



**Environmental  
Planning  
Commission**

**Agenda Number: 04  
Project Number: 1010649  
Case #: 15EPC-40065  
December 10, 2015**

**Staff Report**

<b>Agent</b>	Anderson Wahlen & Associates
<b>Applicant</b>	Miller Family Real Estate
<b>Request</b>	<b>Amendment to Zone Map (Zone Change)</b>
<b>Legal Description</b>	Lot 46A, block C, Summary Plat of Lots 45, 46, 47, portion of lot 49 & portion of 20 ft. alley vacated by V-81-2 2, Bosque Redondo Addition
<b>Location</b>	On Wyoming Blvd. between Lomas Blvd. and Roma Ave.
<b>Size</b>	Approximately 1 acre
<b>Existing Zoning</b>	O-1, P
<b>Proposed Zoning</b>	C-2

**Staff Recommendation**

**APPROVAL of Case #15EPC-40065 based on the Findings beginning on Page #11.**

**Staff Planner  
Vicente M. Quevedo, Planner**

**Summary of Analysis**

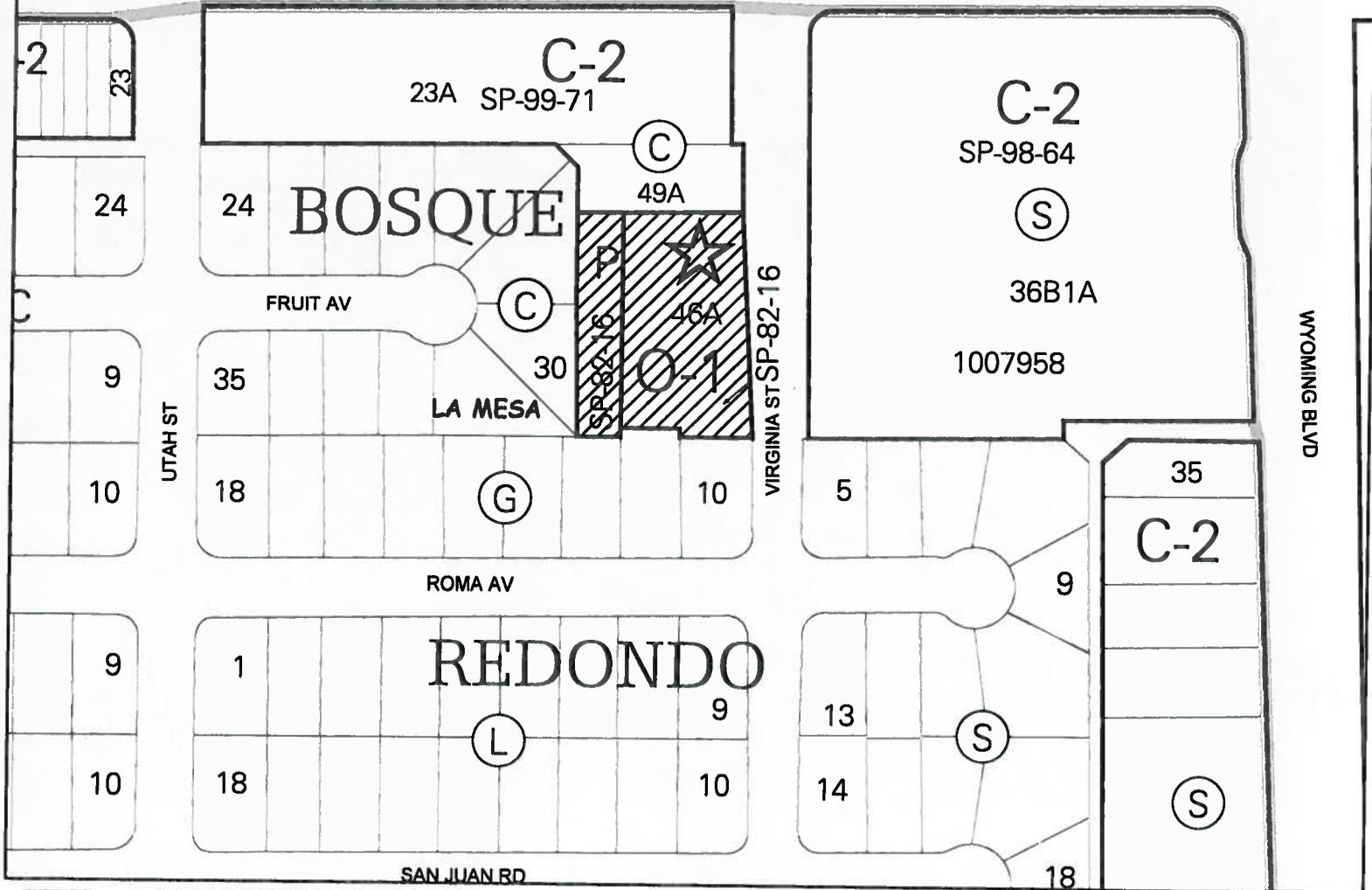
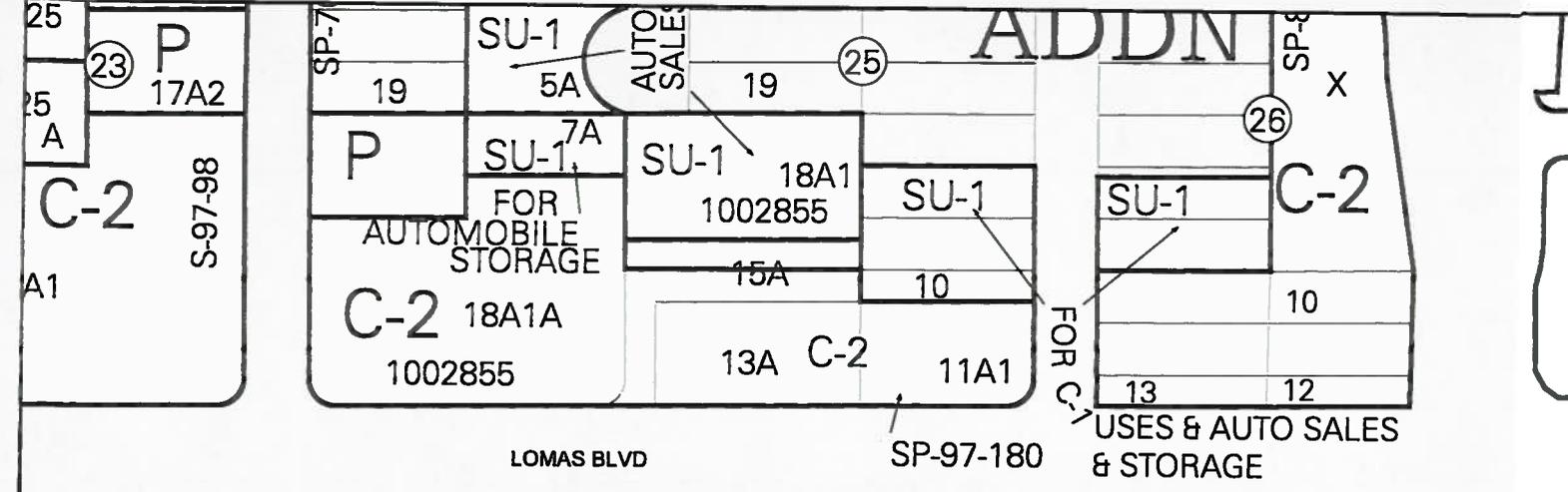
This is a request for a Zone Map Amendment (Zone Change) for an approximately 1 acre site located on Wyoming Blvd. between Lomas Blvd. and Roma Ave. The applicant's is proposing to demolish a deteriorating office building on the subject site, and develop a vehicle storage lot. The applicant also proposes to implement site improvements such as lighting, security systems and increases landscaping on the site.

The subject site is in the Established Urban area of the Comprehensive Plan. Overall, Staff finds that the request generally furthers applicable Goals and policies. Neighbors and property owners were notified as required. A facilitated meeting was recommended and held on November 18, 2015. Neighbors did not express opposition to the proposed use. A facilitated meeting report is attached to the staff report.

Staff is recommending approval of the requested zone change request based on the findings in the staff report.



City Departments and other interested agencies reviewed this application from 11/02/2015 to 11/13/2015  
Agency comments used in the preparation of this report begin on Page #17.



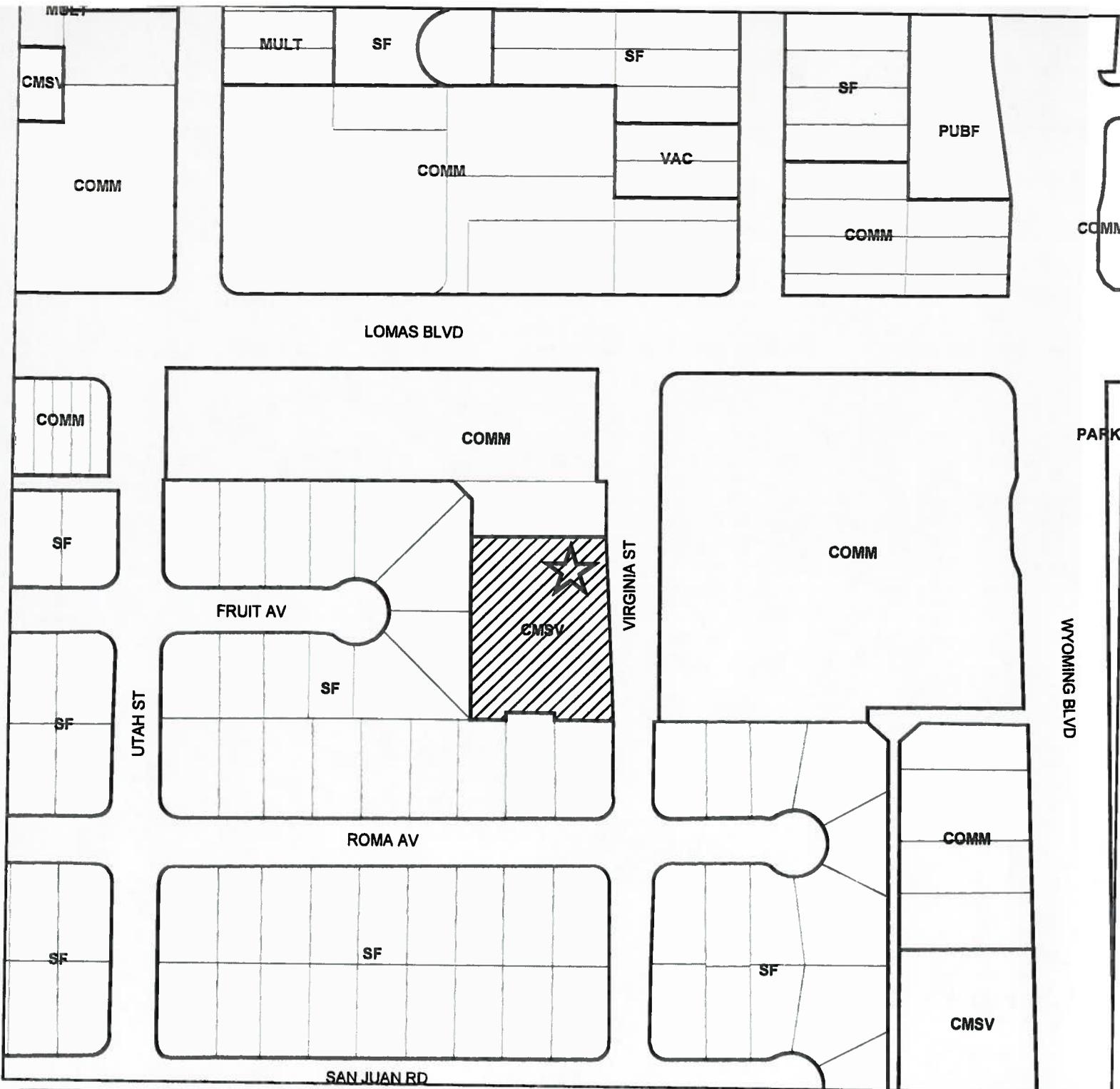
### ZONING MAP

Note: Grey shading indicates County.



