



**Environmental
Planning
Commission**

**Agenda Number: 08
Project #: 2018-001678
RZ-2018-00044
Hearing Date: December 13, 2018**

Staff Report

Agent	Tierra West LLC
Applicant	Melloy Brothers Enterprises Inc
Request	Zone Map Amendment (Zone Change)
Legal Description	All or a portion of Tract A2A, Plat of Tracts A2A, A2B, A2C & A2D of Spanish Land Company Subdivision, and Tracts C and D of Spanish Land Company Subdivision
Location	East side of San Mateo Blvd NE, south of Osuna Rd NE
Size	6.14 acres
Existing Zoning	MX-H
Proposed Zoning	NR-C

Staff Recommendation

APPROVAL of Project # 2018-001678 RZ-2018-00044 based on the Findings and subject to the Conditions of Approval within this report

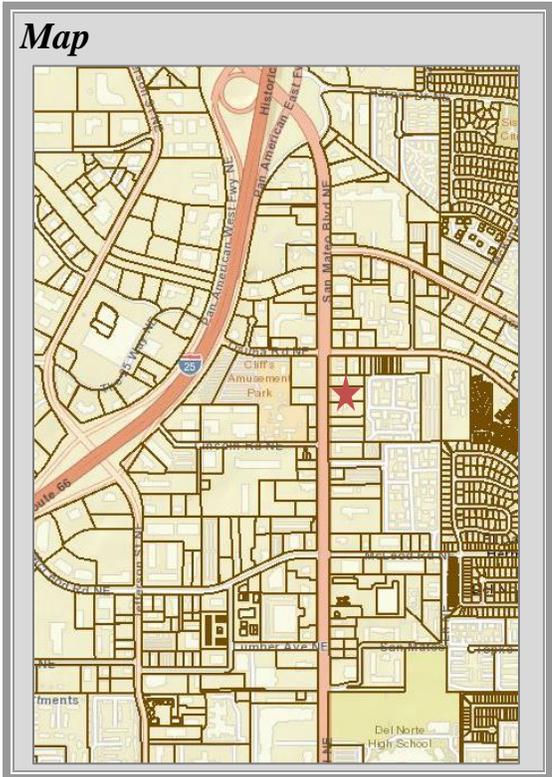
Staff Planner
Cheryl Somerfeldt

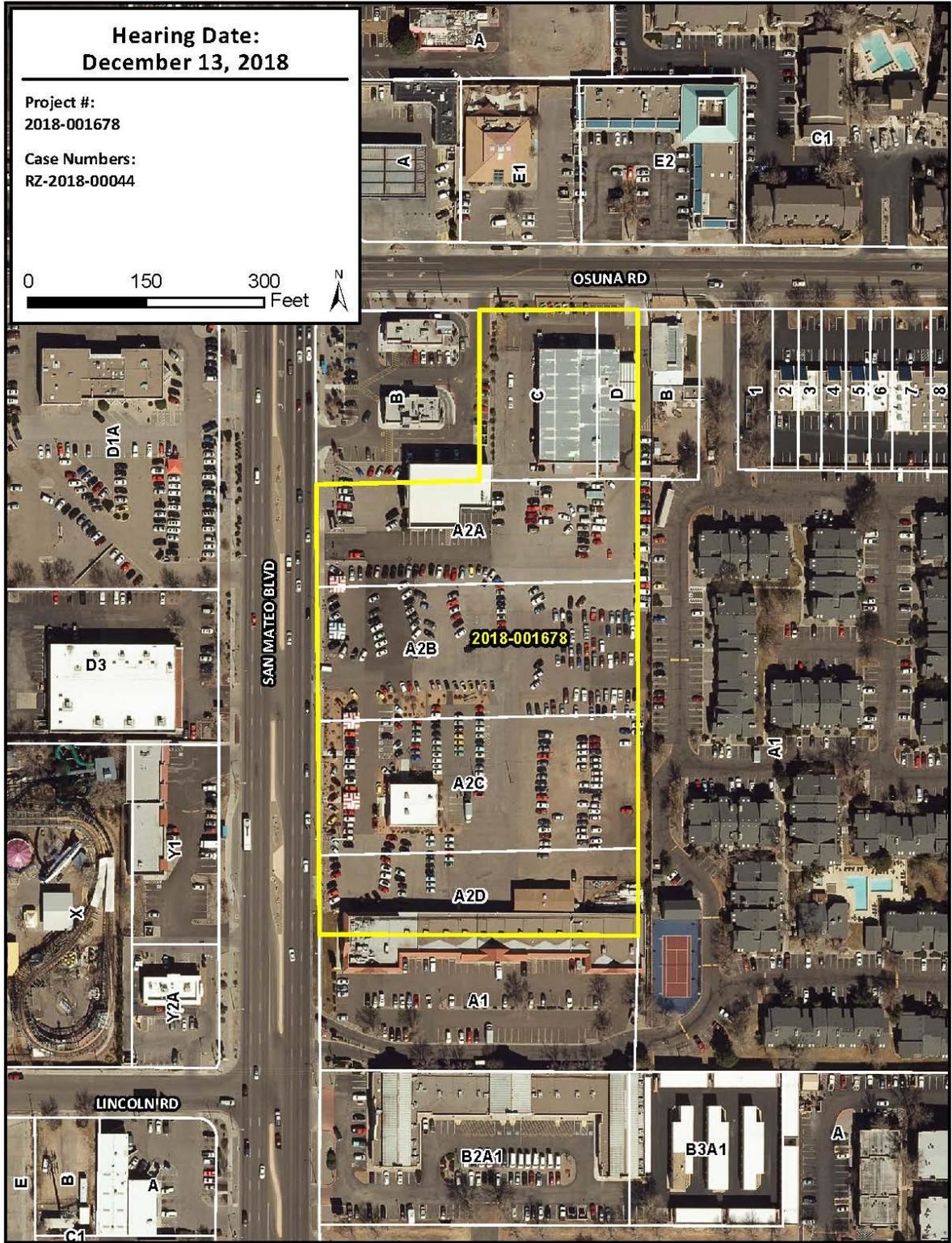
Summary of Analysis

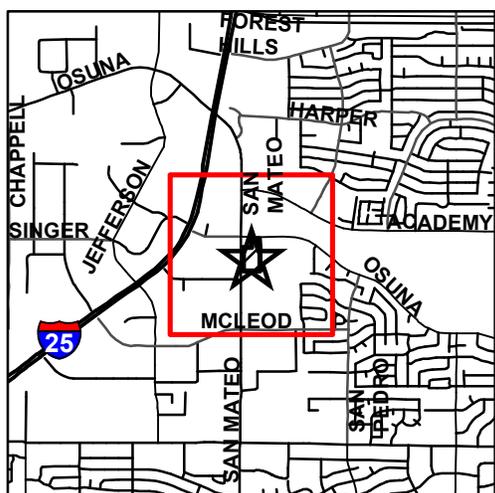
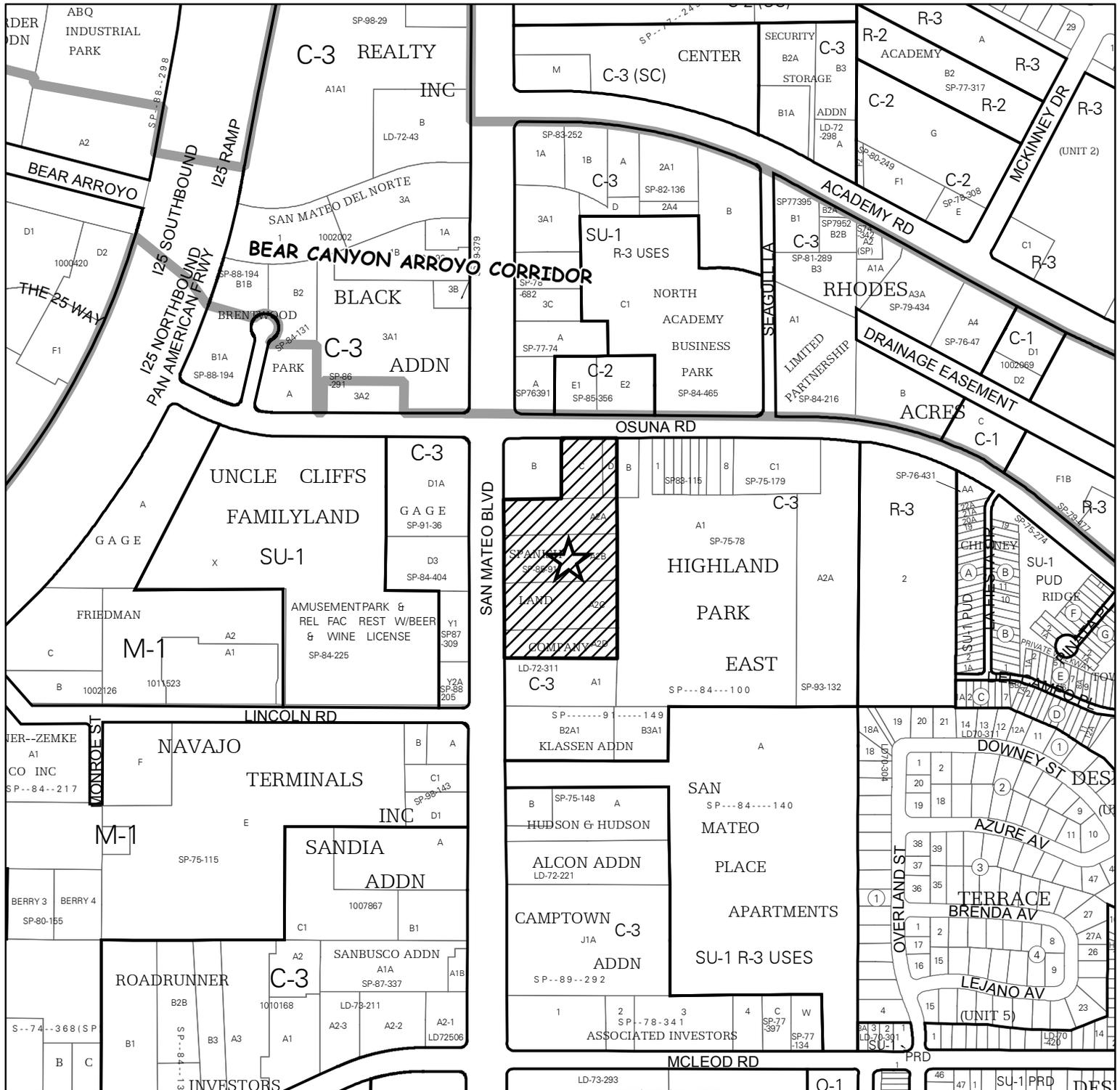
This is a request to re-zone six tracts comprised of 6.14 acres from the MX-H, Mixed Use High Intensity Zone District, to NR-C, Non-Residential Commercial Zone District.

Existing development on the property consists of various structures and parking lot facilities associated with the operation of a car and truck dealership including a showroom and auto parts and service center. The applicant wishes to re-zone the subject tracts in order to be able to expand the existing Heavy Vehicle sales and service use more than the 25% permitted for the currently legal nonconforming use.

The applicant notified Del Norte Neighborhood Association, the District 4 Coalition of Neighborhood Associations, and property owners within 100-feet as required. Staff has not received any comments in support or opposition to the request and recommends approval.







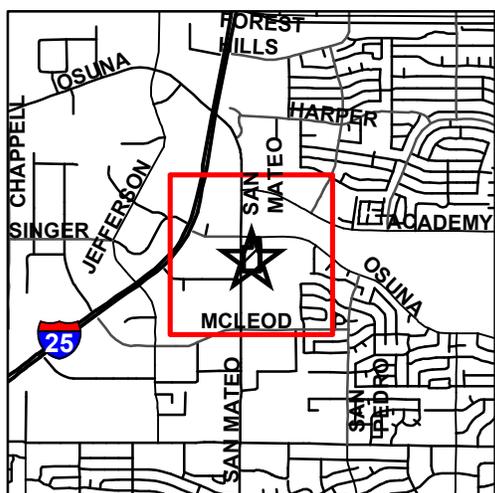
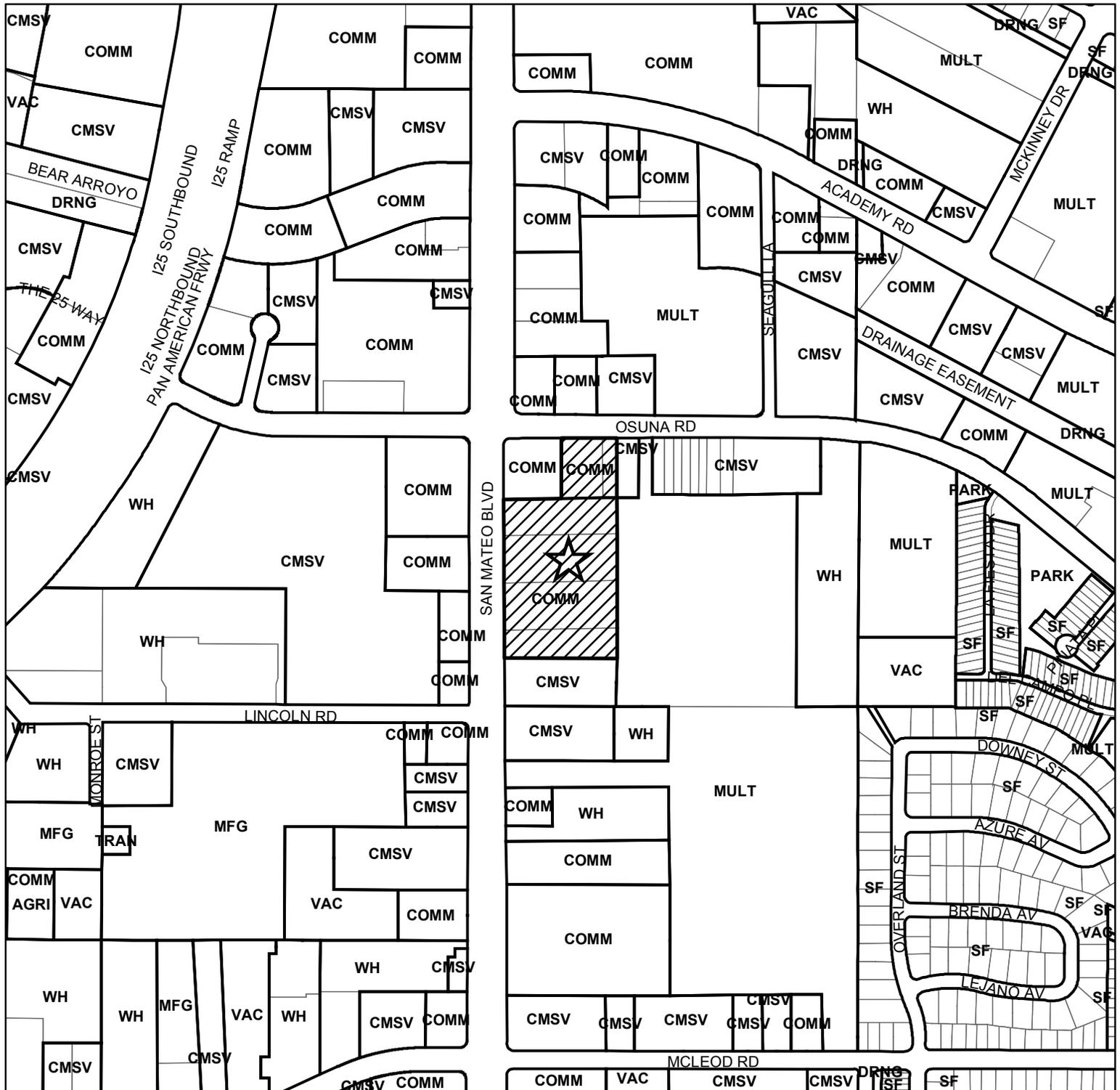
OLD ZONING MAP

Note: Gray shading indicates County.



