



**Environmental
Planning
Commission**

**Agenda Number: 07
Project Number: 1011247
Case Number: 17EPC- 40014
Hearing Date: August 10, 2017**

Staff Report

Agent	Garcia / Kraemer & Associates
Applicant	Community Dental Services, Inc.
Request	Sector Development Plan Map Amendment (Zone Change)
Legal Description	All or a portion of Lots 307B, 308A, 308B, and 310
Location	2116 Hinkle Street SE
Size	1.4 Acres
Existing Zoning	SU-2 MR
Proposed Zoning	SU-2 LCR

Staff Recommendation

DENIAL of Project # 1011247, Case # 17EPC-40014 based on the Findings and subject to the Conditions of Approval included within this report

**Staff Planner
Cheryl Somerfeldt**

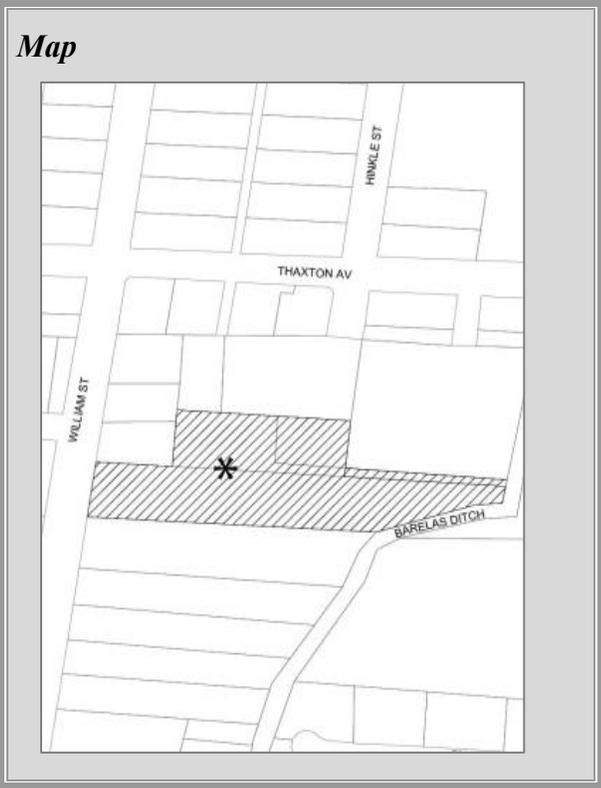
Summary of Analysis

This request is for a Sector Development Plan Map Amendment to the South Broadway Neighborhoods Sector Development Plan for properties addressed 2116 Hinkle Street SE, and located near the intersection of Broadway Boulevard SE and Gibson Boulevard SE

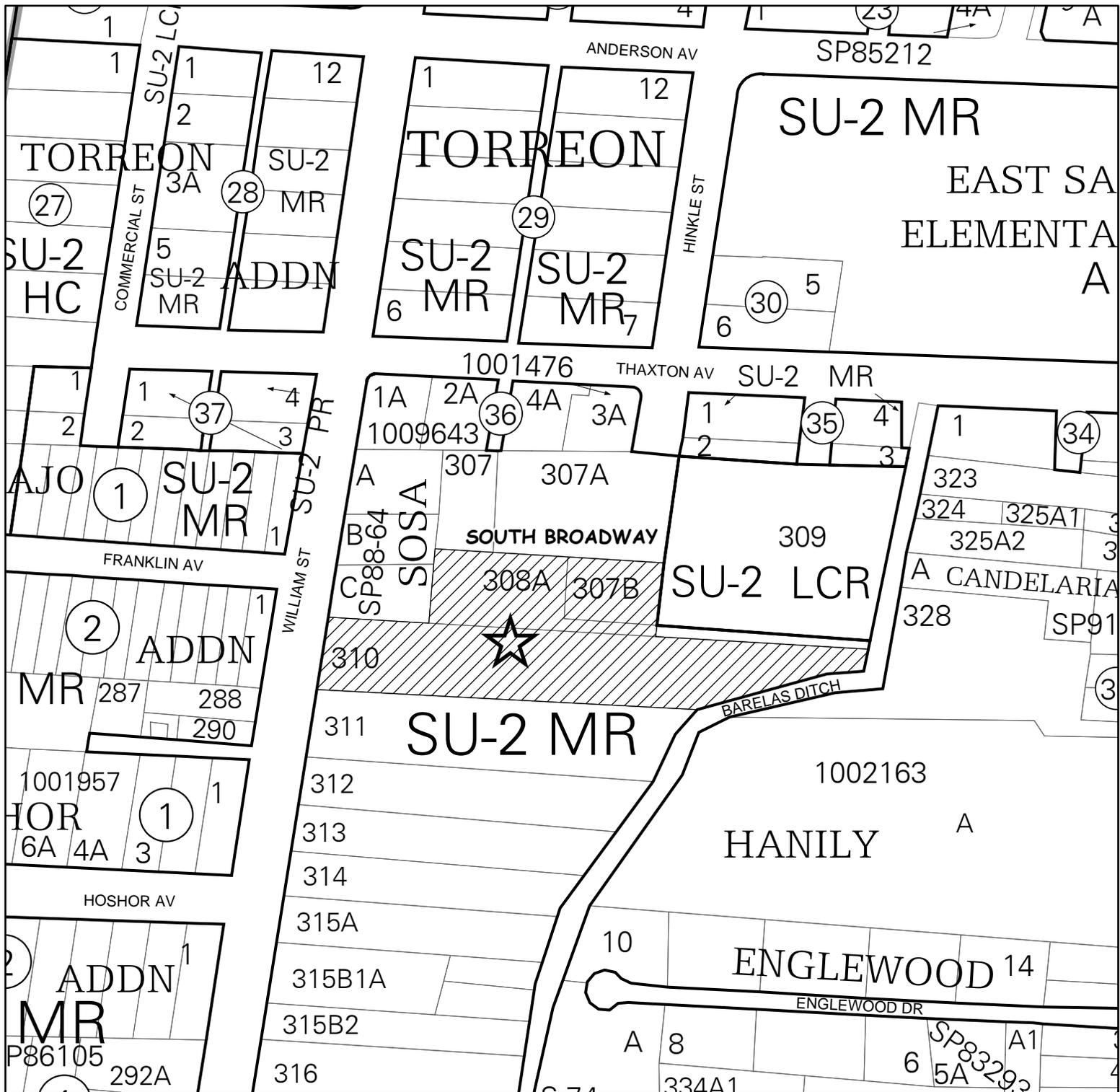
The request is for a zone change from SU-2 MR Mixed Residential to SU-2 LCR Limited Commercial Residential. The subject properties are located within an Area of Consistency within the Comprehensive Plan. The request is not consistent with applicable City plans, goals, and policies.

The San Jose Neighborhood Association was notified of this request. A facilitated meeting was not requested; however, staff received verbal concern from three neighboring property owners.

The applicant requested a 30 day deferral from the July 13, 2017 EPC public hearing to allow more time to discuss the project with the surrounding neighbors, and to further justify the request, however, these actions were not taken. Staff recommends denial based on the findings outlined in this staff report.







ZONING MAP

Note: Grey shading indicates County.



1 inch = 150 feet

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LAND USE MAP

Note: Grey shading indicates County.

KEY to Land Use Abbreviations

- AGRI Agriculture
- COMM Commercial - Retail
- CMSV Commercial - Service
- DRNG Drainage
- MFG Manufacturing
- MULT Multi-Family or Group Home
- PARK Park, Recreation, or Open Space
- PRKG Parking
- PUBF Public Facility
- SF Single Family
- TRAN Transportation Facility
- VAC Vacant Land or Abandoned Buildings
- WH Warehousing & Storage



1 inch = 150 feet

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HISTORY MAP

Note: Grey shading indicates County.



1 inch = 150 feet

Project Number:

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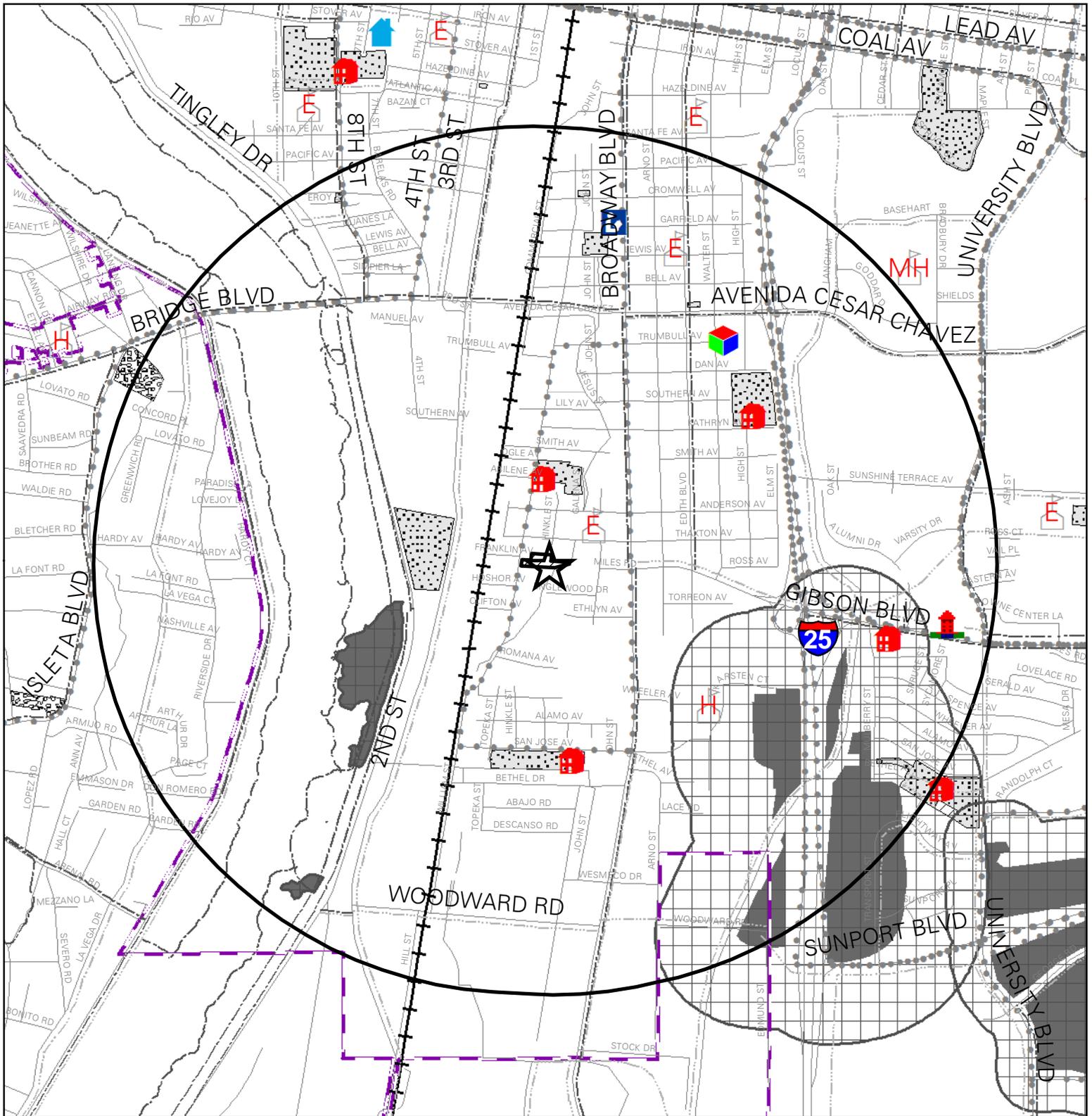
Hearing Date:

07/13/2017

Zone Map Page: L-14

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Public Facilities Map with One-Mile Buffer

- | | | | |
|----------------------|-------------------------|--------------------------|-----------------------------|
| COMMUNITY CENTER | FIRE | Public Schools | Landfill Buffer (1000 feet) |
| MULTI-SERVICE CENTER | POLICE | Proposed Bike Facilities | Landfills designated by EHD |
| SENIOR CENTER | SHERIFF | ABQ Bike Facilities | Developed County Park |
| LIBRARY | SOLID WASTE | ABQ Ride Routes | Undeveloped County Park |
| MUSEUM | Albuquerque City Limits | | Developed City Park |
| | | | Undeveloped City Park |



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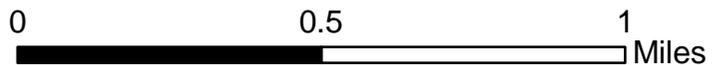


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I. INTRODUCTION

Surrounding Zoning, Plan Designations, and Land Uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	SU-2 MR (Mixed Residential)	Area of Consistency; South Broadway SD & MR Plan	Vacant / Other
<i>North</i>	SU-2 LCR (Limited Commercial Residential)	Area of Change; South Broadway SD & MR Plan	Public / Institutional
<i>South</i>	SU-2 MR (Mixed Residential)	Area of Consistency; South Broadway SD & MR Plan	Single Family
<i>East</i>	SU-2 MR (Mixed Residential)	Area of Consistency; South Broadway SD & MR Plan	Single Family
<i>West</i>	SU-2 MR (Mixed Residential)	Area of Consistency; South Broadway SD & MR Plan	Single Family

Proposal

This request is for a Sector Development Plan Map Amendment (Zone Change) to the South Broadway Neighborhoods Sector Development Plan for Lots 307B, 308A, 308B, and 310, an approximately 1.4 acre area (subject lots). The request is for a zone change from SU-2 MR Mixed Residential to SU-2 LCR Limited Commercial Residential. The subject lots are currently accessed off of Hinkle Street SE are interior to the block that is bordered by Thaxton Avenue SE to the north, John Street to the east, and William Street SE to the west near the major intersection of Gibson Boulevard SE and Broadway Boulevard SE.

The subject lots have been zoned SU-2 MR Mixed Residential since the adoption of the South Broadway Neighborhoods Sector Development Plan in 1986. The adjacent property to the northeast of the subject lots is owned and operated by the same owner, Community Dental Services (the applicant). The applicant wishes to expand parking on the subject lots and access onto William Street SE instead of Hinkle Street SE which is currently through a residential access easement with the adjacent property owner and with whom there is a current dispute over the easement.

The subject properties are within an Area of Consistency of the Comprehensive Plan, however, the applicant has cited policies for Area of Change which would not pertain to this project. The project is also within the boundaries of the South Broadway Neighborhoods Sector Development Plan and Metropolitan Redevelopment Plan. The request has not met the requirements of R-270-1980. It is the responsibility of the

agent/applicant to justify the zone change and the applicant did not strengthen the justification of the request when required.

The justification was not completed and the applicant has not contacted the adjacent neighbor, therefore staff recommends denial. The San Jose Neighborhood Association was notified of this request. A facilitated meeting was not requested by this neighborhood association. Staff has received comments from several adjacent property owners especially from the adjacent property owner with the access easement regarding concern over the applicant's activities.

EPC Role

The Environmental Planning Commission (EPC) is hearing this case because the EPC has the authority to hear all sector development plan map amendment cases and make decisions on those cases that are for sites less than one block or 10 acres in size. The EPC is the final decision making body for this application, unless the decision is appealed, pursuant to Zoning Code Sections 14-16-4-1 Amendment Procedure and 14-16-4-3 Sector Development Plan Procedures. If appealed, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council, which would make the final administrative decision pursuant to Zoning Code Section 14-16-4-4(A)(2) Appeal. This is a quasi-judicial matter.

History/Background

The applicant has indicated that the Community Dental Clinic was originally created in 1973 and past City Directories have confirmed this. The current zoning for the subject properties originated with the creation of the South Broadway Neighborhoods Sector Development Plan in 1986. At that time, the subject properties were zoned SU-2 MR Mixed Residential, consistent with surrounding residential properties. The property on which the dental clinic buildings are located was zoned SU-2 LCR, Limited Commercial Residential, which permits office uses and therefore the dental clinic remained a conforming use on its single lot. City records show two Conditional Use Permits acquired in 1986 which included the construction of additional buildings on the existing lot zoned SU-2 LCR. However the dental clinic did not include parking on that lot and instead acquired other surrounding residentially zoned lots, which are the subject of this request for parking. Aerial photos show that the subject properties have been vacant since prior to 1996 and that the parking lots were paved without a permit between 2010 and 2012.

If this zone change is approved, apartments would be a permissive use on the subject lots. In 2016, the Greater Albuquerque Housing Partnership acquired a Conditional Use Permit to construct low income apartments on the property adjacent to the south of the subject lots. The neighbors appealed the decision due to "significant concern and objection within the community and its elected representatives" over potential crime and traffic, and although the appeal was not granted, ultimately the applicant withdrew the

request so the apartments will not be constructed.

On May 17, 2016, the applicant attended a Pre-application Review Team (PRT) meeting due to receiving a code enforcement citation regarding the existing parking lots being in violation of zoning code because the lots are zoned for residential rather than commercial uses. The citation was initiated over the lack of buffering with the adjacent neighbor. It was noted that a zone change for the subject lots would be required to continue to operate the parking lots. The applicant submitted the zone change application for the EPC hearing of July 13, 2017. The request was deferred for 30 days so that the applicant would have more time to complete the justification and to meet with the neighboring property owner regarding the request. The applicant failed to pursue either of these actions and has been unresponsive to staff's requests.

Context

The subject lots are within an Area of Consistency of the Comprehensive Plan, as well as within the boundaries of the South Broadway Neighborhoods Sector Development Plan. The subject lots are currently vacant, however lots 307B and 310 have existing parking lots which serve as parking for the dental clinic office and are therefore not legal since the subject properties are currently zoned for residential uses.