1 inch = 183 feet

Project Number:  
1010649  
Hearing Date:  
12/10/2015  
Zone Map Page: K-19  
Additional Case Numbers:  
15-40065



## LAND USE MAP

Note: Gray 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

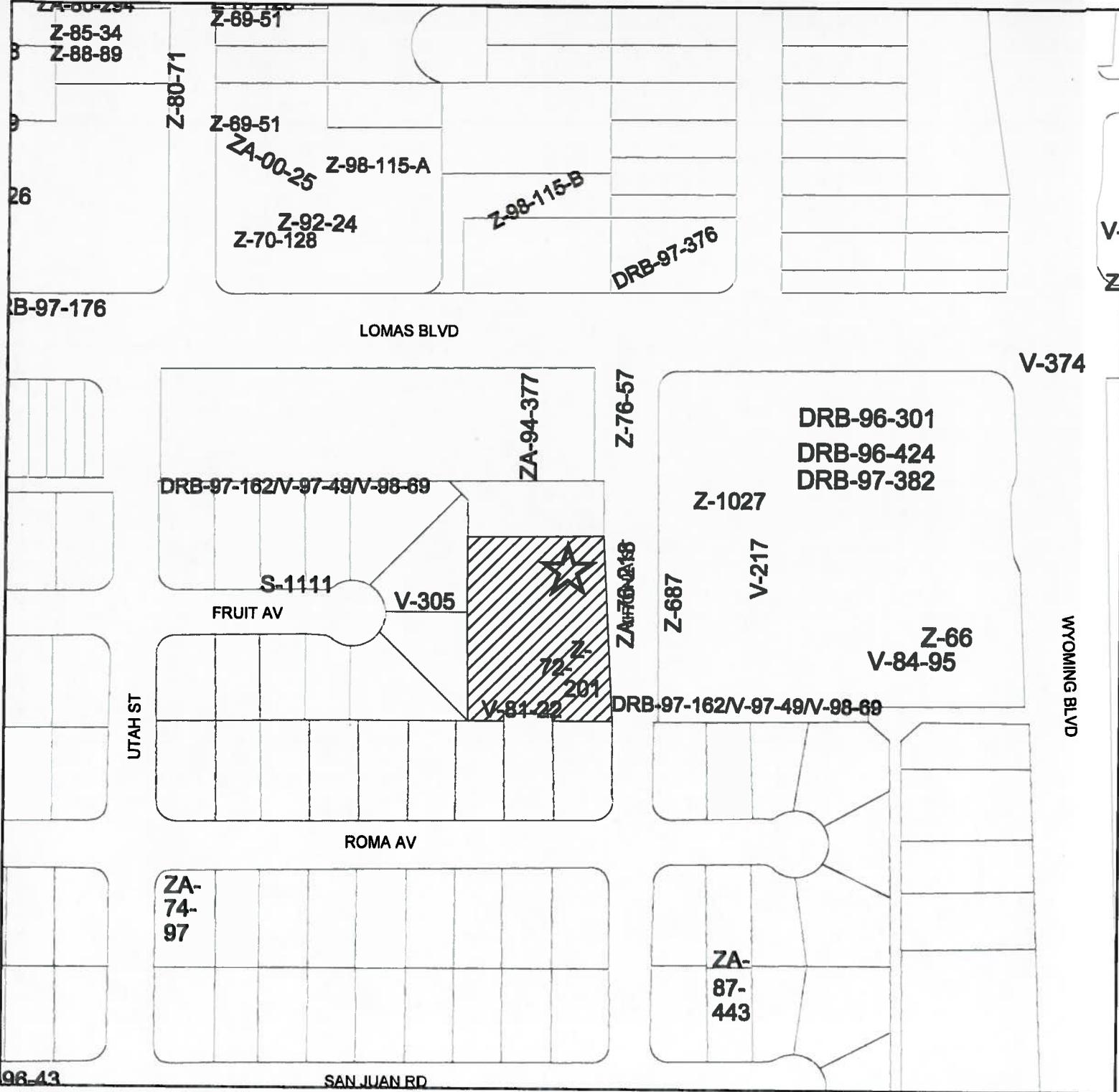


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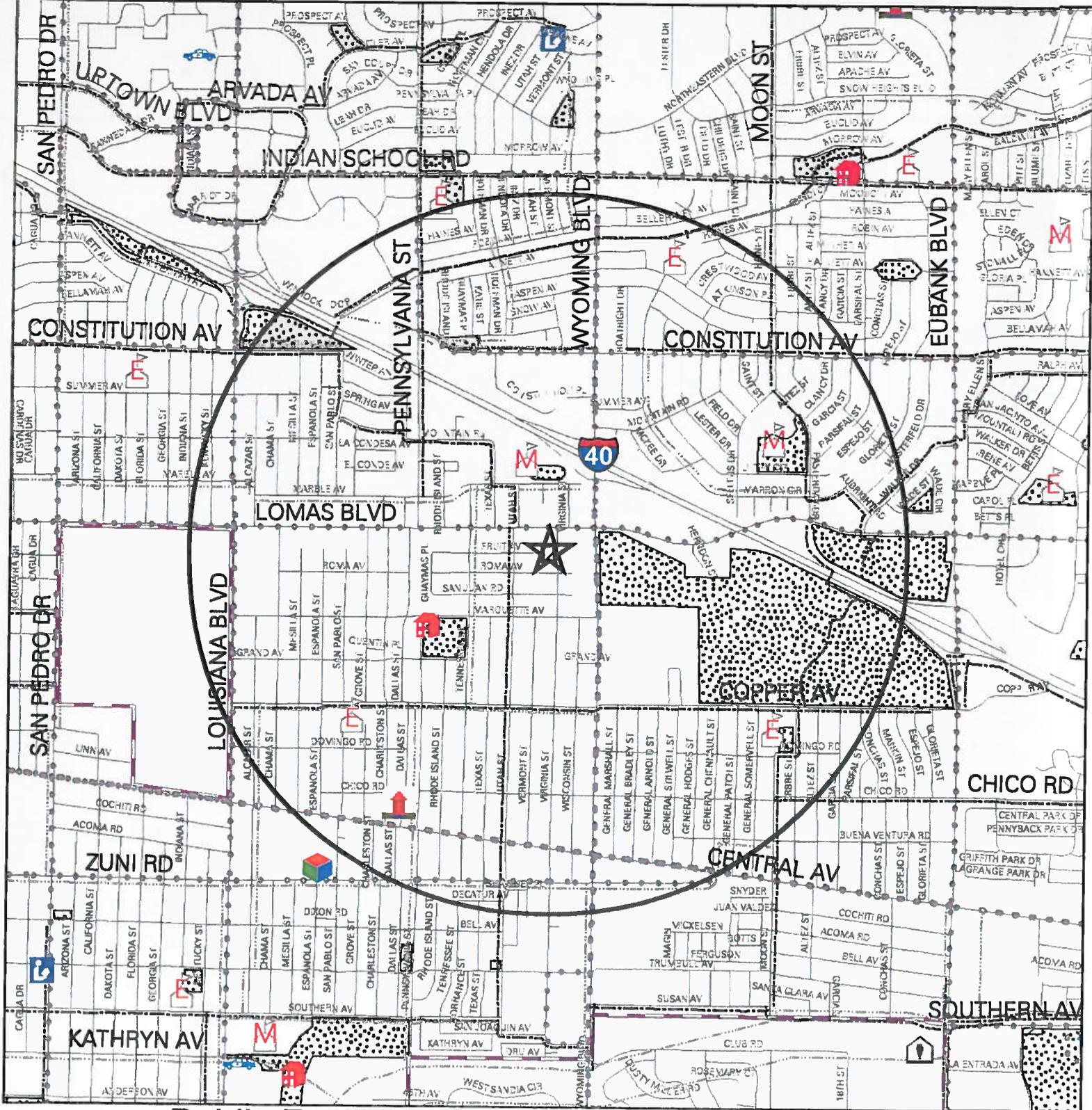
### HISTORY MAP

Note: Grey shading indicates County.



1 inch = 183 feet

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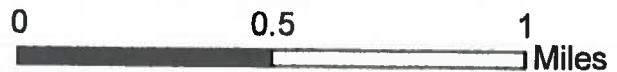


Public Facilities Map with One-Mile Buffer

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



Project Number: 1010649



**I. AREA CHARACTERISTICS AND ZONING HISTORY**

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

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	O-1 (Office/Institution), P (Parking)	Established Urban, La Mesa Sector Development Plan, Near Heights MRA Plan	Commercial Retail
<b>North</b>	C-2 (Community Commercial)	Same	Commercial Retail
<b>South</b>	R-1 (Residential)	Same	Single Family
<b>East</b>	C-2 (Community Commercial)	Same	Commercial Retail
<b>West</b>	R-1 (Residential)	Same	Single Family

**II. INTRODUCTION**

***Proposal***

This request is for a Zone Map Amendment (Zone Change) for an approximately 1 acre site located on Wyoming Blvd. between Lomas Blvd. and Roma Blvd. The subject site is currently zoned O-1 (Office and Institution), P (Parking) and the applicant is requesting a change to C-2 (Community Commercial) for the entire site. While the zone change would allow all C-2 permissive uses, the applicant's stated reason for the new zoning designation is to allow for the development of a vehicle parking/storage lot associated with the existing car dealership to the north and east of the subject site.

***EPC Role***

The EPC is hearing this case because the EPC has the authority to hear all Zone Map Amendment (Zone Change) cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1) SU-1 Special Use Zone, and 14-16-4-1, Amendment Procedure]. If so, an appeal would go to the Land Use Hearing Officer (LUHO) who then makes a recommendation to City Council [Ref: § 14-16-4-4-(A)(2) Appeal]. This is a quasi-judicial matter.

***History/Background***

The 1963 City of Albuquerque Zone Atlas Map indicates that as of April 30, 1963, the subject site's existing O-1 zoning designation along with a public alley way on the site's western edge had already been established (No additional information is available in the Planning

Department's records). The public alley along the western edge of the subject site was vacated in 1981 (V-81-22) and the existing office building was constructed in 1981.

***Context***

There is an existing office building on the subject site. The site is surrounded by C-2 zoning to the north and east, and by R-1 zoning to the south and west. The northern and southern sides of the Lomas Blvd. corridor north of the subject site also include a substantial amount of C-2 zoned lots and commercial retail land uses.

***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 Lomas Blvd. and Wyoming Blvd. as a Regional Principal Arterials.

The LRRS designates Virginia St. as a Local street.

***Comprehensive Plan Corridor Designation***

The Comprehensive Plan designates Lomas Blvd. and Wyoming Blvd. as Enhanced Transit Corridors. The intent of this corridor type is to improve transit and pedestrian opportunities and provide transit service competitive with the car, and develop adjacent land uses and intensities that promote the use of transit.

***Trails/Bikeways***

There is an existing bicycle route along Utah St. west of the subject site that runs north to south. There is also an existing bicycle lane along Pennsylvania northwest of the subject site that runs northbound from Marble Ave.

***Transit***

Bus route 11 runs east to west along Lomas Blvd. Bus routes 31 and 98 run north to south along Wyoming Blvd.

***Public Facilities/Community Services***

There are several developed city parks, two elementary schools and two middle schools, and a fire station within a one mile radius of the subject site. Please refer to the Public Facilities Map in the packet for additional details.

**III. ANALYSIS**

**APPLICABLE ORDINANCES, PLANS AND POLICIES**

***Albuquerque Comprehensive Zoning Code***

The existing zoning for the subject site is O-1 and P. The O-1 zone provides sites suitable for office, service, institutional, and dwelling uses. The P zone provides sites suitable for parking of automotive vehicles.

The proposed zoning for the subject site is C-2 which provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses. While the zone change would allow all C-2 permissive uses, the applicant's stated reason for the new zoning designation is to allow for the development of a vehicle parking/storage lot associated with the existing car dealership to the north and east of the subject site.

***Albuquerque / Bernalillo County Comprehensive Plan***

Policy Citations are in Regular Text; Staff Analysis is in ***Bold Italics***

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a Goal to "create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment." Applicable policies include:

Land Use:

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

***The subject site abuts an existing C-2 zoned parcel to the north and is adjacent to another existing C-2 zoned parcel to the east. The facilitated meeting report notes that residents in the area are not opposed to the proposed use of a vehicle parking / storage lot. The applicant states in their project narrative that they will be adding a landscape buffer along the access easement next to the residentially zoned parcels and that demolition of the existing office building will assist nearby residents with the opportunity to reclaim their view shed of the Sandia Mountains. Therefore, the request furthers Policy II.B.5.d.***

Policy II.B.5.i.: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

***The proposed use will complement existing residential areas by reducing the adverse effects of noise by removing an office building and replacing it with a storage lot for vehicles. Vehicles stored on this lot will remain stationary for an extended period of time which may slightly reduce vehicle emissions in the area. Future lighting will include upgraded / energy efficient light fixtures that will conform to the area lighting regulations of the Zoning Code. The request furthers Policy II.B.5.i.***

Air Quality:

Policy II.C.1.c.: Traffic engineering techniques shall be improved to permit achievement and maintenance of smooth traffic flow at steady, moderate speeds.

***While the applicant states that this policy is furthered by the requested zone change and proposed vacation of a portion of Virginia St., it is unclear to what degree a proposed street vacation would constitute a traffic engineering technique to permit smoother traffic flows.***

*Staff does note that while the proposed street vacation may reduce any potential cut through traffic issues, the vacation request will not be heard by EPC and therefore cannot be considered as a justification for the zone change request. Therefore, the request partially furthers Policy II.C.1.c.*

Noise:

Policy II.C.4.a.: Noise considerations shall be integrated into the planning process so that future noise/land use conflicts are prevented.

*While the requested C-2 zone is a more intense zone than the existing O-1 & P zones, the proposed vehicle storage use for the subject site and demolition of the existing office building along with proposed site improvements such as adequate landscape buffers will reduce noise and any potential land use conflicts. Therefore, the request furthers Policy II.C.4.a.*

Policy II.C.4.b.: Construction of noise sensitive land uses near existing noise sources shall include strategies to minimize adverse noise effects.

