 2003, Revised 9/01/04). With the gas station adjacent to the north, and the undeveloped lot adjacent to the south, there is the potential for seven curb cuts within 355 feet of frontage, which would increase the likelihood of accidents and cause northbound traffic along Carlisle to back up. If the requested zoning is approved, the owner will seek to have the four lots platted into one and develop the Property as one project, thereby minimizing the number of curb cuts and making traffic conditions safer. The owner of the Property will also support extension of the median south along Carlisle Blvd., provided enough space remains for south-bound traffic to turn into the Property.

B. The requested zone change would promote stability of the land and complement the intention of the Zoning Code. Specifically, the buildings located in the C-1 zone on the west side of Carlisle Blvd. between the Circle K and Hannett Ave. are being used for low rent offices because the buildings on that land are several decades old and are functionally obsolescent in that they do not meet the needs of modern day commercial retail users. Through the passage of time, the older buildings on the west side of Carlisle Blvd. have brought to the immediate area the amount of office space that the Zoning Code originally intended. Accordingly, the zoning of the Property should be changed to C-1 to accomplish the Zoning Code's intended amount of C-1 uses in the area, which are not present on the existing C-1 properties on the west side of Carlisle Blvd.

There are commercial uses immediately to the north of the Property, and immediately to the west along Carlisle Blvd. The proposed zoning will continue to ensure a buffer between the Carlisle Blvd. thoroughfare and the residential neighborhood to the east, and will not create a significant

increase in the amount of development possible. Both O-1 and C-1 zoning allow many of the same permissive and conditional uses, and many of the requirements for each are the same, for example, parking lot regulations, setback requirements, and lighting standards.

C. The proposed change is not in conflict with adopted elements of the Comprehensive Plan. The requested zone change helps to implement several of the Comprehensive Plan policies for the Established Urban Area of the City, as outlined later in this request.

D. The existing zoning is inappropriate as follows:

1. Changed Community Conditions: There are a number of changed conditions in the surrounding neighborhood and community that justify the proposed zone change.

(i) *Redevelopment of Interstate 40* – The recent redevelopment of the I-40 / I-25 interchange, and the subsequent expansion of the I-40 / Carlisle Blvd. interchange have considerably increased traffic levels on Carlisle Blvd. and strengthened the retail services character of the area surrounding the Property. Carlisle Blvd. is now a Minor Arterial roadway offering convenient access to Interstate 40 for those who live and work in the neighborhood. This is a changed condition justifying a zone change. C-1 zoning is appropriate because it will allow "office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas." (as stated in §14-16-2-16 of the City Zoning Code)

(ii) *Loss of Small Retail Space* – Approximately 7,000 square feet of small retail space was eliminated in 1998 when Indian Plaza (at the northwest corner of the intersection of Carlisle Blvd. and Indian School Rd.) was redeveloped to include a Wild Oats Natural Marketplace. Although retail space remains available at Indian Plaza, the space is large and inappropriate for the type of smaller retail and service uses contemplated for development of the Property. In 2003, a 10,000 square feet building located in front of K-Mart that could have served small retail and service tenants was demolished and not replaced. Approximately 15,000 square feet of small retail space was eliminated in 1998 when the property at the northwest corner of Carlisle Blvd. and Lomas (less than one mile to the south) was redeveloped to include a Walgreen's Drug Store.

Together, these actions resulted in a substantial decrease in the amount of small retail space available in the immediate area. This is a changed condition justifying a zone change. The proposed zone change will allow new construction of quality small retail space to meet the needs of the area. The owner of the Property intends to apply for a building permit for a retail and service building within one year of final approval of this application.

(ii) *Increased Office Vacancies* – A recent report on Albuquerque market trends by Grubb & Ellis Property Solutions (available at http://www.grubb-ellis.com/offices/NewMexico/city_localprofile.asp) shows an increase in office vacancies in our community in recent years, while retail vacancies have

decreased. Retail vacancies during the last two years decreased by nearly three percent, while office vacancies during the same period increased nearly three percent. While the applicant fully understands that economic considerations shall not be the determining factor for a zone change, this market information represents a changed community condition (expressed as a quantitative measure of what the community needs) justifying a zone change. The proposed zone change is consistent with these changing community conditions.

2. More Advantageous to the Community: The community and adjacent neighborhoods will benefit from the proposed zone change and subsequent development in a number of ways. The community will benefit from implementation of City plans and policies that support and promote infill development. The current O-1 zoning designation was made forty years ago, and the fact that the Property has remained vacant while Albuquerque has grown around it is prima facie evidence of the fact that the zoning is inappropriate. The community will also benefit from improved neighborhood aesthetics and increased variety for both consumers and business owners. The neighborhoods in the immediate vicinity will benefit from having a useful and visually appealing development rather than ugly empty lots and the nuisances that come with them, including illegal dumping and water ponding. Development of the Property into small retail space will also benefit the local neighborhood and office users by encouraging increased walk-ability along Carlisle Blvd., while decreasing automobile travel. The proposed zone change and development will also preserve and bolster the buffer between the Carlisle Blvd. thoroughfare and the residential area to the east of the Property. As part of its development of the Property, the owner would either repair or replace the western face of the party wall separating the Property from the residences to the east. As is, the wall is plain, gray CMU block material.

E. The permissive uses in the C-1 zone will not be harmful to the adjacent property, the neighborhood, or the community. The Property is located in an area where commercial and residential uses complement each other. Indeed, the area should properly be referred to as a "neighborhood commercial" area. Section 14-16-2-16 of the City Zoning Code states that C-1 zoning "provides suitable sites for office, service, institutional, and limited commercial uses *to satisfy the day-to-day needs of residential areas.*" (emphasis added) This is the very purpose for pursuing a zone map amendment.

F. The requested zone change would not require major and/or unprogrammed capital expenditures by the City. Fortunately, City infrastructure is already in place in this area. Rather, the proposed zone change would facilitate infill development, one of the City's primary goals. To not recognize and correct inappropriate zoning designations on the interior of the City encourages sprawl by sending users to find suitable locations on the City's edge, where plenty of vacant property exists.

G. The cost of land and other economic considerations are not a primary basis for this request. The proposed zoning is consistent with the changed conditions outlined above, and will promote a beneficial use for the Property and help to satisfy the needs of the neighborhood. This is consistent with City objectives.

H. Location on a major street is not the basis for this request. Carlisle Blvd. is a Minor Arterial roadway serving both residential and commercial areas. C-1 zoning is appropriate because it is designed specifically for this type of neighborhood commercial area. Development of the Property under the requested zoning would allow the creation of uses that would complement and serve the surrounding neighborhoods.

I. The requested zone change does not constitute spot zoning. The property immediately adjacent to the north and the property to the west across Carlisle Blvd. have C-1 zoning, as does the northwest corner at the intersection of Carlisle Blvd. and Indian School Rd. The northeast corner of that same intersection is zoned SU-1 C-1 Uses, and includes a K-Mart.

J. The requested zone change does not constitute strip zoning for the same reasons stated in Section "I" above.

Albuquerque/Bernalillo County Comprehensive Plan

The Albuquerque/Bernalillo County Comprehensive Plan designates the Property as Established Urban. This zone change request is consistent with the stated goal of the Established Urban area:

> *The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers a variety and maximum choice in housing, transportation, work areas, and lifestyle, while creating a visually pleasing built environment.*

The requested zoning will permit development of empty lots into an attractive and useful retail space that will add variety and increase the choices available to the community.

The zone change request is also consistent with many of the specific policies of the Established Urban area:

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.*

The proposed zoning and subsequent development is appropriate for the location, and will benefit the neighborhood by replacing undesirable vacant lots full of weeds, trash and water ponds, with an attractive and useful small retail space. In addition, a retail use will benefit the area by increasing walk-ability and reducing automobile use. Those who live and work nearby will have a convenient place to eat, shop or enjoy service without having to take their automobiles. The area immediately around the Property has a considerable amount of office space, but very little commercial space to serve the needs of those who occupy that office space. Developing the Property as additional office space might contribute to a saturation of the market for office space, leading to vacancies which would adversely impact the neighborhood.

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.*

Technique 1: Identify and remove unnecessary obstacles to appropriate infill development.

Carlisle Blvd. is a well-used thoroughfare with established infrastructure. The requested zone change would allow vacant land contiguous to existing urban facilities and services (i.e., the Property) to be developed into a use that will complement the area's neighborhood commercial character. This is the type of infill development promoted by this policy. The Property has been zoned O-1 for forty years, without development. The proposed zoning will allow this vacant property to be developed into an attractive and useful small retail space, and will increase walk-ability while reducing reliance on automobile travel.

Policy I *Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.*

New retail development on the subject site will provide employment and service to the immediate neighborhood and community, with minimal adverse effects on nearby residential environments. The owner of the property will continue to welcome the participation of neighbors during the process of designing and developing the Property.

Policy K *Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.*

Carlisle Blvd. is a Minor Arterial roadway with considerable traffic levels. The proposed zoning and subsequent development of the Property will preserve and bolster the buffer between the Carlisle Blvd. thoroughfare and the residential areas to the east, thus minimizing the harmful effects of traffic. Additionally, as noted above, the owner of the Property will seek to have the four lots platted into a single lot prior to its contemplated development. This will mean fewer curb cuts and increased traffic safety for those traveling on Carlisle Blvd., which transitions from six lanes to two lanes in the stretch between Interstate 40 and Constitution Ave. If requested by the City, the owner of the Property will also support road improvements for Carlisle Blvd., including the extension of the median south along Carlisle Blvd., provided enough space is left for south-bound traffic to turn into the Property.

Policy L *Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.*

The owner of the Property is an experienced developer who, over the course of 35 years, has developed several million square feet of retail space throughout New Mexico and the Southwest with a reputation for high-quality, well-designed developments. The requested zoning would facilitate development of well-designed small retail space to replace the existing empty lots.

Policy O *Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.*

Technique 1: Address all facets of neighborhood economic development including business development, job creation, historic preservation, and commercial revitalization within a neighborhood context with a strong emphasis on citizen participation.

The residential areas surrounding the Property represent the type of older and established neighborhoods this policy concerns. The requested zone change would facilitate development of a useful and attractive small retail space, contributing to neighborhood economic and business development and creating local jobs. The owner of the Property has, and will continue to welcome neighborhood involvement in the development process.

The requested zone change also promotes policies included in the Economic Development element of the Comprehensive Plan:

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

Policy F *The City and the County should remove obstacles to sound growth management and economic development throughout the community.*

New retail development on the Property will contribute to the development of the economy in this area by creating needed opportunities for business and employment, without sacrificing the social, cultural and environmental goals of the neighborhood and community. The proposed zoning will allow development of a visually pleasing retail space that is consistent with the neighborhood commercial character of the area, and that will provide a valuable service to those who live and work in the immediate area.

Resolution 70

The purpose of R-70 is to establish a growth policy framework to govern key land use decisions of the City. A theme of the resolution is to encourage sound development, including infill development. The requested zone change would facilitate the attractive and useful development of now-vacant lots in an area already served by City services and utilities.

Summary

- This request is for a zone map amendment for a .64 acre vacant property located near the intersection of Carlisle Blvd. NE and Indian School Rd. NE.

- The requested zone map amendment is from O-1 to C-1.

- The owner of the Property seeks to develop the site for retail use, complementing the neighboring residential and commercial areas.

- The proposed zoning is supported by several City and County goals and policies, including the Comprehensive Plan and Resolution 70.

- The requested zone change meets the requirements of Resolution 270-1980, being more advantageous to the community and based on changed community conditions. Changes in the community include increased access and a stronger retail service character as a result of the Interstate 40 expansion, the recent loss of similar small retail space, and increased office vacancies. The requested zoning is more advantageous to the community and neighborhood because it will facilitate the replacement of ugly vacant lots with an attractive and useful small retail use, promote increased walk-ability, preserve and bolster a buffer between residences and a thoroughfare, and provide economic and business opportunities to the area.

We respectfully request your approval of this application. Thank you.

Stephani I. Winklepleck /ENVPLN/CABQ

01/08/2005 12:56 PM

To "Angelica Chacon" <placitas94@hotmail.com>@PUBCABQ

cc David J. Stallworth/PLN/CABQ@COA

bcc

Subject Re: Facilitator Report #1003801

Angela,

Yes, I'll make sure that David gets it. His e-mail address is dstallworth@cabq.gov and his phone number is 924-3940.

Stephani Winklepleck
Neighborhood Program Coordinator
COA/Planning Department
Office of Neighborhood Coordination
P.O. Box 1293/Albuquerque, NM 87103
Phone: (505) 924-3902 Fax: (505) 924-3913
E-mail: swinklepleck@cabq.gov

-----"Angelica Chacon" <placitas94@hotmail.com> wrote: -----

To: swinklepleck@cabq.gov
From: "Angelica Chacon" <placitas94@hotmail.com>
Date: 01/07/2005 11:54PM
Subject: Facilitator Report #1003801

Hi Stephanie,
Attached is my report for December's case. Could you please forward a copy to David Stallworth who is the Planner. I told him I would get it to him by Monday and I don't have his address. If you have any questions, call (417-1554) or email me.

Thank you,

Angelica Chacon

facilitated report 1003801.doc

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) / ENVIRONMENTAL HEALTH INFORMATION FORM

TO BE COMPLETED BY APPLICANT

APPLICANT: Peterson Properties Real Estate Services, Inc. **Date of request:** 12 / 01 / 04 **Zone atlas page(s):** J-16-Z

CURRENT:

Zoning O-1

Parcel Size (acres / sq.ft.) .64 acres

Legal Description -

Lot or Tract # Lots 28-31 Block # A

Subdivision Name Altura Addition

REQUESTED CITY ACTION(S):

Annexation	[ ]	Sector Plan	[ ]	Site Development Plan:		Building Permit	[ ]
Comp. Plan Amendment	[ ]	Zone Change	[x]	a) Subdivision	[ ]	Access Permit	[ ]
		Conditional Use	[ ]	b) Build'g Purposes	[ ]	Other	[ ]
		To C-1		c) Amendment	[ ]		

PROPOSED DEVELOPMENT:

No construction / development [x]

New Construction [ ]

Expansion of existing development [ ]

GENERAL DESCRIPTION OF ACTION: [1] Zone Change to C-1

# of units - _____

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 _____ Date _____

(To be signed upon completion of processing by Traffic Engineer and Environmental Health)

TRANSPORTATION DEVELOPMENT

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO [X] BORDERLINE [ ]

Planning Dept., Dev. & Bldg. Services Div., Transportation Dev. Section - 2nd FL. 600 2nd St. NW Plaza del Sol Bldg. 924-3994

THRESHOLDS MET? YES [ ] NO [X] 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.**

Tony Loyd 12-1-04

TRAFFIC ENGINEER DATE

ENVIRONMENTAL HEALTH

Per letter dated August 7, 2003 from the Director of the Environmental Health Department to the Director of the Planning Department, "all 5 CO monitors within Bernalillo County are yielding 8-hour average CO levels at less than 50% of the Federal CO standard ..." and "based on our review of the available scientific data, we do not foresee a circumstance where preparation of a detailed air quality study for a land use development will be warranted - regardless of the project size, location or traffic generated".

Required **TIS** **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** ___ / ___ / ___

- **FINALIZED** ___ / ___ / ___

TRAFFIC ENGINEER DATE

PETERSON PROPERTIES
Real Estate Services, Inc.
"The Shopping Center Specialists"

HAND DELIVERED
December 1, 2004

Planning Department
City of Albuquerque
600 2nd St. NW
Albuquerque, NM 87103

Dear Sir or Madam:

This letter is to request your consideration of the enclosed application for a zone map amendment with respect to Lots 28, 29, 30 and 31, Block A, Altura Addition, Albuquerque. The following items are enclosed:

1. Application
2. Zone Atlas Page J-16-Z
3. Letter justifying this request
4. Response to inquiry from the Office of Neighborhood Coordination
5. Notifying letters and Return Receipts from Neighborhood Associations
6. Traffic Impact Study Form
7. Check to City of Albuquerque for $365.00

Thank you for your consideration and assistance. Please contact either of us at the number below if there are any questions or concerns.

Sincerely,

Douglas H. Peterson

Dean Smith

cc: James A. Peterson

2325 SAN PEDRO, N.E., SUITE 2-A • ALBUQUERQUE, NEW MEXICO 87110 • (505) 884-3578 • FAX (505) 884-6793

REQUEST FOR ZONE MAP AMENDMENT

Summary of Request

This is a request for a zone map amendment for a property located near the intersection of Carlisle Blvd. NE and Indian School Rd. NE (Lots 28, 29, 30 and 31, Block A, Altura Addition) (the "Property"). The Property is not located within the boundaries of any Area or Sector Development Plan. This request is to change the zoning from O-1 to C-1.

The Property is currently vacant and is approximately .64 acres. The owner of the Property, The James A. Peterson & Mary B. Peterson Revocable Trust (dated August 18, 1998), would like to develop the Property for retail use.

This zone map amendment request meets the requirements of Resolution 270-1980 and is supported by several City planning policies and goals as detailed below. This letter is to demonstrate that the proposed zoning is more advantageous to the neighborhood and community and that changed conditions are present which justify this request. The proposed zoning is more advantageous because it provides infill development by replacing an ugly stretch of dirt with high-quality retail space that will serve the needs of the neighborhood. It also promotes increased walk-ability and less automobile use among those who live and work nearby. Countless conditions have changed since the Property was zoned O-1 (contrary to the desires of the property owner at the time) in 1965. Examples include the clustering of office developments in new regions of the City, like Uptown and I-25, and changes to the types of structures that retail and service tenants require, which have made the buildings in the C-1 zone on the west side of Carlisle Blvd. functionally obsolescent for their intended retail and service use. More recent changed conditions include a loss of small retail space in the immediate area, an increase in office vacancies, and the redevelopment of the Interstate 40 / Carlisle Blvd. interchange.

Site Characteristics

The Property is comprised of four vacant lots forming a rectangle. The Property is adjacent to, and east of, Carlisle Blvd., a Minor Arterial roadway. At the point where Carlisle Blvd. is adjacent to the Property, it is four lanes. North of Indian School Rd. Carlisle Blvd. is six lanes and provides full access to Interstate 40 at the interchange located less than a block north of the Property. A small corner lot separates the Property from Indian School Rd., also a Minor Arterial roadway. This corner lot to the north of the Property is zoned C-1, and is being used for a gas station. The property to the east is zoned R-1, and is being used for single family housing. The property directly across Carlisle Blvd. to the west is zoned C-1 and is being used for a gas station, an animal clinic, and insurance offices. There is a vacant lot adjacent to, and south of, the Property which is zoned O-1. The property further south along Carlisle Blvd. is also zoned O-1, and is being used for offices, mailing services, and employment services. In addition, a Wild Oats Natural Marketplace is located on the northwest corner of the intersection of Carlisle Blvd. and Indian School Rd., and a K-Mart is located on the northeast corner of the same intersection. The Property has been zoned O-1 since 1965 and has never been developed as

such. The owner of the property does not intend to develop it during the next several years if the zoning remains O-1.