The current access to the subject lots is through a private access easement with the adjacent residential property owner at the end of Hinkle Street SE. The neighborhood is characterized primarily by residentially zoned lots with a non-gridded pattern characteristic of older neighborhoods near the river with long narrow lots directed toward the river for historic water access.

The east side of the property is bordered by an existing drainage ditch and across the ditch are single family properties and a large vacant property owned by the City of Albuquerque. This property acquired a Conditional Use Permit for apartments, but the neighborhood appealed the decision and the apartments were not constructed. To the north of the subject lots, is the existing Community Dental Clinic and single family properties on Thaxton Avenue SE. To the west of the subject lots are single family properties and William Street SE. East San Jose Elementary is located farther north across Thaxton Avenue.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The LRRS designates both Broadway Boulevard SE and Gibson Boulevard SE (the closest major intersection closest and located to the east of the subject properties) as Regional Principal Arterials. Thaxton Avenue SE, William Street SE, and Hinkle Street SE are not identified on the LRRS map.

Comprehensive Plan Corridor Designation

The Comprehensive Plan designates Broadway Boulevard SE north of Gibson Boulevard SE both a Multi-Modal Corridor and a Main Street. Multi-Modal Corridors (Enhanced Transit Corridor in the 2013 Comp Plan) encourage balancing priorities between transit and vehicle traffic within a shared roadway, with improved pedestrian environment and protected or parallel bike facilities. Main Streets (new designation) are streets with neighborhood-scale retail and pedestrian-oriented building design, orientation, and scale.

Trails/Bikeways

Bicycle lanes are located along Broadway Boulevard SE north of Gibson Avenue SE approximately 0.2 miles east of the subject properties. The Riverside Trail, a multi-use trail separate from automobile traffic within the Rio Grande Bosque, is located close to the west of the subject properties, however, the railroad tracks are a significant barrier and can only be crossed at Avenida Cesar Chavez to the north and Woodward Road to the south.

Transit

Fixed Route #16/18 bus service travels in a loop around both sides of the subject lots making it fairly easy access for transit riders even though there is no bus stop directly in front of the subject site. The Broadway Boulevard SE bus stop is approximately 0.2 miles east and the William Street SE bus stop is approximately 0.1 miles west from the current access to the subject properties off of Hinkle Street.

If the zone change was approved and access to the dental clinic was moved to William Street SE, the bus stop would be approximately 0.1 miles from the William Street SE bus stop in the opposite direction, however it would be approximately 0.4 miles from the Broadway Boulevard SE bus stop.

Public Facilities/Community Services

Please refer to the Public Facilities Map in the packet for a complete listing of public facilities and community services located within one mile of the subject site.

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS AND POLICIES

Zoning

Zoning for the property was established in 1986 through the adoption of the South Broadway Neighborhoods Sector Development Plan which established SU-2 zoning for the area within the plan boundaries. The SU-2 designation is described by the Albuquerque Comprehensive Zoning Code as being controlled by a Sector Development Plan allowing for a mixture of uses with new development and redevelopment appropriate to a given neighborhood.

Existing Zoning

The subject lots are currently zoned SU-2 MR Mixed Residential. The South Broadway Neighborhoods Sector Development Plan describes the SU-2 MR zone as corresponding to the R-1 Residential zone in the Comprehensive City Zoning Code with additional Conditional Uses including those listed as permissive in the R-2 zone except Group Training Homes which are not permitted. Apartments are a Conditional Use.

Proposed Zoning

The proposed zoning for the subject site is SU-2 LCR Limited Commercial Residential. The South Broadway Neighborhoods Sector Development Plan describes the SU-2 LCR zone as corresponding to the RC Residential Commercial zone which permits a mixture of residential and small commercial activities.

The major difference between the existing zone and the proposed zone is the LCR zone will permit a higher density of housing such as townhouses and apartments permissively *without* a Conditional Use Permit. In addition, the LCR zone permits offices such as this dental clinic as well as low impact retail or services such as the sale of books and jewelry or barber and day care.

The South Broadway Neighborhoods Sector Development Plan Map shows a pattern of zoning where much of the lots not part of the Broadway corridor are zoned MR Mixed Residential with interspersed spot zones of LCR Limited Commercial Residential. This is most likely due to the settlement pattern prior to adoption of the South Broadway Neighborhoods Sector Development Plan, however, it is not clear that expansion of the LCR zone was intended.

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in regular text; Applicant Response in *italics*; Staff Analysis is in ***bold italics***

The subject site is located in the area designated Area of Consistency by the Comprehensive Plan with a Goal to reinforce the character and intensity of the surrounding area. Applicable policies identified by the applicant include:

Plan Element 5: Land Use

Policy 5.2.1: Land Uses- Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

- a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

This application is to allow an existing dental service to expand in the future while continuing to provide much needed care for the surrounding low income residents and

community. The requested zone change furthers this policy because it would support a mixed use land use environment which is conveniently accessible from surrounding neighborhoods. The zone change would also promote redevelopment that brings a needed service to all residents and the community. Furthermore, the subject property and existing clinic are very accessible by walking or biking from the neighborhood or city transit on Broadway Blvd.

The request furthers Policy 5.2.1 a) because the zone change would facilitate the development of vacant properties and is conveniently accessible by car, transit, and bicycle on Broadway Boulevard. The proposed development for the subject properties is a dental clinic and should not be confused with a “mixed-use” development.

b) Encourage development that offers choice in transportation, work areas, and lifestyles.

This zone change request furthers this policy because the subject property is 240 ft. from a transit stop on Williams St. and approximately 4 ½ blocks from the transit route on Broadway Blvd. Also, there is a bicycle path along Broadway Blvd. that runs north and south. Based on the location of the property, the zone change would promote development that is very accessible by automobiles, bicycles, and bus travelers which would allow for choice in transportation, work areas, and lifestyles.

The request furthers Policy 5.2.1 b) because the subject site is within ¼ mile of multiple transit stops and bicycle lanes on Broadway Boulevard SE, and close to a major interchange between I-25 and Gibson Boulevard SE which offers easy access for automobiles. This allows for choice in transportation, work areas, and lifestyles for residents in the neighborhood as well as those who live elsewhere and may travel to the dental clinic for employment or dental services.

n) Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

This zone change request furthers this policy because it would support a future development of four vacant and under-utilized lots within an older neighborhood in the city.

The request partially furthers Policy 5.2.1 n) because although the request will facilitate development of vacant lots, the applicant is proposing to continue the use of the surface parking lots and add an access driveway, which is not ideal near residential uses. In addition, the current dental clinic has not provided any buffer between their current parking lots and the adjacent residential properties.

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

This zone change request furthers this policy because the property is located adjacent to existing infrastructure and public facilities; such as water service, sewer, roadways,

electricity, gas, communications, and schools.

The request further Policy 5.3.1 because rezoning the currently vacant subject properties would support infill growth in an older established neighborhood with existing infrastructure including paved roads and public utilities.

Policy 5.6.2 - Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

This zone change request furthers this policy because it will encourage direct growth within a designated Metropolitan Redevelopment Area where the city encourages change and urban revitalization.

The request does not further Policy 5.6.2 because the subject properties are currently in an Area of Consistency. The MRA endeavors to respect existing residential zones.

f) Minimize the potential negative impacts of development on existing residential uses with respect to noise, storm-water runoff, contaminants, lighting, air quality, and traffic.

This zone change furthers this policy because future development will foster landscape buffers, visual relief, proper drainage, dust mitigation, better vehicular access, and compliance with city and state lighting regulations.

The request does not further Policy 5.6.2 f because the subject properties are in an Area of Consistency and there is no site plan associated with this submittal, therefore, it is impossible to tell whether negative impacts on residential uses will be minimized.

(g) Encourage development where adequate infrastructure and community services exist.

This zone change furthers this policy because, as stated above, there is existing Infrastructure and public facilities; such as water service, sewer, roadways, electricity, gas, communications, and schools adjacent to the property.

The request does not further Policy 5.6.2.g because the subject properties are in an Area of Consistency.

South Broadway Neighborhoods Sector Development Plan

The South Broadway Sector Development Plan was first adopted in July of 1986. The South Broadway Neighborhoods Sector Development Plan is intended to promote an arrangement of land use, circulation and services which will contribute to the economic, social and physical health and safety, welfare and convenience of the people who live in the area within the larger framework of the city and abutting County area.

The South Broadway Neighborhoods Sector Plan Area is bounded by Coal Avenue on

the north, Woodward Road on the south, the rail road tracks on the west and Interstate 25 on the east. The area south of Woodward Road to the City Limits is an extension by the latest adopted plan. With the extension the total acreage included in the plan area is approximately 1,008 acres.

Relevant goals/policies include the following:

Goal 1: Elimination of conditions which are detrimental to the public health, safety and welfare.

This goal is furthered by this request since the map amendment from SU-2 MR to SU-2 LCR will allow for an expansion to the existing dental clinic site where ensuring adequate screening and buffering to the neighborhood, building setbacks, and restricting access to Williams St. only. For these reasons the applicant believes that the request is consistent with the health, safety, and general welfare of the residents of the adjacent neighborhood.

Goal 1 of the South Broadway Neighborhoods Sector Development Plan is partially furthered by the request. The LCR zone would permit more options in the development of long vacant properties. However as of this writing, the applicant has not installed a buffer between the subject lots and the adjacent residential properties, which has caused many issues as shown in the attached neighbor's letter. Furthermore, there is no site plan associated with the request to clarify the location of the intended improvements. The applicant's intention for development of the property is unclear, and could possibly be detrimental to the adjacent residential property owners.

Goal 2: Elimination of blight and prevention of blighting influences.

The existing property is vacant. Vacant land can be a blighting influence. By changing the zoning on this property and incorporating the vacant land into the existing business would eliminate the current condition and further this goal of the Plan.

Goal 2 of the South Broadway Neighborhoods Sector Development Plan is partially furthered. The requested zone change would assist with the development of vacant lots. However, the dental clinic could be considered a blighting influence due to the existing illegal use of the parking lots and the chain link fence which does not buffer the lots from surrounding properties. It is not clear that expansion onto the subject lots would prevent blight.

Resolution 270-1980

Policies for Zone Map Change Applications

This Resolution outlines policies and requirements for deciding Sector Development Map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Analysis of Applicant's Justification

Note: Policy is in regular text; Applicant's justification is in *italics*; staff's analysis is in ***bold italics***

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The proposed zoning of SU-2 LCR will not adversely affect the health, safety, morals and general welfare of the City or area residents. In fact, the applicant believes that if approved, the zone change would allow the continued use of a quality project in a blighted area. The zoning and uses proposed are no different from what uses already exist on the dental clinics property today; and as explained above, have not been found to be inconsistent with the health, safety, morals, and general welfare of the City, but rather quite the opposite. Specifically, the applicant feels that the proposed development will help to continue to stabilize and increase property values in the area by being able to reasonably expand, where preventing further blight in the neighborhood and providing an obviously needed and desired service to the community and surrounding neighborhood.

The request is not consistent with the health, safety, morals, and general welfare of the City because the intention of the applicant has not been communicated and it is unclear whether the request would meet the goals and policies of applicable City Plans.

Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans, which the applicant has not adequately done. Therefore, the request has not been demonstrated to be consistent with the City's health, safety, morals and general welfare.

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

Re: zoning from SU-2 MR to SU-2 LCR will provide for stability of land use and zoning. The proposed zone change would allow for an expansion of the current use of the property which will ultimately result in more job opportunities and increased revenue for the public and local community as is encouraged in the State of New Mexico Metropolitan Redevelopment Code. Moreover, development of the property, which is currently vacant land, will help to eliminate blight and in tum increase property values which would contribute to stabilizing land use.

The burden is on the applicant to show why the change should be made. The applicant has not adequately demonstrated that the request would ensure stability of land use and zoning in the area. The applicant has not demonstrated that the proposed zone change is justified because the applicant's arguments are not tied to Goals and policies in applicable Plans.

Because this is not an SU-1 zone, a site plan is not required, so the design of the site is not guaranteed. In addition, the neighborhood has expressed that they are opposed to apartments which would be a permitted use in the requested SU-2 LCR zone. The zone change has not been justified by the applicant.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

Refer to the policy analysis section above for a thorough review of applicable plans and policies.

- D. The applicant must demonstrate that the existing zoning is inappropriate because:

- (1) There was an error when the existing zone map pattern was created; or
- (2) Changed neighborhood or community conditions justify the change; or
- (3) A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

The applicant feels that the existing zoning is inappropriate because a different use category would be more advantageous to the community. As stated above, the applicant can demonstrate that the current use of the dental clinic's property zoned SU-2 LCR has proven to be successful over many decades in offering a quality and much needed affordable service to the surrounding community and to the South Broadway neighborhoods. By incorporating the clinic's vacant land into the existing premise, the applicant feels that the resulting use category allowing for expansion would be more

advantageous to the community as articulated in the Comprehensive Plan, the South Broadway Neighborhoods Sector Development Plan, and the State Metropolitan Redevelopment Code as further explained above in Section C.

The existing zoning was established by the South Broadway Neighborhoods Sector Development Plan which zoned most of the area SU-2 MR Mixed Residential and created limited spot zones of SU-2 LCR to accommodate existing businesses among the residential properties. It does not appear these SU-2 spot zones were intended to expand. If this zone change is approved, the subject lots are intended to be used as parking lots and access driveways; however the zoning would allow for the expansion of the existing dental clinic buildings or for higher density housing. In addition, the dental clinic has not been advantageous to the community, because the business owner is not meeting the City's regulations for zoning, buffering, landscaping, etc, which has been difficult to enforce and created negative issues for the neighbors.

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

The proposed zoning designation and use currently exists on the applicant's premises and has since the early 1970's. The proposed use of a dental clinic would not be harmful, especially since this use has not proven to cause noise, dust, odors, or other potentially harmful effects. In fact, the existing use has only offered convenient, affordable, and needed services to adjacent properties, the neighborhood and the community. Additionally, the vast majority of clients appreciate the location of the existing clinic within the neighborhood because it is very accessible by the Broadway bus route and/or walking.

Section E requires that the applicant discuss what the permissive uses in the requested zone are, and whether or not these uses would be harmful to adjacent property, the neighborhood, or the community. The applicant has not done this. The requested SU-LCR Zone would allow apartments and townhouses and other retail uses permissively whereas the existing SU-2 MR Mixed Residential Zone requires a Conditional Use Permit for apartments. Since the neighborhood appealed the recent Conditional Use Permit for an apartment complex on the adjacent property, potential projects with higher density housing would be controversial to the community and could be harmful. In addition, there has been an ongoing legal dispute over the access easement with the property owner on Hinkle Street SE showing that the use has been harmful to this property owner.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
- (1) Denied due to lack of capital funds; or
 - (2) Granted with the implicit understanding that the city is not bound to provide the

capital improvements on any special schedule.

No major or un-programmed capital expenditures by the City are required, as roadways and utility infrastructure is already in place.

The request would not require any capital improvements because the subject properties are located in an area with existing infrastructure and street network.

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

The cost of land or other economic considerations are not the primary determining factors for a change of zone in this case. First, the land has already been purchased, is retained in full ownership, and is not for sale. The primary determining factors of this request are to allow a successful business to grow and operate efficiently within the neighborhood where complying with the general regulations of the Comprehensive City Zoning Code. And second, infill and expansion of a not for profit business in a designated City Metropolitan Redevelopment Area and the Established Urban Area is to further and continue to realize the policies and goals of the Comprehensive Plan, the South Broadway Neighborhoods Sector Development Plan, and the Metropolitan Redevelopment Code.

The determining factor for the zone change is the wish to utilize the existing parking lots which were constructed illegally. The applicant has not demonstrated that economic considerations pertaining to the applicant are not the determining factor for the requested zone change.

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

The subject property is located on a local street, not a collector or major street.

The subject site does not front directly onto any major street.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:

- (1) The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
- (2) The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

This request does not constitute a spot zone if approved. The proposed zone change will not give a zone different from surrounding zoning. The proposed zoning of SU-2 LCR abuts the

SU-2 LCR zone of the South Broadway Neighborhoods Sector Development Plan area.

The request is not for a spot zone; because although the properties are owned by one owner and all of the lots may become one premise if the zone change is approved, the subject request is for only four of the five lots and these four lots are adjacent to the existing SU-2 LCR zone, making it a continuation of the existing zone rather than a spot zone.

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called “strip zoning.” Strip commercial zoning will be approved only where:
- (1) The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
 - (2) The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The proposed development does not constitute "strip zoning". This request would not result in a strip zone because the requested zone of property would not give a "zone different from surrounding zoning". The area of the proposed zone change clearly facilitates the realization of the Comprehensive Plan and other Plans as stated above. If approved, this request would result in an approved commercial zoning designation which does not significantly differ from allowed uses adjacent or surrounding the site.

The request is not for a strip of land along a street, so it does not constitute a request for strip zoning.

III. CONCERNS

Reviewing Agencies

Commenting agencies reviewed this request from June 5, 2017 to June 19, 2016. Agency comments can be found at the end of this report.

Neighborhood/Public

The San Jose Neighborhood Association was notified of this request as well as property owners within 100 feet of the subject site. A facilitated meeting was not requested by the neighborhood association.

Staff received communication from the adjacent property owner holding the access easement. This property owner has an ongoing dispute with the dental clinic which is the reason this zone change has been requested. The zone change may be a benefit to this property owner if the dental clinic follows through with the zoning code requirements and creates an adequate buffer between the properties. However, the neighboring

property owner, Mr. Anthony Garcia, has shown through the attached letter originally sent to Mayor Richard Berry on October 6, 2015 that it has been difficult for the dental clinic to follow through on implementing positive changes to the site.

