



**Environmental  
Planning  
Commission**

**Agenda Number: 04  
Project Number: 1010582  
Case #: 16EPC-40077, 78  
June 8, 2017**

**Staff Report**

<b>Agent</b>	Wilson and Company, Inc
<b>Applicant</b>	City of Albuquerque
<b>Request</b>	<b>Zone Map Amendment , Site Development Plan for Building Permit</b>
<b>Legal Description</b>	all or a portion of northerly portion of Tract 107B1A1, Tract 107B1A1 excluding portion to right-of-way & excluding a northerly portion, Tract 107B1A2 excluding portion to right-of-way, Tract in the SW corner-Tract 107B1B, Tract 108A3A1A, Tract 108A3A1B, and Tract 108A3B, Tracts 108A1A2B1B & 108A1A2B2, Tract 108A1A2B1A, Tract 107B2A2 excluding portion to the right-of-way, Tract 107B2A1 excluding portion to the right-of-way, MRGCD MAP #33
<b>Location</b>	Edith Blvd, between Comanche RD and Rankin Rd
<b>Size</b>	22 acres
<b>Existing Zoning</b>	M-1
<b>Proposed Zoning</b>	SU-1 for M-1, Solid Waste Transfer Station and Convenience Center and Household Hazardous Waste Collection

**DEFERRAL of 16EPC-40077, 78, to the July 13, 2017 EPC hearing, based on the findings on page one.**

**Staff Planner  
Maggie Gould, Planner**

**Summary of Request**

This is a two part request for a Zone Map Amendment and a Site Development Plan for Building Permit on an approximately 22 acre site located on Edith Blvd. and Comanche Rd. to develop a solid waste transfer station and convenience center on City owned parcels.

The subject site is located within the Central and Established Urban Area of Comprehensive Plan and within the boundaries of the North Valley Area Plan.

This request was deferred from the May 11, 2017 hearing to allow time for an Economic Impact Evaluation. The evaluation has not been completed and so the request must be deferred.

There is known neighborhood opposition to this request.

See Findings on page 1.

### ***Process Update***

Pursuant to the City of Albuquerque Zoning Code §14-16-4-1(C)(15)(g):

The Planning Commission has the authority to amend the zone map except in the following situations. The City Council has the sole authority, in its discretion, to:

Amend zoning regulations when all the equitable owners of land which comprises at least 20% of the area proposed for change or 20% of the area within 100 feet, excluding public right-of-way, of the area proposed to be changed in zoning regulation, protest in writing the proposed change in the zoning regulation. For purposes of this division (g) the definition of a “change in zoning regulation” at § 14-16-4-4(E)(5)(d) shall apply. When there is a protest duly based on this division g, the proposed change in zoning regulation shall require approval by a majority of all Councilors. When such protest is filed after action of the Planning Commission, it shall be processed as an appeal . It is the burden of the persons asserting the applicability of this division g to show that it applies through clear and convincing evidence.

Staff received a map, letter and table from Tim Flynn O’Brien indicating that more than 20 percent of the property owners within 100 feet of the subject site have sent in written comments opposing the requests. Based on this information, the EPC will act as a recommending body in this matter. The City Council will be the final decision making body, unless the matter is appealed to District Court.

### ***Findings***

1. This two part request is for a Zone Map Amendment and Site Development Plan for Building Permit.
2. Pursuant to the City of Albuquerque Zoning Code §14-16-4-1(C)(15)(g), the EPC will make a recommendation to City Council regarding this matter.
3. The City Council voted to approve an Economic Impact Evaluation of residential and commercial properties near the proposed project on January 4, 2016 (R-153). The resolution states that the City shall take no further action toward completion of the Project, and shall defer any pending matters, including but not limited to its land use application before the Environmental Planning Commission, until such time as the Economic Impact Evaluation is completed.
4. The Economic Evaluation is expected by June 5, 2017. Although this date will allow distribution to the EPC within the 48 house deadline, it will allow only minimal time for evaluation by the EPC, staff, the applicant and interested parties.
5. A 30 day deferral to the July 13, 2017 EPC hearing will allow time for the EPC, applicant, staff and interested parties to thoroughly review and analyze the results of the Economic Impact Evaluation .

**Material Submitted Regarding Property Owner  
Opposition within 100 feet of the Subject Site**

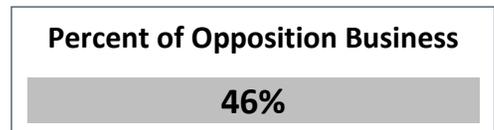
**All Properties Within a 100' Buffer See Map 1**