Plans and Policies Supporting the Zone Map Amendment

Resolution 270-1980

A. The requested zone change is consistent with the health, safety, morals, and general welfare of the City. The zone change would allow infill development which is consistent with City policies and goals. It would also benefit the neighboring community by replacing ugly vacant lots with an attractive and useful new retail use. The immediate area is in need of small retail stores and services to serve those who live and work nearby. However, the commercial properties in the surrounding area feature almost exclusively larger spaces and larger users, such as those occupied by K-Mart (on the northeast corner of Carlisle and Indian School), Wild Oats (on the northwest corner of Carlisle and Indian School) and Smith's supermarket (on the northeast corner of Carlisle and Constitution).

The requested zone change would promote the safety of the community by allowing for a safer traffic entrance into the Property. Specifically, because the Property is comprised of four lots, the owner of each would be entitled at the time of development to separate curb cuts (assuming separate ownership). This would create up to four curb cuts within 180 feet of frontage along Carlisle Blvd., where 23,400 vehicles pass by every day (*See* Mid Region Council of Governments Traffic Flow Map for 2003, Revised 9/01/04). With the gas station adjacent to the north, and the undeveloped lot adjacent to the south, there is the potential for seven curb cuts within 355 feet of frontage, which would increase the likelihood of accidents and cause northbound traffic along Carlisle to back up. If the requested zoning is approved, the owner will seek to have the four lots platted into one and develop the Property as one project, thereby minimizing the number of curb cuts and making traffic conditions safer. The owner of the Property will also support extension of the median south along Carlisle Blvd., provided enough space remains for south-bound traffic to turn into the Property.

B. The requested zone change would promote stability of the land and complement the intention of the Zoning Code. Specifically, the buildings located in the C-1 zone on the west side of Carlisle Blvd. between the Circle K and Hannett Ave. are being used for low rent offices because the buildings on that land are several decades old and are functionally obsolescent in that they do not meet the needs of modern day commercial retail users. Through the passage of time, the older buildings on the west side of Carlisle Blvd. have brought to the immediate area the amount of office space that the Zoning Code originally intended. Accordingly, the zoning of the Property should be changed to C-1 to accomplish the Zoning Code's intended amount of C-1 uses in the area, which are not present on the existing C-1 properties on the west side of Carlisle Blvd.

There are commercial uses immediately to the north of the Property, and immediately to the west along Carlisle Blvd. The proposed zoning will continue to ensure a buffer between the Carlisle Blvd. thoroughfare and the residential neighborhood to the east, and will not create a significant

increase in the amount of development possible. Both O-1 and C-1 zoning allow many of the same permissive and conditional uses, and many of the requirements for each are the same, for example, parking lot regulations, setback requirements, and lighting standards.

C. The proposed change is not in conflict with adopted elements of the Comprehensive Plan. The requested zone change helps to implement several of the Comprehensive Plan policies for the Established Urban Area of the City, as outlined later in this request.

D. The existing zoning is inappropriate as follows:

1. Changed Community Conditions: There are a number of changed conditions in the surrounding neighborhood and community that justify the proposed zone change.

(i) *Redevelopment of Interstate 40* – The recent redevelopment of the I-40 / I-25 interchange, and the subsequent expansion of the I-40 / Carlisle Blvd. interchange have considerably increased traffic levels on Carlisle Blvd. and strengthened the retail services character of the area surrounding the Property. Carlisle Blvd. is now a Minor Arterial roadway offering convenient access to Interstate 40 for those who live and work in the neighborhood. This is a changed condition justifying a zone change. C-1 zoning is appropriate because it will allow "office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas." (as stated in §14-16-2-16 of the City Zoning Code)

(ii) *Loss of Small Retail Space* – Approximately 7,000 square feet of small retail space was eliminated in 1998 when Indian Plaza (at the northwest corner of the intersection of Carlisle Blvd. and Indian School Rd.) was redeveloped to include a Wild Oats Natural Marketplace. Although retail space remains available at Indian Plaza, the space is large and inappropriate for the type of smaller retail and service uses contemplated for development of the Property. In 2003, a 10,000 square feet building located in front of K-Mart that could have served small retail and service tenants was demolished and not replaced. Approximately 15,000 square feet of small retail space was eliminated in 1998 when the property at the northwest corner of Carlisle Blvd. and Lomas (less than one mile to the south) was redeveloped to include a Walgreen's Drug Store.

Together, these actions resulted in a substantial decrease in the amount of small retail space available in the immediate area. This is a changed condition justifying a zone change. The proposed zone change will allow new construction of quality small retail space to meet the needs of the area. The owner of the Property intends to apply for a building permit for a retail and service building within one year of final approval of this application.

(ii) *Increased Office Vacancies* – A recent report on Albuquerque market trends by Grubb & Ellis Property Solutions (available at http://www.grubb-ellis.com/offices/NewMexico/city_localprofile.asp) shows an increase in office vacancies in our community in recent years, while retail vacancies have

decreased. Retail vacancies during the last two years decreased by nearly three percent, while office vacancies during the same period increased nearly three percent. While the applicant fully understands that economic considerations shall not be the determining factor for a zone change, this market information represents a changed community condition (expressed as a quantitative measure of what the community needs) justifying a zone change. The proposed zone change is consistent with these changing community conditions.

2. More Advantageous to the Community: The community and adjacent neighborhoods will benefit from the proposed zone change and subsequent development in a number of ways. The community will benefit from implementation of City plans and policies that support and promote infill development. The current O-1 zoning designation was made forty years ago, and the fact that the Property has remained vacant while Albuquerque has grown around it is prima facie evidence of the fact that the zoning is inappropriate. The community will also benefit from improved neighborhood aesthetics and increased variety for both consumers and business owners. The neighborhoods in the immediate vicinity will benefit from having a useful and visually appealing development rather than ugly empty lots and the nuisances that come with them, including illegal dumping and water ponding. Development of the Property into small retail space will also benefit the local neighborhood and office users by encouraging increased walk-ability along Carlisle Blvd., while decreasing automobile travel. The proposed zone change and development will also preserve and bolster the buffer between the Carlisle Blvd. thoroughfare and the residential area to the east of the Property. As part of its development of the Property, the owner would either repair or replace the western face of the party wall separating the Property from the residences to the east. As is, the wall is plain, gray CMU block material.

E. The permissive uses in the C-1 zone will not be harmful to the adjacent property, the neighborhood, or the community. The Property is located in an area where commercial and residential uses complement each other. Indeed, the area should properly be referred to as a "neighborhood commercial" area. Section 14-16-2-16 of the City Zoning Code states that C-1 zoning "provides suitable sites for office, service, institutional, and limited commercial uses *to satisfy the day-to-day needs of residential areas.*" (emphasis added) This is the very purpose for pursuing a zone map amendment.

F. The requested zone change would not require major and/or unprogrammed capital expenditures by the City. Fortunately, City infrastructure is already in place in this area. Rather, the proposed zone change would facilitate infill development, one of the City's primary goals. To not recognize and correct inappropriate zoning designations on the interior of the City encourages sprawl by sending users to find suitable locations on the City's edge, where plenty of vacant property exists.

G. The cost of land and other economic considerations are not a primary basis for this request. The proposed zoning is consistent with the changed conditions outlined above, and will promote a beneficial use for the Property and help to satisfy the needs of the neighborhood. This is consistent with City objectives.

H. Location on a major street is not the basis for this request. Carlisle Blvd. is a Minor Arterial roadway serving both residential and commercial areas. C-1 zoning is appropriate because it is designed specifically for this type of neighborhood commercial area. Development of the Property under the requested zoning would allow the creation of uses that would complement and serve the surrounding neighborhoods.

I. The requested zone change does not constitute spot zoning. The property immediately adjacent to the north and the property to the west across Carlisle Blvd. have C-1 zoning, as does the northwest corner at the intersection of Carlisle Blvd. and Indian School Rd. The northeast corner of that same intersection is zoned SU-1 C-1 Uses, and includes a K-Mart.

J. The requested zone change does not constitute strip zoning for the same reasons stated in Section "I" above.

Albuquerque/Bernalillo County Comprehensive Plan

The Albuquerque/Bernalillo County Comprehensive Plan designates the Property as Established Urban. This zone change request is consistent with the stated goal of the Established Urban area:

> *The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers a variety and maximum choice in housing, transportation, work areas, and lifestyle, while creating a visually pleasing built environment.*

The requested zoning will permit development of empty lots into an attractive and useful retail space that will add variety and increase the choices available to the community.

The zone change request is also consistent with many of the specific policies of the Established Urban area:

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.*

The proposed zoning and subsequent development is appropriate for the location, and will benefit the neighborhood by replacing undesirable vacant lots full of weeds, trash and water ponds, with an attractive and useful small retail space. In addition, a retail use will benefit the area by increasing walk-ability and reducing automobile use. Those who live and work nearby will have a convenient place to eat, shop or enjoy service without having to take their automobiles. The area immediately around the Property has a considerable amount of office space, but very little commercial space to serve the needs of those who occupy that office space. Developing the Property as additional office space might contribute to a saturation of the market for office space, leading to vacancies which would adversely impact the neighborhood.

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.*

Technique 1: Identify and remove unnecessary obstacles to appropriate infill development.

Carlisle Blvd. is a well-used thoroughfare with established infrastructure. The requested zone change would allow vacant land contiguous to existing urban facilities and services (i.e., the Property) to be developed into a use that will complement the area's neighborhood commercial character. This is the type of infill development promoted by this policy. The Property has been zoned O-1 for forty years, without development. The proposed zoning will allow this vacant property to be developed into an attractive and useful small retail space, and will increase walk-ability while reducing reliance on automobile travel.

Policy I *Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.*

New retail development on the subject site will provide employment and service to the immediate neighborhood and community, with minimal adverse effects on nearby residential environments. The owner of the property will continue to welcome the participation of neighbors during the process of designing and developing the Property.

Policy K *Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.*

Carlisle Blvd. is a Minor Arterial roadway with considerable traffic levels. The proposed zoning and subsequent development of the Property will preserve and bolster the buffer between the Carlisle Blvd. thoroughfare and the residential areas to the east, thus minimizing the harmful effects of traffic. Additionally, as noted above, the owner of the Property will seek to have the four lots platted into a single lot prior to its contemplated development. This will mean fewer curb cuts and increased traffic safety for those traveling on Carlisle Blvd., which transitions from six lanes to two lanes in the stretch between Interstate 40 and Constitution Ave. If requested by the City, the owner of the Property will also support road improvements for Carlisle Blvd., including the extension of the median south along Carlisle Blvd., provided enough space is left for south-bound traffic to turn into the Property.

Policy L *Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.*

The owner of the Property is an experienced developer who, over the course of 35 years, has developed several million square feet of retail space throughout New Mexico and the Southwest with a reputation for high-quality, well-designed developments. The requested zoning would facilitate development of well-designed small retail space to replace the existing empty lots.

Policy O *Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.*

Technique 1: Address all facets of neighborhood economic development including business development, job creation, historic preservation, and commercial revitalization within a neighborhood context with a strong emphasis on citizen participation.

The residential areas surrounding the Property represent the type of older and established neighborhoods this policy concerns. The requested zone change would facilitate development of a useful and attractive small retail space, contributing to neighborhood economic and business development and creating local jobs. The owner of the Property has, and will continue to welcome neighborhood involvement in the development process.

The requested zone change also promotes policies included in the Economic Development element of the Comprehensive Plan:

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

Policy F *The City and the County should remove obstacles to sound growth management and economic development throughout the community.*

New retail development on the Property will contribute to the development of the economy in this area by creating needed opportunities for business and employment, without sacrificing the social, cultural and environmental goals of the neighborhood and community. The proposed zoning will allow development of a visually pleasing retail space that is consistent with the neighborhood commercial character of the area, and that will provide a valuable service to those who live and work in the immediate area.

Resolution 70

The purpose of R-70 is to establish a growth policy framework to govern key land use decisions of the City. A theme of the resolution is to encourage sound development, including infill development. The requested zone change would facilitate the attractive and useful development of now-vacant lots in an area already served by City services and utilities.

Summary

- This request is for a zone map amendment for a .64 acre vacant property located near the intersection of Carlisle Blvd. NE and Indian School Rd. NE.
- The requested zone map amendment is from O-1 to C-1.

- The owner of the Property seeks to develop the site for retail use, complementing the neighboring residential and commercial areas.

- The proposed zoning is supported by several City and County goals and policies, including the Comprehensive Plan and Resolution 70.

- The requested zone change meets the requirements of Resolution 270-1980, being more advantageous to the community and based on changed community conditions. Changes in the community include increased access and a stronger retail service character as a result of the Interstate 40 expansion, the recent loss of similar small retail space, and increased office vacancies. The requested zoning is more advantageous to the community and neighborhood because it will facilitate the replacement of ugly vacant lots with an attractive and useful small retail use, promote increased walk-ability, preserve and bolster a buffer between residences and a thoroughfare, and provide economic and business opportunities to the area.

We respectfully request your approval of this application. Thank you.

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.

ALBUQUERQUE
Making History

City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

November 17, 2004

Doug Peterson
Peterson Properties
2325 San Pedro NE, Ste.2A / 87110
Phone: 884-3578 Fax: 884-6793

Dear Doug:

Thank you for your inquiry of **November 17, 2004** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **LOTS 28 THRU 31, BLOCK A, ALTURA ADDITION, LOCATED ON CARLISLE BLVD. NE BETWEEN INDIAN SCHOOL RD. NE AND HANNET**
zone map J-16

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

SEE "ATTACHMENT A" FOR NEIGHBORHOOD INFORMATION.

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3914 or via an e-mail message at juliaking@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Julia King

Julia King
Senior Office Assistant
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

planningrnaform(10/27/04)

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Summit Park N.A.
Attn: Will Gleason
732 Lafayette NE
Albuquerque, NM 87106

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☒ Agent ☐ Address

B. Received by (*Printed Name*) S. Gagnon

C. Date of Deliv 11-19-04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandi
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (*Transfer from service label*) 7001 2510 0009 4692 1678

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-15

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Summit Park N.A.
Attn: Desi Brown
1113 Richmond NE
Albuquerque, NM 87106

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Address

B. Received by (*Printed Name*) Desi Brown

C. Date of Deliv 11/28/0

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandis
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (*Transfer from service label*) 7001 2510 0009 4692 1661

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-154

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or on the front if space permits.

1. Article Addressed to:
Attura Addition N.A
Attn: Denise Hammer
1735 Aliso Dr. NE
Albuquerque, NM 87110

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☒ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number (*Transfer from service label*) 7001 2510 0009 4692 1647

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

"Attachment A"

Doug Peterson, Peterson Properties
Zone Map: J-16

Altura Addition NA (R)
*** Denise Hammer**
1735 Aliso Dr. NE / 87110 268-1250 (h)
Lucerne Knight
1718 Hermosa NE / 87110 256-1018 (h)

Summit Park NA (R)
***Will Gleason**
732 Lafayette NE / 87106 266-0236 (h)
Desi Brown
1113 Richmond NE / 87106 256-0668

ALTHOUGH YOU ARE NOT "OFFICIALLY REQUIRED" BY O-92, you are most welcomed to notify the following *"Unrecognized"* neighborhood associations of this project.

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.

CITY OF ALBUQUERQUE

THREE HUNDRED YEARS 1706 • 2006
ALBUQUERQUE
Making History

Planning Department

P.O. Box 1293

Albuquerque, NM 87103

1003801

EPC

PNK

101705802152821418

YOUNG GRETCHEN
21509 4TH AV
BOTHELL WA 98021

UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 00.37⁰
0004329277 DEC 29 2004
MAILED FROM ZIP CODE 87102

NIXIE 980 1 01 01/05/05
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
BC: 87103129393 *0268-11378-29-37

98021475718 87103%1293

CITY OF ALBUQUERQUE

ALBUQUERQUE NM 87101

TO SENDER
ATTEMPTED
NOT KNOWN

UNITED STATES POSTAGE
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0004329277 DEC 29 2004
MAILED FROM ZIP CODE 87102

THREE HUNDRED YEARS 1706 • 2006
ALBUQUERQUE
Making History

Planning Department

P.O. Box 1293

Albuquerque, NM 87103

EPC

1003801

101705802147921410

SWEENEY DONALD G
1735 HERMOSA AV NE
ALBUQUERQUE NM 87110

Facilitator's Report

Facilitated Meeting Held

January 6, 2005 – 5:30 p.m.
Peterson Properties
Real Estate Services, Inc

Applicant: PETERSON PROPERTIES REAL ESTATE SERVICES
Agent: Peterson Properties Real Estate Services

Neighborhood Associations: ALTURA ADDITION
SUMMIT PARK

Re: **Project #1003801** in which Peterson Properties Real Estate Services agent for PETERSON PROPERTIES REAL ESTATE SERVICES request a Zone Map Amendment from 0-1 to C-1 for all or portion of Lots 28-31, Altura Addition, located on Carlisle Boulevard NE between Indian School Road NE and Hannett Avenue NE containing approximately one acre.
Case Planner: David Stallworth

Facilitator: Angelica Chacon

Summary: Doug Peterson of Peterson Properties began the meeting by giving the NAs a brief description of the project and the zone change that is being requested on the application. This was followed by a question and answer period. The Staff Planner for this project attended the meeting and answered questions from the NAs. Several of the neighbors voiced concerns that their neighborhoods are becoming overbuilt with strip commercial space, which lowers property values and changes the quality of life in their neighborhoods. It was stated that more urban style, pedestrian friendly development would be preferred.

Notes from the meeting

PROJECT INFORMATION PROVIDED BY AGENT:

- Family owned property
- Requesting Zone Change from 0-1 to C-1
- Proposed 7,000 sq. ft. retail center
- Possible "free standing user," may or may not be a restaurant
- 6-7 different users, perhaps a Satellite Coffee, no pawn shops

- Reasons for Zone Change
  - Have considered City wide demands
  - More need for small retail space
  - Creates opportunities for small businesses
  - City in favor of developing vacant lots

NEIGHBOR'S QUESTIONS:

Have you had any small businesses approach you yet?
We would like to get the zoning in place before we approach them.

Why is commercial use more beneficial, higher rent?
More benefit to the community in Gross Receipts Tax.

Will there be an alley?
No

What is to prevent a liquor store from being opened?
It would require C-2 zoning and have to go through the same process.

Wouldn't a restaurant be able to sell liquor?
More direct relationship between seller and consumer. Won't have a bunch of drunks.

Would you lease residential space?
Will be selling entire site, not in portions, one development, one user.

What is the chance of a Sonic or something like it being built?
Would have to go before Planning & Zoning and request Conditional Use Zoning. Would probably not go for that.
Planner - Any drive-thru would require Conditional Use Zoning. NA could appeal the decision

Are they going to redo the intersection at Carlisle/Indian School?
Planner - Not aware of any Capital Improvement Project. To be honest, don't know.