Furthermore, staff received an email of concern from another resident and verbal concern from three other residents. The concerns focus on loitering, illegal activity, waste management, street parking, traffic, and potential multi-family or business projects if the property is sold.

Deadlines

The EPC's Rules of Conduct (see B.12) and the Summary of Schedule and Process, which are available online, state that written materials should be submitted to the Planning Department at least 10 days prior to the EPC hearing. This rule establishes deadlines by which applicants must submit materials to the Staff planner for inclusion in the Staff report. For the August 10, 2017 hearing, the 10 days prior date is July 31, 2016. Staff emailed the agent on July 10, 2017 and again on July 18, 2017 (see attached) requesting completion of the project requirements, and at the time of this writing, staff has not received a response.

IV. CONCLUSION

The subject site is currently zoned SU-2 MR (Mixed Residential). The request is for a change to SU-2 LCR (Limited Commercial Residential) in order to use the existing parking lots which could potentially move the access driveway to Williams Street SE away from the existing easement off of Hinkle Street SE.

The San Jose Neighborhood Association was notified of this request, as well as property owners within 100 feet of the subject site. A facilitated meeting was not requested by the neighborhood association. The applicant has not met with the adjacent property owner to discuss concerns with the request.

The applicant requested a 30-day deferral from the July 13, 2017 EPC hearing but has not completed the reasons for the requested deferral. The applicant has not justified the zone map amendment (zone change) pursuant to R270-1980. Staff is recommending denial of the request based on the findings found in this staff report.

FINDINGS, Sector Development Plan Map Amendment

Project # 1011247, Case # 17EPC- 40014

1. This is a request for a Sector Development Plan Map Amendment to the South Broadway Neighborhoods Sector Development Plan for all or a portion of Lots 307B, 308A, 308B, and 310 located at 2116 Hinkle Street SE just south of Thaxton Avenue SE between John Street SE to the east and William Street SE to the west and containing approximately 1.4 acres. The subject lots are vacant.
2. The subject site is currently zoned SU-2 MR (Mixed Residential) which lists Conditional Uses as those in the R-1 zone. The subject lots are not permitted to operate parking for the applicant's dental clinic because office is not a permissive or conditional use in the SU-2 MR Zone.
3. The current zoning designation SU-2 MR was established with the adoption of the 1986 South Broadway Neighborhoods Sector Development Plan. As such, the request would constitute an amendment to the Plan.
4. The request is for a zone change to SU-2 LCR (Limited Commercial Residential) which would permissively allow office, some retail, and higher density housing such as apartments in order to allow the current parking lots to be used by the applicant and to move access from Hinkle Street SE to William Street SE.
5. The request was originally scheduled for the July 13, 2017 EPC hearing and was deferred for 30 days to allow more time to discuss the project with surrounding neighbors, and to further justify the request both of which have not been completed.
6. The subject lots are within an Area of Consistency of the Comprehensive Plan and within the boundaries of the South Broadway Neighborhoods Sector Development Plan and Metropolitan Redevelopment Plan which are incorporated herein and made a part of the record.
7. The applicant has not justified the zone map amendment (zone change) request pursuant to Resolution 270-1980 as follows:
 - A. Section A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans, which the applicant has not adequately done. Therefore, the request has not been demonstrated to be consistent with the City's health, safety, morals and general welfare.
 - B. Section B: The burden is on the applicant to show why the change should be made. The applicant has not adequately demonstrated that the request would ensure stability of land use and zoning in the area. The applicant has not demonstrated that the proposed zone change is justified because the applicant's arguments are not tied to Goals and policies in applicable Plans.

- Because this is not an SU-1 zone, a site plan is not required, so the design of the site is not guaranteed. In addition, the neighborhood has expressed that they are opposed to apartments which would be a permitted use in the requested SU-2 LCR zone. The zone change has not been justified by the applicant.
- C. Section C: The applicant's arguments do not demonstrate a nexus between the applicable policies and the request.
- D. Section D: The existing zoning was established by the South Broadway Neighborhoods Sector Development Plan which zoned most of the area SU-2 MR Mixed Residential and created limited spot zones of SU-2 LCR to accommodate *existing* businesses among the residential properties. If this zone change is approved, the subject lots will be used as parking lots and could be used to expand the existing dental clinic or for higher density housing. The dental clinic use has not been shown to be advantageous to the community.
- E. Section D: The existing zoning was established by the South Broadway Neighborhoods Sector Development Plan which zoned most of the area SU-2 MR Mixed Residential and created limited spot zones of SU-2 LCR to accommodate existing businesses among the residential properties. It does not appear these SU-2 spot zones were intended to expand. If this zone change is approved, the subject lots are intended to be used as parking lots and access driveways; however the zoning would allow for the expansion of the existing dental clinic buildings or for higher density housing. In addition, the dental clinic has not been advantageous to the community, because the business owner is not meeting the City's regulations for zoning, buffering, landscaping, etc, which has been difficult to enforce and created negative issues for the neighbors.
- F. Section E: Section E requires that the applicant discuss what the permissive uses in the requested zone are, and whether or not these uses would be harmful to adjacent property, the neighborhood, or the community. The applicant has not done this. The requested SU-LCR Zone would allow apartments and townhouses and other retail uses permissively whereas the existing SU-2 MR Mixed Residential Zone requires a Conditional Use Permit for apartments. Since the neighborhood appealed the recent Conditional Use Permit for an apartment complex on the adjacent property, potential projects with higher density housing would be controversial to the community and could be harmful. In addition, there has been an ongoing legal dispute over the access easement with the property owner on Hinkle Street SE showing that the use has been harmful to this property owner.
- G. Section F: The request would not require any capital improvements because the subject properties are located in an area with existing infrastructure and street network.

- H. Section G: The determining factor for the zone change is the wish to utilize the existing parking lots which were constructed illegally. The applicant has not demonstrated that economic considerations pertaining to the applicant are not the determining factor for the requested zone change.
- I. Section H: The subject site does not front directly onto any major street.
- J. Section I: The request is not for a spot zone; because although the properties are owned by one owner and all of the lots may become one premise if the zone change is approved, the subject request is for only four of the five lots and these four lots are adjacent to the existing SU-2 LCR zone, making it a continuation of the existing zone rather than a spot zone.
- K. Section J: The request is not for a strip of land along a street, so it does not constitute a request for strip zoning.

8. The request furthers the following applicable Comprehensive Plan policies:

Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

The zone change would facilitate the development of vacant properties and is conveniently accessible by car, transit, and bicycle on Broadway Boulevard.

b) Encourage development that offers choice in transportation, work areas, and lifestyles.

The subject site is within ¼ mile of multiple transit stops and bicycle lanes on Broadway Boulevard SE, and close to a major interchange between I-25 and Gibson Boulevard SE which offers easy access for automobiles. This allows for choice in transportation, work areas, and lifestyles for residents in the neighborhood as well as those who live elsewhere and may travel to the dental clinic for employment or dental services.

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

Rezoning the currently vacant subject properties would support infill growth in an older established neighborhood with existing infrastructure including paved roads and public utilities.

9. The request partially furthers the following applicable Comprehensive Plan policies:

Policy 5.2.1: n) Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

Although the request will facilitate development of vacant lots, the applicant is proposing to continue the use of the surface parking lots and add an access driveway, which is not ideal near residential uses. In addition, the current dental clinic has not provided any buffer between their current parking lots and the adjacent residential properties.

10. The request does not further the following applicable Comprehensive Plan policies:

Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The subject properties are currently in an Area of Consistency. The MRA endeavors to respect existing residential zones.

f) Minimize the potential negative impacts of development on existing residential uses with respect to noise, storm-water runoff, contaminants, lighting, air quality, and traffic.

The request does not further Policy 5.6.2 f because the subject properties are in an Area of Consistency and there is no site plan associated with this submittal, therefore, it would be difficult to forecast whether negative impacts on residential uses will be minimized.

g) Encourage development where adequate infrastructure and community services exist.

The request does not further Policy 5.6.2.g because the subject properties are in an Area of Consistency.

11. The request partially furthers the following applicable goals from the South Broadway Neighborhoods Sector Development Plan:

Goal 1: Elimination of conditions which are detrimental to the public health, safety and welfare.

The LCR zone would permit more options in the development of long vacant properties. However as of this writing, the applicant has not installed a buffer between the subject lots and the adjacent residential properties, which has caused many issues as shown in the attached neighbor's letter. Furthermore, there is no site plan associated with the request to clarify the location of the intended improvements. The applicant's intention for development of the property is unclear, and could possibly be detrimental to the adjacent residential property owners.

Goals 2: Elimination of blight and prevention of blighting influences.

The requested zone change would assist with the development of vacant lots. However, the dental clinic could be considered a blighting influence due to the existing illegal use of the parking lots and the chain link fence which does not buffer the lots from surrounding properties. It is not clear that expansion onto the subject lots would prevent

- blight. Goals 2: Elimination of blight and prevention of blighting influences.
12. The applicant has not justified the Sector Development Plan Map Amendment (zone change) pursuant to R270-1980. The responses to Sections 1A, 1B, 1C, 1D, 1E, 1G, 1I, and 1J are insufficient for the reasons detailed in Finding 7. In sum, the applicant has not demonstrated that the zone change clearly facilitates realization of applicable Goals and policies in the Comprehensive Plan and the South Broadway Neighborhoods Sector Development Plan.
 13. The affected neighborhood organization is the San Jose Neighborhood Associations, which was notified as required but did not request a facilitated meeting. Property owners were also notified as required. Staff received written comments from two adjacent property owners.
-

RECOMMENDATION, Sector Development Plan Map Amendment

Project 1011247 - August 10, 2017

DENIAL of 17EPC-40014, a request for Sector Development Plan Map Amendment from SU-2 MR to SU-2 LCR for all or a portion of Lots 307B, 308A, 308B, and 310, based on the preceding Findings.



***Cheryl Somerfeldt
Planner***

Notice of Decision cc list:

Community Dental Services INC, 2216 Hinkle St SE, ABQ, NM 87102
Garcia/Kramer & Associates, 600 1st St NW, Suite 211, ABQ, NM 87102
San Jose NA, Olivia M. Greathouse, 408 Bethel Dr SE, ABQ, NM 87102
San Jose NA, Bobby Brown, 2200 William SE, ABQ, NM 87102
Anthony J. Garcia, 2111 Hinkle SE, ABQ, NM 87102

AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Reviewed, No adverse comments

Office of Neighborhood Coordination

The San Jose Neighborhood Association was notified via certified mail as well as property owners within 160 feet of the subject properties – 28 property owners

Long Range Planning

Reviewed, No Comments

Metropolitan Redevelopment Agency

No Comments

CITY ENGINEER

Transportation Development

Reviewed, No objection to the request

Hydrology Development

No comments

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Reviewed, No comments at this time

WATER UTILITY AUTHORITY

No comments.

ENVIRONMENTAL HEALTH DEPARTMENT

No comments

PARKS AND RECREATION

No comments

POLICE DEPARTMENT/Planning

No comments

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Reviewed, No comment

FIRE DEPARTMENT/Planning

No comments

TRANSIT DEPARTMENT

Case Number	Brief Description of Request	Transit Corridor?	Transit Route?	Current Service/Stops	Comments/Support/Requests
1011247 17EPC-40014	Zone map amendment from SU-2-MR to SU-2-LCR for 1.3 acres in the South Broadway Sector Plan Area; no change in land use	Proximate to Broadway Multi-Modal Corridor*	Fixed Route 1618: The site is equidistant between two stop pairs on Williams and Broadway	There is no current service directly to this site and none is planned	No Comment

BERNALILLO COUNTY

No comment

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, No comment

ALBUQUERQUE PUBLIC SCHOOLS

Reviewed, This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

Reviewed, No adverse comments

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comments

PUBLIC SERVICE COMPANY OF NEW MEXICO

No comments



View of the subject site looking south.



View of the subject site looking southeast.



View of the subject site looking southwest.



View of the subject site looking east from William Street SE.

HISTORY

South Broadway Neighborhoods Sector Development Plan



City of Albuquerque
Planning Department/Redevelopment Division

CITY of ALBUQUERQUE

SEVENTH COUNCIL

COUNCIL BILL NO. R-85 ENACTMENT NO. 106-1986

SPONSORED BY: Steve D. Salgado

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RESOLUTION

1 ADOPTING THE SOUTH BROADWAY NEIGHBORHOODS SECTOR DEVELOPMENT PLAN AND
2 METROPOLITAN REDEVELOPMENT PLAN

3 WHEREAS, under the terms of Section 3-19-1 et seq. of the New Mexico
4 Statutes (MNSA) 1978 and Albuquerque's City Charter as allowed under Home
5 Rule provisions of the Constitution of New Mexico, the Council has the
6 authority to adopt component parts of a master plan for physical
7 development of areas within the platting and planning jurisdiction of the
8 City; and

9 WHEREAS, such plans comprise a comprehensive plan which guides zoning
10 actions of the City, as called for by Section 3-21-5 NMSA 1978; and

11 WHEREAS, the Council has received the advice of the Environmental
12 Planning Commission on the South Broadway Neighborhoods Sector
13 Development Plan, as provided by the Environmental Planning Commission
14 Ordinance, Section 7-15-2 R.O. 1974; and

15 WHEREAS, the Council has reserved to itself the right to adopt and
16 approve a plan for SU-2 areas, after advice from the Planning Commission,
17 as allowed under Section 3-19-1 NMSA 1978; and

18 WHEREAS, the plan is consistent with the Albuquerque/Bernalillo
19 County Comprehensive Plan; and

20 WHEREAS, the City of Albuquerque has the power to zone as authorized
21 by Section 3-21-1 et seq. NMSA 1978, and as allowed by its Home Rule
22 powers; and

23 WHEREAS, the Council recognizes the need for sector development plans
24 to guide the City of Albuquerque and other agencies and individuals to
25 insure orderly redevelopment and effective utilization of funds; and
26

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1 WHEREAS, the South Broadway Neighborhoods Sector Development Plan was
2 developed with the assistance of area property owners expressed through
3 public meetings; and

4 WHEREAS, the New Mexico legislation has passed the "Metropolitan
5 Redevelopment Code" (herein "Code"), Sections 3-60A-1 to #60A-4B
6 inclusive, NMSA 1978 Comp., which authorizes the City of Albuquerque, New
7 Mexico (the "City") to prepare Metropolitan Redevelopment Plans; and

8 WHEREAS, the City Council, the Governing Body of the City of
9 Albuquerque, New Mexico (The "City Council") has adopted City of
10 Albuquerque, Seventh Council, Bill No. R-86, finding, among other things,
11 that the South Broadway Neighborhoods Metropolitan Redevelopment Area is a
12 blighted area within the Metropolitan Area, and that the rehabilitation,
13 conservation, development and redevelopment of and in the South Broadway
14 Neighborhoods Metropolitan Redevelopment Area is necessary in the interest
15 of the public health, safety, morals and welfare of the residents of the
16 City; and designating the South Broadway Neighborhoods Metropolitan
17 Redevelopment Area; and

18 WHEREAS, the City Council by R-86, has made certain additional
19 findings which determine the South Broadway Neighborhoods Metropolitan
20 Redevelopment Area to be blighted, has designated the Area as appropriate
21 for a Metropolitan Redevelopment Project, and has called for the
22 preparation of a Metropolitan Redevelopment Plan identifying the
23 activities to be carried out to eliminate the present conditions; and

24 WHEREAS, the City desires to promote redevelopment and industry and
25 develop trade or other economic activity by inducing profit or non-profit
26 corporations and commercial or business enterprises, among others, to
27 locate, expand or remain in such area, to mitigate unemployment and to
28 secure and maintain a balanced and stable economy in such area and to
29 promote public health, welfare, safety, convenience prosperity; and

30 WHEREAS, the Albuquerque Development Commission has held a public
31 hearing on the Plan, as required by Section 3-60A-9A NMSA 1978.

32 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
33 ALBUQUERQUE THAT:

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1 Section 1. The South Broadway Neighborhoods Sector Development Plan
2 attached hereto and incorporated herein by reference is hereby adopted in
3 all respects.

4 Section 2. The South Broadway Neighborhoods Sector Development Plan
5 is a Rank III plan, as specified in Ordinance 43-1982.

6 Section 3. The South Broadway Neighborhoods Sector Development Plan
7 shall serve as the Metropolitan Redevelopment Plan for the South Broadway
8 Neighborhood Area.

9 Section 4. The City Council, after having conducted a public
10 hearing, finds that:

11 A. The Plan, and the proposed activities under the Plan, will
12 aid in the elimination and prevention of blight; and

13 B. The Plan conforms to the general plans of the City as a
14 whole, and to the South Broadway Neighborhoods Sector Development Plan;
15 and

16 C. The Plan affords maximum opportunity, consistent with the
17 needs of the community for the rehabilitation and redevelopment of the
18 South Broadway Neighborhoods Metropolitan Redevelopment Area by private
19 enterprise; and the objectives of the Plan justify the proposed
20 activities as public purposes and needs.

21 Section 5. No individuals, families or business will be displaced by
22 the activities outlined in the proposed Metropolitan Redevelopment Plan.

23 Section 6. The South Broadway Neighborhoods Metropolitan
24 Redevelopment Plan, which is the same as the Sector Plan for the South
25 Broadway Neighborhoods Metropolitan Redevelopment Area, attached and made
26 a part hereof, is hereby approved in all respects.

27 Section 7. If any section, paragraph, clause or provision of this
28 resolution shall for any reason be held to be invalid or unenforceable,
29 the invalidity or unenforceability of such section, paragraph, clause or
30 provision shall not affect any of the remaining provisions of the
31 resolution.