*There is an existing 6' high masonry wall and a 10' access easement between the subject site and adjacent residentially zoned parcels to the south and west. The applicant is proposing to enhance the existing buffer by widening it to include a 20' access easement with a 4' wide landscape area that includes trees at 20' on center. The request furthers Policy II.C.4.b.*

Economic Development:

Policy II.D.6.b.: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

*The requested zone change for the subject site will allow for the additional development of an existing business enterprise in the area. The applicant states that this business expansion may lead to additional jobs in the area such as service technicians and sales associates. The request furthers Policy II.D.6.b.*

***Near Heights Metropolitan Redevelopment Plan***

The Near Heights MRA Plan (NHMRAP) was adopted on September 18, 2000. The MRA spans Central Ave. and Zuni Rd. from San Mateo Blvd. to Moon as well as a north-south commercial corridor along San Pedro Dr. from Gibson Blvd. to Lomas Blvd. The boundary excludes the State Fairgrounds and stable single-family residential areas north of Copper Ave. between Alcazar St. and Pennsylvania St. and south of Southern Blvd. between Arizona St. and Kentucky St. The NHMRAP includes several stated objectives by which commercial properties within the plan boundary are expected to meet. Relevant MRA objectives include the following:

Near Heights MRA - Objectives:

1. Eliminates blight and prevents further deterioration.

*The applicant proposes to remove a deteriorating office building and implement new site improvements such as upgraded LED lighting, security systems and upgraded landscaping. Therefore, the request furthers NHMRAP Objective 1.*

2. Stimulates public and non-profit / private investment in the area.

*The requested rezone would stimulate private investment into the area via the aforementioned proposed subject site improvements and bring the subject site into conformance with current City of Albuquerque code requirements. Therefore, the request furthers NHRAP Objective 2.*

3. Increases the number of jobs in the area and increases the patronage of local businesses.

*The request will result in expansion of an existing car dealership within the La Mesa area. The applicant states that this expansion initiative will result in additional patronage of a local business as well as the need for additional jobs in the form of sales associates and service technicians for the expanding business. Therefore, the request furthers NHRAP Objective 3.*

4. Promotes the image of a safer environment.

*The applicant states that the additional security will be implemented on the subject site including improved lighting, security cameras and fencing. The implementation of these measures not only promotes the image of a safer environment, but contributes to a safer environment for the adjacent residential parcels to the west. Therefore, the request furthers NHRAP Objective 4.*

#### ***La Mesa Sector Development Plan***

The La Mesa Sector Development Plan (LMSDP) was adopted on November 1, 1976. The Plan generally encompasses properties between Lomas Blvd. (northern boundary), Central Ave. (southern boundary), Wyoming Blvd. (eastern boundary) and Louisiana Blvd. (western boundary); specific boundaries are shown on Figure 3 the Plan. The main purpose of the Plan is to provide an official guide to the future development of the La Mesa area for use by Albuquerque elected and appointed officials, City staff, other concerned governmental agencies, residents, property owners and citizen organizations. Relevant goals/policies include the following:

#### **Long Term Objectives:**

1. Elimination of Blight and prevention of blighting influences.

*The applicant states that the existing office building on the subject site is deteriorating and in need of repairs. However, no specific evidence has been provided by the applicant with regard to the extent of the deterioration of the existing office building. Upon a site visit conducted by Planning staff on December 1, 2015, the office building appeared to be almost completely occupied by tenants. The applicant also intends to ensure that the subject site meet all current code requirements with the redevelopment of the lot as a vehicle storage site to include safety and security measures. Therefore, the request partially furthers the LMSDP Long Term Objective 1.*

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

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*The applicant states that the requested zone change in conjunction with the proposed Virginia Street vacation would reduce the amount of traffic near the intersections of Lomas Blvd. and Virginia St. as well as Roma and Virginia Street. The EPC can only consider the requested zone change and does not have jurisdiction over the Virginia Street vacation as that item will be heard by the Development Review Board and City Council. However, the applicant has also cited increased security measures such as increased lighting, security cameras and fencing. Therefore, the request further the LMSDP Long Term Objective 2.*

3. Enhancement of the area as a primarily residential area with strips of commercial uses on the north, east and southern portion of the area.

*The applicant states that based on preliminary traffic counts, Virginia Street is being utilized as a north / south bypass between Lomas and Wyoming Blvd. As previously stated, the EPC will not hear the Virginia St. vacation request. Based on the applicant's justification, it is unclear how the zone change request alone will remove this bypass and enhance the area as a primarily residential area. Therefore, the request does not further the LMSDP Long Term Objective 3.*

#### **Resolution 270-1980 (Policies for Zone Map Change Applications)**

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

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

#### **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 zone change is consistent with the health, safety, morals and general welfare of the City as articulated in by Comprehensive Plan Policies II.C.1.c. (Air Quality), II.C.4.a. (Noise), II.C.4.b. (Noise) and Section C of this justification letter.*

**Staff agrees that the applicant has sufficiently demonstrated that the zone change request is consistent with the health, safety, morals and general welfare of the city as articulated per the Comprehensive Plan and Section C of the project narrative.**

- 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.

*This request will provide stability of land use by unifying the adjacent C-2 zoned properties. Unifying the zones in this area it will create a more consistent, predictable development pattern.*

*The proposed unification of the adjacent C-2 zoned property to the north will create a more consistent, predictable development pattern. Additionally, the applicant proposes to enhance the existing buffer by widening it to include a 20' access easement with a 4' wide landscape area including a series of trees at 20' on center.*

- 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 policy analysis section above.*

- 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 request is more advantageous to the community because governing planning documents discourage spot zoning (the subject site is currently a spot zone) and redevelopment of the subject site will increase safety, security and traffic, noise, pollution and blight will be reduced.*

*Section I. of R270-1980 discourages spot zoning. According to a 2014 published article in the Business Outlook section of the Albuquerque Journal, office vacancy in the Albuquerque metro area spiked from 18.4 percent to 20.9 percent in just the first 2 quarters of 2014. One of the key goals of an area designated as an MRA is to correct conditions in neighborhoods within a municipality which "substantially inflict or arrest the sound and orderly development" within the City, this in turn demonstrates a public need for redevelopment of the subject site thus making it more advantageous to the community.*

*Therefore, staff agrees that the applicant has justified the zone change by demonstrating a changed community condition and that a different use category is more advantageous to the community.*

- 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 change to a more intensive zone category (O-1, P to C-2) will not be harmful to adjacent properties because the surrounding residential neighbors are already adjacent to other C-2 zoned properties. Additionally, the proposed use for the subject site will result in a reduction of traffic and noise near the adjacent residential zoned properties near the subject site.*

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*Staff agrees that due to the already existing adjacent C-2 zoned lots north of the existing residential lots west of the subject site, the permissive and proposed use on the subject site will not be harmful to adjacent property or the surrounding 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.

*Item F of R270-1980 is not applicable because the request does not have any associated capital improvements and/or expenses associated with the City of Albuquerque.*

*Staff agrees that the requested zone change does not include any un-programmed capital expenditures by the City.*

- 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 economic considerations pertaining to the applicant are not the determining factor for the zone change request. The request will allow the subject site to be upgraded and meet current development standards.*

*While economic considerations are always a factor to be considered, they are not the sole 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.

*This zone change is not being justified based primarily on its location on a major roadway.*

*Staff agrees that the subject site is not located along a major roadway.*

- 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.

*The subject site is currently spot zoned as O-1 and P. Several of the surrounding properties are zoned C-2. Changing the property in question to C-2 would unify it with the surrounding properties.*

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*Staff agrees that the requested zone change will unify the subject site's zoning with other existing surrounding C-2 zoned sites and remove its current status as 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 request constitutes a justifiable strip zone because it adjoins with the primary access point on Lomas Blvd. The intent of the La Mesa Sector Development Plan was to surround the residential area with commercial strip zones. Additionally, the elimination of the existing spot zoning for the subject site is encouraged by the Comprehensive Plan.*

*The requested zone change in and of itself does not constitute strip zoning as the requested zoning for the subject site would not give a zone different from surrounding C-2 zoning to a strip of land along a street.*

#### **IV. AGENCY & NEIGHBORHOOD CONCERNS**

##### ***Reviewing Agencies***

Agencies reviewed this request from November 2, 2015 to November 13, 2015. Public Service Company of New Mexico submitted written agency comments in the form of conditions of approval regarding the zone change request. However, because the requested zone change is not site plan controlled, EPC does not have discretion to include PNM's comments as conditions of approval. Staff recommends that the applicant coordinate with PNM regarding any and all required building permits for the proposed use.

##### ***Neighborhood/Public***

The La Mesa Community Improvement Association, District 6 Coalition of Neighborhood Associations and property owners within 100 feet of the subject were all notified of this request. The Office of Neighborhood Coordination recommended this case for a facilitated meeting. The facilitated meeting was held on November 18, 2015 and a Land Use Facilitation Program Project Meeting Report has been attached to this report.

The report indicates that neighbors did not express opposition to the proposed use, but did express interest in limiting the zone change request to prevent unwanted future uses if the property were ever sold. The report does not specifically list the permissive uses within the C-2 zone that would be considered unwanted. Due to the fact that the applicant is requesting a zone change to a straight C-2 zone and not an SU-1 zone, the only option for restricting specific uses

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on the subject site would be through a private deed restriction agreement which the EPC does not have jurisdiction over. The applicant has stated that they will attempt to attend the next neighborhood association meeting in early December to follow up with neighborhood residents.

#### **V. CONCLUSION**

This request is for a Zone Map Amendment (Zone Change) for an approximately 1 acre site located on Wyoming Blvd. between Lomas Blvd. and Roma Blvd. The subject site is currently zoned O-1 (Office and Institution), P (Parking) and the applicant is requesting a change to C-2 (Community Commercial) for the entire site. While the zone change would allow all C-2 permissive uses, the applicant's stated reason for the new zoning designation is to allow for the development of a vehicle parking/storage lot associated with the existing car dealership to the north and east of the subject site.

Throughout the project narrative, the applicant makes references to a requested vacation of a portion of Virginia St. near the subject site. While the applicant made a formal application to the DRB for the vacation request, staff notes that the applicant has subsequently requested withdrawal of the vacation request on Wednesday December 2, 2015 (see attached email from applicant to the DRB Chair).

The subject site is in the Established Urban area of the Comprehensive Plan and within the boundaries of the La Mesa Sector Development Plan and Near Heights MRA Plan. Overall, Staff finds that the request generally furthers applicable Goals and policies. Approval of the request would support several Rank I and III plan goals and policies and may contribute to redevelopment efforts as outlined in the Near Height MRA Plan.

Following an analysis of the request and applicable plan goals and policies, staff finds that the applicant's written justification supports this statement. The justification is also based on the request being generally consistent with the requirements of R-270-1980 as outlined in this staff report.

Neighbors and property owners were notified as required. A facilitated meeting was recommended by the Office of Neighborhood Coordination and held on November 18, 2015. Neighbors did not express opposition to the proposed zone change or proposed use, but did express some concern about future unwanted uses if the property were ever sold in the future. A facilitated meeting report is attached to the staff report. The applicant has agreed to meet with neighborhood residents again ahead of the scheduled December 10, 2015 hearing to discuss these concerns again.

While staff is recommending approval of the requested zone map amendment and neighborhood residents are not concerned with the proposed zone change and use, staff notes that more specific details outlining the extent of the stated degree of deterioration of the existing office building should be submitted by the applicant to justify this portion of the requested zone change.

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**FINDINGS - 15EPC-40065 - December 10, 2015 - Zone Map Amendment**

1. This is a request for a Zone Map Amendment for Lot 46A, block C, Summary Plat of Lots 45, 46, 47, portion of lot 49 & portion of 20 ft. alley vacated by V-81-2 2, Bosque Redondo Addition, located On Wyoming Blvd. between Lomas Blvd. and Roma Ave. and containing approximately 1 acre.
2. The requested zone change would allow all C-2 permissive uses on the subject site. The applicant's stated reason for the new zoning designation is to allow for the development of a vehicle parking/storage lot associated with the existing car dealership to the north and east of the subject site.
3. The 1963 City of Albuquerque Zone Atlas Map indicates that as of April 30, 1963, the subject site's existing O-1 zoning designation along with a public alley way on the site's western edge had already been established (No additional information is available in the Planning Department's records). The public alley along the western edge of the subject site was vacated in 1981 (V-81-22) and the existing office building was constructed in 1981.
4. The Albuquerque/Bernalillo County Comprehensive Plan, La Mesa Sector Development Plan, Near Heights Metropolitan Redevelopment Area Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within the Established Urban Area of the Comprehensive Plan. The request furthers the following applicable policies of the Comprehensive Plan:
  - A. Policy II.B.5.d.: The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, or recreational concern.

*The subject site abuts an existing C-2 zoned parcel to the north and is adjacent to another existing C-2 zoned parcel to the east. The facilitated meeting report notes that residents in the area are not opposed to the proposed use of a vehicle parking / storage lot. The applicant states in their project narrative that they will be adding a landscape buffer along the access easement next to the residentially zoned parcels and that demolition of the existing office building will assist nearby residents with the opportunity to reclaim their view shed of the Sandia Mountains. Therefore, the request furthers Policy II.B.5.d.*

- B. Policy II.B.5.i.: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

*The proposed use will complement existing residential areas by reducing the adverse effects of noise by removing an office building and replacing it with a storage lot for vehicles. Vehicles stored on this lot will remain stationary for an extended period of time which may slightly reduce vehicle emissions in the area. Future lighting will include upgraded / energy efficient light fixtures that will conform to the area lighting regulations of the Zoning Code. The request furthers Policy II.B.5.i.*

- C. Policy II.C.4.a.: Noise considerations shall be integrated into the planning process so that future noise/land use conflicts are prevented.

