### Staff Report

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

### 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.

### 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
Hearing Date:
December 13, 2018

Project #: 2018-001678
Case Numbers:
RZ-2018-00044
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I. Introduction

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

Proposal

This is a request to re-zone six Tracts comprised of 6.14 acres owned by Melloy Brothers 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:

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>MX-H</th>
<th>NR-C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Households Living</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, single-family detached</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, mobile home</td>
<td></td>
<td></td>
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<tr>
<td>Dwelling, cluster development</td>
<td></td>
<td></td>
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<tr>
<td>Dwelling, cottage development</td>
<td></td>
<td></td>
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<tr>
<td>Dwelling, two-family detached (duplex)</td>
<td></td>
<td></td>
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<tr>
<td>Dwelling, townhouse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, live-work</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling, multi-family</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Living</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assisted living facility or nursing home</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community residential facility, small</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community residential facility, medium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community residential facility, large</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group home, small</td>
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<tr>
<td>Group home, medium</td>
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<td>Group home, large</td>
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<tr>
<td>Sorority or fraternity</td>
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<tr>
<td>Civic and Institutional Uses</td>
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<td></td>
</tr>
<tr>
<td>Adult or child day care facility</td>
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<tr>
<td>Biocare</td>
<td></td>
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<tr>
<td>Cemetery</td>
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<tr>
<td>Community center or library</td>
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<td></td>
</tr>
<tr>
<td>Correctional facility</td>
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<td></td>
</tr>
<tr>
<td>Daytime gathering facility</td>
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<tr>
<td>Elementary or middle school</td>
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<td></td>
</tr>
<tr>
<td>Fire or police station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High school</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Museum or art gallery</td>
<td></td>
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</tr>
<tr>
<td>Overnight shelter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks and open space</td>
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</tr>
<tr>
<td>Religious institution</td>
<td></td>
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</tr>
<tr>
<td>Sports field</td>
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<tr>
<td>University or college</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vocational school</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Uses</td>
<td></td>
<td></td>
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<tr>
<td>Agriculture and Animal-related</td>
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</tr>
<tr>
<td>Community garden</td>
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</tr>
<tr>
<td>Equestrian facility</td>
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<tr>
<td>General agriculture</td>
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<tr>
<td>Kennel</td>
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<tr>
<td>Nursery</td>
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<td></td>
</tr>
<tr>
<td>Veterinary hospital</td>
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</tr>
<tr>
<td>Other pet services</td>
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<td></td>
</tr>
<tr>
<td>Food, Beverage, and Indoor Entertainment</td>
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</table>

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>MX-H</th>
<th>NR-C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodging</td>
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<td></td>
</tr>
<tr>
<td>Bed and breakfast</td>
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<td></td>
</tr>
<tr>
<td>Campground or recreational vehicle park</td>
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</tr>
<tr>
<td>Hotel or motel</td>
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</tr>
<tr>
<td>Motor Vehicle-related</td>
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<td></td>
</tr>
<tr>
<td>Car wash</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heavy vehicle and equipment sales, rental, fueling, and repair</td>
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<td></td>
</tr>
<tr>
<td>Light vehicle fueling station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light vehicle repair</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light vehicle sales and rental</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor vehicle storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid parking lot</td>
<td></td>
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</tr>
<tr>
<td>Parking structure</td>
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<tr>
<td>Offices and Services</td>
<td></td>
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</tr>
<tr>
<td>Bank</td>
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<td></td>
</tr>
<tr>
<td>Blood services facility</td>
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<td></td>
</tr>
<tr>
<td>Club or event facility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction contractor facility and yard</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crematorium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical or dental clinic</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mortuary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
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<tr>
<td>Personal and business services, small</td>
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<td>Personal and business services, large</td>
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<td></td>
</tr>
<tr>
<td>Research or testing facility</td>
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</tr>
<tr>
<td>Self-storage</td>
<td></td>
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<tr>
<td>Outdoor Recreation and Entertainment</td>
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</tr>
<tr>
<td>Amphitheater</td>
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</tr>
<tr>
<td>Balloon Fiesta Park events and activities</td>
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</tr>
<tr>
<td>Drive-in theater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fairgrounds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential community amenity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stadium or racetrack</td>
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<td></td>
</tr>
<tr>
<td>Other outdoor entertainment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail Sales</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### LAND USES

**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

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>MX-H</th>
<th>NR-C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult retail</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Bakery goods or confectionery shop</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Building and home improvement materials store</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Farmers' market</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>General retail, small</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>General retail, medium</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>General retail, large</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Grocery store</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Liquor retail</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Pawn shop</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