32 Section 8. All orders and resolutions, or parts thereof, in
33 conflict with this resolution are hereby repealed; this repealer shall

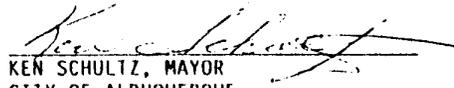
1 not be construed to revive any order, resolution or part thereof,
2 heretofore repealed.

3 PASSED AND ADOPTED THIS 7th DAY OF JULY, 1986.

4 BY A VOTE OF 7 FOR AND 0 AGAINST.

5 Yes: 7
6 Excused: Hill, Baca

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9 VINCENT E. GRIEGO, PRESIDENT
CITY COUNCIL

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12 KEN SCHULTZ, MAYOR
CITY OF ALBUQUERQUE

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14 ATTEST:

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17 CITY CLERK DEPUTY

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CITY of ALBUQUERQUE
SEVENTH COUNCIL

COUNCIL BILL NO. R-86 ENACTMENT NO. 107-1986

SPONSORED BY: Steve D. Gallegos

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RESOLUTION

DESIGNATING THE SOUTH BROADWAY NEIGHBORHOODS METROPOLITAN REDEVELOPMENT AREA, MAKING CERTAIN FINDINGS AND DETERMINATIONS PURSUANT TO THE METROPOLITAN REDEVELOPMENT CODE, AND AUTHORIZING AND DIRECTING THE METROPOLITAN REDEVELOPMENT AGENCY TO PREPARE A METROPOLITAN REDEVELOPMENT PLAN FOR THE SOUTH BROADWAY NEIGHBORHOODS METROPOLITAN REDEVELOPMENT AREA.

WHEREAS, Section 3-60A-8 of the Metropolitan Redevelopment Code of the State of New Mexico Section 3-60A-1 through 3-60A-48 N.M.S.A. (1978 Comp.) states: "A municipality shall not prepare a Metropolitan Redevelopment Plan for an area unless the Governing Body has by resolution determined the area to be a slum area, or a blighted area, or a combination thereof and designated the area as appropriate for a Metropolitan Redevelopment Project(s)..."; and

WHEREAS, the City of Albuquerque (the "City") and the Metropolitan Redevelopment Agency of the City (the "Agency") and their employees and agents, have for some time engaged in a study of slum and blighted areas within the City, and have submitted their findings and recommendations concerning the designation of South Broadway Neighborhoods as a Metropolitan Redevelopment Area, hereinafter identified, to the City Council of Albuquerque (the "Council"), which findings and recommendations are set forth in Exhibit A attached hereto and incorporated by reference; and

WHEREAS, pursuant to Section 8 of the Metropolitan Redevelopment Code, the Council has caused to be published on May 25 and 26, 1986 in the Albuquerque Journal, a newspaper of general circulation in

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1 the metropolitan area, a notice containing a general description of
2 the area and the date, time and place where the Council will hold a
3 public hearing to consider the adoption of this resolution, and
4 announcing that any interested party may appear and speak to the
5 issue of the adoption of this resolution; and

6 WHEREAS, the Albuquerque Development Commission held an
7 advertised public hearing on February 24, 1986, took testimony from
8 the public, and recommended to the Council the designation of the
9 South Broadway Neighborhoods as a Metropolitan Redevelopment Area as
10 described herein; and

11 WHEREAS, the Council met on this 7th day of July, 1986, at the
12 time and place designated in the notice, to hear and consider all
13 comments of all interested parties on the issue of the adoption of
14 this resolution; and

15 WHEREAS, the Council has considered the findings and
16 determinations set forth in Exhibit A, attached hereto, and all
17 comments made at the public hearing concerning the conditions which
18 exist in the proposed South Broadway Neighborhoods Metropolitan
19 Redevelopment Area, including the conditions identified in Exhibit
20 A, attached hereto.

21 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
22 ALBUQUERQUE:

23 Section 1. The Council hereby finds and determines that the
24 proposed South Broadway Neighborhoods Metropolitan Redevelopment
25 Area is an area which, by reason of presence of a substantial number
26 of deteriorated or deteriorating buildings; predominance of
27 defective or inadequate street layout; faulty lot layout in relation
28 to size, adequacy, accessibility, or usefulness; unsanitary or
29 unsafe conditions; deterioration of site or other improvements;
30 diversity of ownership, tax or special assessment delinquency
31 exceeding the fair value of the land, defective or unusual
32 conditions of title, improper subdivisions or lack of adequate
33 housing facilities in the area or obsolete or impractical planning

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1 and platting, or an area where a significant number of commercial or
2 mercantile businesses have closed or significantly reduced their
3 operations due to the economic losses or loss of profit due to
4 operating in the area; low levels of commercial or industrial
5 activities or redevelopment; or any combination of the above
6 factors, substantially impairs and arrests the sound growth and
7 economic health and well-being of the City and the proposed South
8 Broadway Neighborhoods Metropolitan Redevelopment Area; constitutes
9 and economic and social burden; is a menace to the public health,
10 safety, morals and welfare in its present condition and use; is a
11 blighted area and is appropriate for a Metropolitan Redevelopment
12 Project(s);

13 Section 2. The Council hereby finds that the rehabilitation,
14 conservation, development and redevelopment of and in the proposed
15 South Broadway Neighborhoods Metropolitan Redevelopment Area is
16 necessary in the interest of the public health, safety, morals and
17 welfare of the residents of the City;

18 Section 3. The Council hereby declares the area identified in
19 Exhibit A, attached hereto, to be the South Broadway Neighborhoods
20 Metropolitan Redevelopment Area;

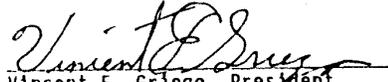
21 Section 4. The Agency is hereby authorized and directed to
22 prepare or to cause to be prepared a Metropolitan Redevelopment Plan
23 for the South Broadway Neighborhoods Metropolitan Redevelopment Area.

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1 PASSED AND ADOPTED THIS 7th DAY OF July, 1986.

2 BY A VOTE OF 7 FOR AND 0 AGAINST.

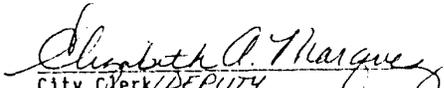
3 Yes: 7
4 Excused: Baca, Hill

5 
6 Vincent E. Griego, President
7 City Council

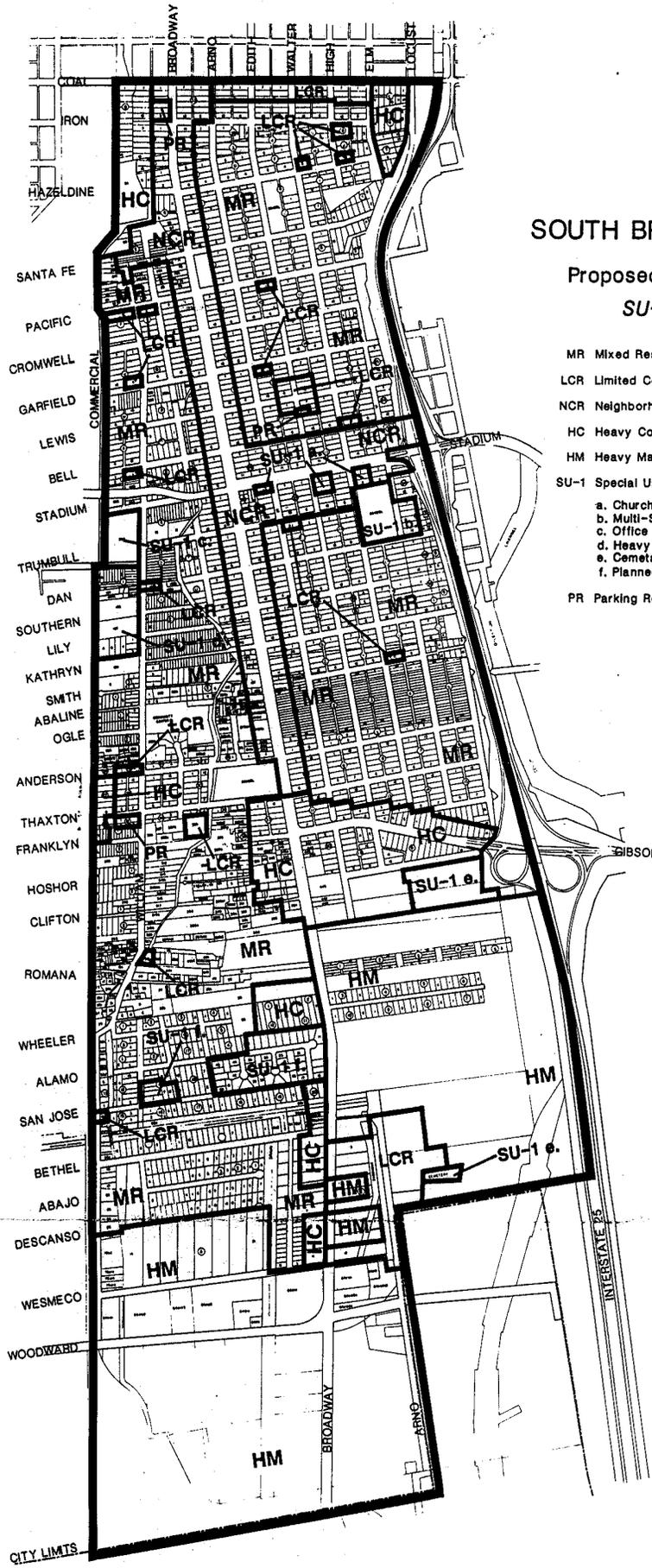
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10 APPROVED THIS 29TH DAY OF JULY, 1986.

11 
12 Ken Schultz, Mayor
13 City of Albuquerque

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16 ATTEST:

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18 Elizabeth P. Marquez
19 City Clerk/DEPUTY

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JUNE 1986

SOUTH BROADWAY

Proposed Zoning SU-2

- MR Mixed Residential
- LCR Limited Commercial Residential
- NCR Neighborhood Commercial Residential
- HC Heavy Commercial
- HM Heavy Manufacturing
- SU-1 Special Use
 - a. Church & Facilities
 - b. Multi-Service Center
 - c. Office & Warehouse
 - d. Heavy Commercial
 - e. Cemetery
 - f. Planned Residential Development
- PR Parking Reserved



PRE-APPLICATION REVIEW TEAM (PRT) DISCUSSION

NOTE: Pre-Application Discussion meetings are available to help applicants obtain information about procedures and requirements pertaining to their request. The interpretation of specific uses allowed in various zones is the responsibility of the Zoning Enforcement Officer, as provided for by the Zoning Code. Any Statements regarding zoning at the Pre-Application Discussion are not Certificates of Zoning. Also the discussions are for informational purposes only and they are non-binding and do not constitute any type of approval.

PA#: 16-094 Received By: kej Official Use only Date: 5-10-16

Applicant Name: MARY ALTENBERG, EXECUTIVE DIRECTOR
COMMUNITY DENTAL SERVICES, INC Phone#: 843-7493 Email: maltenberg@edsabq.com
APPOINTMENT DATE & TIME: 5/17/16 at 2:30pm

PLEASE CONTACT THE PLANNING DEPARTMENT AT 924-3860 TO SCHEDULE AN APPOINTMENT.
Applications received by Friday at noon will be scheduled for Tuesday the following week, if times are available.

BRIEFLY DESCRIBE YOUR REQUEST: (What do you plan to develop on this site?)

Parking lots were established back in 2007 or 8, but zoning is SU2-MR. Need to change zone to allow patients to park.

PLEASE RESPOND TO THE FOLLOWING QUESTIONS:

Size of Site: _____ Existing Zoning: SU-2-MR Proposed Zoning: _____

Previous zone change or site plan approval case number(s) for this site: _____

Applicable Area or Sector Plans: SOUTH BROADWAY SDP

Residential: Type and No. of Units Proposed: _____

Commercial: Estimated building square footage: _____ No. of Employees: _____

LOCATION OF REQUEST:

Physical Address: 2116 Hinkle SE Zone Atlas Page (Please identify the subject site on the map and attach) 144
87102

LIST ANY QUESTIONS OR CONCERNS YOU HAVE REGARDING THIS REQUEST: (Please be specific so our staff can do the appropriate research.)

We are non-profit dental clinic established in 1975 and receive city funding to provide services to indigent city residents. A previous administration put in the parking lot almost ten years ago, w/out obtaining a zone change. To continue providing services, we need to request a zone change.

R-270-1980: POLICIES FOR ZONE MAP CHANGE APPLICATIONS

The following policies for deciding zone map change applications pursuant to the Comprehensive City Zoning Code are hereby adopted:

(A) A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

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

(C) A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments there, to, including privately developed area plans which have been adopted by the city.

(D) The applicant must demonstrate that the existing zoning is inappropriate because:

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

(E) A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

(F) A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:

1. Denied due to lack of capital funds; or
2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

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

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

(I) A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

(J) A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:

1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

(Res. 270-1980, approved 12-30-80)



Legend

- Bernalillo County Parcels
- Primary Streets**
- Urban Principal Arterial
- BN and SF Railroad
- Freeway
- Urban Minor Arterial
- Other Streets**
- Municipal Limits**
- Cornales
- Edgewood
- Los Ranchos
- Rio Rancho
- Tijeras
- UNINCORPORATED
- World Street Map



A 1:1,450

0.0 Miles

0 0.02

0.0

0.0

0.0

0.0

Notes

This map is a user generated static output from www.cabq.gov/gis and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

PRE-APPLICATION REVIEW TEAM (PRT) MEETING

PA# 10.094 Date: 5.17.2010 Time: 2:30 PM

Address: 2116 HINKLE SE

1. AGENCY REPRESENTATIVES PRESENT AT MEETING

Planning: Kym Dicome Other: MICHAEL VOS
Transportation: Gary Sandoval Other: _____
Code Enforcement: Ben McIntosh Other: _____
Fire Marshall: Antonio Chinchilla Other: _____

2. TYPE OF APPLICATION ANTICIPATED / APPROVAL AUTHORITY

- Zone Map Amendment EPC Approval City Council Approval
- Sector Dev. Plan Amendment EPC Approval City Council Approval
- Site Dev. Plan for Subdivision EPC Approval DRB Approval Admin Approval
- Site Dev. Plan for Bldg. Permit EPC Approval DRB Approval Admin Approval
- Other _____

3. SUMMARY OF PRT DISCUSSION:

Current Zoning: SU.2 LCP/MP
Proposed Use/Zone: _____
Applicable Plans: _____
Applicable Design Regulations: _____
Previously approved site plans/project #s: _____
Requirements for application: (R-270-1980, Notification, as-built drawings, TIS, Check Lists, Other) _____

Handouts Given:

Zone Map Amendment Process R-270-1980 AA Process EPC Schedule

Additional Notes:

SU.2
FACILITY IS ZONED LCP + PARKING AREA IS ON A
SEPARATE TRACT ZONED SU.2/MP.
COMMUNITY DENTAL SERVICES + CHILD CARE IUC OWN
BOTH 2112 + 2120 WILLIAMS ST. WHICH SHOW CON AERIAL
PARKING FOR THE FACILITY.
SHOULD REPEAT PARKING AREAS INTO THE SAME TRACT
AS THE FACILITY @ 2116 HINKLE SE

4. SIGN & DATE TO VERIFY ATTENDANCE & RECEIPT OF THIS SUMMARY.



PRT CHAIR



APPLICANT OR AGENT

*****Please Note: PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY: THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL. Statements regarding Zoning are not Certificates of Zoning. Additional research may be necessary to determine the exact type of application and/or process needed. It is possible that factors unknown at this time and/or thought of as minor could become significant as the case progresses.**

SU.2/LCP = LIMITED COMMERCIAL RESIDENTIAL - PC

SU.2/MP = MIXED RESIDENTIAL

MTG.

* REPLAT + REZONE SU.2/LCP.

IF GOING TO EXPAND + REZONE ALL LOTS OWNED
BY DENTAL SERVICES.

GET > SUPPORT.

CONSTRUCTED PRIOR 1972, PARKING IS WHAT WAS REQ'D
ADDITIONAL PARKING WAS DONE BY OWNER, NOT REQ'D.

NOTICE OF VIOLATION LTR. AS LONG AS INVOLVED
IN ZONE CHANGE, WILL NOT PROCEED W/ NOV.

RECONFIGURE EXISTING PARKING AREA.

CAN BLOCK OFF AND REMOVE STRIPING. - NOT A
PARKING AREA.

CONSIDER A REPLAT TO CREATE ACCESS OFF
WILLIAMS. NEW ACCESS MUST SUPPORT WEIGHT
OF FIRE TRUCK.

ZONING

Please refer to the Comprehensive Zoning Code for specific zone descriptions.

APPLICATION INFORMATION



SUBDIVISION

- Major subdivision action
- Minor subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- Administrative Approval (DRT, URT, etc.)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

Supplemental Form (SF)

S Z ZONING & PLANNING

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- Adoption of Rank 2 or 3 Plan or similar
- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- Street Name Change (Local & Collector)
- APEAL / PROTEST of...**
 - Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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.