1 inch = 500 feet

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LAND USE MAP

Note: Gray shading indicates County.

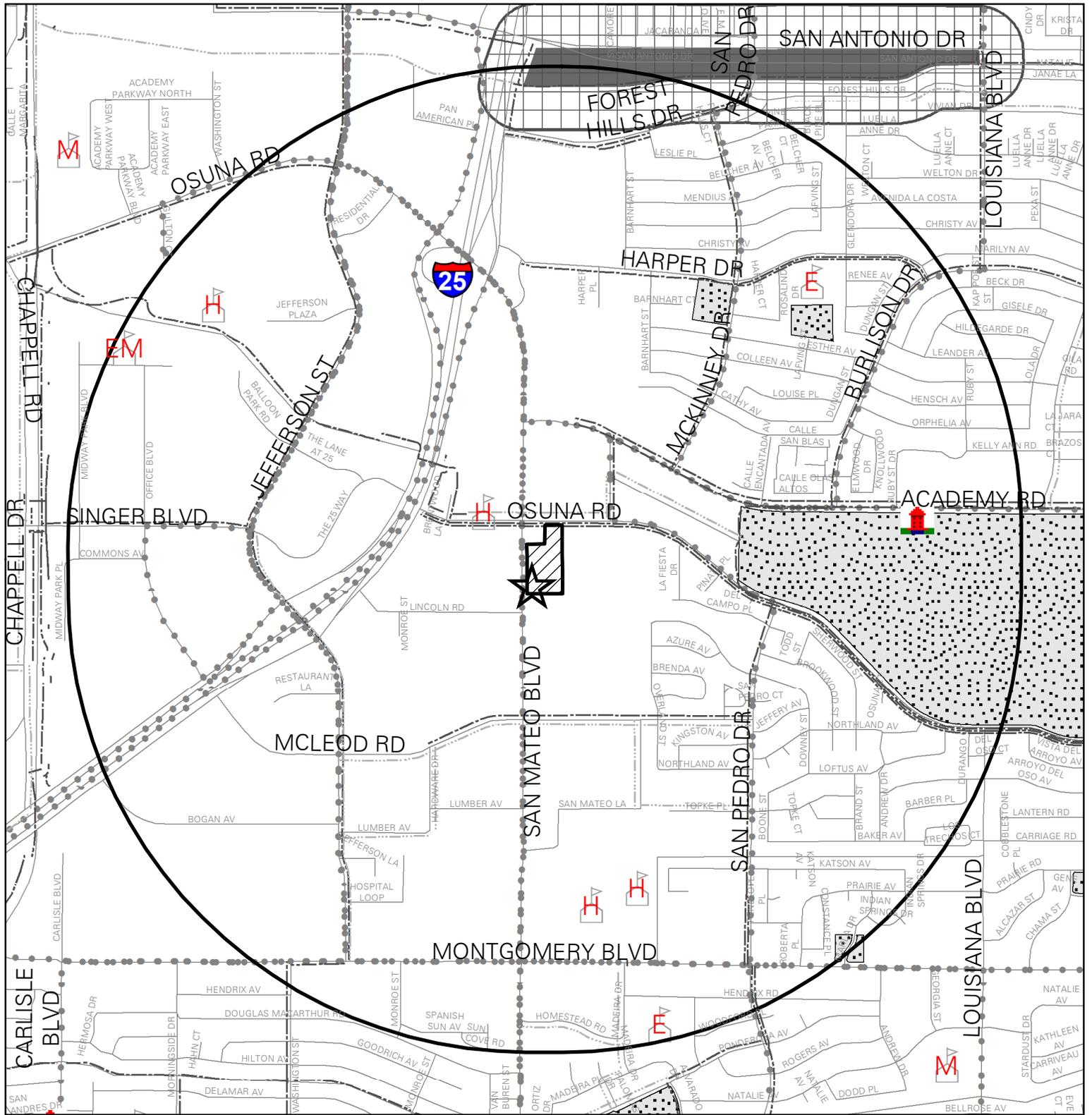
KEY to Land Use Abbreviations

- 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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Public Facilities Map with One-Mile Buffer



- | | | | |
|----------------------|-------------------------|--------------------------|-----------------------------|
| Community Center | Fire | Public Schools | Landfill Buffer (1000-feet) |
| Multi-Service Center | Police | Proposed Bike Facilities | Landfill designated by EHD |
| Senior Center | Sheriff | ABQ Bike Facilities | Developed County Park |
| Library | Solid Waste | ABQ Ride Routes | Undeveloped County Park |
| Museum | Albuquerque City Limits | | Developed City Park |
| | | | Undeveloped City Park |

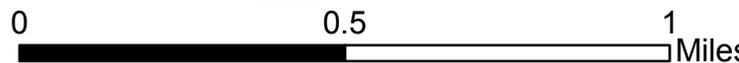


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I. Introduction

	<i>Pre-IDO Zoning</i>	<i>IDO Converted (Existing) Zoning</i>	<i>Comprehensive Plan</i>	<i>Land Use</i>
<i>Site</i>	C-3	MX-H	Change	Commercial Retail
<i>North</i>	C-2	MX-M	Change	Commercial Retail
<i>South</i>	C-3	MX-H	Change	Commercial Retail
<i>East</i>	C-3	MX-H	Change	Wholesale / Warehousing
<i>West</i>	C-3	MX-H	Change	Commercial Retail

Proposal

This is a request to re-zone six Tracts comprised of 6.14 acres owned by Melloy Bothers Enterprises Inc. located on the east side of San Mateo Boulevard NE and on the south side of Osuna Boulevard NE from the existing MX-H to NR-C.

Upon City Council adoption of the IDO, the pre-IDO C-3 Heavy Commercial Zone, was converted to the MX-H Mixed Use High Intensity Zone. Unlike the old Zoning Code, the IDO differentiates light vehicles from heavy vehicles with the threshold at 10,000 pounds. Heavy vehicle sales, rental, fueling, and repair are not permitted in the existing MX-H zone, and the applicant currently includes heavy vehicle sales and service as part of its operations. Therefore, the existing operation of servicing heavy vehicles is now considered legal nonconforming. Legal nonconforming uses may continue to operate indefinitely if the use is not vacated for more than 24 months, and they may expand via ZHE approval, but only up to 25%.

Existing development on the property consists of various structures and parking lot facilities associated with the operation of a car and truck dealership including a showroom and auto parts and service center. The applicant wishes to re-zone the subject tracts to NR-C, Non- Residential Commercial, which is the first zone that permits heavy vehicle sales and service in order to be able to expand this use more than 25% in the future.

The applicant notified Del Norte Neighborhood Association, the District 4 Coalition of Neighborhood Associations, and property owners within 100-feet as required. Staff has not received any comments in support or opposition to the request and recommends approval.

EPC Role

The EPC is hearing this case because the IDO gives the EPC authority to hear all zone change cases in the City pursuant to Section 6-7(F) Zoning Map Amendment. The EPC is the final decision-making body unless the decision is appealed. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to City

Council. The City Council would make the final administrative decision. This request is a quasi-judicial matter.

History/Background

In 1971, the EPC approved a zone change from the P-1 zone to the C-3 zone for the subject site (Z-71-115). Historic aerial imagery shows buildings constructed in the current locations prior to 1996.

Context

The property is currently developed and operated as an auto dealership with several structures and a large paved parking surface. At the hard corner of Osuna Road NE and San Mateo Boulevard NE is a fast food drive-through restaurant. The north edge of the subject site is bordered by Osuna Road NE and a small strip commercial center lies across the street. To the south, a small restaurant and more small strip commercial buildings is located. The western edge of the subject site is bordered by San Mateo Boulevard NE and across the street is an Auto Parts and Service Store and Cliff's Amusement Park. To the east, lies a multi-family residential development zoned MX-H and to the southeast of the property is another multi-family development zoned R-MH.

Roadway System

The Long Range Roadway System (2040 LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), includes existing roadways and future recommended roadways along with their regional role. The LRRS designates San Mateo Boulevard NE as a Community Principal Arterial. The LRRS designates Osuna Road NE as a Minor Arterial.

Comprehensive Plan Corridor Designation

The Comprehensive Plan designates San Mateo Boulevard a Major Transit Corridor. The Comprehensive Plan does not designate Osuna Road NE. Major Transit Corridors are anticipated to be served by high frequency and local transit (e.g. RapidRide, local, and commuter buses). These Corridors prioritize transit above other modes to ensure a convenient and efficient transit system.

Trails/Bikeways

The Long Range Bikeway System (LRBS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies existing and proposed trails. The LRBS does not show San Mateo Boulevard NE to have any existing or proposed bikeways. The LRBS shows Osuna Road NE with existing bicycle lanes on each side and the Bear Canyon Arroyo Trail Extension NE is proposed to extend along Osuna Boulevard NE from the Arroyo del Oso Golf Course to the east to the Bear Canyon Trail Crossing over I-25 to the west.

Transit

Bus Routes 140 and 141 frequent San Mateo Boulevard NE with a bus stop located at the corner of San Mateo Boulevard NE and Osuna Road NE.

Public Facilities/Community Services

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

II. Analysis of City Plans and Ordinances

Zoning – Pre-IDO and Existing

The previous Zoning Code was replaced by the Integrated Development Ordinance (IDO) on May 17, 2018, and since the application for this request was submitted subsequent to this effective date, the project is subject to all IDO regulations.

Prior to the effective date of the IDO, the subject site's zoning was the C-3, Heavy Commercial, which provided suitable sites for C-2 uses as well as wholesale commercial uses and some light industrial uses, which cause no vibration discernible beyond the premises. The C-3 zone automatically permitted all C-2 uses including Vehicle sales, rental, service, repair, and storage (2-17(A)(13)(a)).

The IDO automatically converted the C-3 zone to MX-H on the East Side of the Rio Grande on Major Transit Corridors in order to promote a greater mix of residential and commercial uses and mixed-use infill development. The primary difference between the existing and proposed zones is the existing MX-H zone permits townhouse and multi-family residential development whereas the requested NR-C zone does not permit residential development, but does permit heavy vehicles, light manufacturing, warehouse, and wholesale.

The IDO established a threshold of 10,000 pounds for vehicle size to determine Light versus Heavy Vehicle usage (see definitions below), whereas the old Zoning Code had no differentiation. Light Vehicle sales, rental, repair, and fueling is permitted in the existing MX-H zone. Heavy Vehicle and equipment sales, rental, fueling, and repair is not allowed in the existing MX-H zone.

Per 4-1(E)(2), each use that exists on the effective date of this IDO that was a permissive or an approved conditional use prior to the effective date of this IDO and that is not allowed in the IDO zone district where it is located is a legal nonconforming use. Therefore, the existing operation of selling and repairing Heavy Vehicles may continue indefinitely as long as the use is not vacated for more than 24 months (6-8(C)(2)(a)). Legal nonconforming uses may expand up to 25% of the area occupied, which is subject to review and approval at a public hearing of the Zoning Hearing Examiner (ZHE).

The applicant expressed concern in the application that criteria 14-16-6-6(C)(3)b, which states that a nonconforming expansion may not increase non-residential activity within 300 feet of a lot in any residential zone does not apply to the subject site. The adjacent property to the east is a residential use, but not a residential zone (MX-H), so the east property line would not be subject to this regulation.

Because the use is nonconforming under the IDO, the property owner could request to opt in to the Voluntary Follow-Up Zone Conversion Process. However, the applicant chose to pursue this EPC case.

For a list of permitted uses in the existing and proposed zone see the table below:

Allowable Uses P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory CV = Conditional if Structure Vacant for 5 years or more T = Temporary Blank Cell = Not Allowed		
LAND USES	MX-H	NR-C
RESIDENTIAL USES		
Household Living		
Dwelling, single-family detached		
Dwelling, mobile home		
Dwelling, cluster development		
Dwelling, cottage development		
Dwelling, two-family detached (duplex)		
Dwelling, townhouse	P	
Dwelling, live-work	P	CA
Dwelling, multi-family	P	
Group Living		
Assisted living facility or nursing home	P	
Community residential facility, small	P	
Community residential facility, medium	P	
Community residential facility, large	P	
Group home, small		
Group home, medium	P	
Group home, large	C	
Sorority or fraternity	P	
CIVIC AND INSTITUTIONAL USES		
Adult or child day care facility	P	P
BioPark		
Cemetery		
Community center or library	P	C
Correctional facility		
Daytime gathering facility	C	C
Elementary or middle school	P	P
Fire or police station		
High school	P	P
Hospital	P	P
Museum or art gallery	P	P
Overnight shelter	C	C
Parks and open space	P	P
Religious institution	P	P
Sports field	P	P
University or college	P	P
Vocational school	P	P
COMMERCIAL USES		
Agriculture and Animal-related		
Community garden	P	P
Equestrian facility		
General agriculture		
Kennel		P
Nursery		P
Veterinary hospital	P	P
Other pet services	P	P
Food, Beverage, and Indoor Entertainment		

Allowable Uses P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory CV = Conditional if Structure Vacant for 5 years or more T = Temporary Blank Cell = Not Allowed		
LAND USES	MX-H	NR-C
Adult entertainment		
Auditorium or theater	P	P
Bar	P	P
Catering service	P	P
Health club or gym	P	P
Nightclub	P	P
Residential community amenity	P	
Restaurant	P	P
Tap room or tasting room	P	P
Other indoor entertainment	P	P
Lodging		
Bed and breakfast		
Campground or recreational vehicle park		
Hotel or motel	P	P
Motor Vehicle-related		
Car wash	P	P
Heavy vehicle and equipment sales, rental, fueling, and repair		P
Light vehicle fueling station	P	P
Light vehicle repair	P	P
Light vehicle sales and rental	P	P
Outdoor vehicle storage		C
Paid parking lot	A	P
Parking structure	P	P
Offices and Services		
Bank	P	P
Blood services facility	C	C
Club or event facility	P	P
Commercial services	P	P
Construction contractor facility and yard	C	C
Crematorium		
Medical or dental clinic	P	P
Mortuary	P	P
Office	P	P
Personal and business services, small	P	P
Personal and business services, large	P	P
Research or testing facility	P	P
Self-storage	P	P
Outdoor Recreation and Entertainment		
Amphitheater	C	C
Balloon Fiesta Park events and activities		
Drive-in theater	C	C
Fairgrounds		
Residential community amenity	P	
Stadium or racetrack		
Other outdoor entertainment	A	P
Retail Sales		