Can the concrete barrier be extended further south to eliminate left turn into property?
Would be addressed when building permit is applied for. Would not be opposed to barrier being extended and still allowing left hand turn. Would request no U-turn. Have to abide by what City Traffic Engineer decides.

Would you address traffic congestion at existing gas station?
Planner – Is already an existing property, only if they apply for an expansion, is up to the City.

What is meant by "reciprocal access?"
Property on either side has free flowing access to each other's property, areas where cars can go through. This avoids multiple curb cuts.

Is Traffic Study considered before or after Zone change?
After. Will be considered at Building Permit stage, may not warrant a traffic study due to current established thresholds.

What about addressing left turn concerns?
Planner – Will be part of my Staff Report, will recommend cross access, not a bunch of entrances.

Imperative that there be no u-turns allowed.

0-1 is considered a better buffer zone for residential community, if City grants 0-1 what do you propose to do to address those issues?

-Lighting - would be addressed during the building permit process
-Traffic - no traffic study has yet been done, traffic analysis is not needed at this point by the City Traffic Engineer

Style of buildings?
Similar to Wild Oats, brick/rod iron, metal awnings, will try to match similar designs of neighborhood. Some current existing projects done by Petersons:

-Current building
-SW corner Central/San Pedro
-SE corner Montgomery/Louisiana
-Rio Grande/ Central
-Rio Rancho/Hastings
-NW corner 4th/Osuna
-NE corner Tramway/Montgomery

When considering building, will meet with NAs again to discuss design.

If there is a problem with odors coming from future businesses that are built, what can be done?
Fixes come after the building is done, would use fans and hopefully do something that would smell good.

Date of EPC Hearing?
January 20, 2005

NEIGHBOR'S CONCERNS AND STATEMENTS

This is basically the same process from five years ago, same applicant, same property.
Planner- Could not find the EPC # associated with that application.
(At this point Neighbor provided Project #Z9957 – Zone Map Amendment to Planner)

Agent – Conditions have changed since then:

- New interchange at I40/Carlisle
- Wild Oats took over old space
- K-Mart tore down tire store, eliminated retail space

Would like some discussion on lighting.
Planner- Cannot be any conditions placed on Conditional Zoning, would have to be Special Zoning. However lighting can be agreed privately between developer and neighbors.

Do not feel it would be appropriate to have a restaurant that serves liquor close to Adalante Training Program for developmentally disabled adults.
Given the size and type of property, it would not appeal to businesses such as Chile's etc., would be more mom and pop.

Would like to see a satellite library built if City purchased property.

City is only looking at project as to how it benefits Developer not neighbors. City does not offer negotiating options.

Neighborhoods need to balance the benefits of developing property rather than having it remain a vacant lot.

Should be up to the NAs to decide which Zoning best suites their needs. Neighborhoods are going through changes and would feel better with design guidelines. Could think about what NAs envision for their future.
Would be willing to continue to meet with NAs. Would be willing to state that in front of EPC.

ATTENDEES

Doug Peterson	2325 San Pedro NE #2A	87110	Peterson Properties
Dean Smith	2325 San Pedro NE #2A	87110	Peterson Properties
Denise Hammer	1735 Aliso NE	87110	Altura Addition NA
Lucerne Knight	1718 Hermosa NE	87110	Altura Addition NA
Wanda Pitts	1831 Hermosa NE	87110	Altura Addition NA
Chris Addis	8708 Hannett Ave NE	87110	Altura Addition NA
Patricia Heggem	4000 Hannett Ave NE	87110	Altura Addition NA
David Stallworth			City of Albuquerque
Ken Romig	8317 WilWay NE	87106	Summit Park NA
Barbara Barrity	1335 Bryn Mawr NE	87106	Summit Park NA
Colin Adams	1405 Solano NE	87110	Altura Addition NA
Jeanne Adams	1405 Solano NE	87110	Altura Addition NA
Andrea Schoellkoepf	1401 Aliso NE	87110	Altura Addition NA

ALBUQUERQUE
Making History

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

Date: January 21, 2005

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1003801**
04EPC-01821 Zone Map Amendment

Peterson Properties Real Estate Services, Inc.
2325 San Pedro NE, Suite 2A
Albuq. NM 87110

LEGAL DESCRIPTION: for all or a portion of Lots 28-31, **Altura Addition**, a zone map amendment from O-1 to C-1, located on CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE, containing approximately 1 acre. (J-16) David Stallworth, Staff Planner

On January 20, 2005 the Environmental Planning Commission voted to defer Project 1003801/ 04EPC-01821 Zone Map Amendment, to the Environmental Planning Commission Public Hearing on March 17, 2005.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **FEBRUARY 4, 2005** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED. IT I S NOT POSSIBLE TO APPEAL EPC RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC's RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC's DECISION.

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 they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY 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,

For Russell Brito

Richard Dineen
Planning Director

RD/DS/ac

cc: Denise Hammer, Altura Addition NA, 1735 Aliso Dr. NE, Albuq. NM 87110
Lucerne Knight, Altura Addition NA, 1718 Hermosa NE, Albuq. NM 87110
Will Gleason, Summit Park NA, 732 Lafayette NE, Albuq. NM 87106
Desi Brown, Summit Park NA, 1113 Richmond NE, Albuq. NM 87106
Denise Hammer, 1735 Aliso Dr. NE, Albuq.NM 87110
Chris Addis, 3709 Hannett Ave. NE, Albuq. NM 87110
Lucerne Knight, 1718 Hermosa NE, Albuq. NM 87110
Richard Royman, 1822 Solano NE, Albuq. NM 87110
Walter Bauke, 1823 Hermosa NE, Albuq. NM 87110

PETERSON PROPERTIES
Real Estate Services, Inc.

VIA US MAIL
February 28, 2005

Attn: David Stallworth
City of Albuquerque
Planning Department
600 2nd St. NW
Albuquerque, NM 87103

RE: CASE #1003801, REQUEST FOR ZONE MAP AMENDMENT FROM O-1 TO SU-1 FOR C-1 USES, CARLISLE / INDIAN SCHOOL

Dear Mr. Stallworth:

Per our telephone conversation today, the following is brief summary of events which have transpired between us and the Altura Addition and Summit Park Neighborhood Associations since our January 20, 2005 hearing before the EPC:

On February 10, 2005, representatives of both NAs attended a meeting held at our office. There were ten neighbors in attendance. Denise Hammer, President of the Altura Addition NA, acted as the primary voice and representative of the neighbors. We spent about two hours discussing the permissive and conditional uses listed under C-1 zoning. We went through each use individually, and in response to concerns raised by one or more neighbors, we agreed to delete or modify more than 25 of the uses permitted under the Zoning Code. One of the neighbors voiced strong opposition to any use of the site for a restaurant, mainly because of any resulting odor. We expressed our desire to allow restaurant use at the site, but indicated that we would investigate possible measures to reduce the impact of restaurant odors. The tone of the meeting was positive, and we felt that it was very productive.

After the meeting, we prepared a formal list of the deletions and modifications and sent it to Ms. Hammer for verification and approval. A copy of the list is attached. We also learned that filter technology is available to mitigate restaurant odors. We learned that the most effective filter system increases the cost of a restaurant by roughly $14,000.00. We informed Ms. Hammer that we were willing to require this filter system in any restaurant with an exhaust system that wished to operate on the property, and we gave her the construction specifications for the system, which she shared with some of the NA members. The neighbors held a private meeting on February 24, 2005. Thereafter, we received an email from Mrs. Hammer expressing thanks for our willingness to work with the neighbors, but additionally requesting that any use of the site for a restaurant be completely prohibited. A copy of the email is attached. We will not agree to this final request. We feel that we have been accommodative to the neighbors, but we are concerned that the requested limitation regarding restaurant use goes too far in hindering the viability of this site for the proposed retail use, and would prevent it from providing the full benefit to the neighborhood.

2325 SAN PEDRO, N.E., SUITE 2-A • ALBUQUERQUE, NEW MEXICO 87110 • (505) 884-3578 • FAX (505) 884-6793
www.PetersonProperties.net

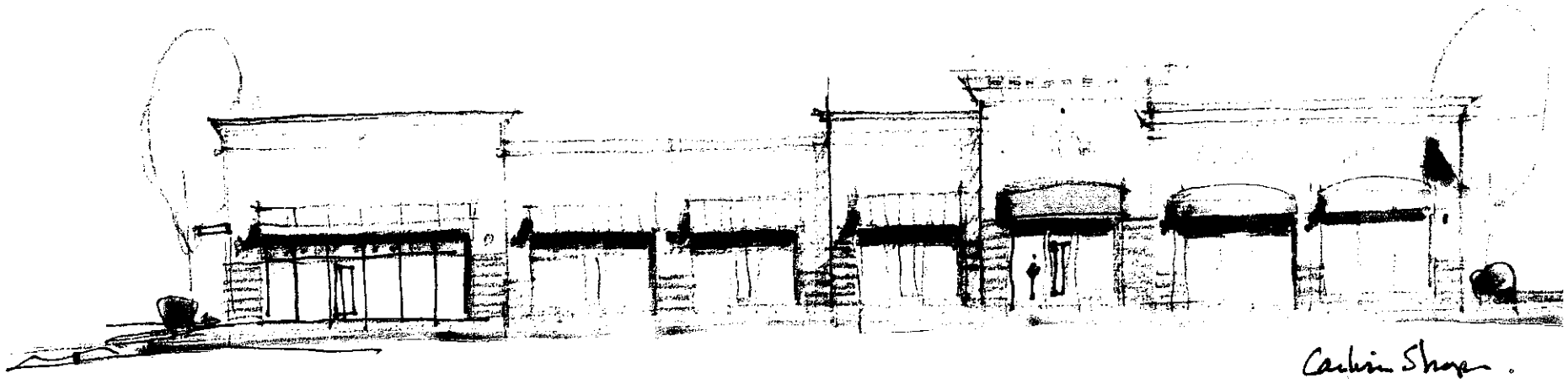
Please include the attached list of "Deletions and/or Modifications to C-1 Uses" with our application for zone map amendment, which is scheduled for the EPC hearing on March 17, 2005. Also enclosed are copies of the site plan and rendering that we provided for the neighbors at our meeting on February 10th. Please contact me if you have any questions. Thank you.

Sincerely,

Dean Smith

cc: James A. Peterson

enc: Deletions and/or Modifications to C-1 Uses
Email from Denise Hammer dated 2/28/05
Rendering of Proposed Development
Site Plan (dated 2/3/05)



GR 2/2/05

DELETIONS AND/OR MODIFICATIONS TO C-1 USES
Albuquerque Zoning Code §14-16-2-16

A.	**Permissive Uses**
7(i).	Add: "There shall be no outdoor restaurant seating."
7(i)2.	Delete
7(i)3.	Delete
7(k).	Add: "There shall be no gasoline service station and no outside sales of gas, oil or liquified petroleum gas."
9(a).	Delete and replace with: "Bicycle repairing, provided it shall be done within a completely enclosed building."
9(b).	Delete the following: ", including pawn. Drive-in facilities permitted on the condition the vehicle movement plan is approved by the traffic engineer." Add: "No pawn shall be allowed."
9(d).	Delete
9(f)3.	Delete and replace with: "The dry cleaning and laundering process will not be done on the premises and no Laundromat shall be permitted."
9(g)2.	Delete and replace with: "There shall be no more than four game machines on the premises."
10.	Delete
14(a).	Delete
14(b).	Delete
B.	**Conditional Uses**
1.	Delete
2.	Delete
3.	Delete

5.	Delete
7.	Delete
8.	Delete
9.	Delete
10.	Delete
11.	Delete
12(d).	Delete
16.	Delete
19.	Delete
20.	Delete
21.	Delete
22. (NEW)	Add: "Drive-in facilities for banking, on the condition the vehicle movement plan is approved by the Traffic Engineer."

You forwarded this message on 2/28/2005 10:59 AM.

Douglas Peterson

From: ArchHero@aol.com [ArchHero@aol.com] **Sent:** Mon 2/28/2005 10:26 AM
To: Douglas Peterson
Cc:
Subject: Carlisle Zone Change
Attachments:

Doug,

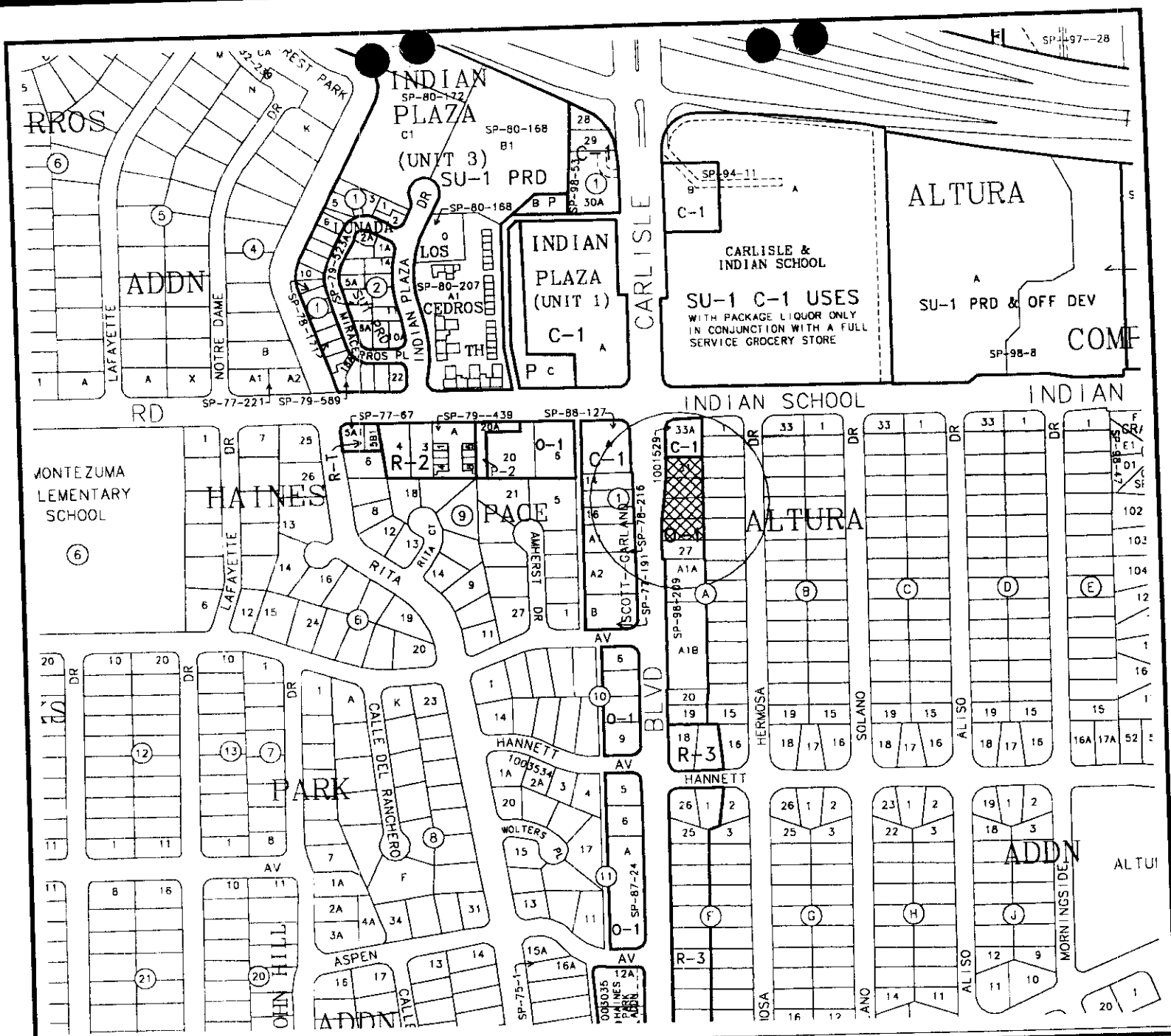
The AANA Board met Thursday evening (Feb. 24) to discuss the issue of Restaurant use on the Carlisle / Indian School site for which you are requesting a Zone Change. Based on that discussion, the Board continues to have many concerns about the use of the site as a Restaurant. These concerns continue to include noise, lighting, and odor.

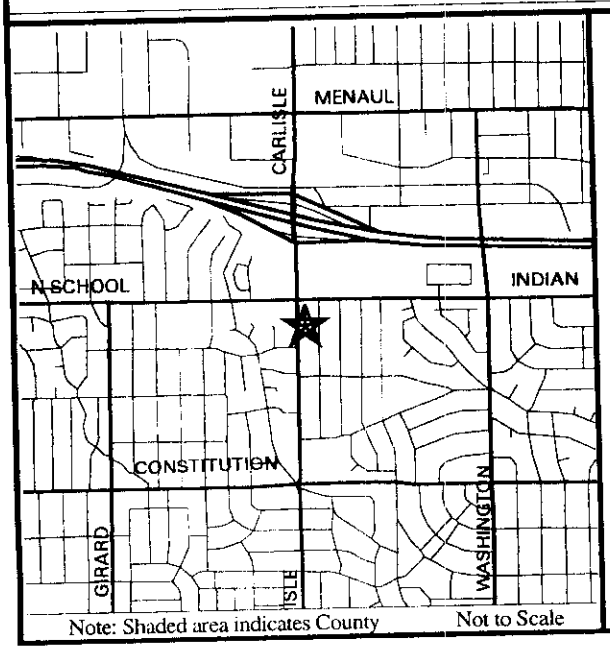
The Board appreciates your concern about the odor issue, and the information you have provided regarding kitchen ventilation systems which help to mitigate odors. However, for various reasons, including City Enforcement issues regarding a ventilation system, Restaurant dumpster odors, Restaurant truck delivery noise (as experienced by the neighbors behind the Smith's Bakery) , etc., the Board continues to believe that Restaurant use on this site is harmful to the neighbors, especially those immediately adjacent to the Carlisle property.

Therefore, the AANA Board thanks you for the time you have taken and your willingness to make this Zone Change Request work for the neighborhood, and we respectfully request that in addition to the uses you are currently eliminating from the C-1 uses on this site, you also eliminate Restaurant use from your Zone Change Request.

Thanks very much.
We look forward to seeing you in the neighborhood.