APPLICATION INFORMATION:

Professional/Agent (if any): GARCIA/KRAEMER & ASSOCIATES PHONE: 505-440-1524
 ADDRESS: 600 1ST ST NW, SUITE 211 FAX: _____
 CITY: ALBUQUERQUE STATE NM ZIP 87102 E-MAIL: turner@garciakraemer.com
 APPLICANT: COMMUNITY DENTAL SERVICES INC PHONE: 505-843-7493
 ADDRESS: 2116 HINKLE ST SE FAX: _____
 CITY: ALBUQUERQUE STATE NM ZIP 87102 E-MAIL: malttenberg@cdsabg.com
 Proprietary interest in site: OWNER List all owners: _____

DESCRIPTION OF REQUEST:

ZONE MAP AMENDMENT

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

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

Lot or Tract No. 307 B, 308 A1, 310 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: _____
 Existing Zoning: SU-2 MR Proposed zoning: SU-2 LCR MRGCD Map No. 41
 Zone Atlas page(s): L-14 UPC Code: _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z, V, S, etc.): _____

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? _____
 No. of existing lots: 3 No. of proposed lots: 3 Total site area (acres): 1.3
 LOCATION OF PROPERTY BY STREETS: On or Near: William St.
 Between: Hoshor Ave and Thaxton Ave
 Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: 5-17-16

SIGNATURE

Jonathan Turner

DATE 4/28/17

(Print Name) JONATHAN TURNER Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 11/2014

	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> INTERNAL ROUTING	<u>17EPC-4004</u>	<u>AZM</u>		<u>\$ 295.00</u>
<input type="checkbox"/> All checklists are complete		<u>ADV</u>		<u>\$ 75.00</u>
<input type="checkbox"/> All fees have been collected		<u>CMF</u>		<u>\$ 50.00</u>
<input type="checkbox"/> All case #s are assigned				
<input type="checkbox"/> AGIS copy has been sent				
<input type="checkbox"/> Case history #s are listed				
<input type="checkbox"/> Site is within 1000ft of a landfill				
<input type="checkbox"/> F.H.D.P. density bonus				
<input type="checkbox"/> F.H.D.P. fee rebate				
	Hearing date <u>July 13, 2017</u>			Total <u>\$ 420.00</u>

Yun

5-4-17

FORM Z: ZONE CODE TEXT & MAP AMENDMENTS, PLAN APPROVALS & AMENDMENTS

ANNEXATION (EPC08)

- 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) clearly outlined and indicated
NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
 - Letter describing, explaining, and justifying the request
NOTE: Justifications must adhere to the policies contained in "Resolution 64-1990"
 - Letter of authorization from the property owner if application is submitted by an agent
 - Board of County Commissioners (BCC) Notice of Decision
 - Office of Neighborhood Coordination (ONC) Inquiry response form, notification letter(s), certified mail receipts
 - Sign Posting Agreement form
 - Traffic Impact Study (TIS) form
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

- SDP PHASE I - DRB CONCEPTUAL PLAN REVIEW (DRBPH1)** (Unadvertised)
 - SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14)** (Public Hearing)
 - SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2)** (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 clearly outlined and indicated
 - Letter describing, explaining, and justifying the request
 - Office of Neighborhood Coordination (ONC) Inquiry response form, notification letter(s), certified mail receipts (for EPC public hearing only)
 - Traffic Impact Study (TIS) form (for EPC public hearing only)
 - Fee for EPC final approval only (see schedule)
 - List any original and/or related file numbers on the cover application
- Refer to the schedules for the dates, times and places of DRB and EPC hearings.* Your attendance is required.

- AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05)**
 - Zone Atlas map with the entire property clearly outlined and indicated
 - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980.
 - Letter of authorization from the property owner if application is submitted by an agent
 - Office of Neighborhood Coordination (ONC) Inquiry response form, notification letter(s), certified mail receipts
 - Sign Posting Agreement form
 - Traffic Impact Study (TIS) form
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

- AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)**
 - AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)**
 - 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 clearly outlined
 - Letter of authorization from the property owner if application is submitted by an agent (map change only)
 - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980 (Sector Plan map change only)
 - Letter briefly describing, explaining, and justifying the request
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for sector plans only)
 - Traffic Impact Study (TIS) form
 - Sign Posting Agreement
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

- AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)**
 - 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 describing, explaining, and justifying the request
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

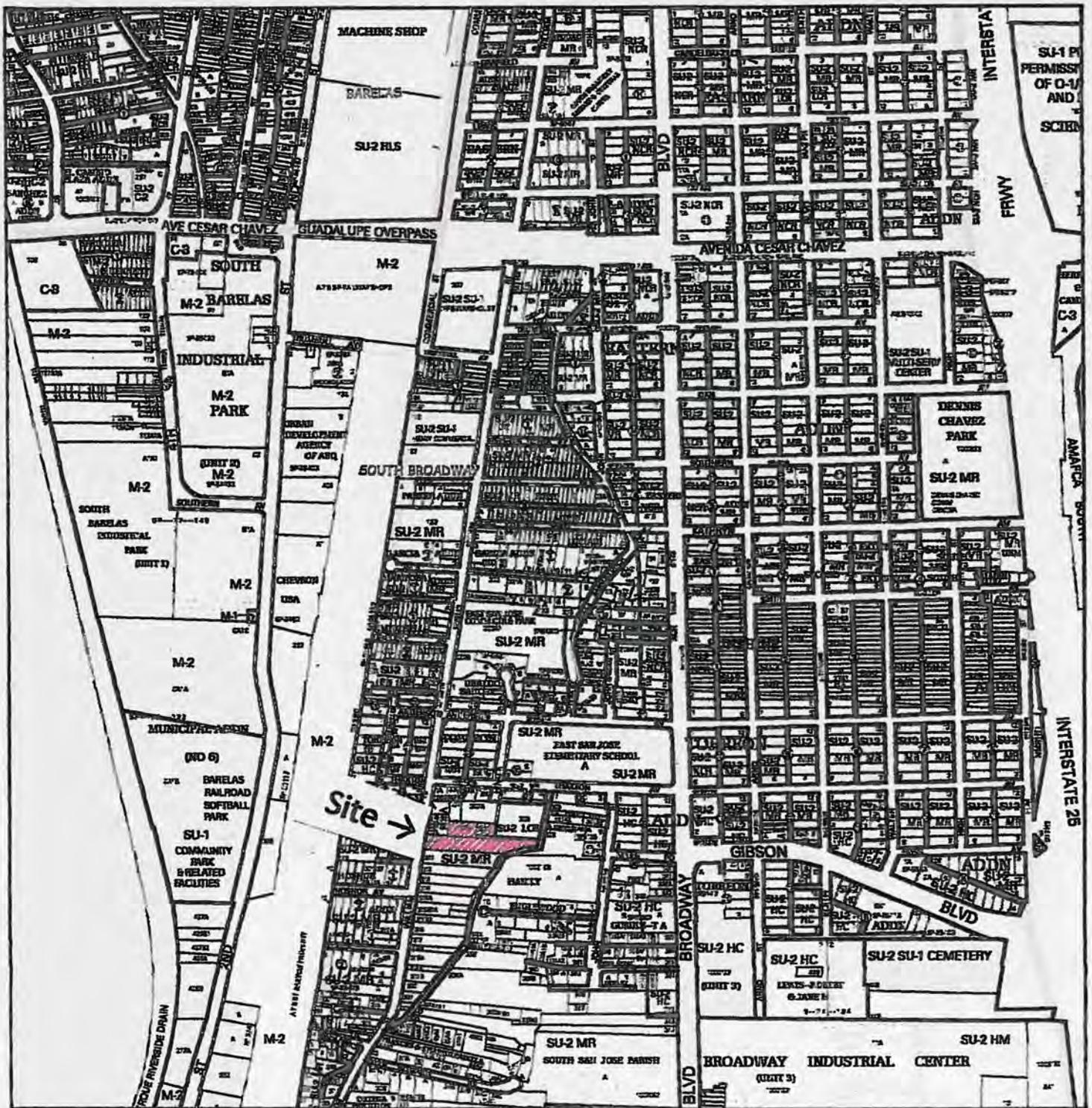
I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

JONATHAN TUANER
Applicant name (print)
Jonathan I 5/3/17
Applicant signature & Date



- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
17EDC - 40014

Revised: June 2011
Veg 5-4-17
Staff signature & Date
Project # 1011247



For more current information and details visit: <http://www.cabq.gov/gis>



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 \$3.75 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 6/28/17 To 7/13/17

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] 5/4/17
(Applicant or Agent) (Date)

I issued 1 signs for this application, 5/4/17 [Signature]
(Date) (Staff Member)

Along William Street frontage

PROJECT NUMBER: 1011247

GARCIA/KRAEMER & ASSOCIATES 600 1ST St NW Suite 211

Albuquerque, NM 87102

(505) 440-1524 mobile

(505) 242-9028 office

June 22, 2017

Ms. Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Zone Map Amendment- 2120 William St. SE and Tracts 308A1, 307B,
308A 2X308B, Map 41

Dear Madam Chair Hudson:

The purpose of this correspondence is to request approval through the Environmental Planning Commission for a zone map amendment from SU-2 MR to SU-2 LCR for the above referenced site. The property is approximately 1.3 acres in size and is located within the city limits.

Adjacent Land Uses and Zoning

The site is located on William St. SE in between Thaxton SE and Gerald SE. The property is located on zone atlas map page L-14 as shown on the accompanying zone map. The zoning of the adjacent properties is SU-2 MR and SU-2 LCR. Those properties have been developed primarily with single-family dwellings and a non-profit community dental clinic.

Reason for Request

The applicant wishes to request approval of a zone map amendment from SU-2 MR to SU-2 LCR to allow the use of an existing parking area for the dental clinic which currently cannot be used since it is zoned MR mixed residential. In addition, the applicant would also be able to provide access to the dental clinic off of Williams St. instead of Hinkle as currently exists. The clinic's access off of Hinkle is a legally platted shared access easement with the neighbor to the west, and there has been an ongoing disagreement with the adjacent neighbor regarding the size of the access off of Hinkle to the clinic's parking area. And although the clinic has been using that access for well over 10 years, the neighbor has placed barricades between the clinic's parking area and their property, making it very difficult for the clinic's employees and clients to maneuver their vehicles. In the future, by gaining full access off of Williams St, the clinic would not only abandon their access off of

Hinkle but also would install a 10 foot wide special landscape buffer and 6 foot high solid wall along the boundaries between neighboring residential properties to provide some visual relief.

Resolution- 270-1980

The proposed Zone Map Amendment for this site is consistent with Resolution 270-1980 as follows:

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

The proposed zoning of SU-2 LCR will not adversely affect the health, safety, morals and general welfare of the City or area residents. In fact, the applicant believes that if approved, the zone change would allow the continued use of a quality project in a blighted area. The zoning and uses proposed are no different from what uses already exist on the dental clinics property today; and as explained above, have not been found to be inconsistent with the health, safety, morals, and general welfare of the City, but rather quite the opposite. Specifically, the applicant feels that the proposed development will help to continue to stabilize and increase property values in the area by being able to reasonably expand, while preventing further blight in the neighborhood and providing an obviously needed and desired service to the community and surrounding neighborhood.

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

Re- zoning from SU-2 MR to SU-2 LCR will provide for stability of land use and zoning. The proposed zone change would allow for an expansion of the current use of the property which will ultimately result in more job opportunities and increased revenue for the public and local community as is encouraged in the State of New Mexico Metropolitan Redevelopment Code. Moreover, development of the property, which is currently vacant land, will help to eliminate blight and in turn increase property values which would contribute to stabilizing land use.

- C. A proposed zone change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments.

The site is located in the Established Urban Area as designated by the Albuquerque / Bernalillo Comprehensive Plan. The proposed zone change furthers the intent of Comprehensive Plan policies by providing a variety of urban land uses in an area where such uses are appropriate. Policies applicable from the Plan include:

Policy 5.2.1- Land Uses- Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

(a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

This application is to allow an existing dental service to expand in the future while continuing to provide much needed care for the surrounding low income residents and community. The requested zone change furthers this policy because it would support a mixed use land use environment which is conveniently accessible from surrounding neighborhoods. The zone change would also promote redevelopment that brings a needed service to all residents and the community. Furthermore, the subject property and existing clinic are very accessible by walking or biking from the neighborhood or city transit on Broadway Blvd.

(b) Encourage development that offers choice in transportation, work areas, and lifestyles.

This zone change request furthers this policy because the subject property is 240 ft. from a transit stop on Williams St. and approximately 4 ½ blocks from the transit route on Broadway Blvd. Also, there is a bicycle path along Broadway Blvd. that runs north and south. Based on the location of the property, the zone change would promote development that is very accessible by automobiles, bicycles, and bus travelers which would allow for choice in transportation, work areas, and lifestyles.

(e) Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

This zone change request furthers this policy because of the property's convenient location within the existing South Broadway neighborhood. It is also very accessible from other surrounding neighborhoods such as San Jose and Barelás.

(n) Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

This zone change request furthers this policy because it would support a future development of four vacant and under-utilized lots within an older neighborhood in the city.

Policy 5.3.1- Infill Development- Support additional growth in areas with existing infrastructure and public facilities.

This zone change request furthers this policy because the property is located adjacent to existing infrastructure and public facilities; such as water service, sewer, roadways, electricity, gas, communications, and schools.

Policy 5.6.2- Areas of Change- Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

This zone change request furthers this policy because it will encourage direct growth within a designated Metropolitan Redevelopment Area where the city encourages change and urban revitalization.

(f) Minimize the potential negative impacts of development on existing residential uses with respect to noise, stormwater runoff, contaminants, lighting, air quality, and traffic.

This zone change furthers this policy because future development will foster landscape buffers, visual relief, proper drainage, dust mitigation, better vehicular access, and compliance with city and state lighting regulations.

(g) Encourage development where adequate infrastructure and community services exist.

This zone change furthers this policy because, as stated above, there is existing infrastructure and public facilities; such as water service, sewer, roadways, electricity, gas, communications, and schools adjacent to the property.

South Broadway Neighborhoods Sector Development Plan Goals, Objectives, and Recommendations:

Goal 1:

Elimination of conditions which are detrimental to the public health, safety and welfare.

This goal is furthered by this request since the map amendment from SU-2 MR to SU-2 LCR will allow for an expansion to the existing dental clinic site while ensuring adequate screening and buffering to the neighborhood, building setbacks, and restricting access to Williams St only. For these reasons the applicant believes that the request is consistent with the health, safety, and general welfare of the residents of the adjacent neighborhood.

Goals 2:

Elimination of blight and prevention of blighting influences.

The existing property is vacant. Vacant land can be a blighting influence. By changing the zoning on this property and incorporating the vacant land into

the existing business would eliminate the current condition and further this goal of the Plan.

Social Issues pg. 20-21

In the Human Services Plan- Long range Goals 1981, the Department of Human Services staff made a series of recommendations related to social service provision in the South Broadway Area. The study identified the health needs of the following populations:

1. Low income children in need of dental care and dental education;
4. Those at risk of exposure to conditions conducive to disease and illness or life threatening situations.

By changing the current zoning designation of the dental clinic's vacant premises, the Department of Human Services Long Range Goals study in identifying special populations in need of health care will be addressed and expanded to those populations most in need.

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

The applicant feels that the existing zoning is inappropriate because a different use category would be more advantageous to the community. As stated above, the applicant can demonstrate that the current use of the dental clinic's property zoned SU-2 LCR has proven to be successful over many decades in offering a quality and much needed affordable service to the surrounding community and to the South Broadway neighborhoods. By incorporating the clinic's vacant land into the existing premise, the applicant feels that the resulting use category allowing for expansion would be more advantageous to the community as articulated in the Comprehensive Plan, the South Broadway Neighborhoods Sector Development Plan, and the State Metropolitan Redevelopment Code as further explained above in Section C.

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to the adjacent property, the neighborhood or the community.

The proposed zoning designation and use currently exists on the applicant's premises and has since the early 1970's. The proposed use of a dental clinic would not be harmful, especially since this use has not proven to cause noise, dust, odors, or other potentially harmful effects. In fact, the existing use has

only offered convenient, affordable, and needed services to adjacent properties, the neighborhood and the community. Additionally, the vast majority of clients appreciate the location of the existing clinic within the neighborhood because it is very accessible by the Broadway bus route and/or walking.

- F. A proposed zone change which, to be utilized through land development, requires major and unplanned capital expenditure by the City may be; (1) denied due to lack of capital funds, or (2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.

No major or un-programmed capital expenditures by the City are required, as roadways and utility infrastructure is already in place.

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

The cost of land or other economic considerations are not the primary determining factors for a change of zone in this case. First, the land has already been purchased, is retained in full ownership, and is not for sale. The primary determining factors of this request are to allow a successful business to grow and operate efficiently within the neighborhood while complying with the general regulations of the Comprehensive City Zoning Code. And second, infill and expansion of a not for profit business in a designated City Metropolitan Redevelopment Area and the Established Urban Area is to further and continue to realize the policies and goals of the Comprehensive Plan, the South Broadway Neighborhoods Sector Development Plan, and the Metropolitan Redevelopment Code.

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

The subject property is located on a local street, not a collector or major street.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone". Such a change of zone may be approved only where (1) the change will clearly facilitate realization of the Comprehensive plan and any applicable adopted sector development plan, or area development plan, or (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises make it unsuitable for the uses allowed in any adjacent zone.

This request does not constitute a spot zone if approved. The proposed zone change will not give a zone different from surrounding zoning. The proposed zoning of SU-2 LCR abuts the SU-2 LCR zone of the South Broadway Neighborhood Sector Development Plan area.

- J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will only be approved where; (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or plan area, and (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The proposed development does not constitute "strip zoning". This request would not result in a strip zone because the requested zone of property would not give a "zone different from surrounding zoning". The area of the proposed zone change clearly facilitates the realization of the Comprehensive Plan and other Plans as stated above. If approved, this request would result in an approved commercial zoning designation which does not significantly differ from allowed uses adjacent or surrounding the site.