Allowable Uses P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory CV = Conditional if Structure Vacant for 5 years or more T = Temporary Blank Cell = Not Allowed		
LAND USES	MX-H	NR-C
Adult retail	P	
Bakery goods or confectionery shop	P	P
Building and home improvement materials store	C	P
Farmers' market	P	P
General retail, small	P	P
General retail, medium	P	P
General retail, large	C	P
Grocery store	P	P
Liquor retail	P	P
Pawn shop	P	P
Transportation		
Airport		
Freight terminal or dispatch center		
Helipad	CA	A
Park-and-ride lot	C	C
Railroad yard		
Transit facility	P	P
INDUSTRIAL USES		
Manufacturing, Fabrication, and Assembly		
Artisan manufacturing	P	P
Light manufacturing	A	P
Heavy manufacturing		
Natural resource extraction		
Special manufacturing		
Telecommunications, Towers, and Utilities		
Geothermal energy generation	A	A
Solar energy generation	P	P
Utility, electric	P	P
Utility, other major	P	P
Wind energy generation	A	A
Wireless Telecommunications Facility		
Architecturally integrated	A	A
Co-location	A	A
Freestanding	P	P
Roof-mounted	A	A
Public utility co-location	A	A
Waste and Recycling		
Recycling drop-off bin facility	A	P
Solid waste convenience center		
Salvage yard		
Waste and/or recycling transfer station		
Wholesaling and Storage		
Above-ground storage of fuels or feed		
Outdoor storage	C	C
Warehousing	C	P
Wholesaling and distribution center	C	P

Allowable Uses P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory CV = Conditional if Structure Vacant for 5 years or more T = Temporary Blank Cell = Not Allowed		
LAND USES	MX-H	NR-C
ACCESSORY USES		
Agriculture sales stand	A	A
Animal keeping	A	A
Automated Teller Machine (ATM)	A	A
Drive-through or drive-up facility	CA	A
Dwelling unit, accessory		A
Dwelling unit, accessory without kitchen		A
Family care facility	A	
Family home daycare		
Garden	A	A
Hobby breeder		
Home occupation	A	
Independent living facility	A	
Mobile food truck	A	A
Mobile vending cart	A	A
Outdoor animal run		CA
Outdoor dining area	A	A
Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours	A	A
Parking of non-commercial vehicle		
Parking of recreational vehicle, boat, and/or recreational trailer		
Second kitchen in a dwelling		
Other use accessory to non-residential primary use	A	A
Other use accessory to residential primary use	A	
TEMPORARY USES		
Circus		T
Construction staging area, trailer, or office	T	T
Dwelling unit, temporary	T	T
Fair, festival, or theatrical performance	T	T
Garage or yard sale		
Hot air balloon takeoff/landing	T	T
Open air market	T	T
Park-and-ride facility, temporary	T	T
Real estate office or model home	T	T
Seasonal outdoor sales	T	T
Temporary use not listed	T	T

Definitions (if applicable)

Light Vehicle Repair: Any facility providing for the major or minor repair and maintenance, beyond what is allowed in a light vehicle fueling station, of automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar vehicles under 10,000 pounds gross vehicle weight.

Light Vehicle Sales and Rental: An establishment primarily engaged in the retail sale and/or rental of new and used automobiles, noncommercial trucks, motor homes, boats, recreational vehicles, modular and manufactured home sales, trailers, motorcycles, mopeds, and/or ATVs, including incidental outdoor display, storage, maintenance, and servicing. This use does not include outdoor vehicle storage as a primary use.

Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair: A facility that is engaged in the sales, fueling, rental, and/or repair of heavy vehicles and equipment typically used in agricultural, transit, commercial, or industrial operations, including but not limited to tractors, vehicles with a gross vehicle weight of 10,000 pounds or greater, semi-trucks and/or trailers, buses, harvesters, loaders, and all tracked vehicles. Sales of parts, whether new or used, for heavy equipment and vehicles, and incidental storage of vehicles related to sales, rental, fueling, and repair are included in this use.

Nonconforming Use: A use of a structure or land that does not conform to the IDO requirements for land uses in the zone district where it is located, but that was an approved use at the time the use began.

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

The subject site is located in an Area of Change as designated by the Comprehensive Plan. Areas of Change are intended to be the focus of urban-scale development that benefits job growth and housing opportunities. Applicable policies include:

Applicant's Justification is in Italics.

CHAPTER 4: COMMUNITY IDENTITY

POLICY 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The identity and cohesiveness of the neighborhood will be protected by the proposed zone change by adopting the proposed NR-C zone which correlates to the previous C-3 zoning designation, as summarized in Table 2-2 per Section 14-16-2. The correlation between the zones will result in similar permissive land uses ensuring the appropriate scale and location of development, mix of uses, and character of building design is maintained.

The request partially furthers Policy 4.1.2 because although the existing and requested zones are similar, the NR-C zone has some permitted uses such as Light Manufacturing that may not protect the identity and cohesiveness of the surrounding neighborhoods. Also, the requested NR-C zone would eliminate multi-family or mixed-use commercial

and residential as a potential use going forward.

The request will permit the expansion of the current Heavy Vehicle sales and repair. If the zone change is not approved, Heavy Vehicle sales and repair would remain legal nonconforming and the current Light Vehicle sales and repair would be able to continue with no restrictions. Since this business is currently operating at this location, it is assumed that it is an appropriate scale. The character of building design cannot be determined with a zone change request.

CHAPTER 5: LAND USE

POLICY 5.1.1: Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

The property is located in a major transit corridor and adjacent to the Far North Activity Center. The ability to redevelop the property in the future is crucial in maintaining its commercial viability in order to continue to provide employment and services necessary to create opportunities to live, work, learn, shop, and play. The location is most appropriate to accommodate redevelopment and encourage employment density in an infill location in a Transit Corridor and thus discourage the need for development at the urban edge.

The request furthers Policy 5.1.1 because it would permit the applicant to expand the existing Heavy Vehicle use, which then continues a development pattern in a consistent sustainable pattern on a long established street grid where growth is desired on a Major Transit Corridor, San Mateo Boulevard NE.

POLICY 5.1.10 a) Encourage higher-density residential developments within ¼ mile of transit stops or stations.

POLICY 5.1.10 c) Encourage mixed-use development in Centers and near intersections.

The request does not further Policy 5.1.10 a) or c) because it is located at a transit stop near an intersection on a Major Transit Corridor, San Mateo Boulevard NE, and the proposed non-residential commercial zone will not permit the use of the property for higher-density residential or mix-use development.

POLICY 5.1.10 b) Minimize negative impacts on nearby neighborhoods by providing transitions between development along Transit Corridors and abutting single-family residential areas.

The request furthers Policy 5.1.10 b) because it is a transition from the Transit Corridor, San Mateo Boulevard NE, to the abutting single-family residential areas to the east.

POLICY 5.2.1: Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods. g) Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors as follows:

The zone change will allow for land uses necessary to provide a mix of uses that are conveniently accessible from the surrounding neighborhoods. This will encourage

redevelopment that brings goods and services within walking and biking distance of neighborhoods. The location within a transit corridor offers choice in transportation to services and employment. Characteristics of the community will be maintained since the requested zoning is virtually equivalent to the historic zoning designation, and occur in an existing commercial zone within a transit Corridor and adjacent to an Activity Center to serve adjacent neighborhoods. The continued commercial viability of the property is necessary to maintain productive use of the lot and avoid the existence of an under-utilized lot.

The request partially furthers Policy 5.2.1 because by eliminating the potential for a Mixed-Use or multi-family development, the request would eliminate the potential for a distinct mixed-use community along a Major Transit Corridor. All new development will be subject to IDO regulations, which were put in place specifically to guide new development to be of higher quality.

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

The proposed zone change will promote development patterns that maximize the utility of existing infrastructure and public facilities and efficient use of land by encouraging infill development and future redevelopment growth in an area with existing infrastructure and public facilities.

The request furthers Policy 5.3.1 because it supports additional growth and the retention and expansion of the existing business which is in an area with existing infrastructure and public facilities.

POLICY 5.3.7: Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

The proposed zone change seeks to maintain the historic uses allowed on the property which are compatible and not objectionable to immediate neighbors. Approval of the zone change would in fact preclude Adult retail establishments, which are permissive in the current MX-H zone and may be objectionable to immediate neighbors, whereas said uses would not be allowed in the requested NR-C zone.

The request furthers Policy 5.3.7 because the NR-C zone and its uses are appropriately and equitably located on San Mateo Boulevard NE in a location that is near the highway on a highly commercial corridor. Some NR-C uses may be objectionable but useful to society and the request will encourage distribution evenly and fairly across the Albuquerque area and not focused only in one area of the City.

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

- b) Encourage development that expands employment opportunities.
- g) Encourage development where adequate infrastructure and community services exist.
- h) Encourage development in areas with a highly connected street grid and frequent transit service.

The subject property is located in an Area of Change and allowing the proposed zone change will encourage growth from future redevelopment in accordance with this policy in a transit Corridor and adjacent to an activity Center expanding employment opportunities in an area with adequate infrastructure. The zone change from the historic C-3 zoning to the requested NR-C zoning will have the effect of discouraging zone changes from industrial uses to either mixed-use or residential zones.

The request furthers Policy 5.6.2 b) g) and h) because it is located in an Area of Change and on a Major Transit Corridor. Expansion of Heavy Vehicle sales and repair could potentially encourage development and expand employment opportunities where adequate infrastructure and community services exist in an area with a highly connected street grid and frequent transit service.

CHAPTER 6: TRANSPORTATION

POLICY 6.1.3 Auto Demand: Reduce the need for automobile travel by increasing mixed-use development, infill development within Centers, and travel demand management (TDM) programs.

The need for automobile travel will be reduced by encouraging the existing use of the property to remain at the property location and expand to provide jobs, goods, and services along a major transit corridor and adjacent to the Far North Activity Center which will provide alternatives in transportation.

The request does not further Policy 6.1.3 because the requested NR-C zone will eliminate multi-family residential and mixed-use developments as permitted uses, which have the potential to reduce the need for automobile travel at an infill location near an Activity Center and along a Major Transit Corridor.

CHAPTER 7: URBAN DESIGN

POLICY 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The proposed zone change will promote infill development that enhances the built environment by maintaining the economic viability of a commercial property with facilities specific to the current use which would otherwise be curtailed with the recently adopted zoning designation. It will also allow for future redevelopment and expansion to enhance the built environment.

The request furthers Policy 7.3.4 because the subject site is at an infill location. The IDO design standards will encourage quality development that enhances the built environment. The existing streetscape and block is highly commercial and vehicle oriented especially since the existing business occupies the majority of the block. The existing MX-H zone and the requested NR-C zone both have potential to enhance the built environment.

CHAPTER 8: ECONOMIC DEVELOPMENT

POLICY 8.1.2 Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

The proposed zone change will encourage economic development that will provide jobs, goods, and services which improve the life for new and existing residents and contribute to a diverse economy.

The request furthers Policy 8.1.2 because both the existing MX-H zone and requested NR-C zone encourages economic development efforts that have the potential to improve quality of life for new and existing residents by offering commercial opportunities for a robust, resilient, and diverse economy.

POLICY 8.1.3 Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending.

Allowing for future redevelopment of the property provides an incentive to local business to expand and diversify the employment, promotes local hiring, higher wages, and business that contributes to the economic base of the community and region that helps reduce reliance on government spending.

The request furthers Policy 8.1.3 because it will allow the expansion of the existing heavy vehicle sales and rental that permits a local employer to keep the local economic base strengthened along with other uses such as light industrial, wholesaling, and warehousing.

POLICY 8.2.1: Local Business: Emphasize local business development.

The proposed zone change will further this policy by encouraging the current land owner, which operates a private local business, to grow by removing the regulatory burden that precludes expansion of the current and historic land use.

The request furthers Policy 8.2.1 because the existing business is a locally owned business and the zone change request would permit the existing heavy vehicle sales and rental to develop and expand.

III. Zone Map Amendment (Zone Change)

Pursuant to section 14-16-6-7(F)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria".

There are several criteria 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.

Note: Applicant's Justification is in italics.

- (a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

The proposed zone change is consistent with the health, safety, and general welfare of the City, as discussed in the policy analysis above, by furthering the applicable Goals and Policies of the ABC Comp Plan.

Please refer to the Comprehensive Plan policy analysis above.

- (b) If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:
1. There was typographical or clerical error when the existing zone district was applied to the property.
 2. There has been a significant change in neighborhood or community conditions affecting the site.
 3. A different zone district is more advantageous to the community as articulated by the ABC Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

This criteria is not applicable as the proposed amendment is wholly in an Area of Change as shown on the ABC Comp Plan.

The applicant's response is sufficient.

- (c) If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:
1. There was typographical or clerical error when the existing zone district was applied to the property.

2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The proposed amendment is wholly in an Area of Change and meets Criteria 3. The change would be more advantageous to the community since many of the ABC Comp plan goals and policies will be furthered as articulated in the policy analysis section above. This proposed zone change will allow for the implementation of patterns of land use that are consistent with the Comp plan given its location, with development density and intensity appropriate for the existing built conditions and historic land use, and will promote connectivity along the transit corridor as a destination for employment and services.

The proposed amendment is wholly within an Area of Change and furthers a preponderance of Comprehensive Plan policies as shown above, and is therefore advantageous to the community. It is advantageous if Heavy Vehicle related uses are located near the highway and trucks do not travel through residential neighborhoods.

- (d) The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Light Manufacturing: permissive under previous C-3 zoning and activities are required to be conducted within a building and other requirements per Section 16-16-4-3(E)(2).

Recycling drop-off bin facility: use is not contemplated at the property. In the event this use is exercised at the property, the potential impacts to the nearest multi-family residential use would be mitigated by the built condition which includes an existing buffer consisting of a wall, landscape, and parking facilities with a minimum separation of 45 feet.

Warehousing: permissive under previous C-3 zoning although use is not contemplated at the property. In the event this use is exercised at the property, the potential impacts to the nearest multi-family residential use would be mitigated by the built condition which includes an existing buffer consisting of a wall, landscape, and parking facilities with a minimum separation of 45 feet.

Wholesaling and Distribution Center: permissive under previous C-3 zoning although use is not contemplated at the property. Use is limited to 50,000 square feet of gross floor area in NR-C zone within UC-MS-PT areas per Section 16-16-4-3(E)(17)(a), however, the physical configuration of this property makes this use impractical at this scale.

The requested NR-C zone includes many of the same permissive use as the existing MX-H zone. The primary difference between the existing MX-H zone and the requested NR-C zone is the requested zone will no longer permit residential development. The existing MX-H zone also permits group living facilities, which would no longer be permitted, but which can in some cases be considered controversial. Controversial permitted uses in the proposed NR-C zone include Light Manufacturing, which is defined as processes that do not create noise, smoke, fumes, odors, or health or safety hazards outside of the building, and which would be required to be an enclosed building unless a Condition Use Approval is acquired. Recycling Drop-Off would be permitted and could be considered harmful. Warehousing and Wholesaling would also be permitted. All uses adjacent to residential uses would be required to buffer according the IDO's Neighborhood Edges provisions.

- (e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:
1. Have adequate capacity to serve the development made possible by the change of zone.
 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
 3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.
 4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.

The City's existing infrastructure and public improvements have adequate capacity to serve the development made possible by the change of zone since the intensity of development is not intended to change, but rather make an existing and historic use permissive rather than non-conforming.

The applicant's response is sufficient.

- (f) The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

The justification provided herein is not completely based on the property's location on a major street, but rather on a preponderance of applicable Goals and Policies of the Comp plan as indicated above.