Denise Hammer
Altura Addition NA





ZONING MAP

AGIS

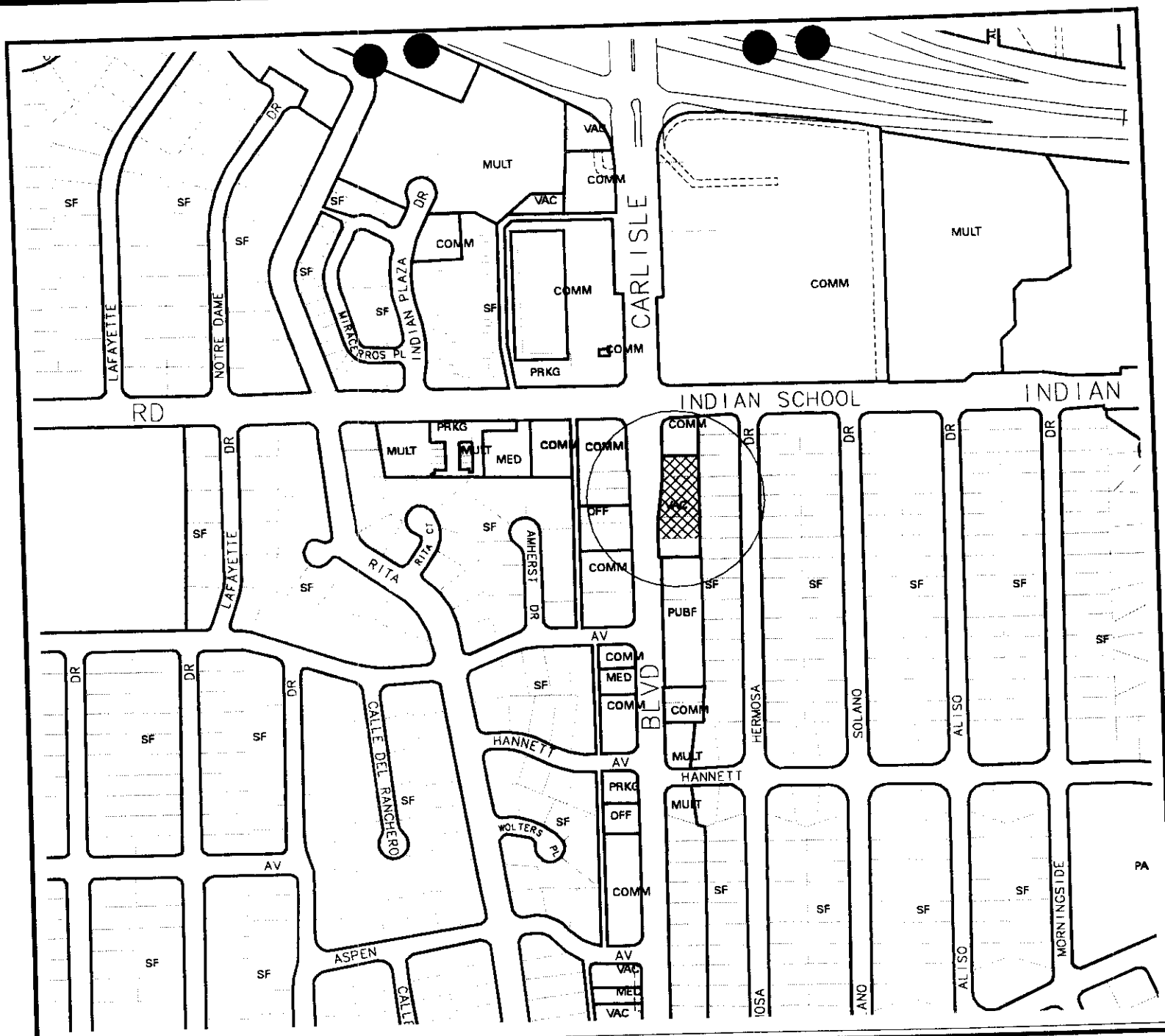
Scale 1"=408'

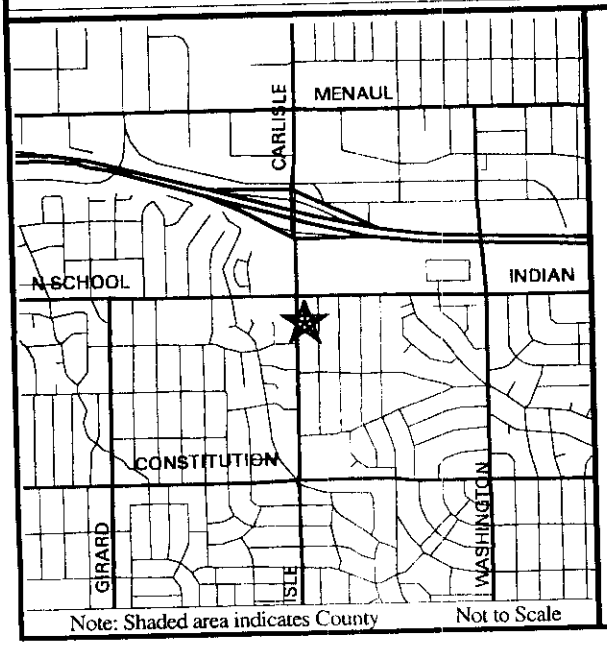
PROJECT NO.
1003801

HEARING DATE
1-20-05

MAP NO.
J-16

ADDITIONAL CASE NUMBER(S)
04EPC-01821





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

AGIS

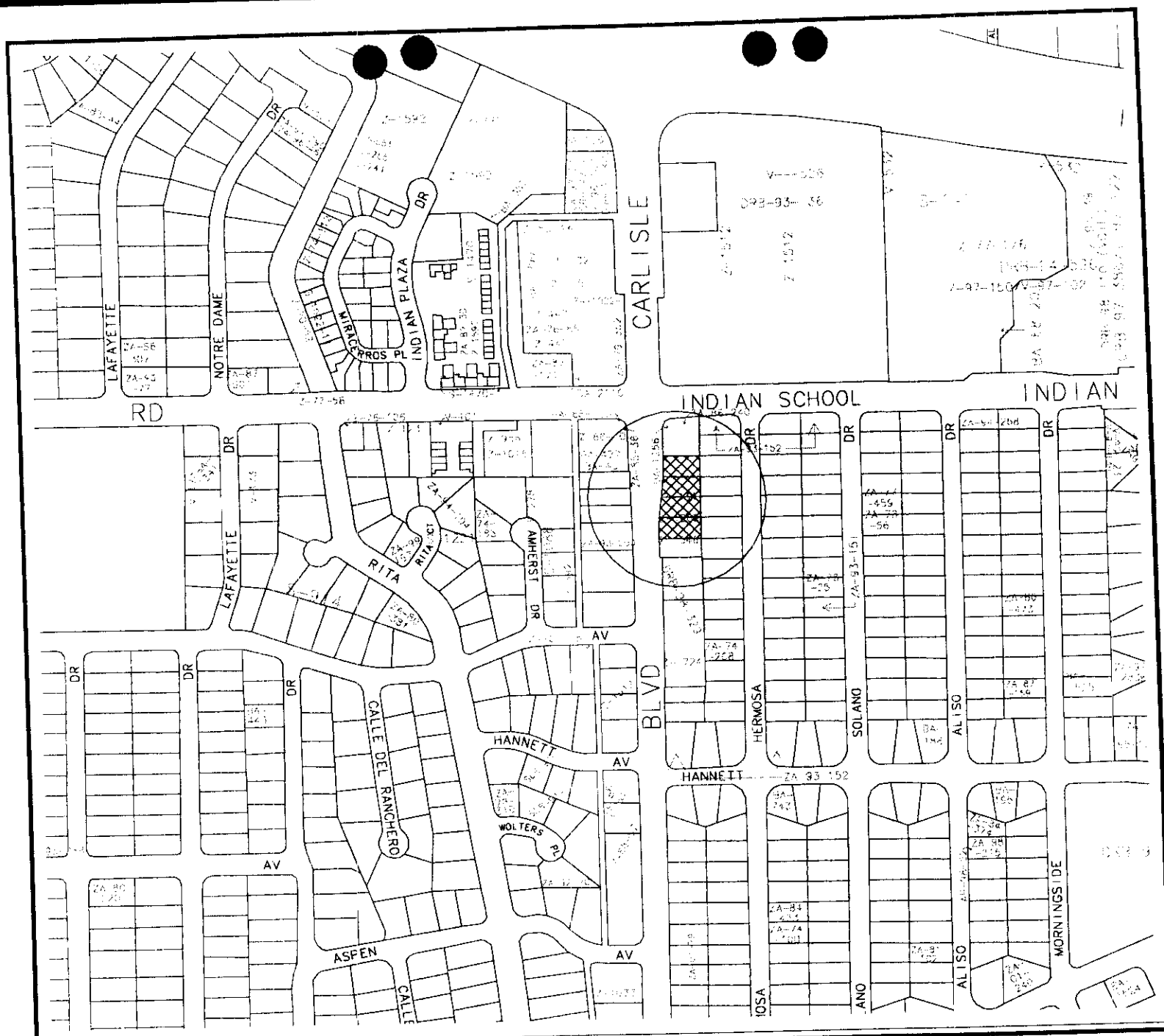
Scale 1"= 408 '

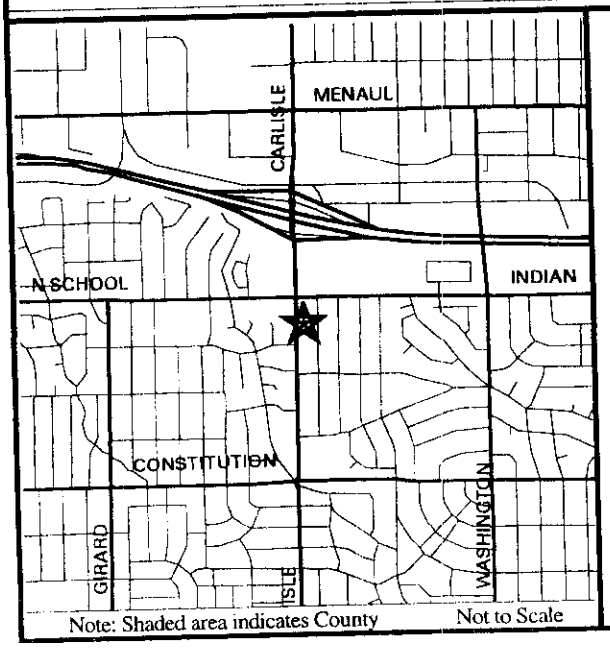
PROJECT NO.
1003801

HEARING DATE
1-20-05

MAP NO.
J-16

ADDITIONAL CASE NUMBER(S)
04EPC-01821





HISTORY MAP

AGIS

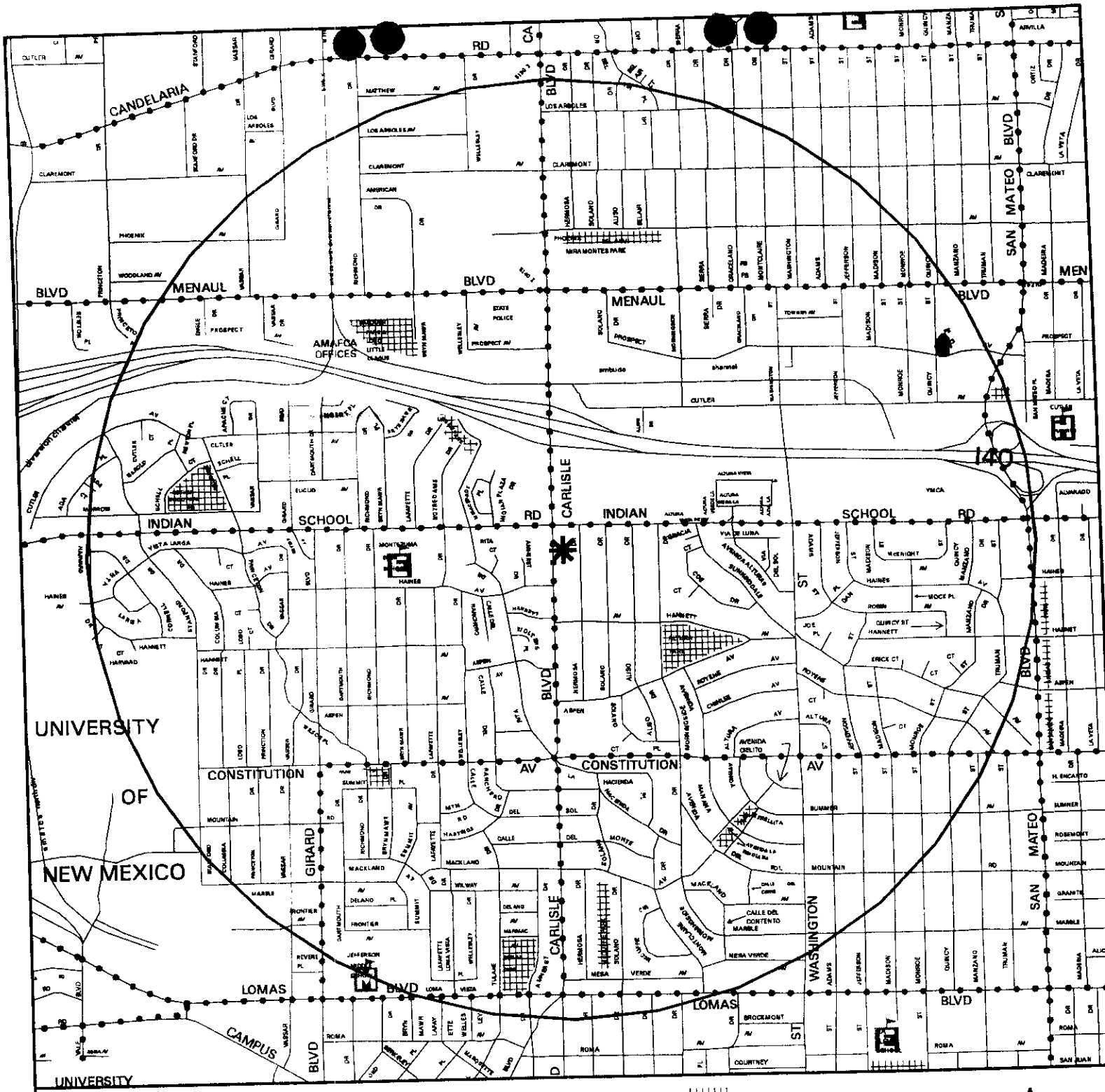
Scale 1" = 408 '

PROJECT NO.
1003801

HEARING DATE
1-20-05

MAP NO.
J-16

ADDITIONAL CASE NUMBER(S)
04EPC-01821



Senior Center

Community Center

Multi-Service Center

Library

Police

Sheriff

Fire Station

Pool

APS Schools

Elementary

Middle

High

Suntran Routes

City Limits

1003801

Developed City Park

Undeveloped City Park

County Park

Landfill

Buffer designated by EHD

0 1/2 Mile 1 Mile

Scale 1" = 1500'

PETERSON PROPERTIES
Real Estate Services, Inc.
"The Shopping Center Specialists"

HAND DELIVERED
February 4, 2005

Planning Department, 3rd Floor
City of Albuquerque
Attn: April Candelaria
600 2nd St. NW
Albuquerque, NM 87103

RE: CASE #1003801; AMENDED APPLICATION FOR ZONE MAP AMENDMENT FROM O-1 TO SU-1 FOR C-1 USES
STAFF PLANNER: DAVID STALLWORTH

Dear April:

Please find enclosed the following items in connection with our amended application for a zone map amendment with respect to Lots 28, 29, 30 and 31, Block A, Altura Addition, Albuquerque:

1. Revised Justification Letter
2. 12 copies of Site Plan

Per recommendation of the Environmental Planning Commission, a hearing of this case has been deferred until the March 17, 2005 public hearing. The above items are being submitted in anticipation of that hearing. Thank you for your consideration and assistance. Please contact me at the number below if you need anything else.

Sincerely,

Dean Smith

cc: James A. Peterson

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(REVISED) REQUEST FOR ZONE MAP AMENDMENT

Summary of Request

As described under "Case History" below, this is a revised request, per recommendation of the Environmental Planning Commission at its January 20, 2005 hearing.

This is a request for a zone map amendment for a property located near the intersection of Carlisle Blvd. NE and Indian School Rd. NE (Lots 28, 29, 30 and 31, Block A, Altura Addition) (the "Property"). The Property is not located within the boundaries of any Area or Sector Development Plan. This request is to change the zoning from O-1 to SU-1 for C-1 Uses. The Property is currently vacant and is approximately .64 acres. The owner of the Property, The James A. Peterson & Mary B. Peterson Revocable Trust (dated August 18, 1998), would like to develop the Property for retail use.

This zone map amendment request meets the requirements of Resolution 270-1980 and is supported by several City planning policies and goals as detailed below. This letter is to demonstrate that the proposed zoning is more advantageous to the neighborhood and community and that changed conditions are present which justify this request. The proposed zoning is more advantageous because it provides infill development by replacing an ugly stretch of dirt with high-quality retail space that will serve the needs of the neighborhood. It also promotes increased walk-ability and less automobile use among those who live and work nearby. Countless conditions have changed since the Property was zoned O-1 (contrary to the desires of the property owner at the time) in 1965. Examples include the clustering of office developments in new regions of the City, like Uptown and I-25, and changes to the types of structures that retail and service tenants require, which have made the buildings in the C-1 zone on the west side of Carlisle Blvd. functionally obsolescent for their intended retail and service use. More recent changed conditions include a loss of small retail space in the immediate area, an increase in office vacancies, and the redevelopment of the Interstate 40 / Carlisle Blvd. interchange.

Case History

Originally, this was a request for a zone map amendment from O-1 to C-1. The request was presented before the Environmental Planning Commission ("EPC") at its January 20, 2005 hearing. David Stallworth, as the Staff Planner for this case, recommended approval of a zone map amendment from O-1 to C-1. As stated in his Staff Report, Mr. Stallworth's recommendation was based on the following findings, summarized for convenience: (i) the proposed zoning would be a logical extension of existing commercial zoning in the area, (ii) infrastructure and transit facilities are already in place, (iii) the proposed zone change will offer employment opportunities and services that will complement the surrounding area, (iv) the proposed zone change is sensitive to, and compatible with, surrounding development, (v) the proposed zone change encourages infill development that could become a catalyst for redevelopment, and (vi) the proposed zoning is advantageous to the City overall and represents orderly development of the City.

At the January 20, 2005 EPC hearing, a handful of persons who live in neighborhoods near the Property voiced opposition to the request. The EPC recommended that the application be amended to request a zone map amendment from O-1 to SU-1 for C-1 Uses, and that a hearing on the case be deferred for 60 days. Accordingly, this letter is revised to reflect a request for a zone map amendment from O-1 to SU-1 for C-1 Uses.

Site Characteristics

The Property is comprised of four vacant lots forming a rectangle. The Property is adjacent to, and east of, Carlisle Blvd., a Minor Arterial roadway. At the point where Carlisle Blvd. is adjacent to the Property, it is four lanes. North of Indian School Rd. Carlisle Blvd. is six lanes and provides full access to Interstate 40 at the interchange located less than a block north of the Property. A small corner lot separates the Property from Indian School Rd., also a Minor Arterial roadway. This corner lot to the north of the Property is zoned C-1, and is being used for a gas station. The property to the east is zoned R-1, and is being used for single family housing. The property directly across Carlisle Blvd. to the west is zoned C-1 and is being used for a gas station, an animal clinic, and insurance offices. There is a vacant lot adjacent to, and south of, the Property which is zoned O-1. The property further south along Carlisle Blvd. is also zoned O-1, and is being used for offices, mailing services, and employment services. In addition, a Wild Oats Natural Marketplace is located on the northwest corner of the intersection of Carlisle Blvd. and Indian School Rd., and a K-Mart is located on the northeast corner of the same intersection. The Property has been zoned O-1 since 1965 and has never been developed as such. The owner of the property does not intend to develop it during the next several years if the zoning remains O-1.