Summary

For the above stated reasons, we respectfully request that the Planning Commission approve this request for a map amendment from SU-2 MR to SU-2 LCR and to change the Official Map as defined and regulated by the City of Albuquerque Comprehensive City Zoning Code. Approval of this request will allow the property owner to continue operating an existing and successful business which has made an immense contribution to the local community with their needed health care services, and above all will help improve a currently blighted area within a designated Metropolitan Redevelopment Area of the City. We believe this request furthers the goals and policies of the Comprehensive Plan, the Metropolitan Redevelopment Code, and the South Broadway Neighborhoods Sector Development Plan.

Please do not hesitate to contact me if you have any questions or require any additional information.

Sincerely,



Jonathan Turner
Garcia/Kraemer & Associates

January 17, 2017

City of Albuquerque
Environmental Planning Commission
PO Box 1239
Albuquerque, NM 87103

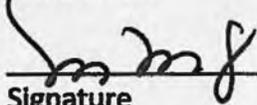
RE: 2120 William St SE, & Tracts 308A1, 307B, 308A 2X308B Map 41

To Whom It May Concern:

As the Owner/Developer, I authorize Garcia/Kraemer & Associates to act as agent on behalf of Community Dental Services Inc, on matters pertaining to any and all submittals to the City of Albuquerque regarding the above referenced property.

MARY M. ALTENBERG

Print Name



Signature

EXECUTIVE DIRECTOR

Title

January 17, 2017

Date

PRE-APPLICATION REVIEW TEAM (PRT) MEETING

PA# 110.024

Date: 5.17.2016

Time: 2:30 PM

Address: 2116 HINKLE SE

1. AGENCY REPRESENTATIVES PRESENT AT MEETING

Planning:	<input checked="" type="checkbox"/> Kym Dicome	<input checked="" type="checkbox"/> Other: <u>MICHAEL VOS</u>
Transportation:	<input checked="" type="checkbox"/> Gary Sandoval	<input type="checkbox"/> Other: _____
Code Enforcement:	<input checked="" type="checkbox"/> Ben McIntosh	<input type="checkbox"/> Other: _____
Fire Marshal:	<input checked="" type="checkbox"/> Antonio Chinchilla	<input type="checkbox"/> Other: _____

2. TYPE OF APPLICATION ANTICIPATED / APPROVAL AUTHORITY

- | | | | |
|--|---------------------------------------|--|---|
| <input type="checkbox"/> Zone Map Amendment | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> City Council Approval | |
| <input type="checkbox"/> Sector Dev. Plan Amendment | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> City Council Approval | |
| <input type="checkbox"/> Site Dev. Plan for Subdivision | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> DRB Approval | <input type="checkbox"/> Admin Approval |
| <input type="checkbox"/> Site Dev. Plan for Bldg. Permit | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> DRB Approval | <input type="checkbox"/> Admin Approval |
| <input type="checkbox"/> Other: _____ | | | |

3. SUMMARY OF PRT DISCUSSION:

Current Zoning: SU-2 LCP/MP

Proposed Use/Zone: _____

Applicable Plans: _____

Applicable Design Regulations: _____

Previously approved site plans/project #s: _____

Requirements for application: (R-270-1980, Notification, as-built drawings, TIS, Check Lists, Other) _____

Handouts Given:

- Zone Map Amendment Process R-270-1980 AA Process EPC Schedule

Additional Notes:

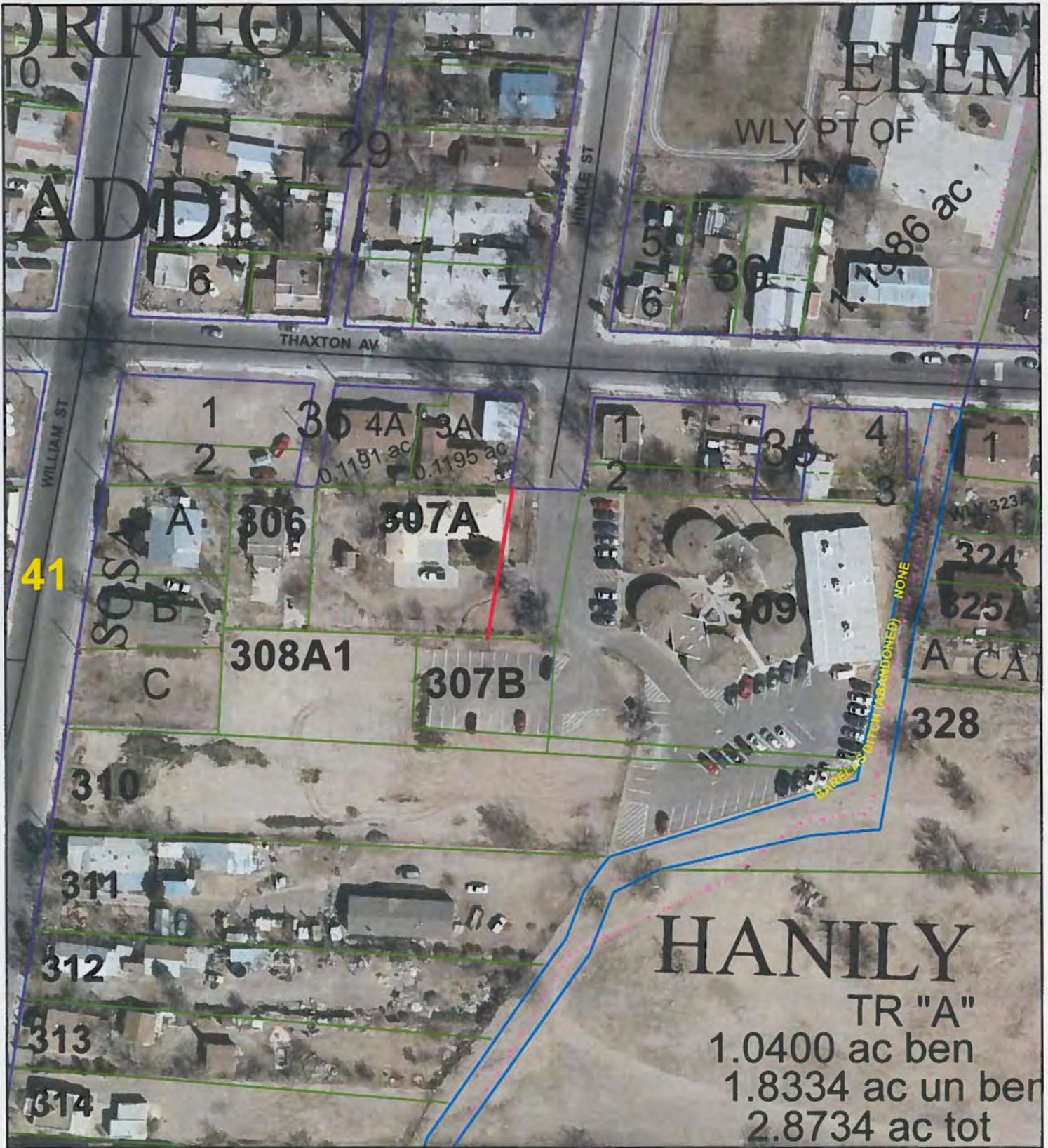
SU-2
FACILITY IS ZONED LCP + PARKING AREA IS ON A
SEPARATE TRACT ZONED SU-2/MP.
COMMUNITY DENTAL SERVICES + CHILD CARE ARE OWN
BOTH 2112 + 2120 WILLIAMS ST. WHICH SHOW CON AERIAL
PARKING FOR THE FACILITY.
SHOULD RELOCATE PARKING AREAS INTO THE STONE TRACT
AS THE FACILITY @ 2116 HINKLE SE

4. SIGN & DATE TO VERIFY ATTENDANCE & RECEIPT OF THIS SUMMARY.

[Signature]
 PRT CHAIR

Robert Luera, Agent
 APPLICANT OR AGENT

*****Please Note: PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY. THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL. Statements regarding Zoning are not Certificates of Zoning. Additional research may be necessary to determine the exact type of application and/or process needed. It is possible that factors unknown at this time and/or thought of as minor could become significant as the case progresses.**



CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: COMMUNITY DENTAL SERVICES DATE OF REQUEST: 5/3/17 ZONE ATLAS PAGE(S): L-14
CURRENT: AGENT - JONATHAN TURNER LEGAL DESCRIPTION: TRACTS 308A1, 307B, 308A2X 308B
ZONING SU-2/MR LOT OR TRACT # _____ BLOCK # -
PARCEL SIZE (AC/SQ. FT.) 1.3 AC SUBDIVISION NAME MARSH

REQUESTED CITY ACTION(S):

ANNEXATION []

ZONE CHANGE From SU-2 MR To SU-2 LCR

SECTOR, AREA, FAC, COMP PLAN []

AMENDMENT (Map/Text) []

SITE DEVELOPMENT PLAN:

SUBDIVISION* [] AMENDMENT []

BUILDING PERMIT [] ACCESS PERMIT []

BUILDING PURPOSES [] OTHER []

*Includes platting actions

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT

NEW CONSTRUCTION []

EXPANSION OF EXISTING DEVELOPMENT []

GENERAL DESCRIPTION OF ACTION:

OF UNITS: N/A

BUILDING SIZE: N/A (sq. ft.)

Note: changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

APPLICANT OR REPRESENTATIVE [Signature]

DATE 5/3/17

(To be signed upon completion of processing by the Traffic Engineer)

Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2ND St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

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

THRESHOLDS MET? YES [] NO MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: []

Notes:

If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. Any subsequent changes to the development proposal identified above may require an update or new TIS.

[Signature]
TRAFFIC ENGINEER

05-03-17
DATE

Required TIS must be completed prior to applying to the EPC and/or the DRB. 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

NOTIFICATION & NEIGHBORHOOD INFORMATION



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

***PLEASE NOTE:** The NA/HOA 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.

April 28, 2017

Jonathan Turner
Garcia/Kraemer & Associates
600 1st St. NW, Suite 211/87102
440-1524 (c)
jturner@garciakraemer.com

Dear Jonathan:

Thank you for your inquiry requesting the names of ALL Neighborhood and/or Homeowner Associations who would be affected under the provisions of §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* by your proposed **[EPC Submittal]** project recorded as **[2120 William St. SE and Tracts 308A1, 307B, 308A 2X308B, Map 41]** located on **[William St. SE between Thaxton SE and Gerald SE]** zone map **[L-14]**.

This correspondence serves as your "Developer Notification Letter" from the Office of Neighborhood Coordination, and must be included as part of your application. Please see "ATTACHMENT A" for a list of NA's / HOA's that must be contacted regarding this submittal.

Please note that according to Section §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* you are required to notify **both** of these contact persons by **certified mail, return receipt requested**, before the Planning Department will accept your application. Please see Page 2 of this letter for additional requirements. If you have any questions about the information provided please contact our office at (505) 768-3334 or ONC@cabq.gov

Sincerely,

Office of Neighborhood Coordination
Council Services Department

Neighborhood Notification Letters Must Include the Following:

Prior to filing an application with the Planning Department, all applicants requesting approvals through the Environmental Planning Commission (EPC), Development Review Board (DRB), Landmarks & Urban Conservation Commission (LUCC), or approval of a Wireless Telecommunication Facility (WTF) are required to notify any affected neighborhood and/or homeowner associations via certified mail.

1. The street address for the subject property;
2. The currently recorded 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 and detailed description of the action(s) being requested;
5. ***** NEW*** Facilitated Meeting Information** – All notification letters must include the following text:
Affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Office of Neighborhood Coordination (ONC) by email at ONC@cabq.gov or by phone at (505) 768-3334.
A facilitated meeting request must be received by ONC by: Monday June 12, 2017.

Neighborhood Notification Checklist

The following information must be included for each application packet submitted to the City of Albuquerque Planning Department.

1. ONC's "Developer Notification Letter" outlining any affected Neighborhood and/or Homeowner Associations.

**Note: If your ONC letter is more than 30 days old, you must contact ONC to ensure that the contact information is still current.*
2. Copies of Letters sent to any affected Neighborhood and/or Homeowner Associations.
3. Copies of certified receipts mailed to any affected Neighborhood and/or Homeowner Associations.

Any questions, please feel free to contact our office at (505) 768-3334 or ONC@cabq.gov.

Thank you for your cooperation on this matter.

(ONC use only)

Date Processed: 04/28/17 ONC Staff Initials: VMQ

ATTACHMENT A

SAN JOSE N.A. (SJS) "R"

Olivia M. Greathouse

408 Bethel Dr. SE/87102 315-8224 (c)

Bobby Brown

2200 William SE/87102 589-5843 (c)

NA E-mail: sjnase@gmail.com

GARCIA/KRAEMER & ASSOCIATES 600 1ST St NW Suite 211

Albuquerque, NM 87102

(505) 440-1524 mobile

(505) 242-9028 office

April 15, 2017

Ms. Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Zone Map Amendment- 2120 William St. SE and Tracts 308A1, 307B,
308A 2X308B, Map 41

Dear Madam Chair Hudson:

The purpose of this correspondence is to request approval through the Environmental Planning Commission for a zone map amendment from SU-2 MR to SU-2 LCR for the above referenced site. The property is approximately 1.3 acres in size and is located within the city limits.

Adjacent Land Uses and Zoning

The site is located on William St. SE in between Thaxton SE and Gerald SE. The property is located on zone atlas map page L-14 as shown on the accompanying zone map. The zoning of the adjacent properties is SU-2 MR and SU-2 LCR. Those properties have been developed primarily with single-family dwellings and a non-profit community dental clinic.

Reason for Request

The applicant wishes to request approval of a zone map amendment from SU-2 MR to SU-2 LCR to allow the use of an existing parking area for the dental clinic which currently cannot be used since it is zoned MR mixed residential. In addition, the applicant would also be able to provide access to the dental clinic off of Williams St. instead of Hinkle as currently exists. The clinic's access off of Hinkle is a legally platted shared access easement with the neighbor to the west, and there has been an ongoing disagreement with the adjacent neighbor regarding the size of the access off of Hinkle to the clinic's parking area. And although the clinic has been using that access for well over 10 years, the neighbor has placed barricades between the clinic's parking area and their property, making it very difficult for the clinic's employees and clients to maneuver their vehicles. By gaining full access off of Williams St, the clinic would not only abandon their access off of Hinkle but

also would install a 10 foot wide special landscape buffer and 6 foot high solid wall along the boundaries between neighboring residential properties to provide some visual relief.

Resolution- 270-1980

The proposed Zone Map Amendment for this site is consistent with Resolution 270-1980 as follows:

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

The proposed zoning of SU-2 LCR will not adversely affect the health, safety, morals and general welfare of the City or area residents. In fact, the applicant believes that if approved, the zone change would allow the continued use of a quality project in a blighted area. The zoning and uses proposed are no different from what uses already exist on the dental clinics property today; and as explained above, have not been found to be inconsistent with the health, safety, morals, and general welfare of the City, but rather quite the opposite. Specifically, the applicant feels that the proposed development will help to continue to stabilize and increase property values in the area by being able to reasonably expand, while preventing further blight in the neighborhood and providing an obviously needed and desired service to the community and surrounding neighborhood.

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

Re- zoning from SU-2 MR to SU-2 LCR will provide for stability of land use and zoning. The proposed zone change would allow for an expansion of the current use of the property which will ultimately result in more job opportunities and increased revenue for the public and local community as is encouraged in the State of New Mexico Metropolitan Redevelopment Code. Moreover, development of the property, which is currently vacant land, will help to eliminate blight and in turn increase property values which would contribute to stabilizing land use.

- C. A proposed zone change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments.

The site is located in the Established Urban Area as designated by the Comprehensive Plan. The proposed zone change furthers the intent of Comprehensive Plan policies by providing a variety of urban land uses in an area where such uses are appropriate. Policies applicable from the Plan include:

Policy II.B.5a- A full range of urban land uses...- **This application is to allow an existing dental service to expand while continuing to provide much needed care for the surrounding low income residents and community.**

Policy II.B.5i- 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.

The applicant believes that the proposed map amendment is appropriately located since the type of use proposed is currently occurring legally on the adjacent property, and stated above, this will create the opportunity to provide needed buffering and direct vehicle access which will help to minimize adverse effects of noise, lighting, pollution, and traffic on the adjacent residential environments. Therefore, the applicant affirms that the proposed map amendment is not in conflict with this policy but rather will significantly further it for the reasons previously stated.

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

This request for a sector plan map amendment is to allow for an existing non-profit community dental clinic to expand with improvements and new development to the overall premises. The applicant feels that this policy is furthered by the proposed development, and the overall layout of the site will provide variety while respecting the natural environment and socio-cultural concerns. The proposed development will not compromise carrying capacities, scenic resources, or neighborhood values. Relocation of vehicular access to the site and installation of appropriate landscape buffers will help to partially further this policy.

Policy II.B.5e-

New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The portion of the site to the west of the existing dental clinic is vacant and contiguous to urban facilities. There are no permanent structures on the vacant portion of land. This request is not in significant conflict with the above policy since the parcel of land abuts existing urban facilities and the overall development would ensure and enhance the integrity of the existing neighborhood with a development that respects and will produce a quality developed environment within the existing neighborhood and Sector Plan area. As mentioned, the subject property is currently vacant and underutilized. Incorporating this property into the existing business will be

beneficial to dental clinic's ability to operate and continue to provide services to the community in the future.

Policy II.B.5o-

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

The proposed zone change will allow further redevelopment includes the redevelopment of an older neighborhood in the Established Urban Area of the Plan. This application is to continue and strengthen this policy by redeveloping vacant land which also will promote continued rehabilitation within the neighborhood. Redevelopment of land helps to further this policy by eliminating blight and promoting infill development. The applicant feels that development of the vacant land to the west and the expansion of the existing dental clinic will further this policy. Additionally, possible technique #8 would be utilized since it is to "Initiate and provide assistance to neighborhood based non-profit organizations as a means of implementing redevelopment objectives".