While the requested change of zone is based on the property's location on San Mateo Boulevard NE near I-25, the request is not completely based on the property's location on a major street as the applicant has cited several Comprehensive Policies, which are furthered or partially furthered by the request. The request furthers Policy 5.3.7: Locally Unwanted Land Uses, which shows that even if a land use is considered objectionable, it is the intent of the Comprehensive Plan to encourage equitable distribution of these uses across the City.

- (g) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

The justification provided herein is not based completely or predominately on the cost of land or economic considerations, but rather on a preponderance of applicable Goals and Policies of the Comp plan as indicated above.

While the requested change of zone is based on economic considerations, the applicant's justification is not predominantly based on this factor or the cost of land as the applicant has cited several Comprehensive Policies, which are furthered or partially furthered by the request.

- (h) The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

The proposed zone change will create a spot zone although it applies to a group of properties and there are properties to the northeast of the subject property with the same NR-C zoning designation requested. This notwithstanding, "criteria 3" above applies as the existing structures and use on the premises are tailored for the non-conforming use and are unsuitable for the uses allowed in any adjacent zone district.

This zone change does apply a zone district different from surrounding zone districts to one small area or one premise creating a spot zone; however, the change clearly facilitates implementation of the ABC Comp Plan as described above and criteria 3 applies because the nature of the structures already on the premises which include structures adapted for Heavy Vehicle sales, rental, and repair which is not suitable for uses allowed in the adjacent Mixed Use-Heavy (MX-H) and multi-family residential zone.

IV. Agency & Neighborhood Concerns

Reviewing Agencies

Describe significant comments or outstanding issues that affect the request, otherwise refer to the agency comments at the end of the staff report

Neighborhood/Public

The applicant notified Del Norte Neighborhood Association, the District 4 Coalition of Neighborhood Associations, and property owners within 100-feet as required. Staff has not received any comments in support or opposition to the request.

V. Conclusion

This is a request to re-zone six Tracts comprised of 6.14 acres owned by Melloy Bothers Enterprises Inc. located on the east side of San Mateo Boulevard NE and on the south side of Osuna Boulevard NE from the existing MX-H to NR-C. The property

The applicant has justified the request by showing that the proposed NR-C zone furthers a preponderance of the applicable policies. Staff has found that of the applicable policies, the request furthers seven, partiall furthers four, and does not further two. Of note, the request furthers Policy 5.3.7: Locally Unwanted Land Uses, which shows that even if a land use is considered objectionable, it is the intent of the Comprehensive Plan to encourage equitable distribution of these uses across the City.

The applicant notified Del Norte Neighborhood Association, the District 4 Coalition of Neighborhood Associations, and property owners within 100-feet as required. Staff has not received any comments in support or opposition to the request.

Findings, Zoning Map Amendment (Zone Change)

Project #: 2018-001361, RZ: 2018-00XXX

1. This is a request for a Zone Map Amendment (Zone Change) for all or a portion of Tract A2A, Plat of Tracts A2A, A2B, A2C & A2D of Spanish Land Company Subdivision, and Tracts C and D of Spanish Land Company Subdivision) located on the east side of San Mateo Boulevard NE, south of Osuna Road NE and containing approximately 6.14 acres.
2. The request is to change the zoning of the subject site from the existing MX-H, Mixed-Use High Intensity Zone District to the proposed NR-C, Non-Residential Commercial Zone District in order to permit Heavy Vehicle and Equipment Sales, Rental, Fueling and Repair.
3. Light Vehicle sales, rental, repair, and fueling is permitted in the existing MX-H zone. Heavy Vehicle and equipment sales, rental, fueling, and repair is not allowed in the existing MX-H zone.
4. Prior to the effective date of the IDO, the subject site's zoning was C-3, Heavy Commercial, which provided suitable sites for C-2 uses as well as wholesale commercial uses and some light industrial uses, which cause no vibration discernible beyond the premises. The C-3 zone automatically permitted all C-2 uses including Vehicle sales, rental, service, repair, and storage (2-17(A)(13)(a)).
5. The IDO automatically converted the C-3 zone to MX-H on the East Side of the Rio Grande on Major Transit Corridors in order to promote a greater mix of residential and commercial uses and mixed-use infill development.
6. The primary difference between the existing and proposed zones is the existing MX-H zone permits townhouse and multi-family residential development whereas the requested NR-C zone does not permit residential development, but does permit heavy vehicles, light manufacturing, warehouse, and wholesale.
7. The IDO established a threshold of 10,000 pounds for vehicle size to determine light versus heavy vehicles, whereas the old Zoning Code had no differentiation.
8. Pursuant to IDO Section 4-1(E)(2), the existing Heavy Vehicle use is a legal nonconforming use and may continue indefinitely as long as the use is not vacated for more than 24 months (6-8(C)(2)(a)). Legal nonconforming uses may expand up to 25% of the area occupied, which is subject to review and approval at a public hearing of the Zoning Hearing Examiner (ZHE).
9. The subject site is within an Area of Change as designated by the Comprehensive Plan and the following policies apply:
 - The request partially furthers Policy 4.1.2 because although the existing and requested zones are similar, the NR-C zone has some permitted uses such as light manufacturing that may not protect the identity and cohesiveness of the surrounding neighborhoods. Also, the requested NR-C zone would eliminate multi-family or mixed-use commercial and residential as a potential use going forward.

The request will permit the expansion of the current heavy vehicle sales and repair. If the zone change is not approved, heavy vehicle sales and repair would remain legal nonconforming and the current light vehicle sales and repair would be able to continue with no restrictions. Since this business is currently operating at this location, it is assumed that it is an appropriate scale.

- The request furthers Policy 5.1.1 because it would permit the applicant to expand the existing heavy vehicle use, which then continues a development pattern in a consistent sustainable pattern on a long established street grid where growth is desired on a Major Transit Corridor, San Mateo Boulevard NE.
- The request does not further Policy 5.1.10 a) or c) because it is located at a transit stop near an intersection on a Major Transit Corridor, San Mateo Boulevard NE, and the proposed non-residential commercial zone will not permit the use of the property for higher-density residential or mix-use development.
- The request furthers Policy 5.1.10 b) because it is a transition from the Transit Corridor, San Mateo Boulevard NE, to the abutting single-family residential areas to the east.
- The request partially furthers Policy 5.2.1 because by eliminating the potential for a Mixed-Use or multi-family development, the request would eliminate the potential for a distinct mixed-use community along a Major Transit Corridor. All new development will be subject to IDO regulations, which were put in place specifically to guide new development to be of higher quality.
- The request furthers Policy 5.3.1 because it supports additional growth and the retention and expansion of the existing business which is in an area with existing infrastructure and public facilities.
- The request furthers Policy 5.3.7 because the NR-C zone and its uses are appropriately and equitably located on San Mateo Boulevard NE in a location that is near the highway on a highly commercial corridor. Some NR-C uses may be objectionable but useful to society, and the request will encourage distribution evenly and fairly across the Albuquerque area and not focused in only one area of the City.
- The request furthers Policy 5.6.2 b) g) and h) because it is located in an Area of Change and on a Major Transit Corridor. Expansion of Heavy Vehicle sales and repair could potentially encourage development and expand employment opportunities where adequate infrastructure and community services exist in an area with a highly connected street grid and frequent transit service.
- The request does not further Policy 6.1.3 because the requested NR-C zone will eliminate multi-family residential and mixed-use developments as permitted uses, which have the potential to reduce the need for automobile travel at an infill location near an Activity Center and along a Major Transit Corridor.
- The request furthers Policy 7.3.4 because the subject site is at an infill location. The IDO design standards will encourage quality development that enhances the built environment. The existing streetscape and block is highly commercial and vehicle oriented especially since the existing business occupies the majority of the block.

The existing MX-H zone and the requested NR-C zone both have potential to enhance the built environment.

- The request furthers Policy 8.1.2 because both the existing MX-H zone and requested NR-C zone encourage economic development efforts that have the potential to improve quality of life for new and existing residents by offering commercial opportunities for a robust, resilient, and diverse economy.
- The request furthers Policy 8.1.3 because it will allow the expansion of the existing heavy vehicle sales and rental that permits a local employer to keep the local economic base strengthened along with other uses such as light industrial, wholesaling, and warehousing.
- The request furthers Policy 8.2.1 because the existing business is a locally owned business and the zone change request would permit the existing heavy vehicle sales and rental to develop and expand.

10. Pursuant to section 14-16-6-7(F)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria".

- (a) The proposed zone change is consistent with the health, safety, and general welfare of the City, as discussed in the policy analysis above, by furthering the applicable Goals and Policies of the ABC Comp Plan.
- (b) This criteria is not applicable as the proposed amendment is wholly in an Area of Change as shown on the ABC Comp Plan.
- (c) The proposed amendment is wholly within an Area of Change and furthers a preponderance of Comprehensive Plan policies as shown above, and is therefore advantageous to the community. It is advantageous if Heavy Vehicle related uses are located near the highway and trucks do not travel through residential neighborhoods.
- (d) The requested NR-C zone includes many of the same permissive use as the existing MX-H zone. The primary difference between the existing MX-H zone and the requested NR-C zone is the requested zone will no longer permit residential development. The existing MX-H zone also permits group living facilities, which would no longer be permitted, but which can in some cases be considered controversial. Controversial permitted uses in the proposed NR-C zone include Light Manufacturing, which is defined as processes that do not create noise, smoke, fumes, odors, or health or safety hazards outside of the building, and which would be required to be an enclosed building unless a Condition Use Approval is acquired. Recycling Drop-Off would be permitted and could be considered harmful. Warehousing and Wholesaling would also be permitted. All uses adjacent to residential uses would be required to buffer according the IDO's Neighborhood Edges provisions.
- (e) The City's existing infrastructure and public improvements have adequate capacity to serve the development made possible by the change of zone since the

intensity of development is not intended to change, but rather make an existing and historic use permissive rather than non-conforming.

- (f) While the requested change of zone is based on the property's location on San Mateo Boulevard NE near I-25, the request is not completely based on the property's location on a major street as the applicant has cited several Comprehensive Policies, which are furthered or partially furthered by the request. The request furthers Policy 5.3.7: Locally Unwanted Land Uses, which shows that even if a land use is considered objectionable, it is the intent of the Comprehensive Plan to encourage equitable distribution of these uses across the City.
 - (g) While the requested change of zone is based on economic considerations, the applicant's justification is not predominantly based on this factor or the cost of land as the applicant has cited several Comprehensive Policies, which are furthered or partially furthered by the request.
 - (h) This zone change does apply a zone district different from surrounding zone districts to one small area or one premise creating a spot zone; however, the change clearly facilitates implementation of the ABC Comp Plan as described above and criteria 3 applies because the nature of the structures already on the premises which include structures adapted for Heavy Vehicle sales, rental, and repair which is not suitable for uses allowed in the adjacent Mixed Use-Heavy (MX-H) and multi-family residential zone.
11. The applicant notified Del Norte Neighborhood Association, the District 4 Coalition of Neighborhood Associations, and property owners within 100-feet as required.
12. Staff has not received any comments in support or opposition to the request.

Recommendation

APPROVAL of Project #: 2018-001678, RZ-2018-00044, a request for Zone Map Amendment from MX-H to NR-C for all or a portion of Tract A2A, Plat of Tracts A2A, A2B, A2C & A2D of Spanish Land Company Subdivision, and Tracts C and D of Spanish Land Company Subdivision, based on the preceding Findings.

***Cheryl Somerfeldt
Planner***

Notice of Decision cc list:

List will be finalized subsequent to the EPC hearing on December 13, 2018.

Agency Comments

PLANNING DEPARTMENT

Long Range Planning

The properties are located within the San Mateo Blvd Major Transit Corridor and are within an Area of Change. The site is surrounded by MX-H, with MX-M adjacent to the north and NR-C in close proximity to the east and the west, just outside the Major Transit Corridor area.

During the IDO adoption, sites that were zoned C-3 and located within Transit Corridor areas were converted to mixed-use zoning in order to fulfill Comprehensive Plan goals for walkability, transit-supportive uses, and additional neighborhood-serving amenities. Properties that were zoned C-3 outside of Center or Corridor areas were converted to NR-C.

Existing uses are allowed to remain, but the IDO did establish new development standards for uses to ensure high-quality, walkable development in mixed-use zones. Nonconforming properties are limited in terms of expansion and must receive additional approvals from the Zoning Hearing Examiner.

ABC Comprehensive Plan Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

- a) Create walkable places that provide opportunities to live, work, learn, shop, and play.
- c) Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

ABC Comprehensive Plan Policy 5.1.10 Major Transit Corridors: Foster corridors that prioritize high-frequency transit service with pedestrian-oriented development.

- c) Encourage mixed-use development in Centers and near intersections.

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

ABC Comprehensive Plan Policy 7.1.1 Design Elements: Prioritize design elements for transit-supportive design along Premium Transit Corridors, walkability within Centers, and a balance of land use and transportation considerations along other Corridors.

ABC Comprehensive Plan Goal 7.2 Increase walkability in all environments, promote pedestrian-oriented development in urban contexts, and increase pedestrian safety in auto-oriented contexts.

The Zone Map Amendment request from MX-H to NR-C would resolve the

nonconformity of the existing use. A key question for the EPC to consider is whether the requested zone change helps implement the 20-year, ABC Comprehensive Plan community vision for walkable, urban Centers and Corridors.

Hydrology

No adverse comments to the proposed Zone Map Amendment.

Transportation Development Services

No objection to the request.

MUNICIPAL DEVELOPMENT DEPARTMENT (DMD) TRANSPORTATION

Per the 2040 Long Range Bikeway System, a paved trail is proposed on Osuna Rd.

SOLID WASTE MANAGEMENT DEPARTMENT

Reviewed. No Comment.

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impacts to the APS district.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL (AMAFCA)

Reviewed. No objections.

MID-REGION COUNCIL OF GOVERNMENTS (MRCOG)

MRMPO has no adverse comments.

For informational purposes:

- Osuna Rd is functionally classified as a Major Collector currently, and is projected in the LRRS to be a Minor Arterial in the project area.
- San Mateo Blvd is functionally classified as a Principal Arterial currently, and projected to be a Community Principal Arterial in the LRRS.
- Osuna Rd is identified in the LRBS to be an existing Bike Route, with existing Bike Lane, and proposed Paved Trail. • San Mateo Blvd is an Intelligent Transportation System (ITS) Corridor. Please consult the reviewing agency's Traffic Engineering and/or ITS Department with any questions regarding ITS infrastructure.

PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM)

An existing electric overhead distribution line is located along Osuna NE on the northern boundary of the subject property. It is the applicant's obligation to abide by any conditions or terms of these easements.

NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)

NMDOT has no comments.