*While the requested C-2 zone is a more intense zone than the existing O-1 & P zones, the proposed vehicle storage use for the subject site and demolition of the existing office building along with proposed site improvements such as adequate landscape buffers will reduce noise and any potential land use conflicts. Therefore, the request furthers Policy II.C.4.a.*

- D. Policy II.C.4.b.: Construction of noise sensitive land uses near existing noise sources shall include strategies to minimize adverse noise effects.

*There is an existing 6' high masonry wall and a 10' access easement between the subject site and adjacent residentially zoned parcels to the south and west. The applicant is proposing to enhance the existing buffer by widening it to include a 20' access easement with a 4' wide landscape area that includes trees at 20' on center. The request furthers Policy II.C.4.b.*

- E. Policy II.D.6.b.: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

*The requested zone change for the subject site will allow for the additional development of an existing business enterprise in the area. The applicant states that this business expansion may lead to additional jobs in the area such as service technicians and sales associates. The request furthers Policy II.D.6.b.*

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

- A. Policy II.C.1.c.: Traffic engineering techniques shall be improved to permit achievement and maintenance of smooth traffic flow at steady, moderate speeds.

- B. *While the applicant states that this policy is furthered by the requested zone change and proposed vacation of a portion of Virginia St., it is unclear to what degree a proposed street vacation would constitute a traffic engineering technique to permit smoother traffic flows. Staff does note that while the proposed street vacation may*

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*reduce any potential cut through traffic issues, the vacation request will not be heard by EPC and therefore cannot be considered as a justification for the zone change request. Therefore, the request partially furthers Policy II.C.1.c.*

7. The request furthers the following applicable objectives of the Near Heights Metropolitan Redevelopment Area Plan (NHMRAP):

- A. Eliminates blight and prevents further deterioration.

*The applicant proposes to remove a deteriorating office building and implement new site improvements such as upgraded LED lighting, security systems and upgraded landscaping. Therefore, the request furthers NHMRAP Objective 1.*

- B. Stimulates public and non-profit / private investment in the area.

*The requested rezone would stimulate private investment into the area via the aforementioned proposed subject site improvements and bring the subject site into conformance with current City of Albuquerque code requirements. Therefore, the request furthers NHMRAP Objective 2.*

- C. Increases the number of jobs in the area and increases the patronage of local businesses.

*The request will result in expansion of an existing car dealership within the La Mesa area. The applicant states that this expansion initiative will result in additional patronage of a local business as well as the need for additional jobs in the form of sales associates and service technicians for the expanding business. Therefore, the request furthers NHRAP Objective 3.*

- D. Promotes the image of a safer environment.

*The applicant states that the additional security will be implemented on the subject site including improved lighting, security cameras and fencing. The implementation of these measures not only promotes the image of a safer environment, but contributes to a safer environment for the adjacent residential parcels to the west. Therefore, the request furthers NHRAP Objective 4.*

8. The request furthers the following applicable long term objective of the La Mesa Sector Development Plan (LMSDP):

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

*The applicant states that the requested zone change in conjunction with the proposed Virginia Street vacation would reduce the amount of traffic near the intersections of Lomas Blvd. and Virginia St. as well as Roma and Virginia Street. The EPC can only consider the requested zone change and does not have*

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*jurisdiction over the Virginia Street vacation as that item will be heard by the Development Review Board and City Council. However, the applicant has also cited increased security measures such as increased lighting, security cameras and fencing. Therefore, the request furthers the LMSDP Long Term Objective 2.*

9. The request partially furthers the following applicable long term objective of the La Mesa Sector Development Plan (LMSDP):

- A. Elimination of Blight and prevention of blighting influences.

*The applicant states that the existing office building on the subject site is deteriorating and in need of repairs. However, no specific evidence has been provided by the applicant with regard to the extent of the deterioration of the existing office building. Upon a site visit conducted by Planning staff on December 1, 2015, the office building appeared to be almost completely occupied by tenants. The applicant also intends to ensure that the subject site meet all current code requirements with the redevelopment of the lot as a vehicle storage site to include safety and security measures. Therefore, the request partially furthers the LMSDP Long Term Objective 1.*

10. The request does not further the following applicable long term objective of the La Mesa Sector Development Plan (LMSDP):

- A. Enhancement of the area as a primarily residential area with strips of commercial uses on the north, east and southern portion of the area.

*The applicant states that based on preliminary traffic counts, Virginia Street is being utilized as a north / south bypass between Lomas and Wyoming Blvd. As previously stated, the EPC will not hear the Virginia St. vacation request. Based on the applicant's justification, it is unclear how the zone change request alone will remove this bypass and enhance the area as a primarily residential area. Therefore, the request does not further the LMSDP Long Term Objective 3.*

11. The applicant has justified the zone change request pursuant to R-270-1980 as follows:

- A. Staff agrees that the applicant has sufficiently demonstrated that the zone change request is consistent with the health, safety, morals and general welfare of the city as articulated per the Comprehensive Plan and Section C of the project narrative.
- B. The proposed unification of the adjacent C-2 zoned property to the north will create a more consistent, predictable development pattern. Additionally, the applicant proposes to enhance the existing buffer by widening it to include a 20' access easement with a 4' wide landscape area including a series of trees at 20' on center.

- 
- C. See Findings 5 – 9 above for policy analysis justification.
- D. Section I. of R270-1980 discourages spot zoning. According to a 2014 published article in the Business Outlook section of the Albuquerque Journal, office vacancy in the Albuquerque metro area spiked from 18.4 percent to 20.9 percent in just the first 2 quarters of 2014. One of the key goals of an area designated as an MRA is to correct conditions in neighborhoods within a municipality which “substantially inflict or arrest the sound and orderly development” within the City, this in turn demonstrates a public need for redevelopment of the subject site thus making it more advantageous to the community.
- Therefore, staff agrees that the applicant has justified the zone change by demonstrating a changed community condition and that a different use category is more advantageous to the community.
- E. Staff agrees that due to the already existing adjacent C-2 zoned lots north of the existing residential lots west of the subject site, the permissive and proposed use on the subject site will not be harmful to adjacent property or the surrounding community.
- F. Staff agrees that the requested zone change does not include any un-programmed capital expenditures by the City.
- G. While economic considerations are always a factor to be considered, they are not the sole determining factor for the requested zone change.
- H. Staff agrees that the subject site is not located along a major roadway.
- I. Staff agrees that the requested zone change will unify the subject site’s zoning with other existing surrounding C-2 zoned sites and remove its current status as a spot zone.
- J. The requested zone change in and of itself does not constitute strip zoning as the requested zoning for the subject site would not give a zone different from surrounding C-2 zoning to a strip of land along a street.
12. The La Mesa Community Improvement Association, District 6 Coalition of Neighborhood Associations and property owners within 100 feet of the subject were all notified of this request. The Office of Neighborhood Coordination recommended this case for a facilitated meeting. The facilitated meeting was held on November 18, 2015.
13. The report indicates that neighbors did not express opposition to the proposed use, but did express interest in limiting the zone change request to prevent unwanted future uses if the property were ever sold.

- 
14. The report does not specifically list the permissive uses within the C-2 zone that would be considered unwanted to surrounding community members.
  
  15. The applicant has stated that they will attend the next neighborhood association meeting to follow up with neighborhood residents regarding their additional concerns.

***RECOMMENDATION - 15EPC-40065 – December 10, 2015***

**APPROVAL of 15EPC-40065, a request for Zone Map Amendment from O-1, P to C-2 for Lot 46A, block C, Summary Plat of Lots 45, 46, 47, portion of lot 49 & portion of 20 ft. alley vacated by V-81-2 2, Bosque Redondo, based on the preceding Findings.**

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***Vicente M. Quevedo  
Planner***

***Notice of Decision cc list:***

Anderson Wahlen & Associates, 2010 North Redwood Rd, Salt Lake City, UT, 84116  
Nancy Bearce & Charles Bennett, 600 San Pablo St. NE, Albuquerque, NM 87108  
Ronald Halbgewachs, 3401 Monte Vista Blvd. NE, Albuquerque, NM 87106

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

### ***PLANNING DEPARTMENT***

#### ***Zoning Enforcement***

Reviewed, no adverse comments.

#### ***Office of Neighborhood Coordination***

La Mesa Community Improvement Assoc. (R), District 6 Coalition of NA's  
11/2/15 – Recommended for Facilitation – siw

#### ***Long Range Planning***

No comments received.

#### ***Metropolitan Redevelopment Agency***

### ***CITY ENGINEER***

#### ***Transportation Development***

Reviewed, no adverse comments.

#### ***Hydrology Development***

Reviewed, no adverse comments.

### ***DEPARTMENT of MUNICIPAL DEVELOPMENT***

#### ***Transportation Planning***

Reviewed, no adverse comments.

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

Reviewed, no adverse comments.

### ***WATER UTILITY AUTHORITY***

#### ***Utility Services***

Reviewed, no adverse comments.

### ***ENVIRONMENTAL HEALTH DEPARTMENT***

No comments received.

### ***PARKS AND RECREATION***

#### ***Planning and Design***

Reviewed, no adverse comments.

**Open Space Division**

Reviewed, no adverse comments.

**City Forester**

No comments received.

***POLICE DEPARTMENT/Planning***

No comments received.

***SOLID WASTE MANAGEMENT DEPARTMENT***

**Refuse Division**

Reviewed, no adverse comments.

***FIRE DEPARTMENT/Planning***

Reviewed, no adverse comments.

***TRANSIT DEPARTMENT***

Reviewed, no adverse comments.

***COMMENTS FROM OTHER AGENCIES***

***BERNALILLO COUNTY***

No comments received.

***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

Reviewed, no adverse comments.

***ALBUQUERQUE PUBLIC SCHOOLS***

This will have no adverse impacts to the APS district.

***MID-REGION COUNCIL OF GOVERNMENTS***

Reviewed, no adverse comments.

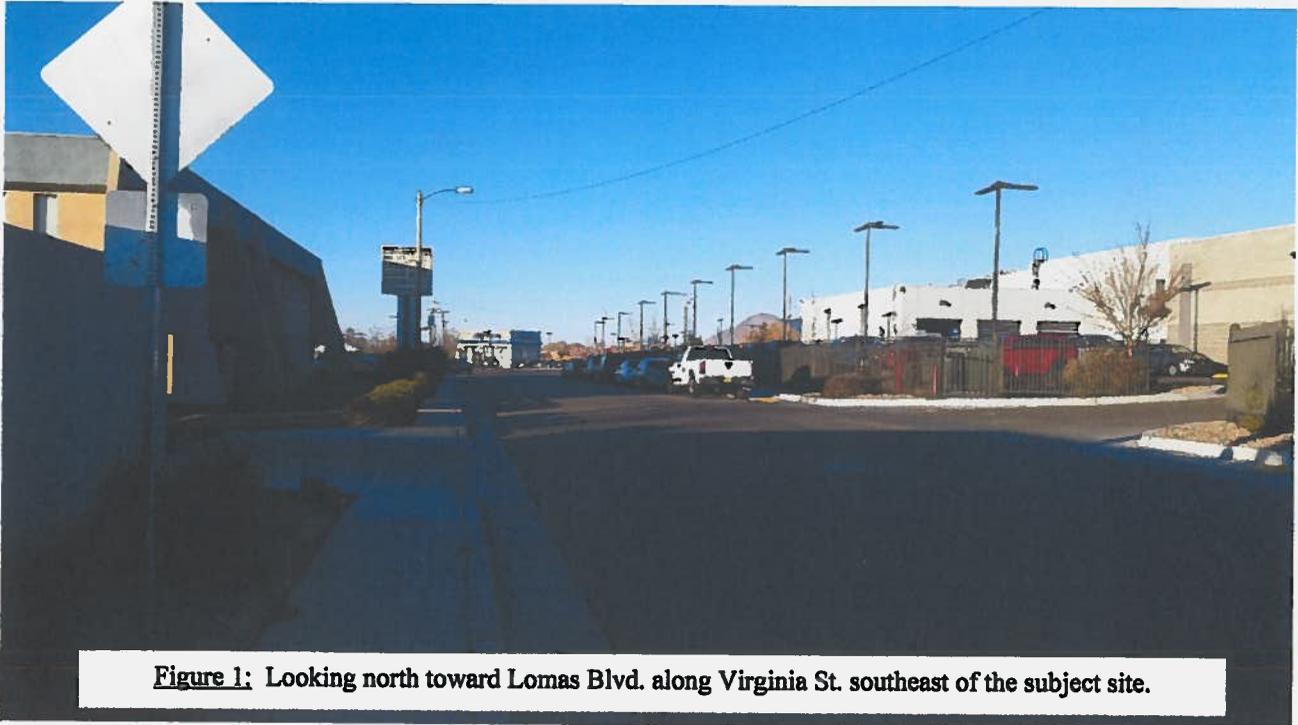
***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

No comments received.