Policy II.D.6.b- Economic Development

Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The applicant believes that the successful development of the existing dental clinic has proven to further this policy, and if approved, the zone change request will only allow continued growth and development of this non-profit local business to offer services to the South Broadway community.

South Broadway Neighborhoods Sector Development Plan Goals, Objectives, and Recommendations:

Goal 1:

Elimination of conditions which are detrimental to the public health, safety and welfare.

This goal is furthered by this request since the map amendment from SU-2 MR to SU-2 LCR will allow for an expansion to the existing dental clinic site while ensuring adequate screening and buffering to the neighborhood, building setbacks, and restricting access to Williams St only. For these reasons the applicant believes that the request is consistent with the health, safety, and general welfare of the residents of the adjacent neighborhood.

Goals 2:

Elimination of blight and prevention of blighting influences.

The existing property is vacant. Vacant land can be a blighting influence. By changing the zoning on this property and incorporating the vacant land into the existing business would eliminate the current condition and further this goal of the Plan.

Social Issues pg. 20-21

In the Human Services Plan- Long range Goals 1981, the Department of Human Services staff made a series of recommendations related to social service provision in the South Broadway Area. The study identified the health needs of the following populations:

1. Low income children in need of dental care and dental education;
4. Those at risk of exposure to conditions conducive to disease and illness or life threatening situations.

By changing the current zoning designation of the dental clinic's vacant premises, the Department of Human Services Long Range Goals study in identifying special populations in need of health care will be addressed and expanded to those populations most in need.

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

The applicant feels that the existing zoning is inappropriate because a different use category would be more advantageous to the community. As stated above, the applicant can demonstrate that the current use of the dental clinic's property zoned SU-2 LCR has proven to be successful over many decades in offering a quality and much needed affordable service to the surrounding community and to the South Broadway neighborhoods. By incorporating the clinic's vacant land into the existing premise, the applicant feels that the resulting use category allowing for expansion would be more advantageous to the community as articulated in the Comprehensive Plan, the South Broadway Neighborhoods Sector Development Plan, and the State Metropolitan Redevelopment Code as further explained above in Section C.

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to the adjacent property, the neighborhood or the community.

The proposed zoning designation and use currently exists on the applicant's premises and has since the early 1970's. The proposed use of a dental clinic

would not be harmful, especially since this use has not proven to cause noise, dust, odors, or other potentially harmful effects. In fact, the existing use has only offered convenient, affordable, and needed services to adjacent properties, the neighborhood and the community. Additionally, the vast majority of clients appreciate the location of the existing clinic within the neighborhood because it is very accessible by the Broadway bus route and/or walking.

- F. A proposed zone change which, to be utilized through land development, requires major and unplanned capital expenditure by the City may be; (1) denied due to lack of capital funds, or (2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.

No major or un-programmed capital expenditures by the City are required, as roadways and utility infrastructure is already in place.

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

The cost of land or other economic considerations are not the primary determining factors for a change of zone in this case. First, the land has already been purchased, is retained in full ownership, and is not for sale. The primary determining factors of this request are to allow a successful business to grow and operate efficiently within the neighborhood while complying with the general regulations of the Comprehensive City Zoning Code. And second, infill and expansion of a not for profit business in a designated City Metropolitan Redevelopment Area and the Established Urban Area is to further and continue to realize the policies and goals of the Comprehensive Plan, the South Broadway Neighborhoods Sector Development Plan, and the Metropolitan Redevelopment Code.

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

The subject property is located on a local street, not a collector or major street.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone". Such a change of zone may be approved only where (1) the change will clearly facilitate realization of the Comprehensive plan and any applicable adopted sector development plan, or area development plan, or (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses

nearby; or because the nature of structures already on the premises make it unsuitable for the uses allowed in any adjacent zone.

This request does not constitute a spot zone if approved. The proposed zone change will not give a zone different from surrounding zoning. The proposed zoning of SU-2 LCR abuts the SU-2 LCR zone of the South Broadway Neighborhood Sector Development Plan area.

- J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will only be approved where; (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or plan area, and (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The proposed development does not constitute "strip zoning". This request would not result in a strip zone because the requested zone of property would not give a "zone different from surrounding zoning". The area of the proposed zone change clearly facilitates the realization of the Comprehensive Plan and other Plans as stated above. If approved, this request would result in an approved commercial zoning designation which does not significantly differ from allowed uses adjacent or surrounding the site.

Summary

For the above stated reasons, we respectfully request that the Planning Commission approve this request for a map amendment from SU-2 MR to SU-2 LCR and to change the Official Map as defined and regulated by the City of Albuquerque Comprehensive City Zoning Code. Approval of this request will allow the property owner to continue operating an existing and successful business which has made an immense contribution to the local community with their needed health care services, and above all will help improve a currently blighted area within a designated Metropolitan Redevelopment Area of the City. We believe this request furthers the goals and policies of the Comprehensive Plan, the Metropolitan Redevelopment Code, and the South Broadway Neighborhoods Sector Development Plan.

Please do not hesitate to contact me if you have any questions or require any additional information.

Sincerely,


Jonathan Turner
Garcia/Kraemer & Associates

Enclosure/s

**Cc: Olivia M. Greathouse- San Jose N.A.
Bobby Brown- San Jose N.A.**

Note: Affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Office of Neighborhood Coordination (ONC) by email at ONC@cabq.gov or by phone at (505)768-3334.

A facilitated meeting request must be received by ONC by: Monday June 12, 2017

7008 0150 0002 5973 1293

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Total Postage & Fees	\$6.50

0101
 22
 ALBUQUERQUE, NEW MEXICO 87102
 Postmark Here
 MAY -3 2017
 05/03/2017

Sent To: *Olivia M. Greathouse*
 Street, Apt. No., or PO Box No.: *408 Bethel Dr. SE*
 City, State, ZIP+4: *ABQ, NM 87102*

PS Form 3800, August 2006 See Reverse for Instructions

7008 0150 0002 5973 1286

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0101
 22
 ALBUQUERQUE, NEW MEXICO 87102
 Postmark Here
 MAY 2017
 05/03/2017

Sent To: *Bobby Brown*
 Street, Apt. No., or PO Box No.: *2200 William SE*
 City, State, ZIP+4: *ABQ, NM 87102*

PS Form 3800, August 2006 See Reverse for Instructions

October 6, 2015

To: Mayor Richard J Berry

I am writing to you today because of a problem that began 30 years back, but finally became unbearable at the end of 2014. Our Neighbor (Community Dental Services) has been using my mother's property as access for their customers for 30 years.

In December the problem of drug dealing and other crime gave us the need to approach Community Dental Services to inform them of our need to discontinue access for our mother's safety.

A meeting was set up with Mary Altenberg on May 4, 2015. During this meeting, we pointed out to her that they owned the lot that led to Williams, a semi commercial road, so they no longer needed our land for entrance. During this meeting she produced a document that stated that they had a right to an access easement. We pointed out that the area in question was for access only not for parking or any other clinic use.

We also discovered at this time that the access easement took up 50ft of our mother's property and literally went through her kitchen. We questioned the legality of a document that would take up the entire front yard and part of the house. We were then told by Mary that she would speak to the board about the problems we were having and get back with us.

A few days later, I confronted a contractor parked on the easement, and asked why they had not informed him that no parking was allowed. I was approached by Rob Dorabi who I later found out he was in charge of the clinics finances who told me to keep my nose out of their business. When I asked him how the dental center was going to help keep my mother safe from the drug dealing on the easement his answer was shocking. He stated "We don't care about the drug dealing or any of your problems they don't affect us." He then told me if I was going to go after them I better come big and I could go ahead and call the city and see if anything happens, insinuating that they had special exemption from having to do anything.

Due to this response I called in a 311 complaint case #13905306 on 5/17/2015 to complain about three issues

1. Drug dealing on the easement.
2. The weed and litter in their parking lot and vacant areas of their property
3. A light that flashed on and off every 60 seconds all night long

This case was closed without anyone speaking with me about the problems and nothing was done.

I then followed up with a second call on 6/4/2015 reopening the previous case with case #13835168 and 13806125. This time there was some movement on the weed issues. They mowed the weeds, but did not pick up the litter scattered litter throughout the lot causing litter to be blown into my yard daily. I have photos of the same litter in the same place after every mowing from June to present day.

On August 27th I opened case #14147183 for the remaining issues, the flashing light and the weed and litter issue. I asked why this has not been addressed. This has been a problem reported since May and it has not been addressed by the city.

I spoke to the head of zoning Brandon Williams in June on questions as to why the dental offices does not have landscaping and shade trees in their parking lot like other business are required to, and why the weed and litter complaints had not been addressed, he told me he would do research and get back to me, still no call back.

Today case #14147183 still open. The light is no longer a problem; they turned it off leaving the people they have lining up at 6:00am standing in the dark. The trash is still against my fence, weeds still all over their lot blowing seeds and pollen into the neighborhood.

Now a little about myself; I am a retired City of Albuquerque Employee, I was the Field Operation's Supervisor for the Solid Waste Department, Weed and Litter division until October 2007. I worked with the weed and litter ordinance daily and know that this property is in violation. I need to ask why is this property not required to Follow the weed and litter ordinance. If you would like to contact me feel free to call 505-908-7991

In the meantime, here is some history and documentation of the issues we have witnessed over the last 5 years while caring for my mother.

Sincerely

Anthony Garcia
2111 Hinkle SE
Albuquerque, NM 87102
505-908-7991

History of Bad Neighbors

Community Dental Services moved in directly in front our parents' house about 30 years ago. With no regard to our parent's way of life they just put up a fence along their property line forcing traffic to flow directly in front of our parent home and through their property line. Property that they have paid taxes on for over 50 years.

Their fence was so close to my parent's fence our visitors could not turn into our yard. The traffic was so bad that during rainy days there were deep trenches in the street that the cars created. Their changes forced flood waters into my parents and the neighbor's yard.

After many months and complaints by my Father, the dental office finally agreed to pave the area but first asked my father to sign a document saying it was OK for them to put in the pavement. What my father did not realize was what they had him sign was an access easement with him giving up 50ft of his property. They never explained the easement and they only said it was to put in the pavement so that the flooding would stop.

Once signed, my father had given up 50ft of his property as an access and drainage easement that literally goes through my parent's kitchen. It was not until years later when my father decided to see an attorney about the issues with these neighbors that he found out what he actually signed. By then it was too late, or so he was told.

The place has continued to be a nuisance. For 30 years, our father tried to work out a good neighbor policy with this group. They made him many promises but nothing was ever done.

When their clients were crashing into my father's fence they put up barriers but never fixed the fence. When my father moved his fence to allow more room and stop people from hitting it, the dental office moved their fence further out towards my father's property removing the buffer.

When people started climbing our fence to cross our property to avoid their 6' gate they promised a 6' fence and it never happened and they never fixed the fence. My father resorted to planting cactus to help the issue.

They placed a commercial trash can right in front of my father's yard under the tree on our property line. They moved it but never covered it up. It still sits to this day open in their parking lot with no fence or any type of buffer between their business and my parents' home.

To this day the issues continue and are getting worse and the value of our parents' home has been depleted. They could never sell it with the issues that are going on next door.

Our father passed away November 19, 2010. Since then we have taken turns taking care of my mom and have witnessed what they had to put up with over the years. It gets worse every year and we fear for her safety because of the way their customers spill into her life.

Having that open area between our properties has only provided a place for more issues. I have listed those issues in the next pages.

Twice we met with the Director Mary Altenberg and her Finance Officer Rob Dorabi asking them to please provide a buffer between their customer and us and to please help us keep out the drug traffic after hours. Their response was. "It doesn't affect us so we don't care" and "If it costs us any money we won't do it" Both direct quotes from their finance officer.

We have even proposed some no cost solutions that they would not even consider. We even offered to do some of the work ourselves for free. Anything to help my mom and us feel safer.

Here is a list of issues we have brought up to the staff at the Clinic with no resolution.

Traffic and Parking issues

- Traffic is nuts. We have counted an average of 100 cars per day or more. Most days they have 100 cars by noon. It starts at 6:00 and go until 5:30. When we told them this, their response was. "Wow we have allot of customers." The property is continually used as a bus stop to pick up and drop off patients. People waiting sit under the tree on our property line, smoking and leaving their butts behind. It is supposed to be an access easement not for parking or a bus stop.
- Because it is perceived as public property, the entire neighborhood uses the property as a parking for parties or whatever and leave their trash behind.
- The area is used as a place for cars to turn around or kids to spin tires. One kid even put a dent in the asphalt spinning tires in the lot.
- People from the neighborhood walk their dogs and stop to do their business under the tree on my parent's lot and don't clean it up.
- Their customers park under the tree and clean out their cars leaving their trash behind. When we ask them to not park there, they spew profanity and tell us it is none of our business and it is public property or property belonging to the clinic. Just recently on 9-15 two different cars dumped a dirty baby diaper, a soda bottle and a half eaten burrito. As of 10-6 it is still there when the Dental office is supposed to maintain the area.
- Their customers park where ever they want blocking our trash cans so they don't get pick up, blocking the mail box and our driveway.
- Annoying car alarms are going off all the time.
- Their parking lots look directly into our yard so everyone sees our business. We have no privacy.
- They have no trees so their customer's park under the tree on our property even with no parking signs posted. When we ask them to please move they are rude and argumentative.
- Their employees are constantly speeding in and out of their lot. Twice they have caused an accident.
- Twice their parking lot was so full that when we had to call an ambulance for my mom, the paramedics had to literally wheel her in a gurney through their parked cars, down to the corner of the street because they could not get emergency vehicles in. Someone was also parked under the tree blocking what could have been parking for the ambulance. My mother was humiliated.

They can easily have their traffic come in through Williams – A public street instead of through a residential street and my mother's property. They own the property that opens to Williams, but refuse to do that because it might cost them money to pave a short driveway.

We have asked them to change their parking strategy which is no cost to them and they refused. We asked to simply have their employee's park in the lot next to our fence and have their customers use

the lot next to their building . This way we don't have people loitering in the parking lot looking into our lives. They have not done anything with our suggestion.

Nuisance issues

- Their customers congregate in their parking area and wander into our yard whenever they like. There is no respect for our property or person by their customers. It is easy for them because there is no buffer between my mother's home and their parking lot.
- We have witnessed kids having sex under the tree on our lot.
- We even had a couple of women parked under the tree to spy on their boyfriends across the lot. We know this because when Anthony asked them what they were doing there and they told him the whole story.
 - Bottom line they view it as a public parking and think they can do anything they want.
- We have been missing newspapers several times a month and when you call the Journal office they say it was delivered.
- Packages that were showing delivered by UPS come up missing.
- We have caught their customers going through our Trash Cans and our mailbox. Once again it is easy because there is no buffer between their parking lot and our property except for our fence and the mailbox is on the other side.
- Their customers come into our yard asking for food, work, wanting to pick flowers, cactus or fruit from our trees. – If you tell them no they get upset at us. When the women are alone this puts them at risk for anyone that comes to the door.
- Their customers come into the yard asking us to help fix their cars. Jump a battery or help unlock doors. They will ask us before they ask anyone at the clinic.
 - Again no buffer so they just walk right in past our gate. We are forced to invest in a new more secure gate because the Dental Office will not create a buffer.
- We used to have a cherry tree that was on the edge of the yard that people would climb and raid because they thought it was a public street and they had the right to pick anything that hung over the fence. If we asked them to stop they would just tell us to mind our business because it is public property or ignore us. They wound up destroying the tree.

We asked them if they would consider not allowing parking in front of our house and make it a loading area only. This way people would not be hanging around there and be tempted to just walk into our yard. Again no cost to them, but they once again refused.

Maintenance Issues

- They don't maintain the weeds and litter as promised in the easement. We constantly complain. They work on it for a while then slack off. Right now they won't even touch the fence line. We have pictures of litter that has been in the same spot for weeks. We finally broke down and had to cut the weeds ourselves. Trash remains until we clean it ourselves. The agreement between the Dental Office and our family is that they maintain the weeds and litter but we wind up doing it.
- Their weeds are out of control. They mow them but it doesn't last and won't stop rodents.

We have contacted 311 for weed and litter control but no response from them either.

Safety issues

- We have had people jump over our fence to get past their gates and just walk across the yard. My father planted cactus along the fence line to help stop it. The fence remains broken and now their customers help themselves to cactus leaves.
- Once, when our sister was putting out the trash a man walked into the yard from their parking lot and started talking about the cactus, he suddenly started to spew bible verses about the end of times. She was so scared and didn't know what to do. He didn't make sense and he looked like a madman yelling at her.
- We have had strange men urinating under the tree in front of the house on our property line. When we confront them we get challenged and threatened.
 - One Easter Sunday when we had kids in the yard playing. Two men stopped to urinate under the tree and my father confronted them. A fight broke out between the two men and my Father and Brother in-law. One of the men appeared to pull a gun out of the back of his pants. The only thing that stopped it was our cousin from next door brought out a shot gun and chased them off.
- There are constant Drug trades in the parking lot and are getting worse. Sometimes all weekend. Very sporadic, hard to pinpoint and often there is more than one car waiting for the dealer. We put in cameras hoping to deter them but all that did was move the trading in front of the neighbor's house.
- This area is starting to be a safe haven for criminals to do their thing.
 - We have had Cops chasing criminals into the area and coming to us to ask if we saw anything. We no longer feel safe with this type of traffic.