**Transportation**
- Airport
- Freight terminal or dispatch center
- Helipad
- Park-and-ride lot
- Railroad yard
- Transit facility

### INDUSTRIAL USES

**Manufacturing, Fabrication, and Assembly**
- Artisan manufacturing
- Light manufacturing
- Heavy manufacturing
- Natural resource extraction
- Special manufacturing

**Telecommunications, Towers, and Utilities**
- Geothermal energy generation
- Solar energy generation
- Utility, electric
- Utility, other major
- Wind energy generation
- Wireless Telecommunications Facility
- Architecturally integrated
- Co-location
- Free-standing
- Roof-mounted
- Public utility co-location

**Waste and Recycling**
- Recycling drop-off bin facility
- Solid waste convenience center
- Salvage yard
- Waste and/or recycling transfer station

**Wholesaling and Storage**
- Above-ground storage of fuels or feed
- Outdoor storage
- Warehousing
- Wholesaling and distribution center

### ACCESSORY USES

<table>
<thead>
<tr>
<th>Use</th>
<th>MX-H</th>
<th>NR-C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture sales stand</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Animal keeping</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Automated Teller Machine (ATM)</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Drive-through or drive-up facility</td>
<td>CA</td>
<td>A</td>
</tr>
<tr>
<td>Dwelling unit, accessory</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Dwelling unit, accessory without kitchen</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Family care facility</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Family home daycare</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Garden</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Hobby breeder</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Home occupation</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Independent living facility</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Mobile food truck</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Mobile vending cart</td>
<td>A</td>
<td>CA</td>
</tr>
<tr>
<td>Outdoor animal run</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Outdoor dining area</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Parking of non-commercial vehicle</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Parking of recreational vehicle, boat, and/or recreational trailer</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Second kitchen in a dwelling</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Other use accessory to non-residential primary use</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Other use accessory to residential primary use</td>
<td>A</td>
<td></td>
</tr>
</tbody>
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### TEMPORARY USES

<table>
<thead>
<tr>
<th>Use</th>
<th>MX-H</th>
<th>NR-C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circus</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Construction staging area, trailer, or office</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Dwelling unit, temporary</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Fair, festival, or theatrical performance</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Garage or yard sale</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Hot air balloon takeoff/landing</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Open air market</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Park-and-ride facility, temporary</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Real estate office or model home</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Seasonal outdoor sales</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Temporary use not listed</td>
<td>T</td>
<td>T</td>
</tr>
</tbody>
</table>
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.
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 predominantly 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.

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 Brothers 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, partially 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.

b) 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
**DEVELOPMENT REVIEW APPLICATION**

**Effective 5/17/18**

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

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**APPLICATION INFORMATION**

Applicant: MELLO Y BROTHERS ENTERPRISES INC, MELLO Y SUPER CENTER IN, M-B CONSTRUCTION CC

Phone: 

Address: 7707 LOMAS BLVD NE

City: ALBUQUERQUE State: NM Zip: 87110

Email: 

Professional/Agent (if any): TIERRA WEST LLC

Phone: 505-288-9000

Address: 5571 MIDWAY PARK PLACE NE

City: ALBUQUERQUE State: NM Zip: 87109

Email: rrb@tierrawestllc.com

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.: 

CERTIFICATE OF DEDICATION OR ABANDONMENT

UpC Code: 

Zone Atlas Page(s): F-18-Z

Existing Zoning: MX-1

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.)

100861034492020131, 1018061202646520116, 1018061202646520116, 1018061202646520116, 1018061202646520116, 1018061202646520116, 1018061202646520116

Signature: 

Date: 9/27/2018

Printed Name: Ronald R. Bohnannan

FOR OFFICIAL USE ONLY

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Meeting/Hearing Date: December 3, 2018

Staff Signature: 

Date: 10-3-18

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 PLNDPS@cabg.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? Yes, indicate language:
- X Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- X Letter of authorization from the property owner if application is submitted by an agent
- X Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- X 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(F)(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(F)(6)
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☐ ZONING MAP AMENDMENT — EPC

☐ ZONING MAP AMENDMENT — COUNCIL

- X Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- X 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
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- X 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: [Signature]
Printed Name: Ronald Clark
Date: 9/27/2018

☐ Applicant or ☒ Agent

FOR OFFICIAL USE ONLY

Project Number: PR-2018-001675
Case Numbers: R2-2018-000044

Staff Signature: [Signature]
Date: 10-2-18

Effective 5/17/18
## City of Albuquerque

### DEVELOPMENT REVIEW APPLICATION

Effective 5/17/18

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

- [ ] Historic Certificate of Appropriateness – Major (Form L)
- [ ] Archaeological Certificate (Form P3)
- [ ] Historic Certificate of Appropriateness – Minor (Form L)
- [ ] Master Development Plan (Form P1)
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- [ ] Site Plan – DRB (Form P2)
- [ ] Minor Amendment to Site Plan (Form P3)