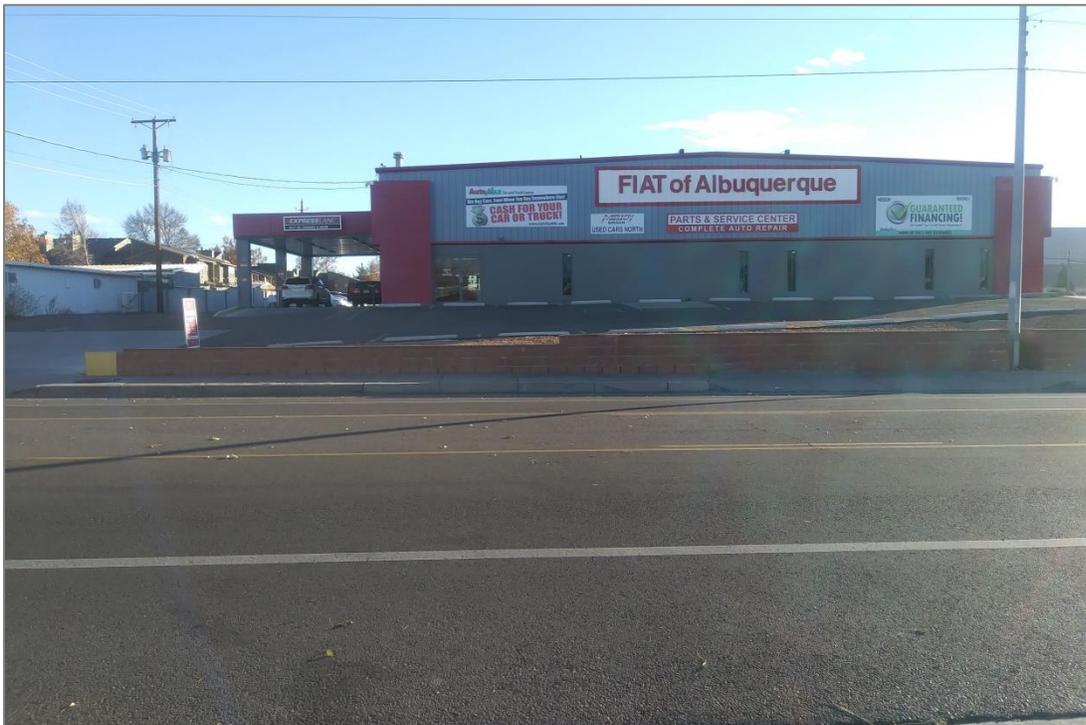
View of the subject site looking east from San Mateo Boulevard NE.



View of the subject site looking northeast from the entrance.



View of the subject site looking south from the adjacent site.



View of the subject site looking south from Osuna Road NE.

APPLICATION INFORMATION



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	Policy Decisions
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Site Plan – DRB (Form P2)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Subdivision of Land – Minor (Form S2)	<input type="checkbox"/> Annexation of Land (Form Z)
Decisions Requiring a Public Meeting or Hearing	<input type="checkbox"/> Subdivision of Land – Major (Form S1)	<input checked="" type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> Conditional Use Approval (Form ZHE)	<input type="checkbox"/> Vacation of Easement or Right-of-way (Form V)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Variance – DRB (Form V)	Appeals
<input type="checkbox"/> Expansion of Nonconforming Use or Structure (Form ZHE)	<input type="checkbox"/> Variance – ZHE (Form ZHE)	<input type="checkbox"/> Decision by EPC, LC, DRB, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: MELLOY BROTHERS ENTERPRISES INC, MELLOY SUPER CENTER IN, M-B CONSTRUCTION CO		Phone:
Address: 7707 LOMAS BLVD NE		Email:
City: ALBUQUERQUE	State: NM	Zip: 87110
Professional/Agent (if any): TIERRA WEST LLC		Phone: 505-858-3100
Address: 5571 MIDWAY PARK PLACE NE		Email: rrb@tierrawestllc.com
City: ALBUQUERQUE	State: NM	Zip: 87109
Proprietary Interest in Site: OWNER	List all owners: M.B CATTLE & DRILLING COMPANY	

BRIEF DESCRIPTION OF REQUEST

AMENDMENT TO ZONING MAP

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: TR A2A PLAT OF TRS A2A, A2B, A2C & A2D	Block:	Unit:
Subdivision/Addition: SPANISH LAND CO	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): F-18-Z	Existing Zoning: MX-M	Proposed Zoning: NR-C
# of Existing Lots: 6	# of Proposed Lots: 6	Total Area of Site (acres): 6.14 +/-

LOCATION OF PROPERTY BY STREETS

Site Address/Street: OSUNA RD NE	Between: SAN MATEO BLVD NE	and:
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CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

1009978
101806103449820131, 101806102549820132, 101806102648020118, 101806102646520116, 101806102644920122, 101806102643520121

Signature:	Date: 9/27/2018
Printed Name: Ronald R. Bohannon	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees
RZ-2018-00044	A2M-EPC	
-		
-		

Meeting/Hearing Date: December 13, 2018	Fee Total:
Staff Signature:	Date: 10-8-18
	Project # PR-2018-001678

Form Z: Policy Decisions

Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

A single PDF file of the complete application including all plans and documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)

- N/A Interpreter Needed for Hearing? ___ if yes, indicate language: _____
- Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- Letter of authorization from the property owner if application is submitted by an agent
- Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN

ADOPTION OR AMENDMENT OF FACILITY PLAN

- ___ Plan, or part of plan, to be amended with changes noted and marked
- ___ Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- ___ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ___ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ___ Proof of emailed notice to affected Neighborhood Association representatives
 - ___ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

AMENDMENT TO IDO TEXT

- ___ Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- ___ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- ___ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ___ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ___ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

ZONING MAP AMENDMENT – EPC

ZONING MAP AMENDMENT – COUNCIL

- Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- Required notices with content per IDO Section 14-16-6-4(K)(6)
 - Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - Proof of emailed notice to affected Neighborhood Association representatives
 - Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- Sign Posting Agreement

ANNEXATION OF LAND

- ___ Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*
- ___ Petition for Annexation Form and necessary attachments
- ___ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- ___ Board of County Commissioners (BCC) Notice of Decision

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature: 	Date: 9/27/2018
Printed Name: <u>Ronald R. Bohannon</u>	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Project Number:	Case Numbers
<u>PR-2018-001678</u>	<u>RZ-2018-00044</u>
Staff Signature: 	
Date: <u>10-5-18</u>	



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	Policy Decisions
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Site Plan – DRB (Form P2)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Subdivision of Land – Minor (Form S2)	<input type="checkbox"/> Annexation of Land (Form Z)
Decisions Requiring a Public Meeting or Hearing	<input type="checkbox"/> Subdivision of Land – Major (Form S1)	<input checked="" type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> Conditional Use Approval (Form ZHE)	<input type="checkbox"/> Vacation of Easement or Right-of-way (Form V)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Variance – DRB (Form V)	Appeals
<input type="checkbox"/> Expansion of Nonconforming Use or Structure (Form ZHE)	<input type="checkbox"/> Variance – ZHE (Form ZHE)	<input type="checkbox"/> Decision by EPC, LC, DRB, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: MELLOY BROTHERS ENTERPRISES INC, MELLOY SUPER CENTER IN, M-B CONSTRUCTION CO		Phone:
Address: 7707 LOMAS BLVD NE		Email:
City: ALBUQUERQUE	State: NM	Zip: 87110
Professional/Agent (if any): TIERRA WEST LLC		Phone: 505-858-3100
Address: 5571 MIDWAY PARK PLACE NE		Email: rrb@tierrawestllc.com
City: ALBUQUERQUE	State: NM	Zip: 87109
Proprietary Interest in Site: OWNER	List all owners: M.B CATTLE & DRILLING COMPANY	

BRIEF DESCRIPTION OF REQUEST

AMENDMENT TO ZONING MAP

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: TR A2A PLAT OF TRS A2A,A2B,A2C & A2D	Block:	Unit:
Subdivision/Addition: SPANISH LAND CO	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): F-18-Z	Existing Zoning: MX-M	Proposed Zoning: NR-C
# of Existing Lots: 6	# of Proposed Lots: 6	Total Area of Site (acres): 6.14 +/-

LOCATION OF PROPERTY BY STREETS

Site Address/Street: OSUNA RD NE Between: SAN MATEO BLVD NE and:

CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.) 1009978

101806103449820131, 101806102549820132, 101806102648020118, 101806102646520116, 101806102644920122, 101806102643520121

Signature: Date: 9/27/2018

Printed Name: Ronald R. Bohannon Applicant or Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees
-		
-		
-		

Meeting/Hearing Date: Fee Total:

Staff Signature: Date: Project #

Form Z: Policy Decisions

Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

A single PDF file of the complete application including all plans and documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)

- N/A Interpreter Needed for Hearing? _____ if yes, indicate language: _____
- Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- Letter of authorization from the property owner if application is submitted by an agent
- Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN

ADOPTION OR AMENDMENT OF FACILITY PLAN

- ___ Plan, or part of plan, to be amended with changes noted and marked
- ___ Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- ___ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ___ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ___ Proof of emailed notice to affected Neighborhood Association representatives
 - ___ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

AMENDMENT TO IDO TEXT

- ___ Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- ___ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- ___ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ___ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ___ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

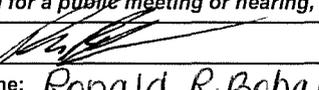
ZONING MAP AMENDMENT – EPC

ZONING MAP AMENDMENT – COUNCIL

- Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- Required notices with content per IDO Section 14-16-6-4(K)(6)
 - Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - Proof of emailed notice to affected Neighborhood Association representatives
 - Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- Sign Posting Agreement

ANNEXATION OF LAND

- ___ Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*
- ___ Petition for Annexation Form and necessary attachments
- ___ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- ___ Board of County Commissioners (BCC) Notice of Decision

<p><i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i></p>	
Signature: 	Date: 9/27/2018
Printed Name: <u>Ronald R. Bohannon</u>	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Project Number: _____	Case Numbers: _____
	-
	-
	-
Staff Signature: _____	
Date: _____	

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Tierra West, LLC DATE OF REQUEST: 09/26/18 ZONE ATLAS PAGE(S): F-18-Z

CURRENT: ZONING MX-H LEGAL DESCRIPTION: LOT OR TRACT # _____ BLOCK # _____

TR A2A PLAT OF TRS A2A, A2B, A2C & A2D

PARCEL SIZE (AC/SQ. FT.) 6.14 +/- SUBDIVISION NAME Spanish Land CO

REQUESTED CITY ACTION(S):

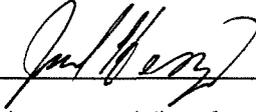
ANNEXATION [] SITE DEVELOPMENT PLAN:
ZONE CHANGE [X]: From MX-H To NR-C SUBDIVISION* [] AMENDMENT []
SECTOR, AREA, FAC, COMP PLAN [] BUILDING PERMIT [] ACCESS PERMIT []
AMENDMENT (Map/Text) [] BUILDING PURPOSES [] OTHER []

*includes platting actions

PROPOSED DEVELOPMENT: GENERAL DESCRIPTION OF

NO CONSTRUCTION/DEVELOPMENT [X] ACTION: # OF UNITS: _____
NEW CONSTRUCTION [] BUILDING SIZE: _____ (sq. ft.)
EXPANSION OF EXISTING DEVELOPMENT []

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

APPLICANT OR REPRESENTATIVE  DATE 9/26/2018

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

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

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

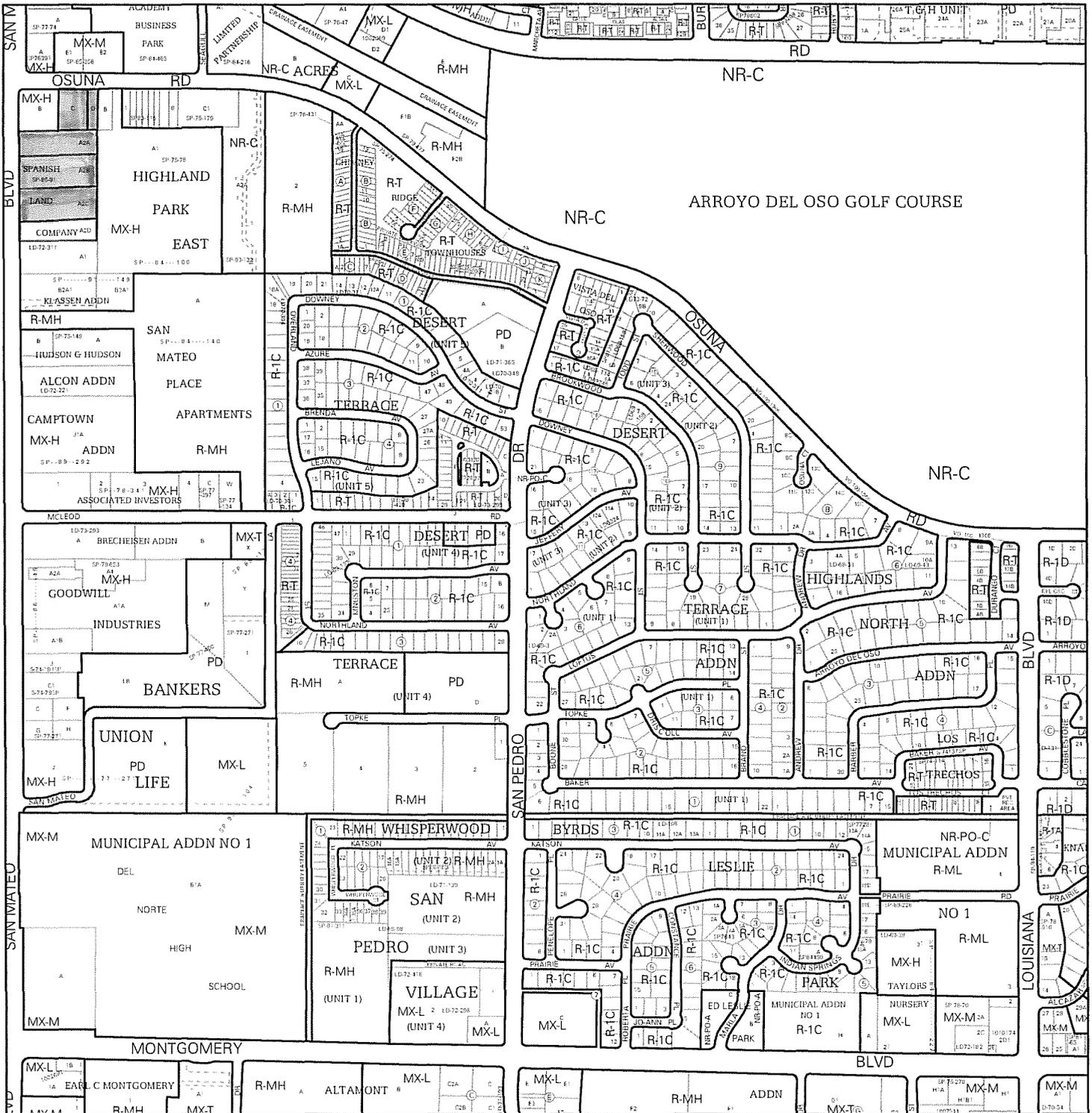
THRESHOLDS MET? YES [] NO [] MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: []
Notes:

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

TRAFFIC ENGINEER _____ DATE _____

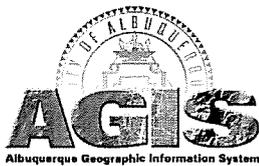
Required TIS **must be completed prior to applying to the EPC and/or the DRB.** Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS -SUBMITTED / /
-FINALIZED / / TRAFFIC ENGINEER _____
DATE _____

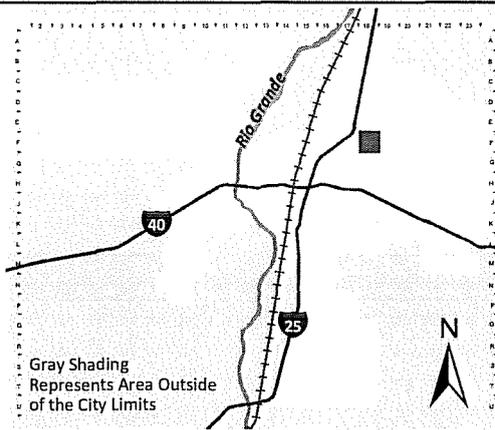


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018

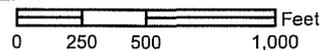


IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).