Plans and Policies Supporting the Zone Map Amendment

Resolution 270-1980

A. The requested zone change is consistent with the health, safety, morals, and general welfare of the City. The zone change would allow infill development which is consistent with City policies and goals. It would also benefit the neighboring community by replacing ugly vacant lots with an attractive and useful new retail use. The immediate area is in need of small retail stores and services to serve those who live and work nearby. However, the commercial properties in the surrounding area feature almost exclusively larger spaces and larger users, such as those occupied by K-Mart (on the northeast corner of Carlisle and Indian School), Wild Oats (on the northwest corner of Carlisle and Indian School) and Smith's supermarket (on the northeast corner of Carlisle and Constitution).

The requested zone change would promote the safety of the community by allowing for a safer traffic entrance into the Property. Specifically, because the Property is comprised of four lots, the owner of each would be entitled at the time of development to separate curb cuts (assuming separate ownership). This would create up to four curb cuts within 180 feet of frontage along Carlisle Blvd., where 23,400 vehicles pass by every day (*See* Mid Region Council of

Governments Traffic Flow Map for 2003, Revised 9/01/04). With the gas station adjacent to the north, and the undeveloped lot adjacent to the south, there is the potential for seven curb cuts within 355 feet of frontage, which would increase the likelihood of accidents and cause northbound traffic along Carlisle to back up. If the requested zoning is approved, the owner will seek to have the four lots platted into one and develop the Property as one project, thereby minimizing the number of curb cuts and making traffic conditions safer. The owner of the Property will also support extension of the median south along Carlisle Blvd., provided enough space remains for south-bound traffic to turn into the Property.

B. The requested zone change would promote stability of the land and complement the intention of the Zoning Code. Specifically, the buildings located in the C-1 zone on the west side of Carlisle Blvd. between the Circle K and Hannett Ave. are being used for low rent offices because the buildings on that land are several decades old and are functionally obsolescent in that they do not meet the needs of modern day commercial retail users. Through the passage of time, the older buildings on the west side of Carlisle Blvd. have brought to the immediate area the amount of office space that the Zoning Code originally intended. Accordingly, the zoning of the Property should be changed to SU-1 for C-1 Uses to accomplish the Zoning Code's intended amount of C-1 uses in the area, which are not present on the existing C-1 properties on the west side of Carlisle Blvd.

There are commercial uses immediately to the north of the Property, and immediately to the west along Carlisle Blvd. The proposed zoning will continue to ensure a buffer between the Carlisle Blvd. thoroughfare and the residential neighborhood to the east, and will not create a significant increase in the amount of development possible. Both O-1 and C-1 zoning allow many of the same permissive and conditional uses, and many of the requirements for each are the same, for example, parking lot regulations, setback requirements, and lighting standards.

C. The proposed change is not in conflict with adopted elements of the Comprehensive Plan. The requested zone change helps to implement several of the Comprehensive Plan policies for the Established Urban Area of the City, as outlined later in this request.

D. The existing zoning is inappropriate as follows:

1. Changed Community Conditions: There are a number of changed conditions in the surrounding neighborhood and community that justify the proposed zone change.

(i) *Redevelopment of Interstate 40* – The recent redevelopment of the I-40 / I-25 interchange, and the subsequent expansion of the I-40 / Carlisle Blvd. interchange have considerably increased traffic levels on Carlisle Blvd. and strengthened the retail services character of the area surrounding the Property. Carlisle Blvd. is now a Minor Arterial roadway offering convenient access to Interstate 40 for those who live and work in the neighborhood. This is a changed condition justifying a zone change. SU-1 for C-1 Uses zoning is appropriate because it will allow "office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas." (as stated in §14-16-2-16 of the City Zoning Code)

(ii) *Loss of Small Retail Space* – Approximately 7,000 square feet of small retail space was eliminated in 1998 when Indian Plaza (at the northwest corner of the intersection of Carlisle Blvd. and Indian School Rd.) was redeveloped to include a Wild Oats Natural Marketplace. Although retail space remains available at Indian Plaza, the space is large and inappropriate for the type of smaller retail and service uses contemplated for development of the Property. In 2003, a 10,000 square feet building located in front of K-Mart that could have served small retail and service tenants was demolished and not replaced. Approximately 15,000 square feet of small retail space was eliminated in 1998 when the property at the northwest corner of Carlisle Blvd. and Lomas (less than one mile to the south) was redeveloped to include a Walgreen's Drug Store.

Together, these actions resulted in a substantial decrease in the amount of small retail space available in the immediate area. This is a changed condition justifying a zone change. The proposed zone change will allow new construction of quality small retail space to meet the needs of the area. The owner of the Property intends to apply for a building permit for a retail and service building within one year of final approval of this application.

(ii) *Increased Office Vacancies* – A recent report on Albuquerque market trends by Grubb & Ellis Property Solutions (available at http://www.grubb-ellis.com/offices/NewMexico/city_localprofile.asp) shows an increase in office vacancies in our community in recent years, while retail vacancies have decreased. Retail vacancies during the last two years decreased by nearly three percent, while office vacancies during the same period increased nearly three percent. While the applicant fully understands that economic considerations shall not be the determining factor for a zone change, this market information represents a changed community condition (expressed as a quantitative measure of what the community needs) justifying a zone change. The proposed zone change is consistent with these changing community conditions.

2. More Advantageous to the Community: The community and adjacent neighborhoods will benefit from the proposed zone change and subsequent development in a number of ways. The community will benefit from implementation of City plans and policies that support and promote infill development. The current O-1 zoning designation was made forty years ago, and the fact that the Property has remained vacant while Albuquerque has grown around it is prima facie evidence of the fact that the zoning is inappropriate. The community will also benefit from improved neighborhood aesthetics and increased variety for both consumers and business owners. The neighborhoods in the immediate vicinity will benefit from having a useful and visually appealing development rather than ugly empty lots and the nuisances that come with them, including illegal dumping and water ponding. Development of the Property into small retail space will also benefit the local neighborhood and office users by encouraging increased walk-ability along Carlisle Blvd., while decreasing automobile travel. The proposed zone change and development will also preserve and bolster the buffer between the Carlisle Blvd. thoroughfare and the residential area to the east of the Property. As part of its development of the Property, the

owner would either repair or replace the western face of the party wall separating the Property from the residences to the east. As is, the wall is plain, gray CMU block material.

E. The permissive uses in the C-1 zone will not be harmful to the adjacent property, the neighborhood, or the community. The Property is located in an area where commercial and residential uses complement each other. Indeed, the area should properly be referred to as a "neighborhood commercial" area. Section 14-16-2-16 of the City Zoning Code states that C-1 zoning "provides suitable sites for office, service, institutional, and limited commercial uses *to satisfy the day-to-day needs of residential areas.*" (emphasis added) This is the very purpose for pursuing a zone map amendment.

F. The requested zone change would not require major and/or unprogrammed capital expenditures by the City. Fortunately, City infrastructure is already in place in this area. Rather, the proposed zone change would facilitate infill development, one of the City's primary goals. To not recognize and correct inappropriate zoning designations on the interior of the City encourages sprawl by sending users to find suitable locations on the City's edge, where plenty of vacant property exists.

G. The cost of land and other economic considerations are not a primary basis for this request. The proposed zoning is consistent with the changed conditions outlined above, and will promote a beneficial use for the Property and help to satisfy the needs of the neighborhood. This is consistent with City objectives.

H. Location on a major street is not the basis for this request. Carlisle Blvd. is a Minor Arterial roadway serving both residential and commercial areas. C-1 zoning is appropriate because it is designed specifically for this type of neighborhood commercial area. Development of the Property under the requested zoning would allow the creation of uses that would complement and serve the surrounding neighborhoods.

I. The requested zone change does not constitute spot zoning. The property immediately adjacent to the north and the property to the west across Carlisle Blvd. have C-1 zoning, as does the northwest corner at the intersection of Carlisle Blvd. and Indian School Rd. The northeast corner of that same intersection is zoned SU-1 C-1 Uses, and includes a K-Mart.

J. The requested zone change does not constitute strip zoning for the same reasons stated in Section "I" above.

Albuquerque/Bernalillo County Comprehensive Plan

The Albuquerque/Bernalillo County Comprehensive Plan designates the Property as Established Urban. This zone change request is consistent with the stated goal of the Established Urban area:

> *The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and*

which offers a variety and maximum choice in housing, transportation, work areas, and lifestyle, while creating a visually pleasing built environment.

The requested zoning will permit development of empty lots into an attractive and useful retail space that will add variety and increase the choices available to the community.

The zone change request is also consistent with many of the specific policies of the Established Urban area:

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.*

The proposed zoning and subsequent development is appropriate for the location, and will benefit the neighborhood by replacing undesirable vacant lots full of weeds, trash and water ponds, with an attractive and useful small retail space. In addition, a retail use will benefit the area by increasing walk-ability and reducing automobile use. Those who live and work nearby will have a convenient place to eat, shop or enjoy service without having to take their automobiles. The area immediately around the Property has a considerable amount of office space, but very little commercial space to serve the needs of those who occupy that office space. Developing the Property as additional office space might contribute to a saturation of the market for office space, leading to vacancies which would adversely impact the neighborhood.

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.*

Technique 1: *Identify and remove unnecessary obstacles to appropriate infill development.*

Carlisle Blvd. is a well-used thoroughfare with established infrastructure. The requested zone change would allow vacant land contiguous to existing urban facilities and services (i.e., the Property) to be developed into a use that will complement the area's neighborhood commercial character. This is the type of infill development promoted by this policy. The Property has been zoned O-1 for forty years, without development. The proposed zoning will allow this vacant property to be developed into an attractive and useful small retail space, and will increase walk-ability while reducing reliance on automobile travel.

Policy I *Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.*

New retail development on the subject site will provide employment and service to the immediate neighborhood and community, with minimal adverse effects on nearby residential environments. The owner of the property will continue to welcome the participation of neighbors during the process of designing and developing the Property.

Policy K *Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.*

Carlisle Blvd. is a Minor Arterial roadway with considerable traffic levels. The proposed zoning and subsequent development of the Property will preserve and bolster the buffer between the Carlisle Blvd. thoroughfare and the residential areas to the east, thus minimizing the harmful effects of traffic. Additionally, as noted above, the owner of the Property will seek to have the four lots platted into a single lot prior to its contemplated development. This will mean fewer curb cuts and increased traffic safety for those traveling on Carlisle Blvd., which transitions from six lanes to two lanes in the stretch between Interstate 40 and Constitution Ave. If requested by the City, the owner of the Property will also support road improvements for Carlisle Blvd., including the extension of the median south along Carlisle Blvd., provided enough space is left for south-bound traffic to turn into the Property.

Policy L *Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.*

The owner of the Property is an experienced developer who, over the course of 35 years, has developed several million square feet of retail space throughout New Mexico and the Southwest with a reputation for high-quality, well-designed developments. The requested zoning would facilitate development of well-designed small retail space to replace the existing empty lots.

Policy O *Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.*

Technique 1: Address all facets of neighborhood economic development including business development, job creation, historic preservation, and commercial revitalization within a neighborhood context with a strong emphasis on citizen participation.

The residential areas surrounding the Property represent the type of older and established neighborhoods this policy concerns. The requested zone change would facilitate development of a useful and attractive small retail space, contributing to neighborhood economic and business development and creating local jobs. The owner of the Property has, and will continue to welcome neighborhood involvement in the development process.

The requested zone change also promotes policies included in the Economic Development element of the Comprehensive Plan:

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

Policy F *The City and the County should remove obstacles to sound growth management and economic development throughout the community.*

Walter Bauke
1823 HERMOSA NE
ALBUQUERQUE, NM 87110

Monday, March 7 2005

City of Albuquerque, Planning Department
Environmental Planning Commission
One City Plaza NW
Albuquerque, NM 87102

RE: Request for Zone Map Amendment, Project 1003801, 04EPC01821 (Carlisle/Indian School rezoning)

Gentlemen:

In this request, Peterson Properties wishes to rezone several lots from O-1 to C-1 or SU type zoning. We own the residence at 1823 Hermosa NE, directly adjoining the subject properties. I am against this request for reasons as follows:

Our home was purchased with the full knowledge of permitted uses on adjacent properties, residential to the sides, O-1 zoning to the rear. These limit the activities which could disturb the residential use of our homes (mine as well as the direct neighbors), i.e. noise, smell and activities that would interfere with quiet, healthy living and sleeping.

Any neighbor who wishes to change this must show a case of severe hardship to support this request for change. This would be the same for an owner to the left or right of us who wishes to change to some business use, as well as one to the rear of us who wishes to change from O-1 to a zoning that permits creation of noisy or smelly businesses.

We are particularly disturbed by the fact that Mr. Peterson plans to have a restaurant in his building. Such business will cause cooking smells that would vent directly to the rear of his property, into the living/bedroom windows of our residences, just a few feet behind. Associated noise with such establishment could be from early morning (5-6am for a breakfast business) to late in the night, after midnight for a full service restaurant. Beside the disturbance that could be caused by customers, there is also the associated activity due to operation/cleanup before and after the restaurant opens and the storage of food waste that could severely affect the homes to the rear.

Furthermore, the permissive use / zoning goes with the property, not the owner. I appreciate that Mr. Peterson tries to accommodate the neighbors by installing modern, odor reducing vent systems. However, the odor is only part of the potential problem. The operation and management of the business is important. Will Peterson be the owner and manager? He is an attorney and real estate developer/manager. Is he also a restaurant operator? Can he give references of similar operations that he

owns and manages so that we can check on his proven performance record? The name of some facility of this nature operating in a commercial property owned or managed by him will not be acceptable as he has the right to change leases or to sell property at will which would leave us, the residential neighbors to face potential legal problems with some yet unknown future party. He can also sell the total tract before renting/leasing any part of it, which would make any promise given by him worthless.

I further wish to point out that Mr. Peterson purchased the property with full knowledge of the existing permitted use, which extends the full length of Carlisle on this side of the street. Your commission issued a finding (Jan 20, page 6 item 2) that states the proposed zone change is a logical extension of the zoning to the north. I can claim that the present zoning is a logical extension of the zoning to the south. This was put in place at a time when the streets were laid out, with the full intention to give the residences some protection. An extension of the zoning in the north would make it possible to extend some use for the service station, such as automobile repair, washing etc., that could create objectionable noise for residences.

In summary, we oppose a zoning change that will permit a business or commercial use that can create smell or noise in a manner which will disturb peaceful, healthy enjoyment of a home. This could be a restaurant as well as a mechanical shop. The present zoning is limited to residential use (apartments) and offices and businesses that generally close at the end of a normal business day. There are many of those along Carlisle, all apparently operating successfully which proves that this type zoning can generate successful business ventures serving the neighborhood.

We, the home owners, are not asking for any change that would affect the use of subject property. But in the same manner, we do not wish a neighbor to ask for a change that could severely affect our property for the indefinite future.

Sincerely Yours,

Walter Bauke

Walter Bauke

Cc: Ms. Denise Hammer
President, Altura Neighborhood association
1735 Aliso Drive NE
Albuquerque, NM 87110

New retail development on the Property will contribute to the development of the economy in this area by creating needed opportunities for business and employment, without sacrificing the social, cultural and environmental goals of the neighborhood and community. The proposed zoning will allow development of a visually pleasing retail space that is consistent with the neighborhood commercial character of the area, and that will provide a valuable service to those who live and work in the immediate area.

Resolution 70

The purpose of R-70 is to establish a growth policy framework to govern key land use decisions of the City. A theme of the resolution is to encourage sound development, including infill development. The requested zone change would facilitate the attractive and useful development of now-vacant lots in an area already served by City services and utilities.

Summary

- This request is for a zone map amendment for a .64 acre vacant property located near the intersection of Carlisle Blvd. NE and Indian School Rd. NE.

- The requested zone map amendment is from O-1 to SU-1 for C-1 Uses.

- The owner of the Property seeks to develop the site for retail use, complementing the neighboring residential and commercial areas.

- The proposed zoning is supported by several City and County goals and policies, including the Comprehensive Plan and Resolution 70.

- The requested zone change meets the requirements of Resolution 270-1980, being more advantageous to the community and based on changed community conditions. Changes in the community include increased access and a stronger retail service character as a result of the Interstate 40 expansion, the recent loss of similar small retail space, and increased office vacancies. The requested zoning is more advantageous to the community and neighborhood because it will facilitate the replacement of ugly vacant lots with an attractive and useful small retail use, promote increased walk-ability, preserve and bolster a buffer between residences and a thoroughfare, and provide economic and business opportunities to the area.

We respectfully request your approval of this application. Thank you.

Facilitator's Report

Facilitated Meeting Held

January 6, 2005 – 5:30 p.m.
Peterson Properties
Real Estate Services, Inc

Applicant: PETERSON PROPERTIES REAL ESTATE SERVICES
Agent: Peterson Properties Real Estate Services

Neighborhood Associations: ALTURA ADDITION
SUMMIT PARK

Re: **Project #1003801** in which Peterson Properties Real Estate Services agent for PETERSON PROPERTIES REAL ESTATE SERVICES request a Zone Map Amendment from 0-1 to C-1 for all or portion of Lots 28-31, Altura Addition, located on Carlisle Boulevard NE between Indian School Road NE and Hannett Avenue NE containing approximately one acre.
Case Planner: David Stallworth

Facilitator: Angelica Chacon

Summary: Doug Peterson of Peterson Properties began the meeting by giving the NAs a brief description of the project and the zone change that is being requested on the application. This was followed by a question and answer period. The Staff Planner for this project attended the meeting and answered questions from the NAs. Several of the neighbors voiced concerns that their neighborhoods are becoming overbuilt with strip commercial space, which lowers property values and changes the quality of life in their neighborhoods. It was stated that more urban style, pedestrian friendly development would be preferred.

Notes from the meeting

PROJECT INFORMATION PROVIDED BY AGENT:

- Family owned property
- Requesting Zone Change from 0-1 to C-1
- Proposed 7,000 sq. ft. retail center
- Possible "free standing user," may or may not be a restaurant
- 6-7 different users, perhaps a Satellite Coffee, no pawn shops

- Reasons for Zone Change
  - Have considered City wide demands
  - More need for small retail space
  - Creates opportunities for small businesses
  - City in favor of developing vacant lots

NEIGHBOR'S QUESTIONS:

Have you had any small businesses approach you yet?
We would like to get the zoning in place before we approach them.

Why is commercial use more beneficial, higher rent?
More benefit to the community in Gross Receipts Tax.

Will there be an alley?
No

What is to prevent a liquor store from being opened?
It would require C-2 zoning and have to go through the same process.

Wouldn't a restaurant be able to sell liquor?
More direct relationship between seller and consumer. Won't have a bunch of drunks.

Would you lease residential space?
Will be selling entire site, not in portions, one development, one user.