### Policy Decisions

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- [ ] Adoption of Amendment of Comprehensive Plan or Facility Plan (Form Z)
- [ ] Historic Design Standards and Guidelines (Form L)
- [ ] Adoption or Amendment of Historic Designation (Form L)

### Decisions Requiring a Public Meeting or Hearing

- [ ] Subdivision of Land – Minor (Form S2)
- [ ] Amendment to Zoning Map – EPC (Form Z)
- [ ] Subdivision of Land – Major (Form S1)
- [ ] Amendment to Zoning Map – Council (Form Z)

### Appeals

- [ ] Variance – ZHE (Form ZHE)

### Decision by EPC, LC, DRB, ZHE, or City Staff (Form A)

### APPLICATION INFORMATION

**Applicant**: MELLOY BROTHERS ENTERPRISES INC, M-B CONSTRUCTION CC

**Phone**: 505-858-3100

**Address**: 7707 LOMAS BLVD NE

**City**: ALBUQUERQUE

**State**: NM

**Zip**: 87110

**Professional/Agent (if any)**: TIERRA WEST LLC

**Phone**: 505-858-3100

**Address**: 5571 MIDWAY PARK PLACE NE

**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**: 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

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1009978

101806103449820131, 101806103449820132, 101806102648020118, 101806102646520116, 101806102646520121

**Signature**: Ronald R. Behannan

**Date**: 9/27/2018

**Printed Name**: Ronald R. Behannan

**Applicant or Agent**: [ ] Applicant [ ] Agent

### FOR OFFICIAL USE ONLY

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**Staff Signature**: 9/27/2018

**Date**: 9/27/2018

**Project #**: 9/27/2018
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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: Ronald R. Behannon

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Staff Signature: ___________________________ Date: ___________________________

Effective 5/17/18
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
PARCEL SIZE (AC/SQ. FT.) 6.14 +/-

REQUESTED CITY ACTION(S):
ANNEXATION [ ]
ZONE CHANGE [X]: From MX-H To NR-C
SECTOR, AREA, FAC, COMP PLAN [ ]
AMENDMENT (Map/Text) [ ]

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

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

SITE DEVELOPMENT PLAN:
AMENDMENT [ ]
BUILDING PERMIT [ ]
ACCESS PERMIT [ ]
BUILDING PURPOSES [ ]
OTHER [ ]

*includes plating actions

PROPOSED DEVELOPMENT:
# OF UNITS: 
BUILDING SIZE: __________(sq. ft.)

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

APPLICANT OR REPRESENTATIVE
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
-FINALIZED __/__/____
-SUBMITTED __/__/____
TRAFFIC ENGINEER
DATE
For more details about the Integrated Development Ordinance visit: http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance
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
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.

[Signature]

Title: Vice President
Date: 9.27.2018

[Signature]

Title: President
Date: 9.26.18

[Signature]

Print Name: Melloy Super Center Inc.

[Signature]

Print Name: Melloy Brothers Enterprises Inc.

[Signature]
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 )
COUNTY OF BERNALILLO ) ss.

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

My commission expires June 20, 04

Wanda Ray

NOTARY PUBLIC
WARRANTY DEED

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


SUBJECT TO: Three certain real estate mortgages dated October 10, 1989, and filed on October 18, 1989, in Book MD 918, Page 649, Records of Bernalillo County, New Mexico, as Document No. 89-90411; 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. 84-81358; 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. 83-76417; and the Assignment of Leases and Rents in Favor of Lender dated November 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: [Signature]

Its: President
STATE OF NEW MEXICO  
COUNTY OF Bernalillo  

ss.

The foregoing Warranty Deed was acknowledged before me this 22nd day of October, 1990, by Robert E. Melloy, President of Melloy Brothers Enterprises, Inc., a New Mexico corporation, on behalf of said corporation.

[Signature]

NOTARY PUBLIC

My Commission Expires:  
October 23, 1994
WARD 80 38440 WARRANTY DEED

ROBERT E. MELLOY and CELESTE C. MELLOY, his wife, and PATRICK C. MELLOY, his wife, for consideration paid, grant to 

Meller Brothers Enterprises, Inc., the following described real estate in  

Albuquerque, New Mexico 87110  

Tract A-2-2 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 in Trustee for Spanish Land Company and Hockett, J.C., Inc., is the  


with warranty covenants.