Zone Atlas Page:
F-18-Z

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone



9/26/2018

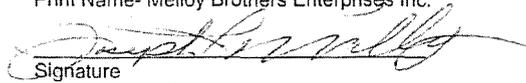
Mr. Bill McCoy, Vice Chair
Environmental Planning Commission
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: ZONING MAP AMENDMENT- EPC
6000 SAN MATEO BLVD NE ALBUQUERQUE NM
TRACTS A-2-A, A-2-B, A-2-C, A-2-D AND TRACTS C & D
ZONE ATLAS PAGE F-18-Z

Dear Vice Chair McCoy:

The purpose of this letter is to authorize Tierra West LLC to act as agent on property that is held concurrently by and behalf of Melloy Brothers Enterprises Inc., Melloy Super Center, Inc., M-B Construction Co, Inc. and M.B. Cattle & Drilling Company, collectively the Melloy Properties pertaining to any and all submittals made to the City of Albuquerque for the above-referenced site. Collectively the entities own the property.

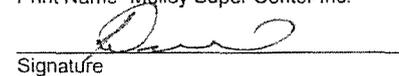
Joseph T. Melloy
Print Name- Melloy Brothers Enterprises Inc.


Signature

Vice President
Title

9-27-2018
Date

Patrick J. Melloy
Print Name- Melloy Super Center Inc.


Signature


Title

9-26-18
Date

Joseph T. Melloy
Print Name- M-B Construction Co., Inc.

Joseph T. Melloy
Signature

Vice President
Title

9-27-2018
Date

William J. Melloy
Print Name- M.B. Cattle & Drilling Company

William J. Melloy
Signature

Vice President
Title

9-27-2018
Date

WARRANTY DEED

Melloy Brothers Motor Company, a New Mexico partnership, for consideration paid, grants to Melloy Brothers Enterprises, Inc., a New Mexico corporation whose address is 7707 Lomas, N.E., Albuquerque, New Mexico 87110 the following described real estate in Bernalillo County, New Mexico:

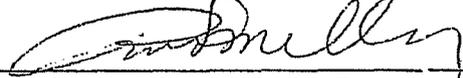
Lots lettered "C" and "D" of the plat of the Spanish Land Company Subdivision in the City of Albuquerque, New Mexico dated March 3, 1971 and filed for record in the office of the County Clerk of Bernalillo County, New Mexico on the 16th day of April 1971 under document # 21258

SUBJECT TO reservations, restrictions and easements of record and taxes for the year 2003 and thereafter

with warranty covenants.

WITNESS our hands this 1ST day of APRIL, 2003.

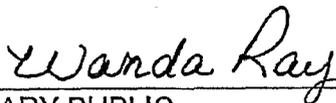
MELLOY BROTHERS MOTOR COMPANY

By 
Robert E. Melloy, General Partner

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on APRIL 1ST, 2003, by Robert E. Melloy, General Partner.

My commission
expires JUNE 20, '04


NOTARY PUBLIC



2003060631
5843638
Page: 1 of 1
04/14/2003 02:42P
Bk-A54 Pg-507

9085850

1442

WARRANTY DEED

MELLOY BROTHERS ENTERPRISES, INC., a New Mexico corporation, for consideration paid, grants to ~~ALBUQUERQUE NISSAN, INC.~~, a New Mexico corporation, of Albuquerque, New Mexico, the following described real estate in Bernalillo County, New Mexico:

Tract A-2-A, Plat of Tracts A-2-A, A-2-B, A-2-C, and A-2-D, a Replat of Tracts A-2-A, and A-2-B, Spanish Land Company Subdivision, Albuquerque, New Mexico, as the same is shown and designated on said Plat, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on February 28, 1985.

SUBJECT TO: These certain real estate mortgages dated October 10, 1989, and filed on October 18, 1989, in Book MD 91B, Page 649, Records of Bernalillo County, New Mexico, as Document No. 89-90491, dated October 10, 1984, and filed on October 24, 1984, in Book MD 618A, Page 165, Records of Bernalillo County, New Mexico, as Document No. 84-81587; and dated November 4, 1983, and filed on November 7, 1983, in Book MD 537A, Page 685, Records of Bernalillo County, New Mexico, as Document No. 83-76457; and the Assignment of Leases and Rents in Favor of Lender dated October 10, 1989, and filed on October 20, 1989, in Book HS 802A, Page 175, Records of Bernalillo County, New Mexico, as Document No. 89-91472.

With warranty covenants:

WITNESS my hand and seal this 23rd. day of October, 1990.

MELLOY BROTHERS ENTERPRISES, INC.,
a New Mexico corporation

By: *Robert E. Melloy*
ROBERT E. MELLOY

Its: President

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

1990 MAY -5 PM 2:14

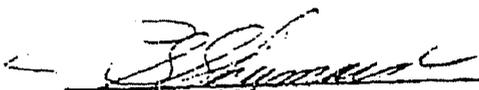
90-18 1442-1443

U. Gonzalez

1443

STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss.

The foregoing Warranty Deed was acknowledged before me this 23rd day of October, 1990, by Robert E. Melloy, President of Melloy Brothers Enterprises, Inc., a New Mexico corporation, on behalf of said corporation.


NOTARY PUBLIC

My Commission Expires:
October 23, 1994

42,164 201161

ALBUQUERQUE, N.M.

80 38440 WARRANTY DEED

329

ROBERT E. MELLO and CELESTE C. MELLO, his wife, and PATRICK C. MELLO and JIM M. MELLO, his wife, for consideration paid, grant to Mally Brothers Enterprises, Inc. whose address is 7707 Lomas, N.E. Albuquerque, New Mexico 87110 the following described real estate in Bernalillo County, New Mexico:

Tract A-2-B of the SPANISH LAND COMPANY'S SUBDIVISION as shown on the Redivision of Tract A-2 of said Subdivision filed in the office of the County Clerk of Bernalillo County, New Mexico on August 29, 1973 and containing 3.4894 acres.

SUBJECT TO: Deed of Trust wherein Albuquerque National Bank is Trustee for Spanish Land Company and Hooten, Juhl, Inc., is the Payor, dated March 9, 1973, filed in Book MD 29-A, page 438, records of Bernalillo County, New Mexico.

with warranty covenants.

WITNESSED hand, seal and seal, this 30th day of June, 1980.

Robert E. Mello (Seal) Patrick C. Mello (Seal) Celeste C. Mello (Seal) Jean M. Mello (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF Bernalillo

The foregoing instrument was acknowledged before me this 30th day of June, 1980, by Robert E. Mello and Celeste C. Mello, his wife and Patrick C. Mello and Jean M. Mello, his wife

My commission expires: JUNE 25, 1981

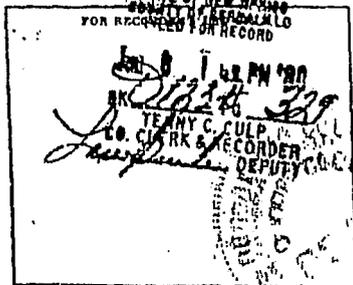
ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this day of 19

(Name of Officer) of (Name of Corporation Acknowledging) corporation, on behalf of said corporation. My commission expires:



Notary Public

9085891

1444

WARRANTY DEED

MELLOY BROTHERS ENTERPRISES, INC., a New Mexico corporation, for consideration paid, grants to M-B CONSTRUCTION CO., INC., a New Mexico corporation, of Albuquerque, New Mexico, the following described real estate in Bernalillo County, New Mexico:

Tract A-2-C, Plat of Tracts A-2-A, A-2-B, A-2-C, and A-2-D, a Replat of Tracts A-2-A, and A-2-B, Spanish Land Company Subdivision, Albuquerque, New Mexico, as the same is shown and designated on said Plat, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on February 28, 1985.

SUBJECT TO: Those certain real estate mortgages dated October 10, 1989, and filed on October 18, 1989, in Book MD 91B, Page 649, Records of Bernalillo County, New Mexico, as Document No. 89-90491; dated October 16, 1984, and filed on October 24, 1984, in Book MD 618A, Page 165, Records of Bernalillo County, New Mexico, as Document No. 84-81587; and dated November 4, 1983, and filed on November 7, 1983, in Book MD 537A, Page 685, Records of Bernalillo County, New Mexico, as Document No. 83-76457, and the Assignment of Leases and Rents in favor of Lender dated October 10, 1989, and filed on October 20, 1989, in Book MS 802A, Page 175, Records of Bernalillo County, New Mexico, as Document No. 89-91472.

With warranty covenants:

WITNESS my hand and seal this 23rd day of October, 1990.

MELLOY BROTHERS ENTERPRISES, INC.,
a New Mexico corporation

By:

Robert E. Melloy
ROBERT E. MELLOY

Its:

President

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

1990 NOV -6 PM 2:14

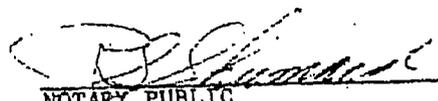
90-18 1444-1445

CLARENCE M. DAVIS
COUNTY CLERK - RECORDER

V. Longoria

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

The foregoing Warranty Deed was acknowledged before me this 23rd day of October, 1990, by Robert E. Melloy, President of Melloy Brothers Enterprises, Inc., a New Mexico corporation, on behalf of said corporation.


NOTARY PUBLIC

My Commission Expires:
October 23, 1990

9025892

1446

WARRANTY DEED

MELLOY BROTHERS ENTERPRISES, INC., a New Mexico corporation, for consideration paid, grants to M.B. CATTLE & DRILLING COMPANY, a New Mexico Corporation, of Albuquerque, New Mexico, the following described real estate in Bernalillo County, New Mexico:

Tract A-2-D, Plat of Tracts A-2-A, A-2-B, A-2-C, and A-2-D, a Replat of Tracts A-2-A, and A-2-B, Spanish Land Company Subdivision, Albuquerque, New Mexico, as the same is shown and designated on said Plat, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on February 28, 1985.

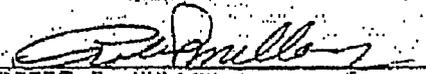
SUBJECT TO: Those certain real estate mortgages dated October 10, 1989, and filed on October 18, 1989, in Book MD 91B, Page 649, Records of Bernalillo County, New Mexico, as Document No. 89-90491; dated October 16, 1984, and filed on October 24, 1984, in Book MD 618A, Page 165, Records of Bernalillo County, New Mexico, as Document No. 84-81587; and dated November 4, 1983, and filed on November 7, 1983, in Book MD 537A, Page 685, Records of Bernalillo County, New Mexico, as Document No. 83-76457, and the Assignment of Leases and Rents in favor of Lender dated October 10, 1989, and filed on October 20, 1989, in Book MS 802A, Page 175, Records of Bernalillo County, New Mexico, as Document No. 89-91472.

With warranty covenants.

WITNESS my hand and seal this 23rd. day of October, 1990.

MELLOY BROTHERS ENTERPRISES, INC.,
a New Mexico corporation

By:


ROBERT E. MELLODY

Its:

President

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
FILED FOR RECORD

1990 NOV -6 PM 2:14

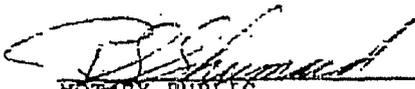
90-18-1246-1147

WALTER M. DAVIS
COUNTY CLERK & RECORDER
W. Dargatzis DEPUTY

.. 1447

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

The foregoing Warranty Deed was acknowledged before me this 23rd day of October, 1990, by Robert E. Melloy, President of Melloy Brothers Enterprises, Inc., a New Mexico corporation, on behalf of said corporation.



NOTARY PUBLIC

My Commission Expires:
October 23, 1994

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 18-253 Date: 8-21-18 Time: 3:00 pm
Address: SE corner of San Mateo Blvd. + Osuna Rd.

AGENCY REPRESENTATIVES AT MEETING:

Planning: Catalina Lehner
Code Enforcement: _____
Fire Marshall: _____
Transportation: _____
Other: _____

PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!

THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL.

Additional research may be necessary to determine the exact type of application and/or process needed. Factors unknown at this time and/or thought of as minor could become significant as the case progresses.

REQUEST: existing auto dealership - nonconforming under IDO zoning - what to do if they want to expand operations.

SITE INFORMATION:

Zone: MX-H Size: ≈ 6.15 acres
Use: car lot Overlay Zone: none
Comp Plan Area Of: Change Comp Plan Corridor: Major Transit
Comp Plan Center: none (Far North Center area @ Osuna) MPOS or Sensitive Lands: no
Parking: Table 5-51, p. 230-231 MR Area: no
Landscaping: 5-6, p. 251 Street Trees: 5-6(D), p. 258
Use Specific Standards: 6-8(C)(3) - p. 433.
Dimensional Standards: _____

*Neighborhood Organization/s: Del Norte, NA, District 4 Coalition

*This is preliminary information only. Neighborhood Organization information is only accurate when obtained from the Office of Neighborhood Coordination (ONC) at www.cabq.gov/neighborhoods/resources.

PROCESS:

Type of Action: zone change or expansion
Review and Approval Body: EPC Is this PRT a requirement? yes

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 18-253 Date: 8-21-18 Time: 3:00pm
Address: SE Corner of San Mateo Blvd + Osuna Rd.

NOTES:

- old zoning C-3
- auto dealership with heavy trucks > 10,000 lbs
- Definition - p. 465 "Heavy Equip and Equip Sales, Rental, Fueling + Repair"
- issue: 10,000 lbs. is a type of large truck commonly used, but not a semi-truck ex. Ford F-150.
- BUT - this use is first allowed in the NR-C zone so currently not allowed, so existing operation is a non-conforming use in MX-H. (nor is vehicle storage allowed)
- 6-8(C)(3) - expansion of non-conf uses
- use meets Definition of non-conf use
- see 6-6(C) - p. 390 - Expansion of Non-Conforming Use or Structure. $\approx 25'$ from residential zone
- the hearing - justify using the criteria
- BUT - if what you want to do is in excess of carri use those thresholds \rightarrow zone change
- zone changes to EPC.
- 3c Review + Decision criteria 6-7(F)(3) - p. 427
 - use goals + policies from Comp plan
 - written justification

November 27, 2018

Mr. Bill McCoy, Vice Chair
Environmental Planning Commission
P.O. Box 1293
Albuquerque, NM 87103

RE: **ZONING MAP AMENDMENT - EPC
SUPPLEMENTAL JUSTIFICATION
6000 SAN MATEO BLVD NE ALBUQUERQUE NM
TRACTS A-2-A, A-2-B, A-2-C, A-2-D AND TRACTS C & D
ZONE ATLAS PAGE F-18-Z**

Dear Mr. McCoy:

Tierra West, LLC requests a Zone Map Amendment on behalf of Robert Melloy and Melloy Brothers Enterprises, Inc. for the properties referenced above which are located near the southeast corner of San Mateo Boulevard and Osuna Road. This Zone Map Amendment request seeks to “rezone” the subject properties from MX-H to NR-C (Non- Residential Commercial). This letter is a supplemental submittal in response to the initial project review memo dated November 16, 2018.