We talked to the directors of the dental office about their allowing us to put up a fence in front of our property line to stop the after hour's traffic. Their response was. "Well how will you get in?" Insinuating that they would control the gate and access on our property line because of the easement.

What they offered is to put in a 6' gate in front of their second parking lot. We told them we don't need a gate where you already have one on their property; we need something on our property to keep people out after hours and keep my mom safe. Their response was, "If it costs us money we won't do it".

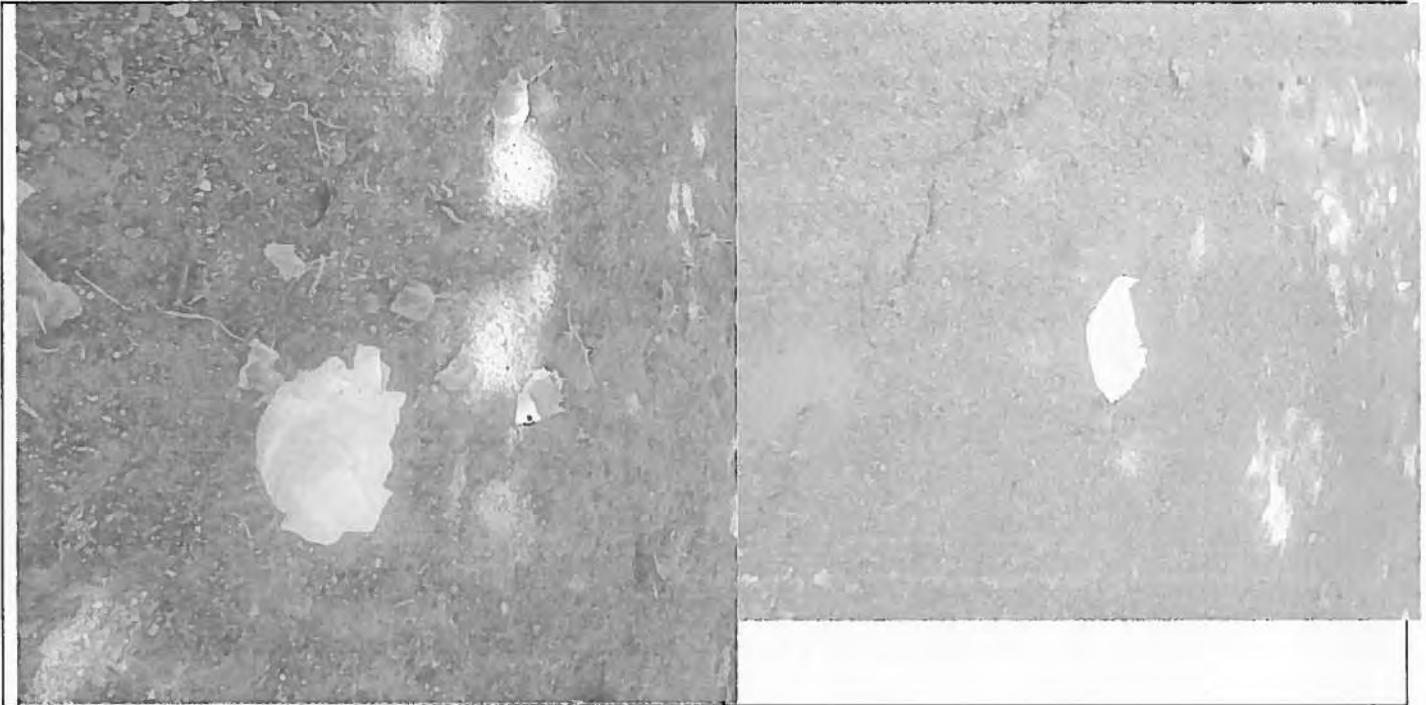
The bottom line is their business and customers are spilling over into our lives. There is no buffer between us and them and we no longer feel safe in our own home. There is no respect for our property or person by their staff or their customers.

We can't even sit on our patio for fear that someone is going to see us and decide to walk over and who knows what. We are in a fish bowl with their customers looking into our yard and lives. Because of the setup of their parking lots the after-hours traffic is even more dangerous. We can no longer enjoy our yard and no longer feel safe.

When we bring up the problems they tell us they are nonprofit and have no money, yet their 990 reports 3,213,385 in revenue of which 78% is spent on Salaries. Is there no room for doing what they can to improve the neighborhood and comply with city weed and litter ordinances? They are depleting the value of the neighborhood just by existing in that neighborhood. They are currently up for a city grant of aprox 197K. Some of that should be spent to improve the neighborhood around them.

Attached are photos showing the issues we have been dealing with over the last 30 years.

These are pictures of evidence where their customers dumped a dirty diaper and baby wipes after parking under the tree on 9-16.



A few minutes later another customer dumped an empty bottle and half eaten burrito in the same area. You can see the diaper in the area at the top of the picture. The trash remains there not picked up as promised as of 10-4.



Trash still on property as of 10-6

Their customers continue to park under the tree regardless of No Parking signs. We have had to put in Cameras and larger, uglier signs to try to help.



The Dental office is supposed to maintain the easement but fails to do so. Here are pictures where we had to do it ourselves.

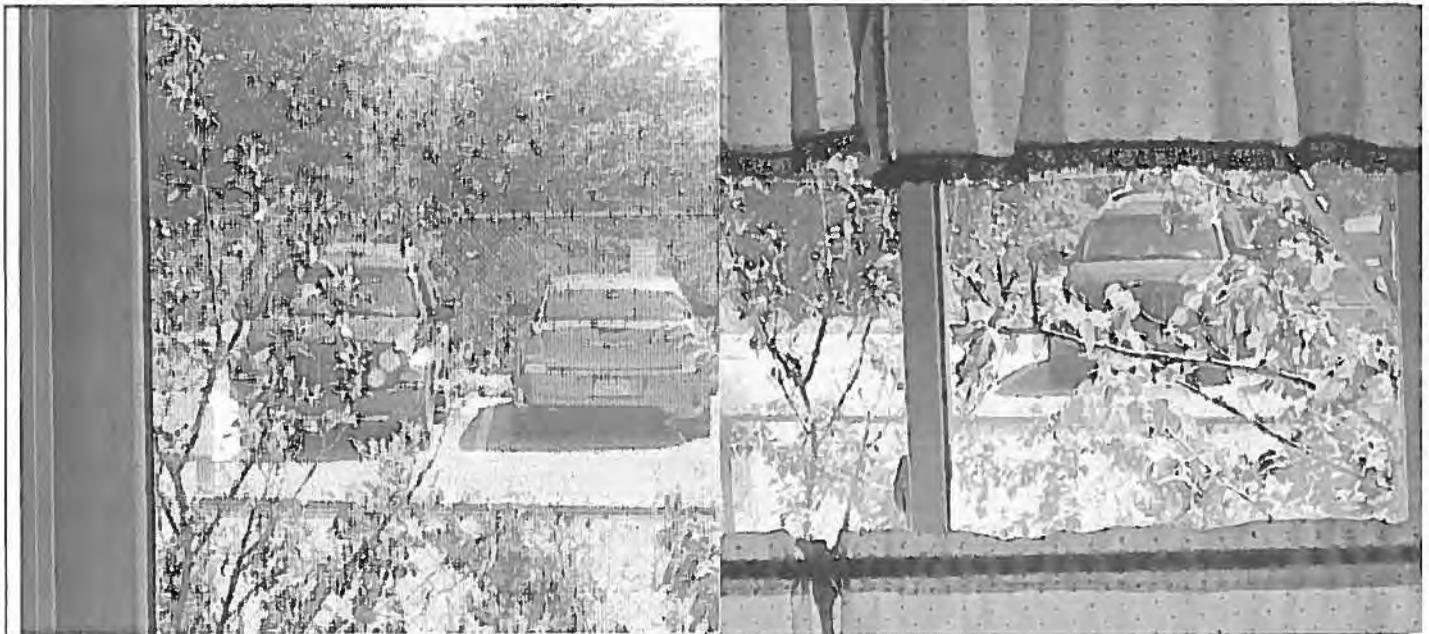


The Dental office provides no buffer between their customers and all their neighbors on every side.

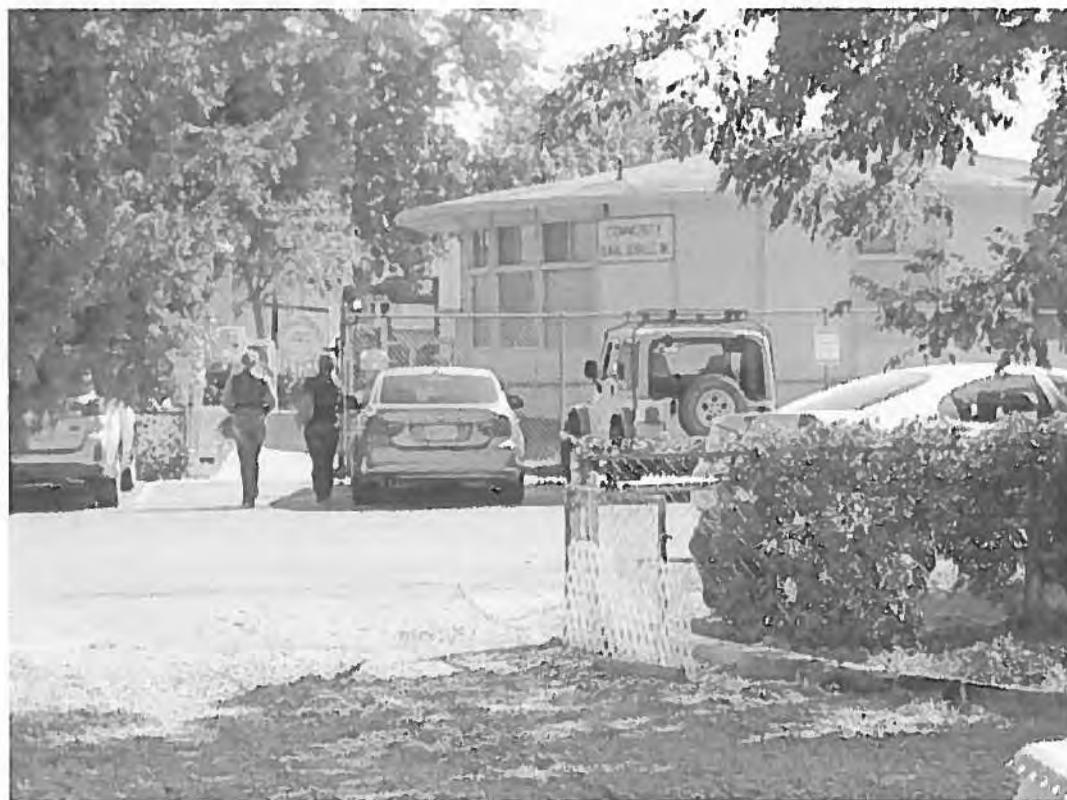
This picture is from the patio over our front door.



These two are pictures from our Kitchen Window



These are additional photos from our front door. You can clearly see into our property. We have no privacy so we don't go outside.



Here are snapshots of the Easement area.

Pictures below showing the area used as access no buffer between Community Dental and Garcia household. Only landscape on access area was planted and maintained by the Garcias.



Picture showing access area from east property line 2111 Hinkle SE. Everything from tree to center of photo is Private property belonging to Florinda Garcia. No buffer or screening between patient intake area and Garcia Household. Less than 50ft between Garcia front gate and patient intake area where people start lining up at 6:00am.



Photo taken from Dental office center parking space north side of lot with no screen or buffer between properties. 4 foot fence was the original fence provided by the Garcias before the lot was purchased by the Dental Office.



Photo of parking lot showing no trees no landscape and weeds over two feet tall.

Area at top of photo is the Garcia property. 4 foot fence is the original fence provided by the Garcias before the Dental office purchased the additional property



Photo showing main parking lot with no landscape no trees and weeds over 1 foot tall.



Photo showing only shaded area in Dental Clinic parking lot is Employee smoking area.







Somerfeldt, Cheryl

From: aubert robert <reaubert1@yahoo.com>
Sent: Friday, July 28, 2017 7:05 PM
To: Somerfeldt, Cheryl
Cc: Gloria Aubert
Subject: 2120 William SE

Dear Ms. Somerfeldt,

I am writing with some concerns regarding the zoning change being requested by the community dental clinic for the property located at 2120 William SE:

1. How is the access to the property going to be secured during non business hours to ensure that there will be no loitering or illegal activity happening?
2. How is dust going to be mitigated from vehicles driving onto the property?
3. Will the property be used as an access for waste management?
4. What will ensure that there will not be parked traffic, waiting for the clinic to open, in front of residences in the early morning hours?
5. What will ensure that if the property is sold it will not be able to be used for multi family or some other type of business, ie.apartments? Need some way of ensuring that the zoning change is only for a parking lot while the clinic is in existence and will revert back to the original zoning upon sale or closing of the clinic.

We would appreciate a meeting to address these and any other concerns there might be regarding the request for the zoning change. I appreciate your time.

Sincerely,
Gloria Aubert

[Sent from Yahoo Mail on Android](#)

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This message has been analyzed by Deep Discovery Email Inspector.

ADDITIONAL STAFF INFORMATION

Somerfeldt, Cheryl

From: Jonathan Turner <jturner@garciakraemer.com>
Sent: Tuesday, June 27, 2017 5:15 PM
To: Somerfeldt, Cheryl
Subject: 30 Day Deferral Request- Project #1011247- Zone Map Amendment

Ms. Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87102

Dear Madam Chair Hudson,

The purpose of this correspondence is to request a 30 day deferral for the above referenced project. The reason for the deferral is to allow more time to discuss the project with the surrounding neighbors, and to further justify the request. We believe that the additional time will allow for a better and more complete case for the EPC's consideration. Thank you in advance for your consideration.

Sincerely,

Jonathan Turner
Garcia/Kraemer & Associates
600 1st St NW- Suite 211
Albuquerque, NM 87102
505-440-1524

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: Somerfeldt, Cheryl
Sent: Monday, July 10, 2017 3:53 PM
To: 'Jonathan Turner'
Subject: South Broadway Dental Clinic

Jonathan,

How are things going with the Dental Clinic case? We have an extremely busy case load this month, so I just want to make sure we are on track if the case is to be heard in August. If you would like to have the case heard by the EPC on August 10, I would like to see an updated justification letter addressing the below issues by end of business next Monday – July 17, 2017. If this is an issue, please let me know.

The outstanding issues with the case include:

Justification Letter:

1. The site's Comp Plan designation is 'Area of Consistency'. Please choose policies under Area of Consistency within the 2017 Comp Plan to justify the zone change and revise the justification letter as necessary.
2. Under section E, please write how apartments and townhouses would not be injurious to the neighborhood. Please research the Conditional Use Permit approval from the ZHE for the property to the south. I believe you can find this by contacting Ernie Gomez.

Contact with the neighbor:

Have you been able to contact the property owner with the shared access agreement?

Thank you,

Cheryl Somerfeldt MLA, LEED AP, APA
Current Planner
Urban Design & Development Division
City of Albuquerque Planning Department
505-924-3357
csomerfeldt@cabq.gov

Somerfeldt, Cheryl

From: Somerfeldt, Cheryl
Sent: Monday, June 26, 2017 3:33 PM
To: Dicome, Kym
Subject: project 1011247 case 17EPC_40014 SouthBroadwaySDP ZoneChange
Attachments: 1011247_DeficiencyMemo_06152017.pdf; 1011247_DeficiencyMemo_06232017.pdf

Kym,
Regarding project 1011247 case 17EPC-40014 South Broadway SDP Zone Change...

Here is an activity timeline:

- 05-4-2017 - The application was submitted, and Michael Vos told Mr. Turner that the updated Comp Plan has been approved and the justification letter needs to be updated with new policies.
- 06-12-2017 - I emailed Mr. Turner regarding lot description, and he called 06-15-2017 to say he received that email.
- 06-15-2017 - I emailed Mr. Turner with first Deficiency Memo.
- 06-16-2017 - I emailed Mr. Turner with additional questions.
- 06-22-2017 - I received an office visit from neighbors on who are concerned about low income apartments, since they were opposed to the proposed housing project to the south and were able to keep it from being approved. The existing MR zone requires a conditional Use Permit for apartments, which allowed them to protest; however the proposed LCR zone would allow apartments permissively. I am not sure if they will submit additional comments.
- 06-22-2017 – I received a phone call from the neighbor from which the Dental Clinic holds an access easement on Hinkle Avenue. He strongly dislikes the Dental Clinic and is currently in a lawsuit with them regarding the easement. At first he was angry about the project; once I explained their intent to move the access driveway, he seemed like he might be in support, however I have not received written comments.
- 06-22-2017 - Mr. Turner submitted an updated justification letter.
- 06-23-2017 - I emailed Mr. Turner a second Deficiency Memo, and asked him for a meeting.
- 06-26-2017 – I called Mr. Turner and asked for a meeting.

The two major points are items E and I. Section E asks the applicant to explain why new permissive uses would not be harmful to the adjacent neighborhood. Given that the neighbors fought the addition of apartments (as described below), this should have more justification. Section I asks if this is a spot zone and Mr. Turner says it is not spot zone, however, it is a spot zone; so he would have to justify it. It appears that he may not have reviewed all of the comments in the first deficiency memo, but he is not getting back to me.

The recommendation could either go toward approval or disapproval but not sure if I should move forward since Mr. Turner is not answering...

Thank you,

Cheryl Somerfeldt, LEED AP
Current Planner
Urban Design & Development Division
City of Albuquerque Planning Department
505-924-3357