What is the chance of a Sonic or something like it being built?
Would have to go before Planning & Zoning and request Conditional Use Zoning. Would probably not go for that.
Planner - Any drive-thru would require Conditional Use Zoning. NA could appeal the decision

Are they going to redo the intersection at Carlisle/Indian School?
Planner - Not aware of any Capital Improvement Project. To be honest, don't know.

Can the concrete barrier be extended further south to eliminate left turn into property?
Would be addressed when building permit is applied for. Would not be opposed to barrier being extended and still allowing left hand turn. Would request no U-turn. Have to abide by what City Traffic Engineer decides.

Would you address traffic congestion at existing gas station?
Planner – Is already an existing property, only if they apply for an expansion, is up to the City.

What is meant by "reciprocal access?"
Property on either side has free flowing access to each other's property, areas where cars can go through. This avoids multiple curb cuts.

Is Traffic Study considered before or after Zone change?
After. Will be considered at Building Permit stage, may not warrant a traffic study due to current established thresholds.

What about addressing left turn concerns?
Planner – Will be part of my Staff Report, will recommend cross access, not a bunch of entrances.

Imperative that there be no u-turns allowed.

0-1 is considered a better buffer zone for residential community, if City grants 0-1 what do you propose to do to address those issues?

-Lighting - would be addressed during the building permit process
-Traffic - no traffic study has yet been done, traffic analysis is not needed at this point by the City Traffic Engineer

Style of buildings?
Similar to Wild Oats, brick/rod iron, metal awnings, will try to match similar designs of neighborhood. Some current existing projects done by Petersons:

-Current building
-SW corner Central/San Pedro
-SE corner Montgomery/Louisiana
-Rio Grande/ Central
-Rio Rancho/Hastings
-NW corner 4th/Osuna
-NE corner Tramway/Montgomery

When considering building, will meet with NAs again to discuss design.

If there is a problem with odors coming from future businesses that are built, what can be done?
Fixes come after the building is done, would use fans and hopefully do something that would smell good.

Date of EPC Hearing?
January 20, 2005

NEIGHBOR'S CONCERNS AND STATEMENTS

This is basically the same process from five years ago, same applicant, same property.
Planner- Could not find the EPC # associated with that application.
(At this point Neighbor provided Project #Z9957 – Zone Map Amendment to Planner)

Agent – Conditions have changed since then:

- New interchange at I40/Carlisle
- Wild Oats took over old space
- K-Mart tore down tire store, eliminated retail space

Would like some discussion on lighting.
Planner- Cannot be any conditions placed on Conditional Zoning, would have to be Special Zoning. However lighting can be agreed privately between developer and neighbors.

Do not feel it would be appropriate to have a restaurant that serves liquor close to Adalante Training Program for developmentally disabled adults.
Given the size and type of property, it would not appeal to businesses such as Chile's etc., would be more mom and pop.

Would like to see a satellite library built if City purchased property.

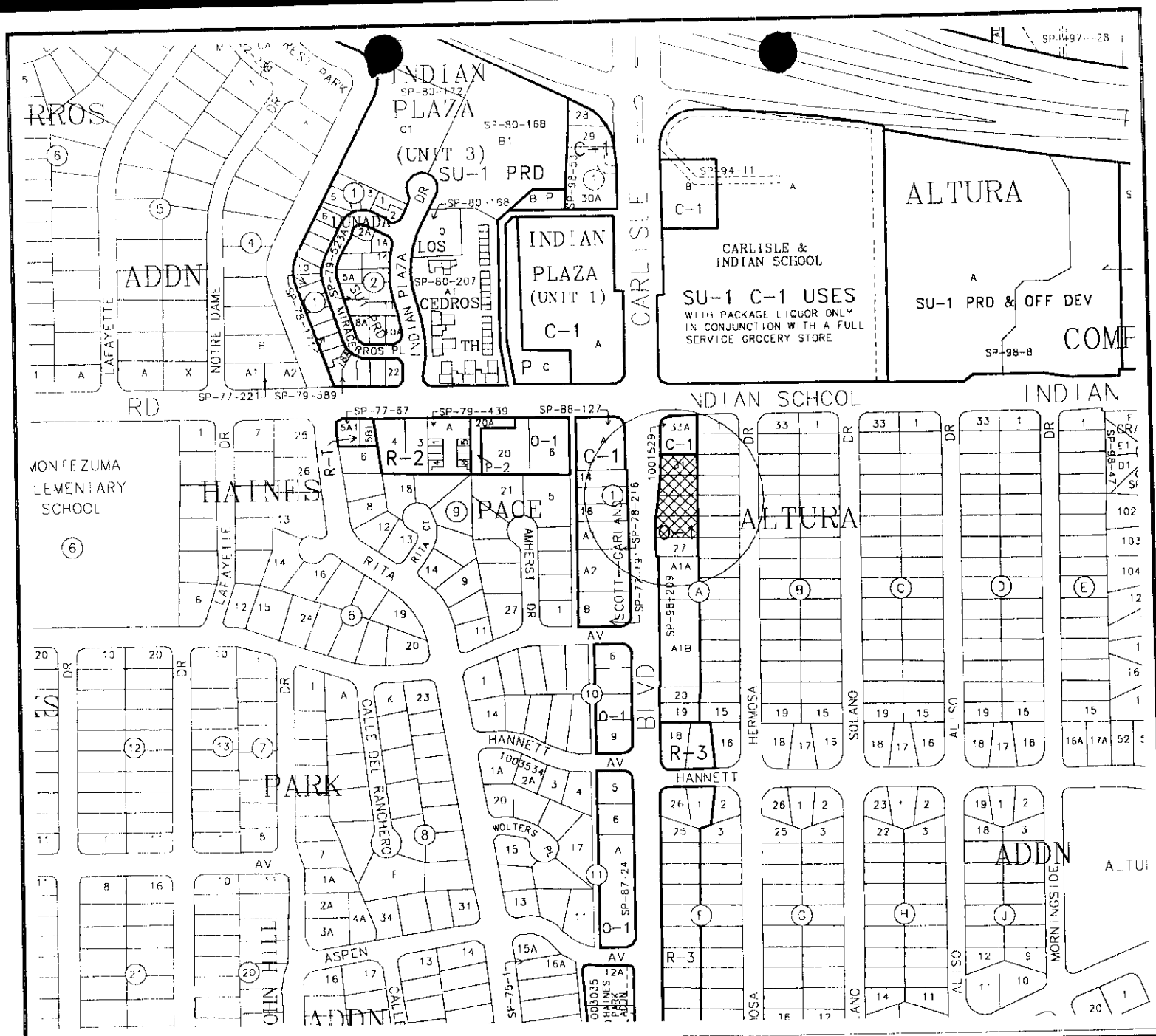
City is only looking at project as to how it benefits Developer not neighbors. City does not offer negotiating options.

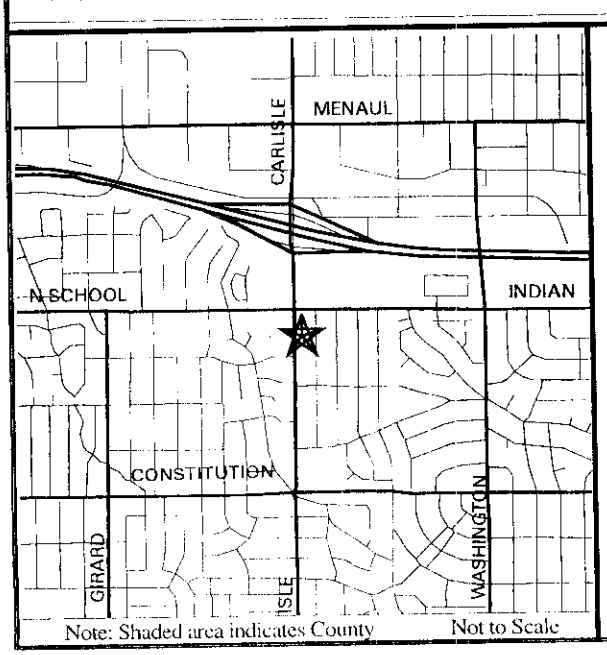
Neighborhoods need to balance the benefits of developing property rather than having it remain a vacant lot.

Should be up to the NAs to decide which Zoning best suites their needs. Neighborhoods are going through changes and would feel better with design guidelines. Could think about what NAs envision for their future.
Would be willing to continue to meet with NAs. Would be willing to state that in front of EPC.

ATTENDEES

Doug Peterson	2325 San Pedro NE #2A	87110	Peterson Properties
Dean Smith	2325 San Pedro NE #2A	87110	Peterson Properties
Denise Hammer	1735 Aliso NE	87110	Altura Addition NA
Lucerne Knight	1718 Hermosa NE	87110	Altura Addition NA
Wanda Pitts	1831 Hermosa NE	87110	Altura Addition NA
Chris Addis	8708 Hannett Ave NE	87110	Altura Addition NA
Patricia Heggem	4000 Hannett Ave NE	87110	Altura Addition NA
David Stallworth			City of Albuquerque
Ken Romig	8317 WilWay NE	87106	Summit Park NA
Barbara Barrity	1335 Bryn Mawr NE	87106	Summit Park NA
Colin Adams	1405 Solano NE	87110	Altura Addition NA
Jeanne Adams	1405 Solano NE	87110	Altura Addition NA
Andrea Schoellkoepf	1401 Aliso NE	87110	Altura Addition NA





ZONING MAP

AGIS

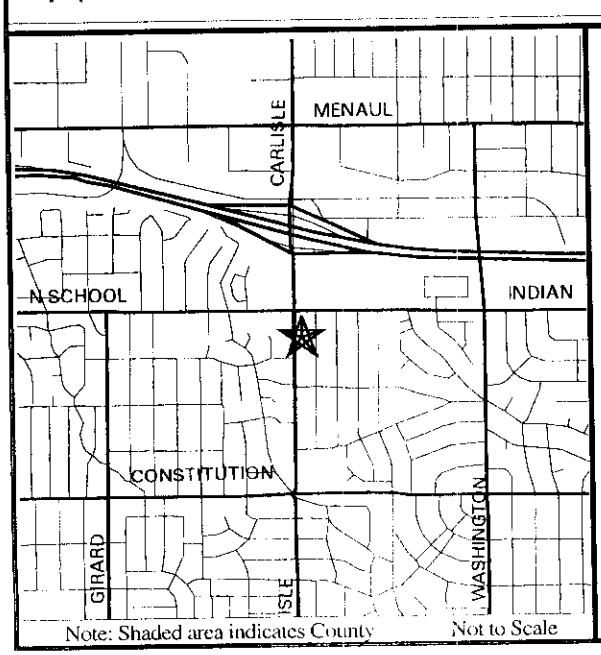
Scale 1" = 408 '

PROJECT NO.
1003801

HEARING DATE
1-20-05

MAP NO.
J-16

ADDITIONAL CASE NUMBER(S)
04EPC-01821



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 Crganization
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

AGIS

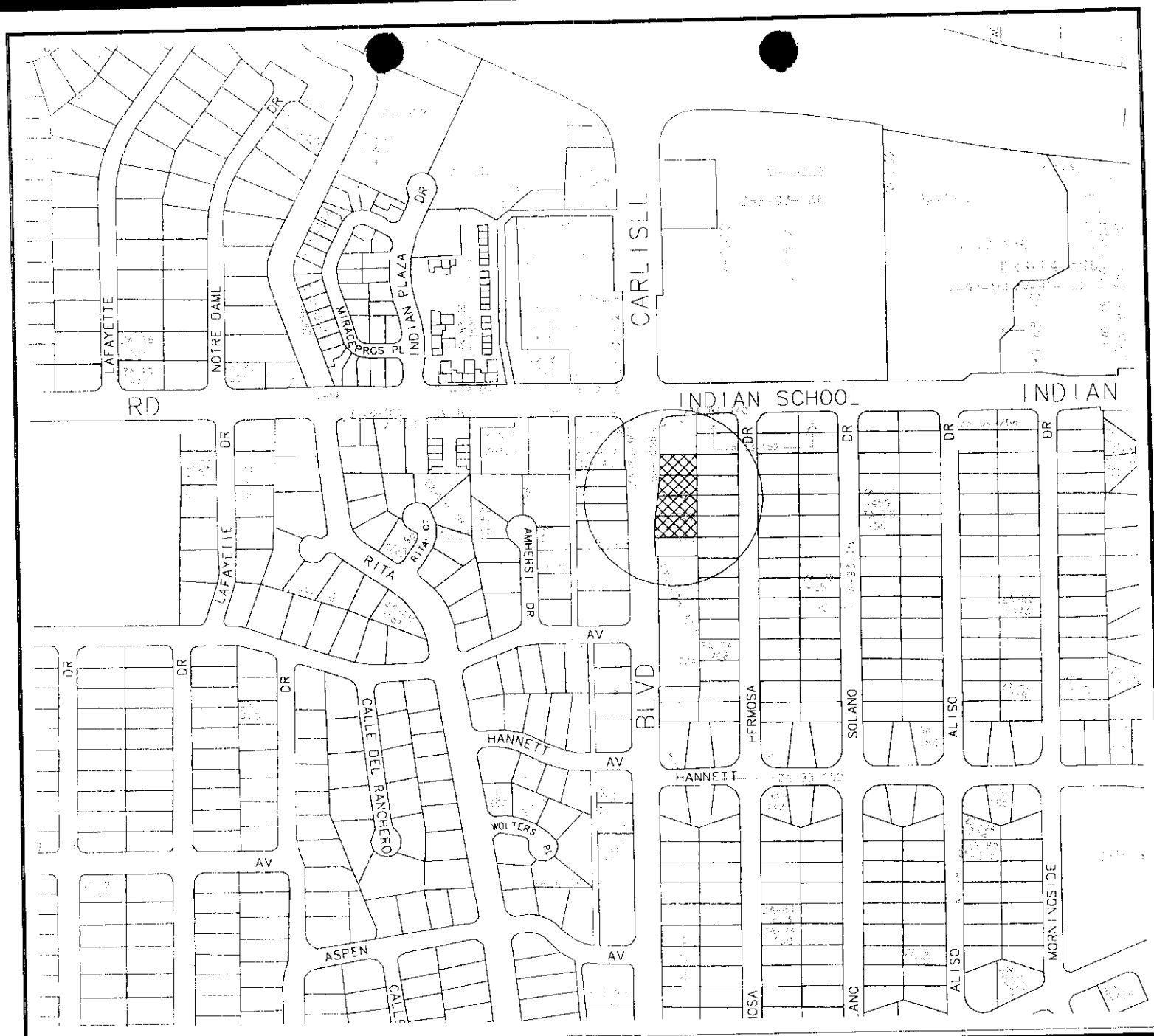
Scale 1"= 408 '

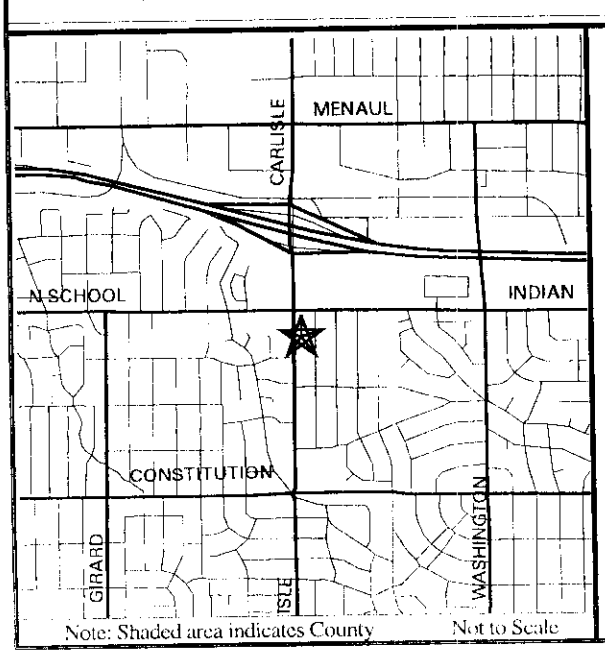
PROJECT NO.
1003801

HEARING DATE
1-20-05

MAP NO.
J-16

ADDITIONAL CASE NUMBER(S)
04EPC-01821





Note: Shaded area indicates County

Not to Scale

HISTORY MAP

AGIS

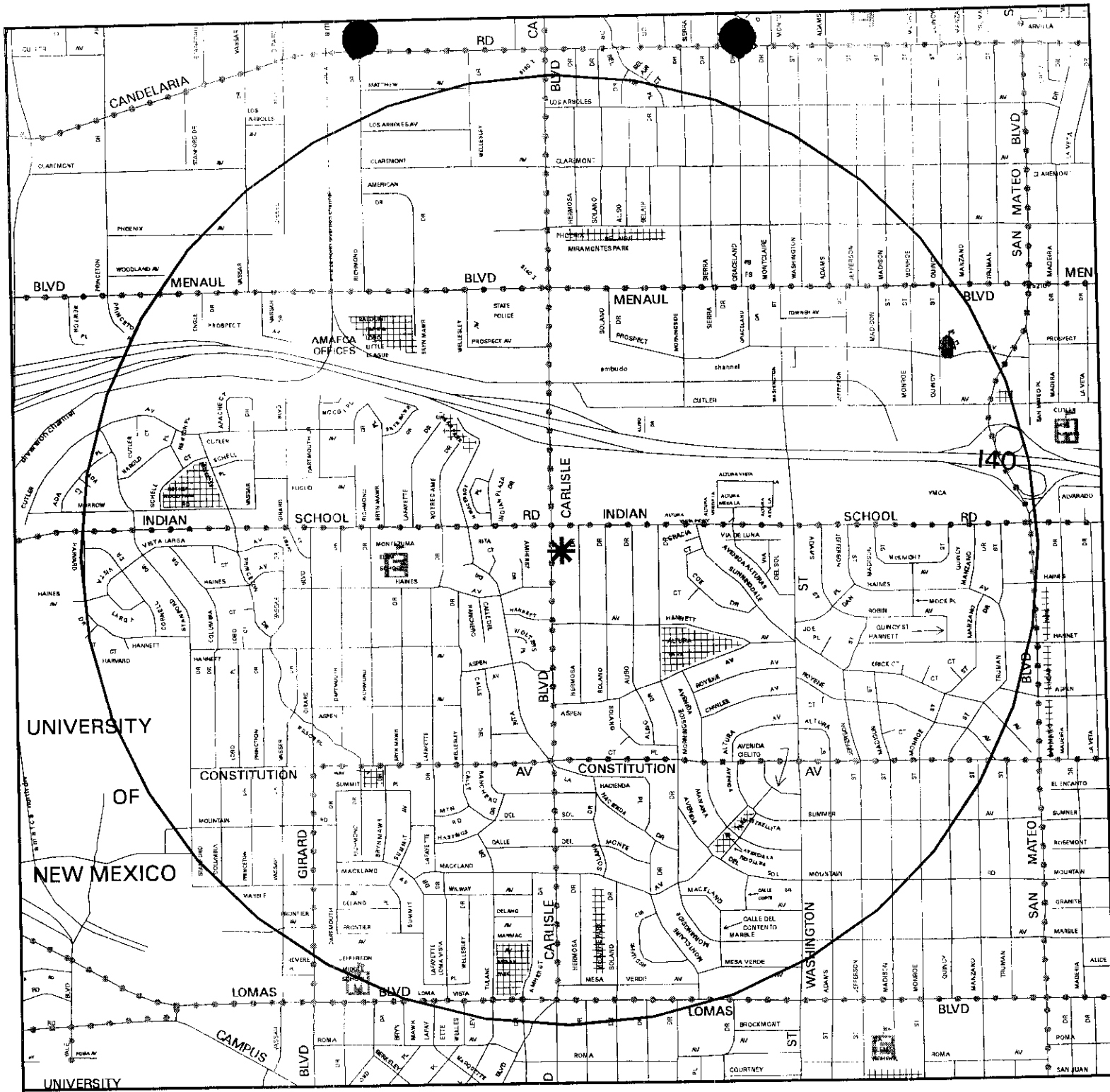
Scale 1" = 408'