The NR-C zone district requested is more advantageous to the community as articulated by the ABC Comp Plan as the following goals and policies (*in italics*) noted below are furthered by the proposed zone change (**in bold**) as follows:

POLICY ANALYSIS

POLICY 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The identity and cohesiveness of the neighborhood will be protected by the proposed zone change by adopting the proposed NR-C zone which correlates to the previous C-3 zoning designation, as summarized in Table 2-2 per Section 14-16-2. The correlation between the zones will result in similar permissive land uses ensuring the appropriate scale and location of development, mix of uses, and character of building design is maintained.

POLICY 5.1.1: Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

The Property is located in a major transit corridor and adjacent to the Far North Activity Center. The ability to redevelop the Property in the future is crucial in maintaining its commercial viability in order to continue to provide employment and services necessary to create opportunities to live, work, learn, shop, and play. The location is most appropriate to accommodate redevelopment and encourage employment density in an infill location in a Transit Corridor and thus discourage the need for development at the urban edge.

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maintaining its commercial viability in order to continue to provide employment and services necessary to create opportunities to live, work, learn, shop, and play. The location is most appropriate to accommodate redevelopment and encourage employment density in an infill location in a Transit Corridor and thus discourage the need for development at the urban edge.

POLICY 5.2.1: Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods. g) Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors as follows:

The zone change will allow for land uses necessary to provide a mix of uses that are conveniently accessible from the surrounding neighborhoods. This will encourage redevelopment that brings goods and services within walking and biking distance of neighborhoods. The location within a transit corridor offers choice in transportation to services and employment. Characteristics of the community will be maintained since the requested zoning is virtually equivalent to the historic zoning designation, and occur in an existing commercial zone within a transit Corridor and adjacent to an activity Center to serve adjacent neighborhoods. The continued commercial viability of the Property is necessary to maintain productive use of the lot and avoid the existence of an under-utilized lot.

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

The proposed zone change will promote development patterns that maximize the utility of existing infrastructure and public facilities and efficient use of land by encouraging infill development and future redevelopment growth in an area with existing infrastructure and public facilities.

POLICY 5.3.7: Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

The proposed zone change seeks to maintain the historic uses allowed on the property which are compatible and not objectionable to immediate neighbors. Approval of the zone change would in fact preclude Adult retail establishments, which are permissive in the current MX-H zone and may be objectionable to immediate neighbors, whereas said uses would not be allowed in the requested NR-C Zone.

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

b) Encourage development that expands employment opportunities.

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

h) Encourage development in areas with a highly connected street grid and frequent transit service.

The subject Property is located in an Area of Change and allowing the proposed zone change will encourage growth from future redevelopment in accordance with this policy in a transit Corridor and adjacent to an activity Center expanding employment opportunities in an area with adequate infrastructure. The zone change from the historic C-3 zoning to the requested NR-C zoning will have the effect of

discouraging zone changes from industrial uses to either mixed-use or residential zones.

POLICY 6.1.3 Auto Demand: Reduce the need for automobile travel by increasing mixed-use development, infill development within Centers, and travel demand management (TDM) programs.

The need for automobile travel will be reduced by encouraging the existing use of the property to remain at the Property location and expand to provide jobs, goods, and services along a major transit corridor and adjacent to the Far North Activity Center which will provide alternatives in transportation.

POLICY 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The proposed zone change will promote infill development that enhances the built environment by maintaining the economic viability of a commercial property with facilities specific to the current use which would otherwise be curtailed with the recently adopted zoning designation. It will also allow for future redevelopment and expansion to enhance the built environment.

POLICY 8.1.2 Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

The proposed zone change will encourage economic development that will provide jobs, goods, and services which improve the life for new and existing residents and contribute to a diverse economy.

POLICY 8.1.3 Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending.

Allowing for future redevelopment of the property provides an incentive to local business to expand and diversify the employment, promotes local hiring, higher wages, and business that contributes to the economic base of the community and region that helps reduce reliance on government spending.

POLICY 8.2.1: Local Business: Emphasize local business development.

The proposed zone change will further this policy by encouraging the current land owner, which operates a private local business, to grow by removing the regulatory burden that precludes expansion of the current and historic land use.

JUSTIFICATION CRITERIA

Pursuant to section 14-16-6-7(F)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria".

(a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

The proposed zone change is consistent with the health, safety, and general welfare of the City, as discussed in the policy analysis above, by furthering the applicable Goals and Policies of the ABC Comp Plan.

(b) If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

- 1. There was typographical or clerical error when the existing zone district was applied to the property.*
- 2. There has been a significant change in neighborhood or community conditions affecting the site.*
- 3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).*

This criteria is not applicable as the proposed amendment is wholly in an Area of Change as shown on the ABC Comp Plan.

(c) If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:

- 1. There was typographical or clerical error when the existing zone district was applied to the property.*
- 2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.*
- 3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).*

The proposed amendment is wholly in an Area of Change and meets Criteria 3. The change would be more advantageous to the community since many of the ABC Comp plan goals and policies will be furthered as articulated in the policy analysis section above. This proposed zone change will allow for the implementation of patterns of land use that are consistent with the Comp plan given its location, with development density and intensity appropriate for the existing built conditions and historic land use, and will promote connectivity along the transit corridor as a destination for employment and services.

(d) The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4.3 associated with that use will adequately mitigate those harmful impacts.

The zone change requested will not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community as evidenced by the fact that the previous C-3 zoning designation converted to the proposed NR-C zone with the adoption of the IDO in non Major Transit areas.

Some land uses not permissive under the current MX-H zoning will become permissive, however, potential harmful impacts are adequately mitigated by Use-specific standards in Section 16-6. Examples of such uses are as follows:

Light Manufacturing: permissive under previous C-3 zoning and activities are required to be conducted within a building and other requirements per Section 16-16-4-3(E)(2).

Recycling drop-off bin facility: use is not contemplated at the Property. In the event this use is exercised at the property, the potential impacts to the

nearest multi-family residential use would be mitigated by the built condition which includes an existing buffer consisting of a wall, landscape, and parking facilities with a minimum separation of 45 feet.

Warehousing: permissive under previous C-3 zoning although use is not contemplated at the Property. In the event this use is exercised at the property, the potential impacts to the nearest multi-family residential use would be mitigated by the built condition which includes an existing buffer consisting of a wall, landscape, and parking facilities with a minimum separation of 45 feet.

Wholesaling and Distribution Center: permissive under previous C-3 zoning although use is not contemplated at the Property. Use is limited to 50,000 square feet of gross floor area in NR-C zone within UC-MS-PT areas per Section 16-16-4-3(E)(17)(a), however, the physical configuration of this Property makes this use impractical at this scale.

e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:

- 1. Have adequate capacity to serve the development made possible by the change of zone.*
- 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.*
- 3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.*
- 4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.*

The City's existing infrastructure and public improvements have adequate capacity to serve the development made possible by the change of zone since the intensity of development is not intended to change, but rather make an existing and historic use permissive rather than non-conforming.

(f) The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

The justification provided herein is not completely based on the property's location on a major street, but rather on a preponderance of applicable Goals and Policies of the Comp plan as indicated above.

(g) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

The justification provided herein is not based completely or predominately on the cost of land or economic considerations, but rather on a preponderance of applicable Goals and Policies of the Comp plan as indicated above.

(h) The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

- 1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.*
- 2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.*

3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

The proposed zone change will create a spot zone although it applies to a group of properties and there are properties to the northeast of the subject Property with the same NR-C zoning designation requested. This notwithstanding, "criteria 3" above applies as the existing structures and use on the premises are tailored for the non-conforming use and are unsuitable for the uses allowed in any adjacent zone district.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

Ronald R. Bohannon, P.E.

cc: Bill Melloy

Enclosure/s:

JN: 2016004
RRB/jdh/jg

NEIGHBORHOOD INFORMATION



TIERRA WEST, LLC

October 4, 2018

Mr. Bill McCoy, Vice Chair
Environmental Planning Commission
P.O. Box 1293
Albuquerque, NM 87103

RE: **ZONING MAP AMENDMENT - EPC
GOOD FAITH ATTEMPT OF PUBLIC NOTICE
6000 SAN MATEO BLVD NE ALBUQUERQUE NM
TRACTS A-2-A, A-2-B, A-2-C, A-2-D AND TRACTS C & D
ZONE ATLAS PAGE F-18-Z**

Dear Mr. McCoy:

This letter is to inform you that on September 12, 2018 a required public notice was sent by certified mail to the following Neighborhood Associations per the City of Albuquerque's Integrated Development Ordinance (IDO):

- Del Norte Neighborhood Association
- District 4 Coalition of Neighborhood Associations

The neighborhood associations were notified of a pending request to the City for a Zoning Map Amendment submittal to the Environmental Planning Commission (EPC). Per IDO section 14-16-6 6-4(K)(2)(e) the applicant shall be required to provide public notice 15 consecutive days before a monthly public meeting or hearing. Our good faith attempt to provide the information to the neighborhood associations was completed and within the requested timeframe. As of present day we have NOT received a response from any of the above listed Neighborhood Associations. Attached, please find evidence of the stamped certified mail receipt for your records and submission of the Zoning Map Amendment to the Environmental Planning Commission.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,

Ronald R. Bohannon, P.E.

cc: Bill Melloy

Enclosure/s:

JN: 2016004
RRB/jdh/jg

5571 Midway Park Pl. NE Albuquerque, NM 87109
(505) 858-3100 fax (505) 858-1118 1-800-245-3102
tierrawestllc.com

Public Notice to Applicable Associations

Prior to filing an application with the Planning Department, all applicants requesting approvals through the Environmental Planning Commission (EPC), Development Review Board (DRB), Landmarks Commission (LC), City Staff approval of a Wireless Telecommunication Facility (WTF), Site Plan, Sign Permit, or Wall/Fence Permit are required to notify any applicable neighborhood and/or homeowner associations via email, first class mail, or certified mail as specified in Table 6-1-1 of the Integrated Development Ordinance (IDO) (<https://www.abc-zone.com/>).

Each required Public Notice shall include the following per IDO Subsection 14-16-6-(K)(6):

1. The address of the property listed in the application;
2. The name of the property owner and/or applicant;
3. Applicant mailing address;
4. Applicant telephone number and/or email address;
5. A short summary of the approval being requested;
6. Whether a public hearing will be required. If so, the date, time, and place of the public hearing;
7. Website where additional information about the project can be obtained, if applicable.
8. Facilitated Meetings – All notification letters must include the following text:

Anyone may request and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Section 14-16-6-4(D)). Visit: <https://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development/> to view and download the Facilitated Meetings Criteria. If you wish to request a Facilitated Meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505.924.3955.

Public Notice Checklist

For all decisions requiring Mailed or Electronic Mail notice per Table 6-1-1 in the IDO the following information must be included for each application submitted to the Planning Department.

1. ONC's "Public Notice Inquiry Email" outlining any applicable Neighborhood and/or Homeowner Associations.
2. Copies of Letters and/or Emails sent to any applicable Neighborhood and/or Homeowner Associations.
3. Copies of certified receipts, if required, mailed to any applicable Neighborhood and/or Homeowner Associations.

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

Thank you for your cooperation on this matter.



TIERRA WEST, LLC

October 4, 2018

Mr. Daniel Regan
District 4 Coalition of NA
4109 Chama Street NE
Albuquerque, NM 87109

**RE: ZONING MAP AMENDMENT
6000 SAN MATEO BLVD NE ALBUQUERQUE NM 87109
5620 OSUNA NE ALBUQUERQUE NM 87110
TRACT C AND D SPANISH LAND CO AND TRACTS
A2A, A2B, A2C, & A2D SPANISH LAND CO.**

Dear Mr. Regan,

Tierra West, LLC on behalf of Melloy Brothers Enterprises, Inc., Melloy Super Center Inc., M-B Construction Co. Inc., and M.B. Cattle & Drilling Company will be making application to the Environmental Planning Commission on October 4, 2018 to be heard at the December 13, 2018 hearing. The request is for a zoning map amendment for the properties listed above which are located near the southeast corner of San Mateo Boulevard and Osuna Road. This Zone Map Amendment request seeks to rezone the subject properties from MX-H to NR-C (Non-Residential Commercial) and requires a public hearing before the Environmental Planning Commission to be heard at 8:30 AM on November 8, 2018 at the Plaza Del Sol Hearing Room, Lower Level located at 600 2nd Street NW, Albuquerque, New Mexico 87102.

The subject properties were historically zoned C-3 and were subsequently zoned MX-H (Mixed Use-High Intensity) with the recent adoption of the Integrated Development Ordinance. This Zone Map Amendment request seeks to rezone the subject properties from MX-H to NR-C.

Anyone may request and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Section 14-16-6-4(D)). Visit: <https://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development/> devhelp@cabq.gov to view and download the Facilitated Meetings Criteria. If you wish to request a Facilitated Meeting regarding this project, contact the Planning Department at or 505.924.3955.

If you have any questions or require additional information please do not hesitate to contact our office at (505) 858-3100.

Sincerely,

Ronald R. Bohannon, P.E.

JN: 2016004

cc: Melloy Brothers Enterprise, Inc.
Melloy Super Center Inc.
M-B Construction Co. Inc.

5571 Midway Park Pl. NE Albuquerque, NM 87109
(505) 858-3100 fax (505) 858-1118 1-800-245-3102
tierrawestllc.com

M.B. Cattle & Drilling Company

Mary Bernard, Del Norte NA

Mary White, Del Norte NA

Michael Pridham, District 4 Coalition of Neighborhood Associations

Daniel Regan, District 4 Coalition of Neighborhood Associations

RRB/jdh/jg



TIERRA WEST, LLC

October 4, 2018

Mr. Michael Pridham
District 4 Coalition of NA
6413 Northland Avenue NE
Albuquerque, NM 87109

**RE: ZONING MAP AMENDMENT
6000 SAN MATEO BLVD NE ALBUQUERQUE NM 87109
5620 OSUNA NE ALBUQUERQUE NM 87110
TRACT C AND D SPANISH LAND CO AND TRACTS
A2A, A2B, A2C, & A2D SPANISH LAND CO.**

Dear Mr. Pridham,

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If you have any questions or require additional information please do not hesitate to contact our office at (505) 858-3100.

Sincerely,

Ronald R. Bohannon, P.E.

JN: 2016004

cc: Melloy Brothers Enterprise, Inc.
Melloy Super Center Inc.
M-B Construction Co. Inc.

5571 Midway Park Pl. NE
Albuquerque, NM 87109
(505) 858-3100 fax (505) 858-1118 1-800-245-3102
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M.B. Cattle & Drilling Company

Mary Bernard, Del Norte NA

Mary White, Del Norte NA

Michael Pridham, District 4 Coalition of Neighborhood Associations

Daniel Regan, District 4 Coalition of Neighborhood Associations

RRB/jdh/jg

TW

TIERRA WEST, LLC

October 4, 2018

Ms. Mary White
Del Norte NA
4913 Overland Street NE
Albuquerque, NM 87109

**RE: ZONING MAP AMENDMENT
6000 SAN MATEO BLVD NE ALBUQUERQUE NM 87109
5620 OSUNA NE ALBUQUERQUE NM 87110
TRACT C AND D SPANISH LAND CO AND TRACTS
A2A, A2B, A2C, & A2D SPANISH LAND CO.**

Dear Ms. White,

Tierra West, LLC on behalf of Melloy Brothers Enterprises, Inc., Melloy Super Center Inc., M-B Construction Co. Inc., and M.B. Cattle & Drilling Company will be making application to the Environmental Planning Commission on October 4, 2018 to be heard at the December 13, 2018 hearing. The request is for a zoning map amendment for the properties listed above which are located near the southeast corner of San Mateo Boulevard and Osuna Road. This Zone Map Amendment request seeks to rezone the subject properties from MX-H to NR-C (Non-Residential Commercial) and requires a public hearing before the Environmental Planning Commission to be heard at 8:30 AM on November 8, 2018 at the Plaza Del Sol Hearing Room, Lower Level located at 600 2nd Street NW, Albuquerque, New Mexico 87102.