WITNESSES:  

State of New Mexico

CountY OF Bernalillo

The foregoing instrument was acknowledged before me this 30th day of June, 1973 by

ROBERT E. MELLOY, CELESTE C. MELLOY, his wife, and PATRICK C. MELLOY, his wife,  

(Names of Persons to Whom Acknowledged).

My commission expires: (MY COMMISSION EXPIRES MARCH 25, 1981)  

ACKNOWLEDGMENT FOR CORPORATIONS

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this  

day of  

(Names of Corporation)

(Names of Corporation Acknowledging)

My commission expires:  

(Names of Officers)

(Names of Officers)

(Names of Officers)
WARRANTY DEED

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

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. 89-90191; 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. 84-61557; and
dated November 4, 1983, and filed on November
7, 1983, in Book MD 537A, Page 585, Records of
Bernalillo County, New Mexico, as Document No.
83-76437, and the Assignment of Leases and
Rents in favor of Lender dated October 10, 1989,
and filed on October 20, 1989, in Book MD 802A, Page 173, 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.

LELLOIY BROTHERS ENTERPRISES, INC.,
a New Mexico corporation

By: ____________________________

______________________________

President
STATE OF NEW MEXICO  
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.

[Signature]  
NOTARY PUBLIC

My Commission Expires:  
October 23, 1990
WARRANTY DEED

MELLOY BROTHERS ENTERPRISES, INC., a New Mexico corporation,
for consideration paid, grants to H.B. CATTLE & DRILLING COMPANY,
a New Mexico corporation, all of 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 Plat 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.


With warranty covenants.

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

By: MELLOY BROTHERS ENTERPRISES, INC., a New Mexico corporation

Its: President

[Signature]

[Date: 11/14/90]
STATE OF NEW MEXICO
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

Tract A-2-a:  
Albuquerque Nissan, Inc.,  
a New Mexico corporation

By:  
Its:  

Tract A-2-b:  
Melloy Brothers Enterprises, Inc.  
a New Mexico corporation

By:  
Its:  

Tract A-2-c:  
M-B Construction Co., Inc.  
a New Mexico corporation

By:  
Its:  

Tract A-2-d:  
M.B. Cattle & Drilling Company,  
a New Mexico corporation

By:  
Its:  

STATE OF NEW MEXICO          )  ss.
COUNTY OF BERNALILLO          )

The foregoing instrument was acknowledged before me this 10th day of  
October, 2001 by Thomas McCollum and Gay N. McCollum, husband  
and wife.

My Commission Expires: 12/28/2003

STATE OF NEW MEXICO          )  ss.
COUNTY OF BERNALILLO          )

The foregoing instrument was acknowledged before me this 10th day of  
October, 2001 by Jeffrey P. McCollum and Jane M. McCollum, husband  
and wife.

My Commission Expires: 12/28/2003
## 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 - reconfirming 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)  
- **MPO or Sensitive Lands:** no  
- **Parking:** Table 5-5-1, p.230-231  
- **MR Area:** no  
- **Landscaping:** 5-6, p.251  
- **Street Trees:** 5-6(1), p.258  
- **Use Specific Standards:** 6-8(d)(3)-p.33  
- **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:** minor 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 & Cunea Rd.

NOTES:

- Old zoning C-3
- auto dealership w/ heavy trucks > 10,000 lbs.
- Definition - p. 465 "Heavy Equip and Equip. Sales, Rental, Fueling & Repair"
- Issue: 10,000 lbs, in a type of large truck commonly used, but not a semi-truck ex. Ford F-150.
- But: This use is first allowed in the NC-C zone currently not allowed, so existing operation is a non-conforming use, i.e. MX-1.
  (nor is vehicle storage allowed)
- 6-8(c)(3) - expansion of non-conforming use
- Use meets definition of non-conforming use
- See 6-6(c) - p. 390 - Expansion of Non-Conforming Use or Structure ≤ 254' from residential
- No hearing - justifying the criteria can be in excess of these thresholds → zone change
- Zone changes to EPC
- Use review decision criteria 6-7(F)(3) - p. 422
  - 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
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. 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.

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. Bohannan, P.E.

cc: Bill Melloy

Enclosure/s:

JN: 2016004
RRB/jdh/jg
NEIGHBORHOOD INFORMATION
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
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. Bohannan, P.E.

cc: Bill Melloy

Enclosure/s:

JN: 2016004
RRB/jdh/jg
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.
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. Bohannan, 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
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,

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. Bohannan, 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
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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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
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
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Dear Ms. Bernard,

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Sincerely,

Ronald R. Bohannan, P.E.