***PUBLIC SERVICE COMPANY OF NEW MEXICO***

Conditions for Approval for Project #1010649 Zone Change (Larry Miller car dealership from O- 1 and P to C-2; and related Virginia Street right-of-way vacation request) 15EPC-40065:

1. Existing 3-phase electric distribution facilities are located south of the subject property crossing Virginia Street NE. It is necessary for the applicant to be aware of the existing distribution facilities regarding any future tree placement and height at maturity, sign location and height and lighting height along the southern boundary in order to ensure sufficient safety clearances.
2. Street light service on the subject property's east boundary on Virginia NE will remain.





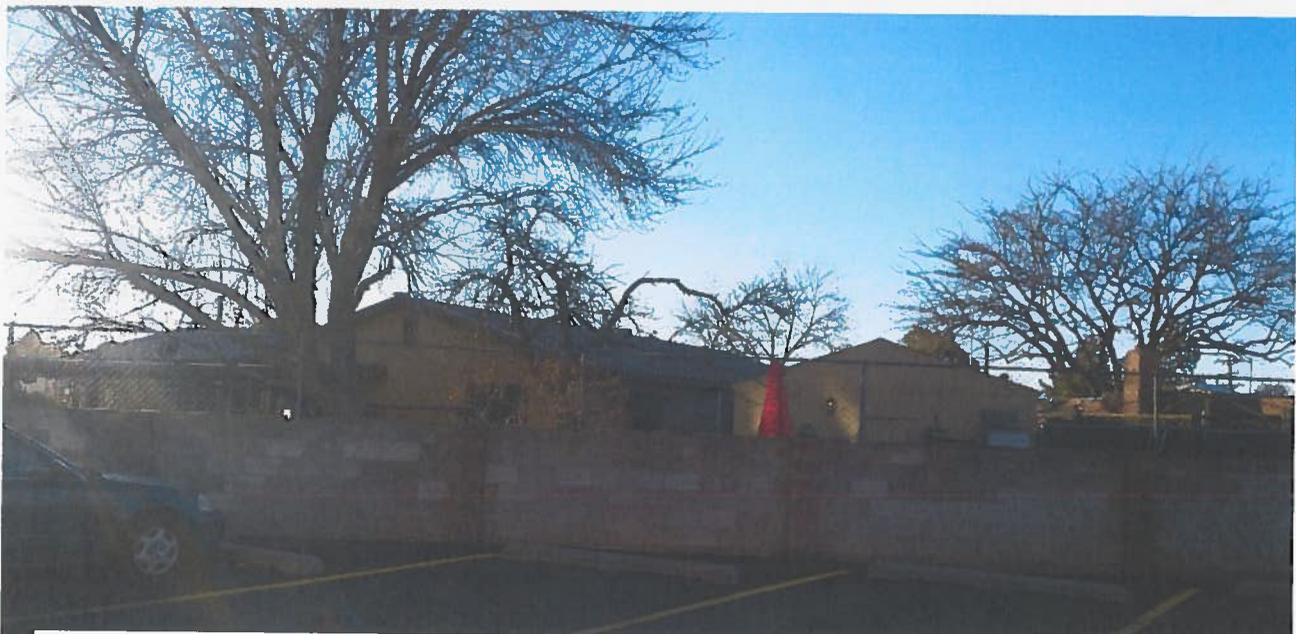
**Figure 3: View of the existing office building on subject site from the northwest corner of the subject site**



**Figure 4: Looking west toward single point of egress from subject site off of Virginia St.**



**Figure 5:** Looking south toward existing free standing sign on subject site on the eastern edge of site.



**Figure 6:** Looking west toward existing CMU wall at west end of subject site near existing single family residential uses abutting subject site.

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)

## HISTORY



**K-19**

MAP AMENDED THROUGH  
MAY APRIL 30, 1943

LEGAL DESCRIPTION  
T 10 N  
R 4 E  
SEC. 19



PARID: 101905747249212010  
CBRS LLC,

909 VIRGINIA ST

## Ownership

Tax Year	2015
Owner Name	CBRS LLC
Owner Mailing Address	1923 SAN MATEO NE
Unit	
City	ALBUQUERQUE
State	NM
Zip Code	87110
Foreign Mailing Address	

## Description

Location Address	909 VIRGINIA ST NE
City	ALBUQUERQUE
State	NM
Zip Code	87108
Property Description	* 46A C SUMMARY PLAT LTS 45 46 47 POR LT 49 & POR OF 20 FT ALLEY VACATED BY V-81-2 2 IN BLK C BOSUQ REDONDO ADDN CONT 0.
Public Improvement District	
Tax Increment Development Districts	

## Attributes

SQ FT Living Area	22938
Year Built	1981
Lot Size (Acres)	.9975

## Document #

Document #:	201114810 121311 SW - ENTRY BY DMD 122711 CODED BY SM 121511
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## Values

Tax Year	2015
Full Land Value	\$272,400.00
Agric. Land	\$0.00
Full Impv. Value	\$825,400.00
Full Total Value	\$1,097,800.00
Taxable (1/3 Full)	\$365,897.00

## Exemptions

Head of Family	\$0.00
Veteran	\$0.00
Other 4000	\$0.00

## Net Taxable Value

Net Taxable Value	\$365,897.00
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## ZONING

Refer to Section 14-16-2-22 of the Zoning Code for specifics regarding the C-2 regulations,  
14-16-2-15 for specifics regarding the O-1 regulations and 16-16-2-26 for specifics regarding the  
P regulations

## 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

V X Zone Map Amendment (Establish or Change Zoning, Includes Zoning within Sector Development Plans)

P \_\_\_ 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

D \_\_\_ Street Name Change (Local & Collector)

L A **APPEAL / 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 2<sup>nd</sup> Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

**APPLICATION INFORMATION:**

Professional/Agent (if any): Anderson Wahlen & Associates PHONE: (801) 410-8254

ADDRESS: 2010 North Redwood Road FAX: \_\_\_\_\_

CITY: Salt Lake City STATE UT ZIP 84116 E-MAIL: gregw@awaeng.com

APPLICANT: Miller Family Real Estate - Greg Flint PHONE: (801) 563-4176

ADDRESS: 9350 South 150 East Suite 1000 FAX: \_\_\_\_\_

CITY: Sandy STATE UT ZIP 84070 E-MAIL: greg.flint@lhm.com

Proprietary interest in site: Property Owner List all owners: Miller Family Real Estate

**DESCRIPTION OF REQUEST:** Zone Change (EPC05)

Current Zones: O-1 (Office) & P (Parking) Requested Zone: C-2 (Commercial)

Is the applicant seeking Incentives pursuant to the Family Housing Development Program? \_\_\_ Yes. X No.

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

Lot or Tract No. 46A Block: C Unit: \_\_\_\_\_

Subdiv/Addn/TBKA: Bosque Redondo Addn. La Mesa

Existing Zoning: O-1, P Proposed zoning: C-2 MRGCD Map No \_\_\_\_\_

Zone Atlas page(s): K-19-Z UPC Code: 101905747249212010

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX\_Z, V, S, etc.): PA# 15-123

**CASE INFORMATION:**

Within city limits? X Yes Within 1000FT of a landfill? \_\_\_\_\_

No. of existing lots: 1 No. of proposed lots: 1 Total site area (acres): 0.9975

LOCATION OF PROPERTY BY STREETS: On or Near: 909 Virginia Street NE

Between: Lomas Blvd NE and Roma Ave NE

Check if project was previously reviewed by: Sketch Plat/Plan  or Pre-application Review Team (PRT)  Review Date: 07/28/2015

SIGNATURE [Signature] DATE 10/15/15

(Print Name) Greg Wilson Applicant  Agent

**FOR OFFICIAL USE ONLY**

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

Application case numbers	Action	S.F.	Fees
<u>15EPC - 40065</u>	<u>A2M</u>	___	<u>\$ 240.00</u>
_____	<u>CMF</u>	___	<u>\$ 50.00</u>
_____	<u>ADU</u>	___	<u>\$ 75.00</u>
_____	___	___	<u>\$ _____</u>
_____	___	___	<u>\$ _____</u>
Total			<u>\$ 365.00</u>

Hearing date Dec. 10, 2015

10-29-15 Staff signature & Date

Project # 1010649

Revised: 11/2014

**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 54-1990"
- 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.

*Greg Wilson*

Applicant name (print)

10-23-15

Applicant signature & Date

Revised: June 2011



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

Application case numbers

15 EPC-410065

Project #

*[Signature]* 10.29.15

Staff signature & Date

1010649

# CITY OF ALBUQUERQUE

## TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Anderson Wahlen & Associates DATE OF REQUEST: 10/15/15 ZONE ATLAS PAGE(S): K-19-Z

**CURRENT:**

ZONING O-1, P  
PARCEL SIZE (AC/SQ. FT.) 0.9975 ac

**LEGAL DESCRIPTION:**

LOT OR TRACT # 46A BLOCK # C  
SUBDIVISION NAME Bosque Redondo Addn

**REQUESTED CITY ACTION(S):**

ANNEXATION [ ]  
ZONE CHANGE [ ]: From O-1, P To C-2  
SECTOR, AREA, FAC, COMP PLAN [ ]  
AMENDMENT (Map/Text) [ ]

**SITE DEVELOPMENT PLAN:**

SUBDIVISION\* [ ] AMENDMENT [ ]  
BUILDING PERMIT [ ] ACCESS PERMIT [ ]  
BUILDING PURPOSES [ ] OTHER [ ]

\*includes platting actions

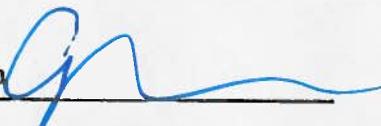
**PROPOSED DEVELOPMENT:**

NO CONSTRUCTION/DEVELOPMENT [ ]  
NEW CONSTRUCTION [ ]  
EXPANSION OF EXISTING DEVELOPMENT [X]

**GENERAL DESCRIPTION OF ACTION:**

# OF UNITS: \_\_\_\_\_  
BUILDING SIZE: \_\_\_\_\_ (sq. ft.)

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

APPLICANT OR REPRESENTATIVE Greg Wilson  DATE 10-15-15

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

Planning Department, Development & Building Services Division, Transportation Development Section -  
2<sup>ND</sup> Floor West, 600 2<sup>ND</sup> 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.

TRAFFIC ENGINEER \_\_\_\_\_

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 \_\_\_\_\_



October 16, 2015

City of Albuquerque  
Planning Department  
600 2<sup>nd</sup> NW  
Albuquerque, NM 87102

Re: Agent Authorization Letter (909 Virginia Street Rezone, Virginia Street Vacation)

To Whom It May Concern:

The purpose of this letter is to formally authorize Anderson Wahlen & Associates (AWA) to act as an authorized agent on behalf of Miller Family Real Estate. This authorization is in regards to the rezoning of the 909 Virginia Street property and the vacation of Virginia Street between Lomas Blvd. & the south boundary of the 909 Virginia Street property. Additionally, AWA is authorized to submit any other documents required for Larry H. Miller's Jeep, Dodge of Albuquerque at this site.

We appreciate your assistance with the proposed rezone and vacation requests. Should you require additional information or have any questions please contact me at (801) 563-4236.

Sincerely,

A handwritten signature in blue ink, appearing to read 'BH'.

Brad Holmes  
Director of Construction  
Miller Family Real Estate, L.L.C.



**ANDERSON WAHLEN & ASSOCIATES**

November 20, 2015

Peter Nicholls, Chair  
Environmental Planning Commission  
600 2nd Street NW  
Albuquerque, NM 87102

RE: Zone Map Amendment Application - 909 Virginia Street NE

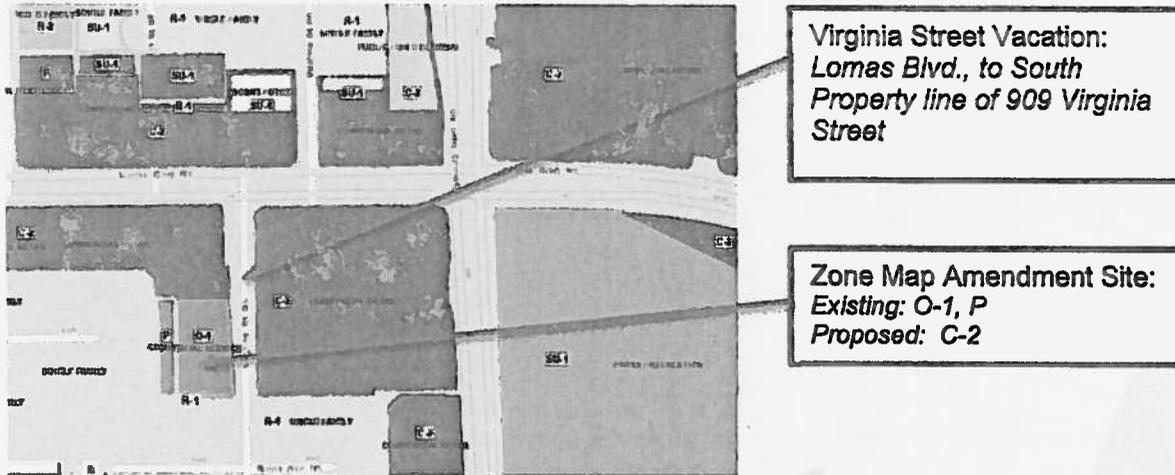
Dear Chairman Nicholls:

The following justification letter outlines in detail the proposed zoning map amendment for the property located at 909 Virginia Street NE. The site currently consists of two zones; (P) Parking and (O-1) Office and is occupied by an office building and parking areas. Our client is requesting the zone to be changed to a (C-2) Commercial zone. The purpose for this request is to unite the non-residential properties along Virginia Street. The proposed project will include of demolition of the aging, Class-C office building and associated parking areas and be replaced by a new uniform parking area with upgraded landscaping. The existing tenant of the building will be vacating the property at the beginning of the year. The removal of the office building will restore site lines of the surrounding mountains to adjacent residential neighbors.