PROJECT NO.
1003801

HEARING DATE
1-20-05

MAP NO.
J-16

ADDITIONAL CASE NUMBER(S)
04EPC-01821



- Senior Center
- Community Center
- Multi-Service Center
- Library
- Police
- Sheriff
- Fire Station
- Pool

APS Schools

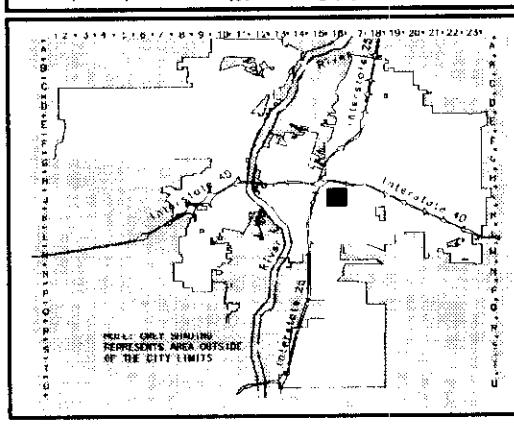
- Elementary
- Middle
- High
- Suntran Routes
- City Limits

1003801

- Developed City Park
- Undeveloped City Park
- County Park
- Landfill
- Buffer designated by EHD

0 1/2 Mile 1 Mile

Scale 1" = 1500'



GRAPHIC SCALE IN FEET

250 0 750 1000

Albuquerque Geographic Information System

PLANNING DEPARTMENT

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Zone Atlas Page

J-16-Z

Map Amended through November 03, 2004

PETERSON PROPERTIES
Real Estate Services, Inc.
"The Shopping Center Specialists"

HAND DELIVERED
December 1, 2004

Planning Department
City of Albuquerque
600 2nd St. NW
Albuquerque, NM 87103

Dear Sir or Madam:

This letter is to request your consideration of the enclosed application for a zone map amendment with respect to Lots 28, 29, 30 and 31, Block A, Altura Addition, Albuquerque. The following items are enclosed:

1. Application
2. Zone Atlas Page J-16-Z
3. Letter justifying this request
4. Response to inquiry from the Office of Neighborhood Coordination
5. Notifying letters and Return Receipts from Neighborhood Associations
6. Traffic Impact Study Form
7. Check to City of Albuquerque for $365.00

Thank you for your consideration and assistance. Please contact either of us at the number below if there are any questions or concerns.

Sincerely,

Douglas H. Peterson

Dean Smith

cc: James A. Peterson

2325 SAN PEDRO, N.E., SUITE 2-A • ALBUQUERQUE, NEW MEXICO 87110 • (505) 884-3578 • FAX (505) 884-6793

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) / ENVIRONMENTAL HEALTH INFORMATION FORM

TO BE COMPLETED BY APPLICANT

APPLICANT: Peterson Properties Real Estate Services, Inc. **Date of request:** 12 / 01 / 04 **Zone atlas page(s):** J-16-Z

CURRENT:

Zoning O-1

Parcel Size (acres / sq.ft.) .64 acres

Legal Description -

Lot or Tract # Lots 28-31 Block # A

Subdivision Name Altura Addition

REQUESTED CITY ACTION(S):

Annexation [ ] Sector Plan [ ] Site Development Plan: Building Permit [ ]

Comp. Plan Zone Change [x] a) Subdivision [ ] Access Permit [ ]

Amendment [ ] Conditional Use [ ] b) Build'g Purposes [ ] Other [ ]

c) Amendment [ ]

To C-1

PROPOSED DEVELOPMENT:

No construction / development [x]

New Construction [ ]

Expansion of existing development [ ]

GENERAL DESCRIPTION OF ACTION: [1] Zone Change to C-1

# of units - _____

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 _____ Date _____

(To be signed upon completion of processing by Traffic Engineer and Environmental Health)

TRANSPORTATION DEVELOPMENT

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES [ ] NO [X] BORDERLINE [ ]

Planning Dept., Dev. & Bldg. Services Div., Transportation Dev. Section - 2nd FL. 600 2nd St. NW Plaza del Sol Bldg. 924-3994

THRESHOLDS MET? YES [ ] NO [X] 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.**

Tony Loyd 12-1-04

TRAFFIC ENGINEER DATE

ENVIRONMENTAL HEALTH

Per letter dated August 7, 2003 from the Director of the Environmental Health Department to the Director of the Planning Department, "all 5 CO monitors within Bernalillo County are yielding 8-hour average CO levels at less than 50% of the Federal CO standard ..." and "based on our review of the available scientific data, we do not foresee a circumstance where preparation of a detailed air quality study for a land use development will be warranted - regardless of the project size, location or traffic generated".

Required **TIS** **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** ___ / ___ / ___ _____ _____

- **FINALIZED** ___ / ___ / ___ TRAFFIC ENGINEER DATE

Summary of Request

This is a request for a zone map amendment for a property located near the intersection of Carlisle Blvd. NE and Indian School Rd. NE (Lots 28, 29, 30 and 31, Block A, Altura Addition) (the "Property"). The Property is not located within the boundaries of any Area or Sector Development Plan. The request is to change the zoning from O-1 to C-1.

The Property is currently vacant and is approximately .64 acres. The owner of the Property, The James A. Peterson & Mary B. Peterson Revocable Trust (dated August 18, 1998), would like to develop the Property for retail use.

The zone map amendment request meets the requirements of Resolution 270-1980 and is supported by several City planning policies as detailed below. This letter is intended to demonstrate that the proposed zoning is more advantageous to the neighborhood and community and that changed conditions are present. The proposed zoning is more advantageous because it promotes infill development with a quality use. Changed conditions include several new City policies promoting infill development, a loss of small retail space in the area, a shift in demand from office to retail space, and the redevelopment of the I-40 / Carlisle Blvd. junction.

Site Characteristics

The Property is comprised of four vacant lots forming a rectangle. The Property is adjacent to, and east of, Carlisle Blvd., a Minor Arterial roadway. A corner lot separates the Property from Indian School Rd., also a Minor Arterial roadway. The corner lot to the north of the Property is zoned C-1, and is being used for a gas station. The property to the east is zoned R-1, and is being used for single family housing. There is a single vacant lot adjacent to, and south of, the Property which is zoned O-1. The property further south along Carlisle Blvd. is also zoned O-1, and is being used for offices, mailing services, and employment services. The property directly across Carlisle Blvd. to the west is zoned C-1 and is being used for a gas station, an animal clinic, and insurance offices. In addition, a Wild Oats Natural Marketplace is located on the northwest corner of the intersection of Carlisle Blvd. and Indian School Rd., and a K-Mart is located on the northeast corner of the same intersection. Interstate 40 is less than a block north on Carlisle Blvd.

Plans and Policies Supporting the Zone Map Amendment

Resolution 270-1980

A. The requested zone change is consistent with the health, safety, morals, and general welfare of the City. The zone change would support infill development consistent with City policies and goals. It would also allow increased sales tax revenue to the City.

B. The requested zone change would promote stability of the land. There are commercial uses immediately to the north of the Property, and to the west along Carlisle Blvd. The proposed zoning will continue to ensure a buffer between Carlisle Blvd. and the residential development to the east, and will not create a significant increase in the amount of development possible.

C. The proposed change is not in significant conflict with the adopted elements of the Comprehensive Plan or City planning policies. The requested zone change helps to implement several of the Comprehensive Plan policies for the Established Urban Area of the City and the Planned Growth Strategy.

D. The existing zoning is inappropriate as follows:

1. Changed Community Conditions: Albuquerque is actively promoting infill development through the adoption of several recent policies. These new policies represent a changed condition in the community and emphasize the commitment of the City to encourage and support infill development projects. The proposed zone change would facilitate the type of infill development that the City has expressed as desirable. Several new policies that support this changed condition are summarized below:

(i) *Planned Growth Strategy* – Ordinance O-02-39(2) adopted certain elements of the Planned Growth Strategy and Resolution R-02-111(A) was passed to accept the Planned Growth Strategy as the "comprehensive guide for managing City of Albuquerque urban growth". A major component of the Planned Growth Strategy is infill development.

Ordinance O-02-39(2) specifically encourages infill development where infrastructure and facilities already exist. Note the following passages from the ordinance:

> *Section 6(B)(2)(a): Grow efficiently by developing where infrastructure and facilities already exist.*
>
> *Section 6(B)(2)(g): Prioritize the needs of the older parts of Albuquerque in terms of vitality and development. Encourage infill and redevelopment.*

The adoption of O-02-39(2) and R-02-111(A) represent a changed condition in Albuquerque. The condition is that the community desires to promote redevelopment and infill in designated and established urban areas. The requested zone change is consistent with these objectives.

Other changed community conditions include:

(ii) *Loss of Small Retail Space* – Approximately 7,000 square feet of small retail space was eliminated in 1998 when Indian Plaza was redeveloped to include a Wild Oats Natural Marketplace, at the northwest corner of the intersection of Carlisle Blvd. and Indian School Rd.

Approximately 15,000 square feet of small retail space was eliminated in 1998 when the property at the northwest corner of Carlisle Blvd. and Lomas (less than one mile south) was redeveloped to include a Walgreen's Drug Store. Together,

these redevelopments resulted in a substantial decrease in the amount of space available in the area for small retail businesses.

(iii) *Demand Shifting from Office to Retail* – A recent report on Albuquerque market trends by Grubb & Ellis Property Solutions (available at http://www.grubb-ellis.com/offices/NewMexico/city_localprofile.asp) shows a shift in demand from office to retail space in recent years. Retail vacancies during the last two years decreased by nearly three percent (currently about 9%), while office vacancies during the same period increased nearly three percent (currently about 17%).

(iv) *Redevelopment of Interstate 40* – The recent redevelopment of the I-40 / I-25 interchange, and the subsequent expansion of the I-40 / Carlisle Blvd. junction, have strengthened the retail services character of the area surrounding the Property. Conversely, office and business uses are increasingly favored at the area around the newly renovated intersection of I-40 and Louisiana (about two miles east).

2. More Advantageous to the Community: The community as a whole, and neighborhoods in the vicinity, would benefit from the zone change and proposed development. The community would benefit from implementation of several of the City's plans and policies that support and promote infill development. The development would be considered infill because the Property is already served by utilities and roadways. The neighborhoods in the immediate vicinity would benefit from a quality development that would ensure that nuisances associated with vacant land do not occur, such as trash accumulation or rainwater ponding. The proposed zone change and development would also preserve and bolster the buffer between Carlisle Blvd. and the residential development to the east of the Property.

E. The permissive uses in the C-1 zone are not harmful to the adjacent property, the neighborhood, or the community. The Property is located in an area where both commercial and residential uses are well represented. Indeed, the area might properly be referred to as a "neighborhood commercial" area. Accordingly, C-1 zoning is appropriate.

F. The requested zone change would not require major and/or unprogrammed capital expenditures by the City. The infrastructure is already in place in the area. Rather, the proposed zone change would facilitate infill development, one of the City's goals.

G. The cost of land or other economic considerations are not the primary basis for this request. The request would promote a viable use for the Property, which is consistent with City objectives as outlined in its plans and policies.

H. Location on a major street is not the basis for this request. Development of the Property under the requested zoning would allow the creation of uses that would complement and serve the surrounding community.

I. The requested zone change does not constitute spot zoning. The property immediately adjacent to the north and the property to the west across Carlisle Blvd. have the same zoning, as does the northwest corner at the intersection of Carlisle Blvd. and Indian School Rd. The northeast corner of that same intersection is zoned SU-1 C-1 Uses, and includes a K-Mart.

J. The requested zone change does not constitute strip zoning. The property immediately adjacent to the north and the property to the west across Carlisle Blvd. have the same zoning, as does the northwest corners at the intersection of Carlisle Blvd. and Indian School Rd. The northeast corner of that same intersection is zoned SU-1 C-1 Uses, and includes a K-Mart.

Albuquerque/Bernalillo County Comprehensive Plan

The Albuquerque/Bernalillo County Comprehensive Plan designates the Property as Established Urban. This zone change request is consistent with the goal of the Established Urban area:

> *The Goal is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers a variety and maximum choice in housing, transportation, work areas, and lifestyle, while creating a visually pleasing built environment.*

The zone change request is also consistent with many of the policies of the Established Urban area:

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.*

Technique 1: Assist area property owners, neighborhood groups, and developers, (by negotiation and public education) in achieving, with coordination and harmony of development plans.

Any new significant development of the subject site will be site plan controlled, which will ensure that the development will respect the existing neighborhood. Area Neighborhood Associations will be able to review any future site plans for subdivision or building permit and the Environmental Planning Commission will need to approve any such plans at a public hearing.

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.*

Technique 1: Identify and remove unnecessary obstacles to appropriate infill development.

The requested zone change would allow vacant land contiguous to existing urban facilities and services to be developed. This is the type of infill development desired by this policy. The

current zoning represents an unnecessary obstacle to appropriate and desired infill development. The proposed zoning would allow this vacant property to be developed and any new significant development would be site plan controlled, ensuring the integrity of existing neighborhoods.

Policy I *Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.*

New retail development on the subject site will provide employment and service to the immediate neighborhood and community, with minimal adverse effects on nearby residential environments.

Policy L *Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.*

New development on the site will require site plan approval by the Environmental Planning Commission at a public hearing. Area Neighborhood Associations would also have the opportunity to review and comment on any proposed development. The owner of the Property is an experienced developer with a reputation for quality throughout the state of New Mexico.

Policy O *Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.*

Technique 1: Address all facets of neighborhood economic development including business development, job creation, historic preservation, and commercial revitalization within a neighborhood context with a strong emphasis on citizen participation.

The requested zone change would facilitate development of a site in an older and established neighborhood. The zone change would also contribute to neighborhood economic and business development and support local jobs.

The requested zone change also promotes policies included in the Economic Development element of the Comprehensive Plan.

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

Policy F *The City and the County should remove obstacles to sound growth management and economic development throughout the community.*

New retail development on the subject site would contribute to the development of the economy in this area by creating opportunities for business and employment.

Resolution 70

The purpose of R-70 is to establish a growth policy framework to govern key land use decisions of the City of Albuquerque. A theme of the resolution is to encourage sound development, including infill development. The requested zone change would allow infill development of a vacant lot in an area already served by City services and utilities.

Summary

- This request is for a zone map amendment for a .64 acre vacant property located near the intersection of Carlisle Blvd. NE and Indian School Rd. NE.
- The requested zone map amendment is from O-1 to C-1.
- The owner of the Property seeks to develop the site for a retail use, complementing the neighboring residential and commercial areas.
- The proposed zoning is supported by several City and County policies, including the Comprehensive Plan, the Planned Growth Strategy, and Resolution 70.
- The requested zone change meets the requirements of Resolution 270-1980, being more advantageous to the community and based on changed community conditions. The proposed zoning will facilitate a quality infill development of a now vacant lot.

We respectfully request your approval of this application. Thank you.

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.

ALBUQUERQUE
Making History

City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

November 17, 2004

Doug Peterson
Peterson Properties
2325 San Pedro NE, Ste.2A / 87110
Phone: 884-3578 Fax: 884-6793

Dear Doug:

Thank you for your inquiry of **November 17, 2004** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **LOTS 28 THRU 31, BLOCK A, ALTURA ADDITION, LOCATED ON CARLISLE BLVD. NE BETWEEN INDIAN SCHOOL RD. NE AND HANNET**
zone map **J-16**

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

SEE "ATTACHMENT A" FOR NEIGHBORHOOD INFORMATION.

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3914 or via an e-mail message at juliaking@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Julia King

Julia King
Senior Office Assistant
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

planningrnaform(10/27/04)

"Attachment A"

Doug Peterson, Peterson Properties
Zone Map: J-16

Altura Addition NA (R)
*** Denise Hammer**
1735 Aliso Dr. NE / 87110 268-1250 (h)
Lucerne Knight
1718 Hermosa NE / 87110 256-1018 (h)

Summit Park NA (R)
***Will Gleason**
732 Lafayette NE / 87106 266-0236 (h)
Desi Brown
1113 Richmond NE / 87106 256-0668

ALTHOUGH YOU ARE NOT "OFFICIALLY REQUIRED" BY O-92, you are most welcomed to notify the following *"Unrecognized"* neighborhood associations of this project.

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD ASSOCIATION.

NOTICE TO APPLICANTS

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected recognized neighborhood associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT.** Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
   a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
   b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describe the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.").
   c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
5. The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

****

(below this line for ONC use only)

Date of Inquiry: **11/17/04** Time Entered: **4 :25 PM** ONC Rep. Initials: **JK**

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Summit Park N.A.
Attn: Will Gleason
732 Lafayette NE
Albuquerque, NM 87106

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☒ Agent ☐ Addres

B. Received by (Printed Name)
S. Gleason

C. Date of Deliv
11-19-04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandi
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7001 2510 0009 4692 1678

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-15

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Summit Park N.A.
Attn: Desi Brown
1113 Richmond NE
Albuquerque, NM 87106

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Address

B. Received by (Printed Name)
Desi Brown

C. Date of Delive
11/28/04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label) 7001 2510 0009 4692 1661

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☒ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

or on the front if space permits.

1. Article Addressed to:
Arthur Addition N.A.
Attn: Louise Hammer
1735 Also Dr. NE
Albuquerque, NM 87110

2. Article Number
(Transfer from service label) 7001 2510 0009 4692 1647

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PETERSON PROPERTIES
Real Estate Services, Inc.
"The Shopping Center Specialists"

VIA CERTIFIED MAIL, R.R.R.
November 18, 2004

Altura Addition N.A.
Attn: Lucerne Knight
1718 Hermosa NE
Albuquerque, NM 87110

Re: PROPOSED ZONING CHANGE FROM 0-1 TO C-1 FOR VACANT PROPERTY LOCATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF CARLISLE / INDIAN SCHOOL, JUST SOUTH OF THE CORNER GAS STATION

Dear Lucerne:

This letter is to notify you of our interest in having the zoning for the above referenced property changed from O-1 (Office and Institution) to C-1 (Neighborhood Commercial). This change would allow us to develop the property for a retail use, such as a Starbucks, a Satellite Coffee, or shops. At the moment, the land is vacant. We believe that changes in the neighborhood, including the elimination of smaller retail space at the northwest corner of Carlisle and Indian School and the northwest corner of Carlisle and Lomas, indicate that the property would be more useful to the area if developed for retail rather than office use.