JN: 2016004

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    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
U.S. Postal Service
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Certified Mail Fee $3.45
Entry Services & Fees (check box, add fees as appropriate)
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Adult Signature Required $1.00
Total Postage $1.20

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

Ps Form 38500, A

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Postmark Here

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

Ps Form 38500, A

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

Ps Form 38500, A

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Adult Signature Required $1.00
Total Postage $1.20

Postmark Here

Michael White
District 4 Coalition of NA
6413 Northland Avenue NE
Albuquerque, NM 87109

Ps Form 38500, April
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:

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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
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

Jaimie,

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

<table>
<thead>
<tr>
<th>Association Name</th>
<th>First Name</th>
<th>Last Name</th>
<th>Email</th>
<th>Address Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>Del Norte NA</td>
<td>Mary</td>
<td>Bernard</td>
<td><a href="mailto:white1ink@aol.com">white1ink@aol.com</a></td>
<td>6224 Baker Avenue</td>
</tr>
<tr>
<td>Del Norte NA</td>
<td>Mary</td>
<td>White</td>
<td><a href="mailto:michael@drpridham.com">michael@drpridham.com</a></td>
<td>4913 Overland Street</td>
</tr>
<tr>
<td>District 4 Coalition of Neighborhood Associations</td>
<td>Michael</td>
<td>Pridham</td>
<td><a href="mailto:dlreganabq@gmail.com">dlreganabq@gmail.com</a></td>
<td>6413 Northland Ave NE</td>
</tr>
<tr>
<td>District 4 Coalition of Neighborhood Associations</td>
<td>Daniel</td>
<td>Regan</td>
<td></td>
<td>4109 Chama Street</td>
</tr>
</tbody>
</table>

Respectfully,

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

Website: www.cabq.gov/neighborhoods

Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

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:
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.

If this email is spam, report it to www.OnlyMyEmail.com
<table>
<thead>
<tr>
<th>Company Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>ZIP Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>OAK TREE AT OSUNA LLC</td>
<td>4609 S 2300 E SUITE 107</td>
<td>HALLADAY</td>
<td>UT</td>
<td>84117</td>
</tr>
<tr>
<td>WESTERN REFINING RETAIL LLC</td>
<td>1250 W WASHINGTON ST SUITE 101</td>
<td>TEMPE</td>
<td>AZ</td>
<td>85281</td>
</tr>
<tr>
<td>HAMMOND CARL C &amp; TRACT TEN LLC</td>
<td>4800 OSUNA RD NE</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87109</td>
</tr>
<tr>
<td>ADELANTE DEVELOPEMENT CENTER</td>
<td>3900 OSUNA RD NE</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87109</td>
</tr>
<tr>
<td>MELLOY BROTHERS ENTERPRISES INC</td>
<td>7707 LOMAS BLVD NE</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87110</td>
</tr>
<tr>
<td>MELLOY ROBERT</td>
<td>7707 LOMAS BLVD NE</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87110</td>
</tr>
<tr>
<td>CLEAR SKY CAPITAL SILVERADO APARTMENTS LP</td>
<td>2398 E CAMBELBACK RD SUITE 615</td>
<td>PHOENIX</td>
<td>AZ</td>
<td>85016</td>
</tr>
<tr>
<td>ALL TYPE PRINTING LLC</td>
<td>4835 ERIN ST</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87109</td>
</tr>
<tr>
<td>TRACT 11 LLC</td>
<td>4800 OSUNA RD NE</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87109</td>
</tr>
<tr>
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<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87110</td>
</tr>
<tr>
<td>BOVA V ARTHUR JR &amp; BREDA</td>
<td>5604 CRESTA LUNA CT NE</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87111</td>
</tr>
<tr>
<td>NM SELF STORAGE LTD</td>
<td>5 ALTAZANO DR</td>
<td>SANTA FE</td>
<td>NM</td>
<td>87505</td>
</tr>
<tr>
<td>GREENBERG INVESTMENTS LP &amp; GREENBERG- BLATT MANAGEMENT LP</td>
<td>15563 MANCHESTER RD</td>
<td>BALLWIN</td>
<td>MO</td>
<td>63011</td>
</tr>
<tr>
<td>MELLOY ROBERT</td>
<td>7707 LOMAS BLVD NE</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87110</td>
</tr>
<tr>
<td>KREIDER SHIRLEY A TRUSTEE KREIDER RVT</td>
<td>9012 PRINCESS JEANNE AVE NE</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87112</td>
</tr>
<tr>
<td>MELLOY ROBERT</td>
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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)

Rev. 11/8/60

APPLICATION NUMBER: ____________