This application has been submitted along with a right-of-way vacation request for the portion of Virginia Street NE between Lomas Blvd. and the south boundary of the 909 Virginia Street property. The intent is to ultimately create a uniform property consisting of one zoning designation (C-2) that is entirely self-contained to increase the safety for customers and employees, reduce the liability by not having to transport inventory between private property and public right-of-way. Additionally, the internal connection of the property will assist the onsite security to better monitor adjacent property lines increasing security in the immediate vicinity and decreasing potential vandalism in the neighborhood.

The proposed change to the C-2 zone is consistent with the existing zoning boundaries in the area. Currently the site is spot zoned as O-1 and P. The site is surrounded by R-1 to the west and south and by the C-2 zone to the north and east. The properties adjacent to the site along Lomas Blvd., and Wyoming Blvd., for several blocks are all zoned C-2. The approval of the requested zone change and use will contribute to fulfilling the goals and policies the Albuquerque / Bernalillo County Comprehensive Plan, the Near Heights Metropolitan Redevelopment Plan, and the La Mesa Sector Development Plan. Changing the zone from an O-1 to a C-2 could be considered up-zoning due to the additional uses permitted in the C-2, however, the proposed development would actually reduce the use intensity from an office space to a vehicle parking/storage lot thus lowering the noise, traffic and visual impacts on the neighboring properties.

## SITE



## PURSUANT TO RESOLUTION 270-1980

### § 1-1-2 POLICIES FOR ZONE MAP CHANGE APPLICATIONS.

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

**Applicant's Response:** The proposed zone change is consistent with the health, safety, morals, and general welfare of the city by adhering to the following Comprehensive Plan Policies:

#### **ALBUQUERQUE BERNALILLO COMPREHENSIVE PLAN POLICY II C. ENVIRONMENTAL PROTECTION AND HERITAGE CONSERVATION**

##### **AIR QUALITY:**

Policy II.C.1.c

(PG II-46)

*Traffic engineering techniques shall be improved to permit achievement and maintenance of smooth traffic flow at steady, moderate speeds.*

The request would increase the safety for customers and employees by not having to transport inventory between private property and public right-of-way. The proposed street vacation would significantly reduce the traffic movement near the intersections of Lomas-Virginia & Virginia-Roma Streets, therefore smoothing the traffic pattern of Lomas Blvd., and lowering traffic impacts to the residential neighborhood at the Virginia-Roma intersection.

P (801) 521-8529

F (801) 521-9551

AWAEngineering.net

2010 N Redwood Rd,

Salt Lake City, UT 84116

Civil Engineering

• Land Surveying

• Landscape Architecture

• Transportation Engineering

• Land Use Planning

**NOISE:**

Policy II.C.4.a

(PG II-59)

*Noise considerations shall be integrated into the planning process so that future noise/land use conflicts are prevented.*

The proposed project will be removing an office building & replacing it with a vehicle storage lot. With the decrease in traffic associated with this use, noise will be reduced. Additionally, the General Manager has indicated that the dealerships loud speaker will not be expanded with the project so noise levels will not increase from current level from the dealership.

Policy II.C.4.b

(PG II-60)

*Employ open space buffers, berms and barriers.*

Currently there is a 6' high masonry wall and a 10' access easement that act as noise buffers between the residential and proposed commercial zones. The proposed development will enhance the existing buffer by widening it to include a 20' access easement with a 4' wide landscaped area which includes trees at 20' on center providing a total of a 24 foot buffer between the parking lot and residential zone.

- (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.

**Applicant's Response:** This request meets and furthers City land use policies, and will provide for stability of land use by unifying the adjacent zoning with the proposed development. The property is currently zoned O-1 & P for office space and parking, however the intent is to create one cohesive C-2 zone. Currently, the proposed development abuts with existing C-2 zones to the North and East, with C-2 zones along the majority of Lomas Blvd., in the area. By unifying the zones in this area it will create a more consistent, predictable development pattern that will follow the established C-2 development standards which have existed and appear to have been successful on neighboring properties. Consistent development standards between properties assist in creating harmonious appearance which by and large result in a better looking project.

- (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.

**Applicant's Response:** A full justification of the request and an explanation of how it meets the policies and objectives contained in the Comprehensive Plan, Near Heights MRA and La Mesa Improvement District follows:

**POLICY JUSTIFICATION:**

**ALBUQUERQUE BERNALILLO COMPREHENSIVE PLAN  
POLICY II B. DEVELOPING AND ESTABLISHING URBAN AREAS**

Policy II.B.5.d

(PG II-25)

*The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.*

**Applicant's Response:** The location of the proposed C-2 zone is appropriate as it matches the surrounding commercial properties that are not only directly adjacent to the property but it will also match the majority of properties along Lomas and Wyoming frontages making the proposal in harmony with the comprehensive plan. The proposed zone will allow development that is consistent with the surrounding development and will enhance the safety and welfare of the neighborhood by creating a unified C-2 zone on the corner of Lomas-Wyoming. Vacating Virginia Street to the edge of the residential area would ensure that the culture of neighborhood would be preserved by separating the R-1 from C-2 zones. While the C-2 zone is technically a more intense zone than the current O-1 zone, the proposed use of the property as a vehicle parking/storage lot is a much less intense specific use than the current Office use. By demolishing the existing office building and adding a landscape buffer along the access easement next to the residential the residential neighbors will be able to reclaim the natural view corridor of the scenic mountain to the northeast.

Policy II.B.5.i

(PG II-27)

*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.*

**Applicant's Response:** The subject property will comply with the regulations of the zoning code and the Near Heights-MRA and the La Mesa Sector Development plan, ensuring that the development will be compatible with the existing residential areas to the south and west. Specifically the development of this site will reduce noise by replacing the existing office building and Virginia Street with a vehicle storage lot. This has several impacts on noise. Currently hundreds of cars drive on Virginia Street on any given day. By eliminating this road, the noise associated with a road will also be eliminated. While the proposed use of a vehicle storage/parking lot is an automotive related use, these vehicles, for the most part, remain stationary and turned off for most of the day and for days at a time thus reducing noise from the site. This reduction also applies to the pollution from the site. Emissions pollution is being reduced due to the reduction in street traffic and the elimination of the office employees and visitors coming and going from the site. As mentioned above, the vehicles on the site are largely not used until a test drive is requested. By and large they will remain stationary and turned off for a majority of the day/week. The lighting for the new portion of the proposed site will be installed with new state art LED fixtures. These fixtures are not only more energy efficient than the old light fixtures but they are dimmable so light level can be controlled at different times of

the day or night. Traffic will be reduced in the immediate vicinity due to the vacation of Virginia Street.

The requested zone change would result in a less harmful zone due to the reduction of traffic, the reduction of noise; and the increased quality of air mentioned above in response to the following policies of the comprehensive plan:

Policy II.C.1.c

Policy II.C.4.a

Policy II.C.4.b

## **ALBUQUERQUE BERNALILLO COMPREHENSIVE PLAN POLICY II D. COMMUNITY RESOURCE MANAGEMENT**

### **ECONOMIC DEVELOPMENT**

Policy II.D.6.b

(PG II-97)

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

**Applicant's Response:** The proposed zone will allow for the expansion of an existing car dealership allowing for more vehicles to be sold. This may lead to new sales associated and service technicians being hired in the La Mesa area. The request furthers Policy II.D.6.

Additionally, car dealerships are destination businesses. Potential customers from all over Albuquerque and possibly even further will come to this site if they are interested in purchasing the specific brands of cars sold at this dealership. As such, these people are traveling into the La Mesa area and immediately become potential patrons of the neighboring businesses. Thus increasing the development of local business enterprises. The potential increase in car sales and the potential increase in patronage to neighboring businesses ultimately result in increased sales tax revenue for the City of Albuquerque.

### **OBJECTIVE JUSTIFICATION:**

#### **NEAR HEIGHTS METROPOLITAN REDEVELOPMENT PLAN**

##### **NEAR HEIGHTS MRA - OBJECTIVES:**

1. Eliminates blight and prevents further deterioration

**Applicant's Response:** The modifications to the site would help prevent blight by removing an existing, multi-story office building that is currently deteriorating and is in need of repair. The development would renew the area with new site improvements to current city standards, upgraded LED lighting, upgraded landscaping and the restoration of mountain views for the neighboring residential neighborhood.

2. Stimulates public and nonprofit / private investment in the area

**Applicant's Response:** The proposed rezone would stimulate private investment into the area by the above mentioned site improvements. The expansion of a car dealership would draw more customers into the area which would then stimulate the overall economy of La Mesa. The increased sales would result in more tax revenue for the City which can then in turn be turned into public improvement projects in the La Mesa area or other areas of the City.

3. Increases the number of jobs in the area and increases the patronage of local businesses

**Applicant's Response:** The proposed rezone will increase the ability of the business to sell more vehicles and since auto dealerships are a destination business people from all over the City that are looking to buy a particular brand of car will travel to the site. Thus bringing in more potential customers to patronize the other local businesses in the La Mesa area. Increased sales also result in the need for more sales associates and service technicians at the site.

4. Promotes the image of a safer environment.

**Applicant's Response:** The proposed rezone, in conjunction with the proposed Virginia Street vacation would reduce the amount of traffic near the intersection of Lomas Blvd. and Virginia Street, thus creating a much safer environment for motorists, cyclists and pedestrians in that area. Also, the dealership is currently separated by Virginia Street which requires vehicle inventory to leave private property, cross the right of way and reenter private property as cars are needed. This creates several conflict locations between pedestrians, vehicles, traffic and private property. Unifying the site will eliminate these conflict points and create a safer environment. Additionally, if the lot is expanded, there will be more security on the property, including better lighting, security cameras and fences.

**OBJECTIVE JUSTIFICATION:  
LA MESA SECTOR DEVELOPMENT PLAN**

**LONG TERM OBJECTIVES:**

1. Elimination of Blight and prevention of blighting influences

**Applicant's Response:** The modifications to the site would help prevent blight by removing an existing, multi-story office building that is currently deteriorating and is in need of repair. The development would renew the area with new site improvements to current city standards, upgraded LED lighting, upgraded

landscaping and the restoration of mountain views for the neighboring residential neighborhood.

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

**Applicant's Response:** The proposed rezone, in conjunction with the proposed Virginia Street vacation would reduce the amount of traffic near the intersection of Lomas Blvd. & Virginia Street and the intersection of Roma Street & Virginia Street, thus creating a much safer environment for motorists, cyclists and pedestrians in that area. Also, the dealership is currently separated by Virginia Street which requires vehicle inventory to leave private property, cross the right of way and reenter private property as cars are needed. This creates several conflict locations between pedestrians, vehicles, traffic and private property. Unifying the site will eliminate these conflict points and create a safer environment. Additionally, if the lot is expanded, there will be more security on the property, including better lighting, security cameras and fences.

3. Enhancement of the area as a primarily residential area with strips of commercial uses on the north, east and southern portion of the area.

**Applicant's Response:** The proposed development will enhance the area in several ways. The site will be upgraded with new site improvements, landscape, LED lighting and fencing creating a more attractive site. Security will be expanded with new fences, cameras and monitoring personnel creating a safer environment. Traffic flows on Virginia Street will be greatly decreased. Preliminary traffic count data indicates that Virginia Street is being used as a north south bypass between Lomas and Wyoming Bivds, with only a fraction of the traffic coming or going in the east or west direction on Roma Street. The rezone and vacation will remove this bypass. These existing trips will be diverted to other streets in the area but experience has shown that traffic cuts through residential streets when these routes are indeed a shorter distance. Virginia Street is the closest bypass for the Lomas and Wyoming Intersection. When a potential cut through is eliminated making the "short cut" longer than it would be to stay on a local collector or arterial street the traffic will adjust accordingly and traffic will remain on the main roads rather than cutting through a residential neighborhood.

(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.

**Applicant's Response:** (D) (3) is most applicable to this proposal. The reason the C-2 zone, while more intensive than the O-1 zone, is more advantageous to the community is twofold. In the general sense, the comprehensive plan and master plan discourage spot zoning. The property in question is technically spot zoned as O-1 sandwiched between R-1 residential and C-2 commercial. Allowing the rezone to proceed would follow the City's preferred option of avoiding a spot zone. The second reason, on a more localized scale, that the change is more advantageous is that this redevelopment gives the area an opportunity be rejuvenated and upgraded to current construction standards, zoning standards and allows the incorporation of current environmentally friendly technologies. As mentioned extensively above the site will increase in safety, security, economically and visually. All the while traffic, noise, pollution and blight will be reduced.

(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.