We recognize that our contemplated development will have an impact on the surrounding area, and our goal with this property is to create a new use which is both functional and visually appealing, thereby benefiting the community. Any input you might offer in connection with this matter is appreciated.

The property is located on the east side of Carlisle Blvd., between Indian School and Hannet. The legal description is as follows:

Lots 28-31, Block A, Altura Addition

I am happy to discuss this project further with you or with others in the neighborhood, and can be contacted at the number above or at Douglas@PetersonDevelopmentGroup.com.

Sincerely,

Douglas H. Peterson, Esq.

2325 SAN PEDRO, N.E., SUITE 2-A • ALBUQUERQUE, NEW MEXICO 87110 • (505) 884-3578 • FAX (505) 884-6793

PETERSON PROPERTIES
Real Estate Services, Inc.
"The Shopping Center Specialists"

VIA CERTIFIED MAIL, R.R.R.
November 18, 2004

Altura Addition N.A.
Attn: Denise Hammer
1735 Aliso Dr. NE
Albuquerque, NM 87110

Re: PROPOSED ZONING CHANGE FROM 0-1 TO C-1 FOR VACANT PROPERTY LOCATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF CARLISLE / INDIAN SCHOOL, JUST SOUTH OF THE CORNER GAS STATION

Dear Ms. Hammer:

This letter is to notify you of our interest in having the zoning for the above referenced property changed from O-1 (Office and Institution) to C-1 (Neighborhood Commercial). This change would allow us to develop the property for a retail use, such as a Starbucks, a Satellite Coffee, or shops. At the moment, the land is vacant. We believe that changes in the neighborhood, including the elimination of smaller retail space at the northwest corner of Carlisle and Indian School and the northwest corner of Carlisle and Lomas, indicate that the property would be more useful to the area if developed for retail rather than office use.

We recognize that our contemplated development will have an impact on the surrounding area, and our goal with this property is to create a new use which is both functional and visually appealing, thereby benefiting the community. Any input you might offer in connection with this matter is appreciated.

The property is located on the east side of Carlisle Blvd., between Indian School and Hannet. The legal description is as follows:

Lots 28-31, Block A, Altura Addition

I am happy to discuss this project further with you or with others in the neighborhood, and can be contacted at the number above or at Douglas@PetersonDevelopmentGroup.com.

Sincerely,

Douglas H. Peterson, Esq.

2325 SAN PEDRO, N.E., SUITE 2-A • ALBUQUERQUE, NEW MEXICO 87110 • (505) 884-3578 • FAX (505) 884-6793

PETERSON PROPERTIES
Real Estate Services, Inc.
"The Shopping Center Specialists"

VIA CERTIFIED MAIL, R.R.R.
November 18, 2004

Summit Park N.A.
Attn: Desi Brown
1113 Richmond NE
Albuquerque, NM 87106

Re: PROPOSED ZONING CHANGE FROM 0-1 TO C-1 FOR VACANT PROPERTY LOCATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF CARLISLE / INDIAN SCHOOL, JUST SOUTH OF THE CORNER GAS STATION

Dear Ms. Brown:

This letter is to notify you of our interest in having the zoning for the above referenced property changed from O-1 (Office and Institution) to C-1 (Neighborhood Commercial). This change would allow us to develop the property for a retail use, such as a Starbucks, a Satellite Coffee, or shops. At the moment, the land is vacant. We believe that changes in the neighborhood, including the elimination of smaller retail space at the northwest corner of Carlisle and Indian School and the northwest corner of Carlisle and Lomas, indicate that the property would be more useful to the area if developed for retail rather than office use.

We recognize that our contemplated development will have an impact on the surrounding area, and our goal with this property is to create a new use which is both functional and visually appealing, thereby benefiting the community. Any input you might offer in connection with this matter is appreciated.

The property is located on the east side of Carlisle Blvd., between Indian School and Hannet. The legal description is as follows:

Lots 28-31, Block A, Altura Addition

I am happy to discuss this project further with you or with others in the neighborhood, and can be contacted at the number above or at Douglas@PetersonDevelopmentGroup.com.

Sincerely,

Douglas H. Peterson, Esq.

2325 SAN PEDRO, N.E., SUITE 2-A • ALBUQUERQUE, NEW MEXICO 87110 • (505) 884-3578 • FAX (505) 884-6793

PETERSON PROPERTIES
Real Estate Services, Inc.
"The Shopping Center Specialists"

VIA CERTIFIED MAIL, R.R.R.
November 18, 2004

Summit Park N.A.
Attn: Will Gleason
732 Lafayette NE
Albuquerque, NM 87106

Re: PROPOSED ZONING CHANGE FROM 0-1 TO C-1 FOR VACANT PROPERTY LOCATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF CARLISLE / INDIAN SCHOOL, JUST SOUTH OF THE CORNER GAS STATION

Dear Mr. Gleason:

This letter is to notify you of our interest in having the zoning for the above referenced property changed from O-1 (Office and Institution) to C-1 (Neighborhood Commercial). This change would allow us to develop the property for a retail use, such as a Starbucks, a Satellite Coffee, or shops. At the moment, the land is vacant. We believe that changes in the neighborhood, including the elimination of smaller retail space at the northwest corner of Carlisle and Indian School and the northwest corner of Carlisle and Lomas, indicate that the property would be more useful to the area if developed for retail rather than office use.

We recognize that our contemplated development will have an impact on the surrounding area, and our goal with this property is to create a new use which is both functional and visually appealing, thereby benefiting the community. Any input you might offer in connection with this matter is appreciated.

The property is located on the east side of Carlisle Blvd., between Indian School and Hannet. The legal description is as follows:

Lots 28-31, Block A, Altura Addition

I am happy to discuss this project further with you or with others in the neighborhood, and can be contacted at the number above or at Douglas@PetersonDevelopmentGroup.com.

Sincerely,

Douglas H. Peterson, Esq.

2325 SAN PEDRO, N.E., SUITE 2-A • ALBUQUERQUE, NEW MEXICO 87110 • (505) 884-3578 • FAX (505) 884-6793

ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services

PAID RECEIPT

APPLICANT NAME Peterson Properties

AGENT Same

ADDRESS 2325 San Pedro NW Ste 2-A

PROJECT & APP # 1003801/04EPC 01821

PROJECT NAME

$ 50.00 441032/3424000 Conflict Management Fee

$ _____ 441006/4983000 DRB Actions

$ 240.00 441006/4971000 EPC/AA/LUCC Actions & All Appeals

$ 75.00 441018/4971000 Public Notification

$ _____ 441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY***
( )Major/Minor Subdivision ( )Site Development Plan ( )Bldg Permit
( ) Letter of Map Revision ( )Conditional Letter of Map Revision
( ) Traffic Impact Study

$ 365.00 TOTAL AMOUNT DUE

****NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.*

PETERSON PROPERTIES REAL ESTATE SERVICES
2325 SAN PEDRO N.E. SUITE 2A
ALBUQUERQUE, NEW MEXICO 87110
(505) 884-3578

COMPASS BANK
ALBUQUERQUE, NM 87125-6144
95-78/1070

8687

365DOLLARS AND NO CENTS

DATE 11/29/04 008687

AMOUNT $365.00*

PAY TO THE ORDER OF:

CITY OF ALBUQUERQUE

PO BOX 17 AR DIVISION
ALBUQUERQUE, NM 87103-0017

PETERSON PROPERTIES REAL ESTATE SERVICES
Mae Peterson
AUTHORIZED SIGNATURE

⑈008687⑈ ⑆107000783⑆ 12531313⑈

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of $3.50 each.

1. LOCATION

   A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
   B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
   C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

   A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
   B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

   A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
   B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from 1-5-05 To 1-20-05

5. REMOVAL

   A. The sign is not to be removed before the initial hearing on the request.
   B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

[signature] 12/1/04
(Applicant or Agent) (Date)

I issued 1 signs for this application, 12-1-04, [signature]
(Date) (Staff Member)

DRB PROJECT NUMBER: 1003801

Rev. 5/9/03

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will conduct an informational **Study Session on the Mesa del Sol project on Wednesday, January 12, 2005, 1:00 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM. The public is welcome to attend.

There will be no Study Session for Environmental Planning Commission review of current land use applications scheduled for the January 20th EPC public hearing. Staff reports on applications scheduled for the January 20th hearing will be available to the public beginning at 1:00 PM on Thursday, January 13th in the Planning Department offices on the 3rd floor of the Plaza del Sol building.

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, January 20, 2005, 8:30 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]

Project # 1003708
04EPC-01544 Zone Map Amendment
04EPC-01839 EPC Site Development Plan-Subdivision

FAYE MCAFEE agent(s) for DAVID & FAYE MCAFEE request the above action(s) for all or a portion of Lot(s) 6, Block(s) 10, **MONTGOMERY HEIGHTS**, a zone map amendment from R-1 to SU-1 for C-1 w/Exceptions , located on MONTGOMERY BLVD NE, between CARLISLE BLVD NE and I-25, (G-16) Stephanie Shumsky, Staff Planner

Project # 1003784
04EPC-01776 Zone Map Amendment/Sector Development Plan Amendment

JESUS ESPINOSA request the above action for all or a portion of a 50 FT VACATED PORTION OF ALAMEDA LATERAL within Block 4A, **Franciscan Acres**, a zone map amendment from LATERAL to SU2 R-1, located on PROSPECT AVE. NE, between EDITH BLVD. NE and BROADWAY BLVD. NE, containing approximately 1 acre. (H-14) David Stallworth, Staff Planner

Project # 1003798
04EPC-01813 Zone Map Amendment

CITY OF ALBUQUERQUE/PLANNING DEPARTMENT agents for CITY OF ALBUQUERQUE request the above actions for all or a portion of Lots 7-12, **Emil Mann Addition**, a zone map amendment from SU-1 for Fraternity Lodge & Club to R-T, located on DALLAS SE, between SOUTHERN SE and PENNSYLVANIA SE, containing approximately 2 acres. (L-19) Anna DiMambro, Staff Planner

Project # 1003801
04EPC-01821 Zone Map Amendment

PETERSON PROPERTIES REAL ESTATE SERVICES request the above action for all or a portion of Lots 28-31, **Altura Addition**, a zone map amendment from O-1 to C-1, located on CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE, containing approximately 1 acre. (J-16) David Stallworth, Staff Planner

Project # 1000163
04EPC-01828 EPC Site Development Plan-Building Permit

SANDERS & ASSOCIATES ARCH. agent(s) for DR & MRS. ERNESTO GARZA request the above action(s) for all or a portion of Tract(s) E, **La Cueva Village**, zoned C-2/SC, located on CARMEL AVE. NE, between WYOMING NE and BARSTOW NE, containing approximately 1 acre. (C-19) Elvira Lopez, Staff Planner

Project # 1003803
04EPC-01826 EPC Sector Development Plan
04EPC-01827 Zone Map Amendment

CITY OF ALBUQUERQUE/PLANNING agent(s) for CITY OF ALBUQUERQUE request the above action(s) for all or a portion of Lot(s) 3 & 4, **Major Acres Subdivision**, from SU-2/ RT to R-1, located on MAJOR NW, between 10th St. NW and 12TH ST. NW, containing approximately 1 acre(s). (G-14) Elvira Lopez, Staff Planner, Staff Planner

Project # 1003804
04EPC-01831 Amendment to EPC Site Development Plan-Building Permit

GREGORY T. HICKS & ASSOC. PC agent for LOVELACE SANDIA HEALTH SYSTEM request the above action for , **Parcel M-1, University Heights Hospital**, zoned SU-1 Hospital & Professional Office, located on MONTGOMERY BLVD. NE, between JEFFERSON NE and SAN MATEO NE, containing approximately 12 acres. (F-17) Carmen Marrone, Staff Planner

Project # 1003688
04EPC-01833 EPC Site Development Plan-Building Permit

BOHANNAN HUSTON INC agents for THE TRAILS LLC request the above actions for all or a portion of Tract H, **The Trails Subdivision**, zoned RD, located WEST OF RAINBOW BLVD. NW, between WOODMONT AVE. and PASEO DEL NORTE NW, containing approximately 1 acre. (C-9) Elvira Lopez, Staff Planner

Project # 1003649
04EPC-01834 EPC Site Development Plan-Building Permit
04EPC 01340 EPC Zone Map Amendment

GARCIA/KRAEMER & ASSOCIATES agents for KENRIC & KRISTY GARCIA request the above actions for all or a portion of Tract A, **Divsision of Land of Richard Casaus**, zoned R-1 to SU-1 for O-1, located on MONTANO ROAD, between 2ND ST. NW and 4TH ST. NW, containing approximately 1 acre. (F-15) Stephanie Shumsky, Staff Planner

Project # 1002529
04EPC-01840 EPC Site Development Plan-Subdivision
04EPC-01841 EPC Site Development Plan-Building Permit
04EPC-01843 Zone Map Amendment

CONSENSUS PLANNING, INC. agents for CAS, LLC request the above actions for all or a portion of Tracts 6-B Lot 1 to SU-1 for O-1 Permissive Uses; Lot 2 to SU-1 for C-1 Permissive Uses and Auto Sales and Storae; Lots 3-5 to SU-1 for C-1 Permissive Uses, **Partition of Black Ranch**, zoned RD, located on COORS BLVD. NW, between WESTSIDE DR. NW and CALABACILLAS ARROYO, containing approximately 6 acres. (B-13) Makita Hill, Staff Planner

Project # 1003805
04EPC-01842 Zone Map Amendment

CONSENSUS PLANNING, INC. agents for AUTO ZONE, INC. request the above action for all or a portion of Lots 2F-1, **Chelwood Park Subdivision**, a zone map amendment from C-1 (SC) to C-1, located on LOMAS BLVD. NE, between NAKOMIS DR. NE and GEORGENE DR. NE, containing approximately 2 acres. (K-22) Stephanie Shumsky, Staff Planner

Project # 1003859
04EPC-01845 EPC Site Development Plan-Subdivision

CONSENSUS PLANNING, INC. agent(s) for SILVERLEAF VENURES, LLC request the above action(s) for all or a portion of Tract(s) A & 6B, **Lands of RAy Graham III, Ovenwest Corp.**, zoned SU-1, O-1, C-2 and PRD, located on COORS BLVD. NW, between MONTANO ROAD NW and LEARNING ROAD NW, containing approximately 70 acre(s). (E-12) Juanita Garcia, Staff Planner

Project # 1003475
04EPC-01846 EPC Site Development Plan-Subdivision

WILSON & COMPANY, INC. agents for FELIX RABADI request the above action for a portion of unplatted Tract 7, Horizon Lan Colrporation in the N. ½ of the SE ¼ of Section 10, Township 11N, Range 2E and a nearly portion of Tract 2, Lands of Paragon Resources, Inc., Town of Alameda Grant Company, zoned SU-1 PRD, located on the south side of PARADISE BLVD. NW, between CONEFLOWER DR. NW and LYON BLVD. NW, (B-10) David Stallworth, Staff Planner

Details of these applications may be examined at the Development Services Division of the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street, NW between 10:00 a.m. and 12:00 and between 2:00 and 4:00 p.m., Monday through Friday, or you may call April Candelaria at 924-3886. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should contact April Candelaria 924-3886.

Jeff Jesionowski, Chairman
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL DECEMBER 29, 2004.

APPROVED

Russell Brito, Senior Planner
Planning Department

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, March 17, 2005, 8:30 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]

Project # 1003445
05EPC-00022 EPC Site Development Plan-Subdivision

DEVIN CANNADY agent for INTERSTATE DEVELOPMENT CO. LLC request the above action for Lots 2 and 3 of Block B, Lots 10A1 and 10A2 of Block D, Lot C1, Lot B1, Lot F, Lot E2, Lot 6A1, Lot D1, Albuquerque West and Lot 1, Tabernacle Praise Church, zoned SU-1 PDA to include C-3 Uses, located on PARADISE BLVD. NW, between PARADISE BLVD. NW and PASEO DEL NORTE NW, containing approximately 38 acres. (C-12) Elvira Lopez, Staff Planner

Project # 1001946
05EPC-00176 EPC Site Development Plan-Subdivision

DENISH + KLINE ASSOCIATES, INC. agents for LOWE'S INC. request the above action for Lot A (Los Angeles Center); Remainder 26, 27, 28 & 6, Block 2; Lot 5, 6, 7, 27 & 28, Block 3, NAA Tr. A, Unit A, zoned M-1, located on PASEO DEL NORTE NE, between INTERSTATE 25 and SAN PEDRO DR., containing approximately 37.7 acres. (D-18) Makita Hill, Staff Planner

Project # 1003801
04EPC-01821 Zone Map Amendment

PETERSON PROPERTIES REAL ESTATE SERVICES agents for PETERSON PROPERTIES REAL ESTATE SERVICES request the above action for all or a portion of Lots 28-31, Block A, **Altura Addition**, a zone map amendment from O-1 to SU-1 for C-1, located on the east side of CARLISLE BLVD. NE, between INDIAN SCHOOL ROAD NE and HANNETT AVE. NE, containing approximately 1 acre. (J-16) David Stallworth, Staff Planner

Project # 1001620
05EPC-00327 Text Amendment to the Comprehensive City Zone Code

CITY OF ALBUQUERQUE PLANNING DEPARTMENT, agents for the CITY OF ALBUQUERQUE CITY COUNCIL request amending the Zoning Code Section 14-16-3-3(B)(2) to revise the barrier requirement for a residential swimming pool. CITY WIDE

Details of these applications may be examined at the Development Services Division of the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street, NW between 10:00 a.m. and 12:00 and between 2:00 and 4:00 p.m., Monday through Friday, or you may call April Candelaria at 924-3886. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should contact April Candelaria 924-3886.

Jens Deichmann, Chairman
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MARCH 2, 2005.

APPROVED

Russell Brito, Senior Planner
Planning Department

CITY OF ALBUQUERQUE

THREE HUNDRED YEARS
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ALBUQUERQUE
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RETURN TO SENDER

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P.O. Box 1293

Albuquerque, NM 87103

HOSSAIN AYESHA
2823 BEL AIR DR NE
ALBUQUERQUE NM 87110

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CITY OF ALBUQUERQUE

THREE HUNDRED YEARS
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P.O. Box 1293

Albuquerque, NM 87103

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CITY OF ALBUQUERQUE

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P.O. Box 1293

Albuquerque, NM 87103

SWEENEY DONALD G
1735 HERMOSA AV NE
ALBUQUERQUE NM 87110

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Albuquerque, NM 87103

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P.O. Box 1293

Albuquerque, NM 87103

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2823 BEL AIR DR NE
ALBUQUERQUE NM 87110

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Albuquerque, NM 87103

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ALBUQUERQUE NM 87125

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