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If you have any questions or require additional information please do not hesitate to contact our office at (505) 858-3100.

Sincerely,



Ronald R. Bohannon, P.E.

JN: 2016004

cc: Melloy Brothers Enterprise, Inc.
Melloy Super Center Inc.
M-B Construction Co. Inc.

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M.B. Cattle & Drilling Company

Mary Bernard, Del Norte NA

Mary White, Del Norte NA

Michael Pridham, District 4 Coalition of Neighborhood Associations

Daniel Regan, District 4 Coalition of Neighborhood Associations

RRB/jdh/jg



TIERRA WEST, LLC

October 4, 2018

Ms. Mary Bernard
Del Norte NA
6224 Baker Avenue NE
Albuquerque, NM 87109

**RE: ZONING MAP AMENDMENT
6000 SAN MATEO BLVD NE ALBUQUERQUE NM 87109
5620 OSUNA NE ALBUQUERQUE NM 87110
TRACT C AND D SPANISH LAND CO AND TRACTS
A2A, A2B, A2C, & A2D SPANISH LAND CO.**

Dear Ms. Bernard,

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If you have any questions or require additional information please do not hesitate to contact our office at (505) 858-3100.

Sincerely,

Ronald R. Bohannon, P.E.

JN: 2016004

cc: Melloy Brothers Enterprise, Inc.
Melloy Super Center Inc.
M-B Construction Co. Inc.

5571 Midway Park Pl. NE Albuquerque, NM 87109
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Mary Bernard, Del Norte NA

Mary White, Del Norte NA

Michael Pridham, District 4 Coalition of Neighborhood Associations

Daniel Regan, District 4 Coalition of Neighborhood Associations

RRB/jdh/jg

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Del Norte NA
Street and Apt. No 6224 Baker Avenue NE
City, State, ZIP+4® Albuquerque, NM 87109

PS Form 3800, April 2008

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Total Postage and Fees	
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Sent To Daniel Regan
District 4 Coalition of NA
Street and Apt. No 4109 Chama Street NE
City, State, ZIP+4® Albuquerque, NM 87109

PS Form 3800, April 2008

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<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.75
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	
\$ 1.00	
Total Postage and Fees	
\$ 7.20	

Postmark
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Sent To Mary White
Del Norte NA
Street and Apt 4913 Overland Street NE
City, State, Zi Albuquerque, NM 87109

PS Form 3800, April 2008

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Sent To Michael White
District 4 Coalition of NA
Street and Apt. No., or P 6413 Northland Avenue NE
City, State, ZIP+4® Albuquerque, NM 87109

PS Form 3800, April 2008

TOW

TIERRA WEST, LLC

October 4, 2018

**RE: ZONING MAP AMENDMENT
6000 SAN MATEO BLVD NE ALBUQUERQUE NM 87109
5620 OSUNA NE ALBUQUERQUE NM 87110
TRACT C AND D SPANISH LAND CO AND TRACTS
A2A, A2B, A2C, & A2D SPANISH LAND CO.**

To Whom It May Concern:

Tierra West, LLC on behalf of Melloy Brothers Enterprises, Inc., Melloy Super Center Inc., M-B Construction Co. Inc., and M.B. Cattle & Drilling Company will be making application to the Environmental Planning Commission on October 4, 2018 to be heard at the December 13, 2018 hearing. The request is for a zoning map amendment for the properties listed above which are located near the southeast corner of San Mateo Boulevard and Osuna Road. This Zone Map Amendment request seeks to rezone the subject properties from MX-H to NR-C (Non-Residential Commercial) and requires a public hearing before the Environmental Planning Commission to be heard at 8:30 AM on November 8, 2018 at the Plaza Del Sol Hearing Room, Lower Level located at 600 2nd Street NW, Albuquerque, New Mexico 87102.

The subject properties were historically zoned C-3 and were subsequently zoned MX-H (Mixed Use-High Intensity) with the recent adoption of the Integrated Development Ordinance. This Zone Map Amendment request seeks to rezone the subject properties from MX-H to NR-C.

Anyone may request and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Section 14-16-6-4(D)). Visit: <https://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development/> devhelp@cabq.gov to view and download the Facilitated Meetings Criteria. If you wish to request a Facilitated Meeting regarding this project, contact the Planning Department at or 505.924.3955.

If you have any questions or require additional information please do not hesitate to contact our office at (505) 858-3100.

Sincerely,



Ronald R. Bohannon, P.E.

JN: 2016004

cc: Melloy Brothers Enterprise, Inc.
Melloy Super Center Inc.
M-B Construction Co. Inc.
M.B. Cattle & Drilling Company
Mary Bernard, Del Norte NA
Mary White, Del Norte NA
Michael Pridham, District 4 Coalition of Neighborhood Associations
Daniel Regan, District 4 Coalition of Neighborhood Associations

RRB/jdh/jg

5571 Midway Park Pl. NE Albuquerque, NM 87109
(505) 858-3100 fax (505) 858-1118 1-800-245-3102
tierrawestllc.com

Jaimie Garcia

From: Quevedo, Vicente M. <vquevedo@cabq.gov>
Sent: Wednesday, September 26, 2018 4:00 PM
To: Jaimie Garcia
Subject: Public Notice Inquiry_6000 San Mateo Blvd_EPC
Attachments: IDOZoneAtlasPage_F-18-Z.PDF; Public Notice Inquiry_6000 San Mateo Blvd_EPC.xlsx; Public Notice Inquiry Instruction Sheet_7_31_18.pdf

Jaimie,

Good afternoon. See list of affected associations below and attached regarding your EPC submittal. Please also review the attached instruction sheet. Thank you.

Association Name	First Name	Last Name	Email	Address Line
Del Norte NA	Mary	Bernard		6224 Baker Avenue
Del Norte NA	Mary	White	white1ink@aol.com	4913 Overland Street
District 4 Coalition of Neighborhood Associations	Michael	Pridham	michael@drpridham.com	6413 Northland Avenue NE
District 4 Coalition of Neighborhood Associations	Daniel	Regan	dlreganabq@gmail.com	4109 Chama Street

Respectfully,

Vicente M. Quevedo, MCRP
Neighborhood Liaison
Office of Neighborhood Coordination
City of Albuquerque – City Council
(505) 768-3332

Website: www.cabq.gov/neighborhoods



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From: webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** webmaster@cabq.gov
Sent: Wednesday, September 26, 2018 1:23 PM
To: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Public Notice Inquiry Sheet Submission

Public Notice Inquiry For:
Environmental Planning Commission

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name

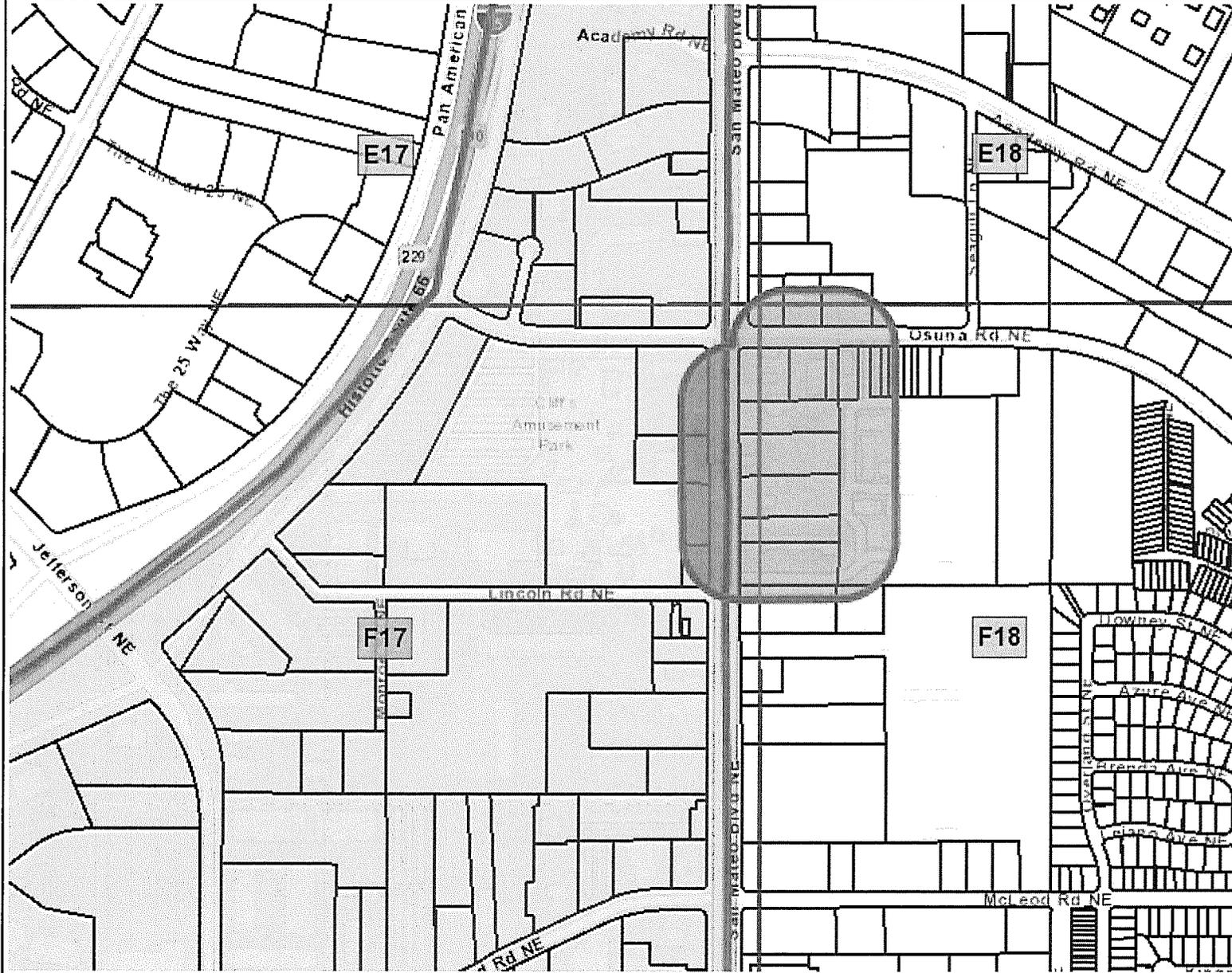
Jaimie Garcia
Telephone Number
505-858-3100
Email Address
jgarcia@tierrawestllc.com
Company Name
Tierra West, LLC
Company Address
5571 Midway Park Place NE
City
Albuquerque
State
NM
ZIP
87109
Legal description of the subject site for this project:
TR A2B PLAT OF TRS A2A, A2B, A2C & A2D A REPL OF TRS A2A & A2B SPANISH LAND CO
SUBD CONT 1.5611 AC M/L
Physical address of subject site:
6000 San Mateo Blvd NE
Subject site cross streets:
San Mateo Blvd NE, Osuna Rd NE
Other subject site identifiers:
This site is located on the following zone atlas page:
F-18-Z

=====
This message has been analyzed by Deep Discovery Email Inspector.

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San Mateo and Osuna



Legend

-  Zone Grid
-  Bernalillo County Parcels
-  World Street Map

Notes

Buffer: 233ft.
ROW: San Mateo Blvd. 133ft.

1,202 0 601 1,202 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
8/16/2018 © City of Albuquerque

1: 7,212

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

OAK TREE AT OSUNA LLC
4609 S 2300 E SUITE 107
HALLADAY UT 84117-4500

WESTERN REFINING RETAIL LLC
1250 W WASHINGTON ST SUITE 101
TEMPE AZ 85281

HAMMOND CARL C & TRACT TEN LLC
4800 OSUNA RD NE
ALBUQUERQUE NM 87109

ADELANTE DEVELOPEMENT CENTER
3900 OSUNA RD NE
ALBUQUERQUE NM 87109-4459

MELLOY BROTHERS ENTERPRISES INC
7707 LOMAS BLVD NE
ALBUQUERQUE NM 87110

MCCOLLUM THOMAS E & JEFFREY
MCCOLLUM C/O TOM MCCOLLUM
11000 BERMUDA DUNES NE
ALBUQUERQUE NM 87111-6555

EL GANADO LTD
3545 S RICHEY BLVD
TUCSON AZ 85713-5432

MELLOY ROBERT
7707 LOMAS BLVD NE
ALBUQUERQUE NM 87110

LOUGHEAD GROUP LTD (THE)
5800 CANYON VISTA DR NE
ALBUQUERQUE NM 87111

ADELANTE DEVELOPMENT CENTER INC
3900 OSUNA RD NE
ALBUQUERQUE NM 87109

MELLOY ROBERT
7707 LOMAS BLVD NE
ALBUQUERQUE NM 87110

TIERRA ENCANTADA SHOPPING
CENTER LLC
2900 STANFORD DR NE
ALBUQUERQUE NM 87107-1814

ALL TYPE PRINTING LLC
4835 ERIN ST NE
ALBUQUERQUE NM 87109-3063

TRACT 11 LLC
4800 OSUNA RD NE
ALBUQUERQUE NM 87109-2314

MELLOY BROTHERS ENTERPRISES INC
7707 LOMAS BLVD NE
ALBUQUERQUE NM 87110

CLEAR SKY CAPITAL SILVERADO
APARTMENTS LP
2398 E CAMELBACK RD SUITE 615
PHOENIX AZ 85016-9004

H & E 22 WEST LLC
PO BOX 40366
DENVER CO 80204-0366

BOVA V ARTHUR JR & BREDA
5604 CRESTA LUNA CT NE
ALBUQUERQUE NM 87111-1515

NM SELF STORAGE LTD
5 ALTAZANO DR
SANTA FE NM 87505

GREENBERG INVESTMENTS LP &
GREENBERG- BLATT MANAGEMENT LP
15563 MANCHESTER RD
BALLWIN MO 63011

MELLOY ROBERT
7707 LOMAS BLVD NE
ALBUQUERQUE NM 87110

SAN MATEO PLACE LLC
1907 BUENA VISTA DR SE SUITE 100
ALBUQUERQUE NM 87106

KREIDER SHIRLEY A TRUSTEE KREIDER
RVT
9012 PRINCESS JEANNE AVE NE
ALBUQUERQUE NM 87112-3942

MELLOY ROBERT
7707 LOMAS BLVD NE
ALBUQUERQUE NM 87110

SIGN POSTING REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property, which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproofed signs will be provided at the time of application. If the application is mailed, you must still stop at the Planning Division to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Planning Division at a charge of \$3.00 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be two to seven feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign in order to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs maybe required on unpaved street frontages.
- B. If the land does not abut a public street, then in addition to a sign placed on the property a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from _____ To _____.

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Planning Division staff. I understand (A) my obligation to keep the sign(s) posted for fifteen (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

(Applicant or Agent), _____ (Date)

I issued _____ signs for this application, _____ (Date), _____ (Staff Member)