**Applicant's Response:** The reason that changing to a more intensive zone (C-2) from a less intensive zone (O-1) will not be harmful, in this particular case, is that the surrounding neighbors are already adjacent to the C-2 zone. The close proximity of the C-2 zones (i.e, directly adjacent to the site) addresses this concern because the uses that are allowed in the C-2 zone are already available to be instituted directly adjacent to and in the vicinity of the adjacent properties, neighborhood and community. Also, the requested zone change would result in a less harmful zone due to the reduction of traffic, the reduction of noise; and the increased quality of air mentioned above in response to the following policies of the comprehensive plan:

- Policy II.C.1.c
- Policy II.C.4.a
- Policy II.C.4.b

(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.

**Applicant's Response:** R-270-1980-F is not applicable because this request for a zone map amendment does not have any associated capital improvements and/or expenses, and any improvements that are associated with the City of Albuquerque.

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

**Applicant's Response:** The cost of land or economic considerations pertaining to the applicant are not the determining factor for the zone change request. As stated

above the rezone of this property will allow the site to be rejuvenated and upgraded to current construction standards, zoning standards and allows the incorporation of current environmentally friendly technologies. The site will increase in safety, security, economically and visually. All the while traffic, noise, pollution and blight will be reduced.

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

**Applicant's Response:** This zone map amendment request is not being justified based primarily on the property's location on a major roadway; however, with the proximity of the proposed vacation of Virginia Street, it is an important consideration in the determination that the property is appropriate for the requested change in zoning and use.

The proposed street vacation would reduce cut through traffic on Virginia Street for motorists attempting to avoid the Lomas/Wyoming Blvd intersection would be eliminated. Also, test drive traffic and service related drives would also be eliminated from Virginia Street as all dealership related traffic would now be required to access the site from Lomas Blvd which is designed to handle much more traffic capacity than the local residential streets. Refer to page 7 Item 3 for more traffic discussion.

(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.

**Applicant's Response:** The proposed change to the C-2 zone is consistent with the existing zoning boundaries in the area. Currently the site is spot zoned as O-1 and P. The site is surrounded by R-1 to the west and south and by the C-2 zone to the north and east. The properties adjacent to the site along Lomas Blvd., and Wyoming Blvd., for several blocks are all zoned C-2. Changing the property in question to C-2 would make the site more advantageous to the community by unifying it with the surrounding property.

(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

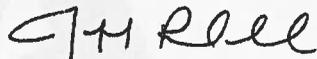
(2) The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

**Applicant's Response:** With the pending approval of the Virginia Street vacation, the subject property and adjacent properties to the North and East would ultimately create a uniform property consisting of one zoning designation (C-2) that is entirely self-contained. The zone change request constitutes a justifiable strip zone because it adjoins with the primary access point on Lomas Blvd., The intent of the La Mesa Sector Development Plan was to surround the residential area with commercial strip-zones. As stated on item 3 on page 7 above. Additionally, the current spot zone would be eliminated creating a more stable zone that reinforces and upgrades the Albuquerque / Bernalillo County Comprehensive Plan.

This zone amendment request is justified by the City of Albuquerque planning policy documents in addition to meeting the requirements of Resolution 270-1980. This zone change would allow for land use that will be consistent with the surrounding development, and will be more beneficial to the community through the development of the property.

Based upon the justification presented, we respectfully request that you review and approve this zone amendment request. We appreciate your assistance with the proposed zoning map change. Should you require additional information or have any questions please feel free to contact me at: (801) 410-8504.

Sincerely,



Jeff Randall  
Director of Development

NOTIFICATION &  
NEIGHBORHOOD INFORMATION



## City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

October 16, 2015

Greg Wilson  
Anderson Wahlen & Associates  
2010 North Redwood Road  
Salt Lake City, UT 84116  
Phone: 801-410-8524  
E-mail: [gregw@awaeng.com](mailto:gregw@awaeng.com)

Dear Greg:

Thank you for your inquiry of **October 16, 2015** requesting the names of **ALL Neighborhood and/or Homeowner Associations and Coalitions** who would be affected under the provisions of *§14-8-2-7 of the Neighborhood Association Recognition Ordinance* by your proposed project at **(EPC SUBMITTAL) LOT 46, BLOCK C OF THE BOSQUE REDONDO ADDITION, LOCATED AT 909 VIRGINIA STREET NE, BETWEEN LOMAS BOULEVARE NE AND ROMA AVENUE NE** zone map K-19.

Our records indicate that the **Neighborhood and/or Homeowner Associations and Coalitions** affected by this submittal and the contact names are as follows:

**SEE "ATTACHMENT A" FOR THE NAMES OF THE NA/HOA'S THAT NEED TO BE CONTACTED IN REGARDS TO THIS PLANNING SUBMITTAL – please attach this letter and "Attachment A" to your Application Packet ALONG with copies of the letters and certified mail receipts to the NA/HOA's – siw.**

Please note that according to *§14-8-2-7 of the Neighborhood Association Recognition Ordinance* you are required to notify each of these contact persons by **certified mail, return receipt requested, before the Planning Department will accept your application filing.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov) or by fax at (505) 924-3913.

Sincerely,

*Stephani Winklepleck*

Stephani Winklepleck

Neighborhood Liaison

OFFICE OF NEIGHBORHOOD COORDINATION

Planning Department

**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.

**LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NA/HOA FOR THIS PLANNING SUBMITTAL.**

# !!!Notice to Applicants!!!

## SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected neighborhood and/or homeowner associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT.** Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

### WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
  - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
  - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describes the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.").
  - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
  - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

## Information from the Office of Neighborhood Coordination

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- ONC's "Official" Letter to the applicant (if there are associations). A copy must be submitted with application packet -OR-**
- The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- Copies of Letters to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**
- Copies of the certified receipts to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**

**Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.**

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at [swinklepleck@cabq.gov](mailto:swinklepleck@cabq.gov).

Thank you for your cooperation on this matter.

\*\*\*\*\*

(below this line for ONC use only)

Date of Inquiry: 10/16/15 Time Entered: 10:10 a.m. Rep. Initials: siw

# **"ATTACHMENT A"**

**(EPC SUBMITTAL) LOT 2, BLOCK 9, NM ORIGINAL TOWNSITE, LOCATED ON 125 SECOND STREET NW, BETWEEN COPPER AVENUE NW AND CENTRAL AVENUE NW zone map K-14 for Greg Wilson, Anderson Wahlen & Associates.**

## **LA MESA COMMUNITY IMPROVEMENT ASSOC. "R"**

**\*Nancy Bearce**

600 San Pablo NE/87108 254-7841 (h)

**Charles Bennett**

600 San Pablo NE/87108 254-7841 (h)

## **DISTRICT 6 COALITION OF N.A.'S**

**\*Nancy Bearce**

600 San Pablo St. NE/87108 254-7841 (h)

**Ronald Halbgewachs**

3401 Monte Vista Blvd. NE/87106 268-1584 (h)

**\*President of NA/HOA/Coalition**

Typical



ANDERSON WAHLEN & ASSOCIATES

October 16, 2015

La Mesa Community Improvement Association  
Nancy Bearce  
600 San Pablo NE 87108

Re: Notification Letter (909 Virginia Street Rezone)

Nancy:

The purpose of this letter is to formally notify all neighborhood, homeowner associations and coalitions of a proposed rezoning in your area. The proposed rezone is located at 909 Virginia Street between Lomas Blvd., and Roma Ave. The site currently consists of two zones; (P) Parking and (O-1) Office and is occupied by an office building and parking areas. Our client is requesting the zone to be changed to a (C-2) Commercial zone for the use of a car dealership.

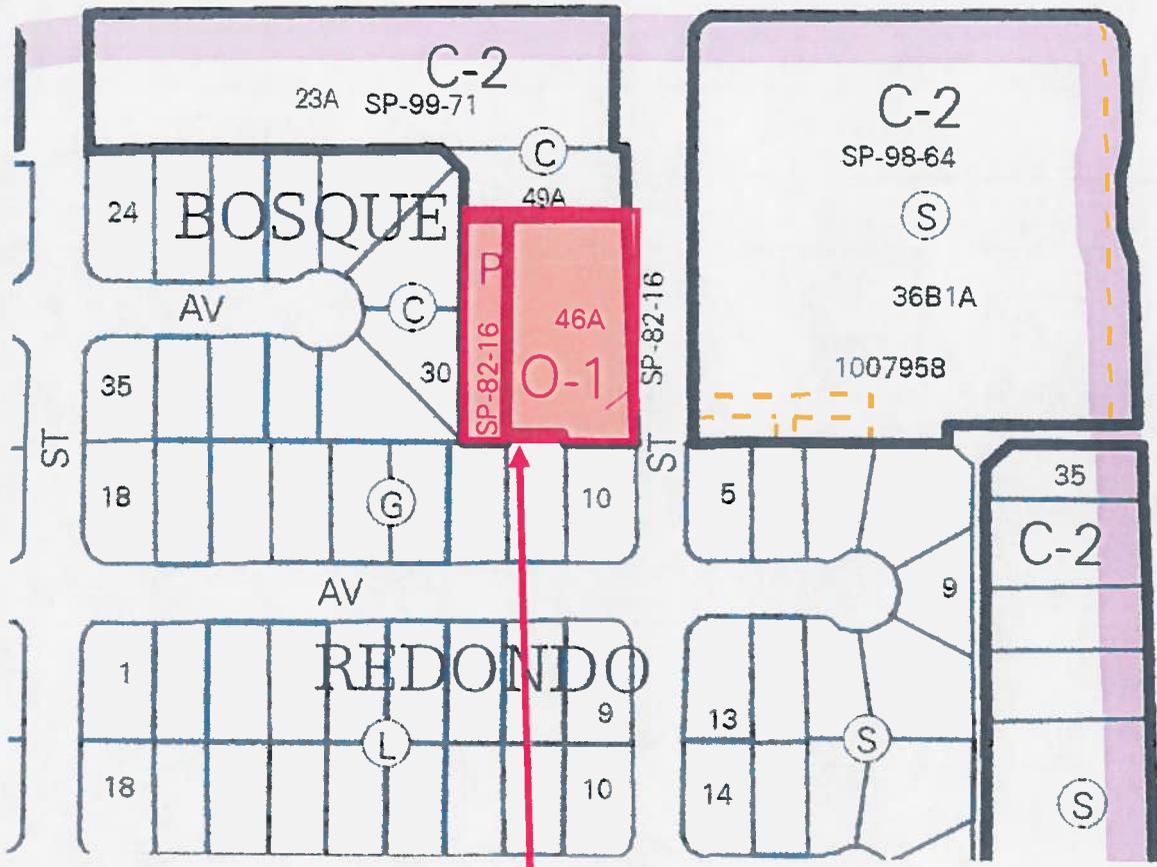
We appreciate your assistance with the proposed rezone. Should you require additional information or have any questions please contact me at (801) 410-8524.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Wilson', with a long, sweeping horizontal line extending to the right.

Greg Wilson  
Anderson Wahlen & Associates  
2010 North Redwood Road  
Salt Lake City, Utah 84116

SP-97-180 & STORAGE



PROPOSED ZONING CHANGE

7014 1620 0002 2718 3260

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ALBUQUERQUE, NM 87106 OFFICIAL USE

Postage	\$	\$3.45
Certified Fee		\$2.80
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		N/A
Total Postage & Fees	\$	\$6.25

TORHWEST  
0011  
10 Postmark Here  
OCT 16 2015  
ALBUQUERQUE, NM

Sent To: Dist 6 Coalition of NAs (Renee Holgado)  
Street & Apt. No., or PO Box No. 8401 Monte Vista Blvd. NE  
City, State, ZIP+4 Albuquerque, NM 87106  
PS Form 3800, July 2011 See Reverse for Instructions

7014 1620 0002 2718 3437

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ALBUQUERQUE, NM 87108 OFFICIAL USE

Postage	\$	\$3.45
Certified Fee		\$2.80
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		N/A
Total Postage & Fees	\$	\$6.25

TORHWEST  
0011  
10 Postmark Here  
OCT 16 2015  
ALBUQUERQUE, NM

Sent To: La Mesa Community (Charles Bandy)  
Street & Apt. No., or PO Box No. 600 San Pablo NE  
City, State, ZIP+4 Albuquerque, NM 87108  
PS Form 3800, July 2011 See Reverse for Instructions

7014 1620 0002 2718 3291

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ALBUQUERQUE, NM 87108 OFFICIAL USE

Postage	\$	\$3.45
Certified Fee		\$2.80
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		N/A
Total Postage & Fees	\$	\$6.25

TORHWEST  
0011  
10 Postmark Here  
OCT 16 2015  
ALBUQUERQUE, NM

Sent To: Dist 6 Coalition of NAs (Nancy Beance)  
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Sent To: La Mesa Community (Nancy Beance)  
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# CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

**Project #:** 1010649  
**Property Description/Address:** All or a portion of Lot 46A, Block C, Bosque Redondo Addition La Mesa, located at 909 Virginia St. NE between Lomas Boulevard NE and Roma Avenue NE

**Date Submitted:** November 20, 2015  
**Submitted By:** Jessie Lawrence

**Meeting Date/Time:** November 18, 2015  
6:30 PM

**Meeting Location:** Mesa Verde Community Center  
**Facilitator:** Jessie Lawrence  
**Co-facilitator:** Diane Grover

**Parties (individual names and affiliations are listed at the end of the report):**

- **Applicant**
  - o Miller Family Real Estate
- **Agent**
  - o Anderson Wahlen & Associates
- **Neighborhood Associations/Interested Parties**
  - o La Mesa Community Improvement Association
  - o District 6 Coalition of NAs

**Background/Meeting Summary:**

Applicant, Miller Family Real Estate, requests a zone map amendment for all or a portion of Lot 46A, Block C, Bosque Redondo Addition La Mesa, zoned O-1, located at 909 Virginia St. NE between Lomas Boulevard NE and Roma Avenue NE, containing approximately .9975 acres. Applicant is also requesting the vacation of Virginia St. NE between Lomas Blvd. NE and the southern boundary of 909 Virginia St. NE. Applicant would like to create one uniform property for use by the existing car dealership.

Meeting participants had a constructive discussion about the project. Regarding the zone change, neighbors did not express opposition to the proposed use, removing the office building and using the lot for additional parking of cars for sale. However, they requested that the zone change be limited as narrowly as possible to prevent unwanted uses if the property is sold at some point in the future. The applicant and agent agreed to do further research about how to limit the zone change and share that information with the neighborhood association before the EPC hearing.

Regarding the road vacation, some neighbors expressed concerns about the possible effects on traffic on other streets in the neighborhood and about access to the homes on Roma, San Juan, and Virginia, particularly in an emergency. They asked that the applicant do more analysis of how the change will impact traffic on Utah and also talk to the Fire Department about their concerns. The applicant and agent agreed to look into these issues and share the information.

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The applicant, agent, and neighbors will attempt to share information via email and/or the La Mesa Community Improvement Association's regularly scheduled meeting. If necessary, they will contact the facilitator or the City ADR program to schedule a follow-up facilitated meeting.

#### **Outcome:**

- *Areas of Agreement*
  - o There were no concerns expressed about the plans to remove the existing office building on the lot and use the space to park vehicles for sale by the Larry H. Miller car dealership.
- *Unresolved Issues & Concerns*
  - o Neighbors asked that the zone change be limited as narrowly as possible to prevent unwanted uses if the property is sold at some point in the future. The applicant and agent agreed to do further research about how to limit the zone change and share that information with the neighborhood association before the EPC hearing.
  - o Neighbors asked for more information about the possible effects of the road vacation, and they asked that the applicant do more analysis of how the change will impact traffic on Utah and also talk to the Albuquerque Fire Department about their concerns. The applicant and agent agreed to look into these issues and share the information.
- *Other Key Points*
  - o The applicant, agent, and neighbors will attempt to share information and will contact the facilitator or the City ADR program if another facilitated meeting is necessary.
  - o One meeting participant said that she doesn't receive enough information in advance about relevant City hearings, and requested that the City send information further in advance.

#### **Meeting Specifics:**

- 1) Overview of Request
  - a) Agent stated that the project includes a request for a zone change and a request for a right-of-way vacation to create a uniform property for use by the existing user, the Larry H. Miller car dealership.
  - b) Zone change:
    - i) Applicant would like to rezone the lot at issue because it is currently zoned O-1, and the storage of cars is not allowed in an O-1 zone.
    - ii) The project will include the removal of the existing office building on the lot.
    - iii) Applicant plans to use the property to park vehicles for sale.
  - c) Road vacation:
    - i) The road vacation is requested to create one uniform property and remove the need to cross a public right-of-way when walking across the dealership.
    - ii) Virginia Street will be fenced and gated.
    - iii) There will be a gated access easement for the residents living on Fruit Street.
    - iv) There will be fencing and landscaping along the access easement, along the back of the car dealership property.
    - v) The car dealership parking lot will be secured with gates at the entrances, security lighting, and cameras.

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- 2) Zone Change Questions and Comments
  - a) A meeting participant asked if the applicant could request a special exception rather than a zone change to C-2 to reduce the possible allowed uses.
  - b) Meeting participants noted that a change to C-2 could permit a large variety of uses in the future, some of which they wouldn't want.
    - i) A meeting participant noted that they trust the applicant, but couldn't predict future owners of the property.
  - c) A meeting participant noted that the applicant would need to look at all of the potential permissive uses for the zone change that they request.
  - d) The applicant and agent agreed to talk to the city planner about how to limit the possible uses and work to make the request as narrow as possible, and they said that they would communicate with the neighbors about this before the EPC hearing.
  
- 3) Road Vacation Questions and Comments
  - a) The agent stated that they counted traffic at the corner of Virginia and Roma during the morning and evening periods of heavy traffic.
    - i) In the morning, in one hour, they counted 23 southbound cars and 58 northbound cars.
    - ii) In the evening, in one hour, they counted 49 southbound cars and 45 northbound cars.
  - b) A meeting participant asked if Utah could handle the additional traffic, especially at heavy-traffic times when cars are trying to turn left onto Lomas.
    - i) The applicant said that they would look at the traffic on Utah as part of their analysis.
    - ii) A meeting participant said that the area of Utah near Lomas is already dangerous because of traffic coming out of the Saab dealership and the alley.
  - c) A meeting participant asked how a business owner could just take over a road and move into a public space.
    - i) Another meeting participant stated that the property would not be taken over, but would be purchased from the City.
  - d) A meeting participant suggested temporarily closing the road so the neighbors and the City could see the future impact.
  - e) A meeting participant said that many of the residents in the neighborhood are 65-80 years old and worried about the additional time for emergency services to reach them if the road is closed.
  - f) A meeting participant said that the Albuquerque Fire Department needs to be consulted as part of the process.
    - i) The applicant said that they would follow up on this.
  - g) A meeting participant said that he opposed closing Virginia St., even if the issues of traffic and emergency services could be addressed.
  - h) Meeting participants discussed how to handle the issue of a Fruit St. resident who needed access to park his trailer in his back yard.
    - i) The applicant and agent said that he would have access through the car dealership property.
    - ii) Some neighbors questioned whether this was feasible.
  - i) A meeting participant asked about the access easement, the trees and landscaping that would be planted along the fence, and any headlights or other distractions that would impact the neighbors.
    - i) The agent said that they would talk to neighbors about the type of fencing, and would landscape according to the City code.

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- ii) Headlights will be blocked by the wall along the neighbors' properties, and cars will only be moved for test drives or when moving inventory.
  - iii) A meeting participant requested that the landscaping be conducive and complementary to the community garden and include pollinators.
- 4) Other Questions and Concerns
- a) A meeting participant expressed concern about the maintenance of the gate to the access easement.
    - i) Neighbors noted that they did not want any additional financial burdens on them because of this project.
  - b) A meeting participant noted that the Larry H. Miller dealership has been a good neighbor.
  - c) A meeting participant asked about the projected timeline.
    - i) The agent stated that the office building residents are vacating the building in February, and they expect demolition approximately in March.
  - d) One meeting participant said that she doesn't receive enough information in advance about relevant City hearings, and requested that the City send information further in advance.

#### **EPC Application Hearing Details:**

1. The Environmental Planning Commission (EPC) is an appointed, 9-member, volunteer citizen board with authority on many land use and planning issues. The EPC was formed in 1972 per City of Albuquerque Ordinance #294-1972. Members:
  - Peter Nicholls, Chair, Council District 4
  - Karen Hudson, Vice Chair, Council District 8
  - Vacant, District 1
  - Moises Gonzalez, Council District 2
  - Victor Beserra, Council District 3
  - Derek Bohannon, Council District 5
  - Maia Mullen, Council District 6
  - James Peck, Council District 7
  - Bill McCoy III, Council District 9
2. Hearing Time:
  - a. The hearing is scheduled for December 10, 2015.
  - b. The Commission will begin hearing applications at 8:30 a.m.
  - c. The actual time this application will be heard by the Commission will depend on the applicant's position on the Commission's schedule.
  - d. The agenda is posted on <http://www.cabq.gov/planning/boards-and-commissions/environmental-planning-commission> on the Friday immediately prior to the EPC Hearing.
3. Hearing Process:
  - a. Comments from facilitated meetings will go into a report which goes to the City Planner.
  - b. City Planner includes facilitator report in recommendations.
  - c. The Commission will make a decision and parties have 15 days to appeal the decision.
4. Resident Participation at Hearing:
  - a. Comments may be sent to:

# CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Vicente Quevedo, Staff Planner  
600 2<sup>nd</sup> Street NW, Third Floor  
Albuquerque, NM 87102  
[vquevedo@cabq.gov](mailto:vquevedo@cabq.gov)  
(505) 924-3357

OR

Peter Nicholls, Chair, EPC  
Karen Hudson, Vice Chair, EPC  
c/o Planning Department  
600 2<sup>nd</sup> St, NW, Third Floor  
Albuquerque, NM 87102

## **DRB Application Hearing Details:**

- 1) Hearing Scheduled for December 9, 2015.
- 2) Hearing Details:
  - a. The DRB conducts public hearings and makes decisions on requests for approval of subdivisions, vacation, site development plans delegated by EPC or sector development plans, subdivision design variances, and sector development plan reviews.
  - b. The Development Review Board (DRB) will begin hearing applications at 9:00 a.m.
  - c. The actual time this application will be heard by the DRB will depend on the applicant's position on the DRB's schedule.
- 3) Hearing Process:
  - a. Comments from facilitated meetings will go into a report which goes to the DRB.
  - b. The DRB will make a decision and parties have 15 days to appeal the decision.
  - c. All interested parties may appear at the hearing and voice their opinions or submit written comments prior to the day of public hearing.
- 4) For questions or more information, contact the DRB Administrative Assistant at (505) 924-3946.

## **Names & Affiliations of Attendees:**

Dee Hanson	Applicant
Jeff Randall	Agent
Greg Flint	Applicant
Sharon Arndt	Neighbor
Bryan Arndt	Neighbor
Sara (Sally) Rosenheim	Neighbor
Nancy Bearce	LMCIA
Connie Salazar	LMCIA
Karen Morlack	LMCIA
Mick McMahan	LMCIA
Susan Crutcher	LMCIA
Pete Garley	Neighbor

**CITY OF ALBUQUERQUE  
LAND USE FACILITATION PROGRAM  
PROJECT MEETING REPORT**

**Shelley Ohnleiter  
Kenney Kennedy  
Tommie Jewell  
Randy Lantz  
Peggy Wells  
Karen Segura  
Pat Joseph  
Elene Gusch  
Bob Gusch**

**Neighbor  
Neighbor  
LMCIA  
Neighbor  
Neighbor  
Neighbor  
Neighbor  
Neighbor  
Neighbor**

ADDITIONAL STAFF INFORMATION

**Quevedo, Vicente M.**

---

**From:** Cloud, Jack W.  
**Sent:** Wednesday, December 02, 2015 4:59 PM  
**To:** 'Greg Flint'  
**Cc:** 'Charles Bennett'; 'Jessie Lawrence'; Quevedo, Vicente M.; Dicome, Kym; Winklepleck, Stephani I.; 'lifedancelessons@aol.com'; 'morlackhome@gmail.com'; 'Mick McMahan'; 'skcrutcher@fs.fed.us'; 'petegarley@yahoo.com'; 'kenneyraykennedy@yahoo.com'; 'Randy Lantz'; 'pegasus@swcp.com'; 'Karen Segura'; 'pljnm@aol.com'; 'Bob Gusch'; 'maearndt@aol.com'; 'xericsal@q.com'; 'Elene'; 'jaket@awaeng.com'; 'jeffr@awaeng.com'; 'gregw@awaeng.com'; 'Brad Holmes'; 'DHansen@thedrhcompany.com'; 'Nancy Bearce'; 'Shelley Ohnleiter'  
**Subject:** RE: LMCIA Meeting Outcomes - Project #1010649

Thank you for the email. This will serve as an authorized withdrawal of Project No. 1010649/ 15DRB-70388, Vacation of Public Right of Way for Virginia Street NE between Lomas and Roma.

The request will be on the agenda because it was an advertised case, but it will be noted as [WITHDRAWN]; there will not be a hearing on this request and the case file will be closed.

---

Jack Cloud, Chair  
Development Review Board  
505.924.3880

---

**From:** Greg Flint [mailto:greg.flint@lhm.com]  
**Sent:** Wednesday, December 02, 2015 4:51 PM  
**To:** Cloud, Jack W.  
**Cc:** Charles Bennett; Jessie Lawrence; Quevedo, Vicente M.; Dicome, Kym; Winklepleck, Stephani I.; lifedancelessons@aol.com; morlackhome@gmail.com; Mick McMahan; skcrutcher@fs.fed.us; petegarley@yahoo.com; kenneyraykennedy@yahoo.com; Randy Lantz; pegasus@swcp.com; Karen Segura; pljnm@aol.com; Bob Gusch; maearndt@aol.com; xericsal@q.com; Elene; jaket@awaeng.com; jeffr@awaeng.com; gregw@awaeng.com; Brad Holmes; DHansen@thedrhcompany.com; Nancy Bearce; Shelley Ohnleiter  
**Subject:** RE: LMCIA Meeting Outcomes - Project #1010649

Jack,

Please accept this email as a formal request to withdraw our application at this time for the road vacation of Virginia Street. Subsequently, we withdraw from the November 9<sup>th</sup> DRB meeting.

Thank you,

**Greg Flint**  
Project Manager  
Miller Family Real Estate  
Direct: 801-563-4176  
Cell: 970-903-1302  
greg.flint@lhm.com