**Properties owners that have signed opposition Certificates See Map 2**

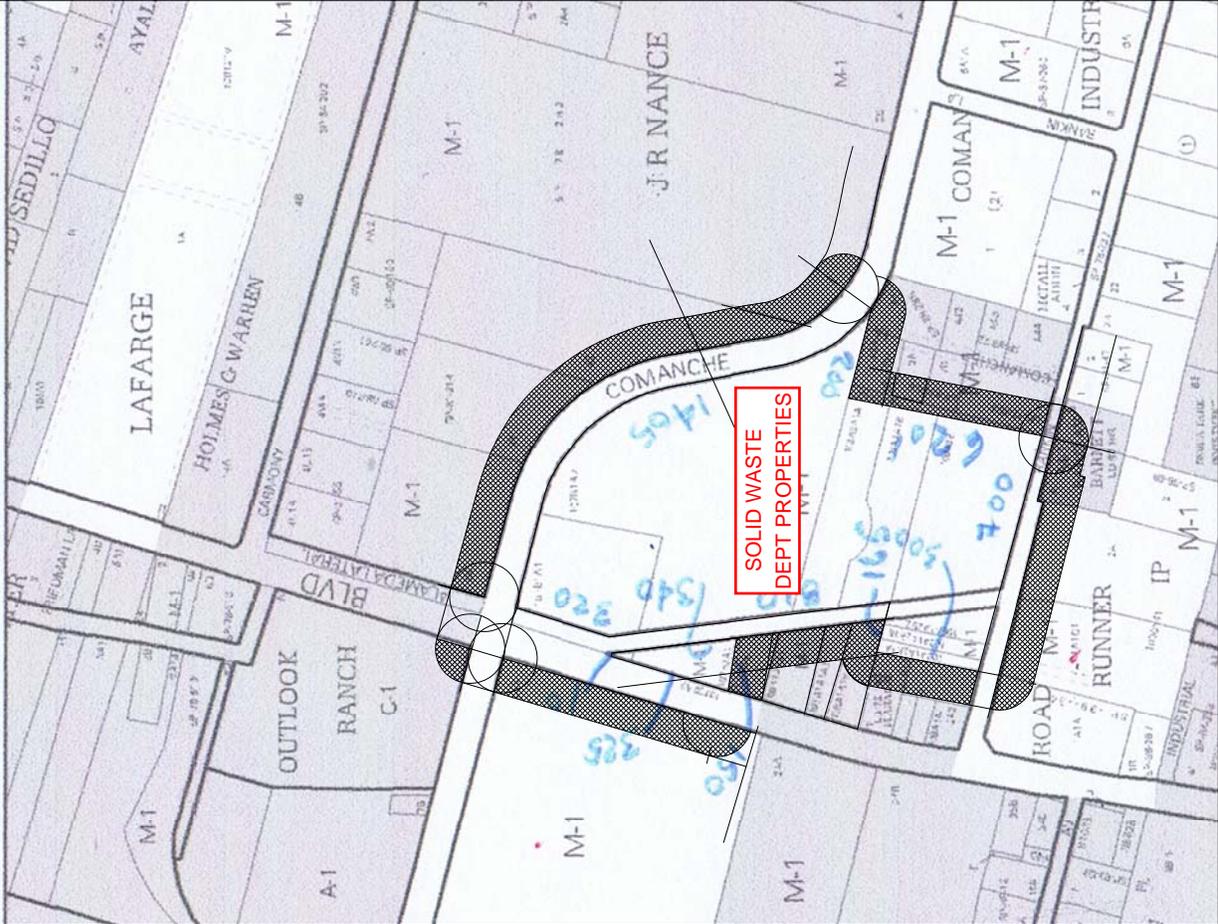
<b>Address</b>	<b>Property Owner</b>	<b>Sq. Feet Within 100' Buffer</b>	<b>Owners Signed Opposition</b>	<b>Opposition Sq. Ft.</b>
207 Griegos Rd. NE	ABQ. Museum Found.	8,267		
4625 Edith NE	Gas Co. of NM	72,716		
4404 Edith NE	American Marine	18,384	American Marine	18,384
4304, 4310, 4312 Edith NE	CES, LLC (Collins)	36,114	CES, LLC (Collins)	36,114
4300 Edith NE	Lorenzo Ramirez	9,819		
411 Rankin NE	MECA Plumbing	20,037		
4150 Edith NE	Wilson Family, LLC	8,223		
499 Industrial <i>(Rankin frontage)</i>	Hercules Capital, LLC	24,340		
501 Industrial <i>(Rankin frontage)</i>	501, LLC	52,849		
620 Rankin NE	Dennis Harp Fleet	7,587	Dennis Harp Fleet	7,587
Rankin Rd NE	BERNCO	12,499		
521 Rankin NE	JPHCO11 LLC	22,782		
567 C Comanche Lane	Conway Electric	7,770	Conway Electric	7,770
567 B Comanche Lane	Comanche Pl 567 LLC	6,162		
567 A Comanche Lane	City of Albuquerque	17,201		
600 Comanche NE	Alameda C Store Inc.	12,578		
601 Comanche NE	Nobel Sysco	28,185	Nobel Sysco	28,185
505, 535 Comanche NE	Pat & Mary Beth Maloy	132,391	Pat & Mary Beth Maloy	132,391
<b>TOTALS</b>		<b>497,904</b>		<b>230,431</b>

*Computations made using graphic tools with precision to beyond 4 places. Working from AGIS map.*

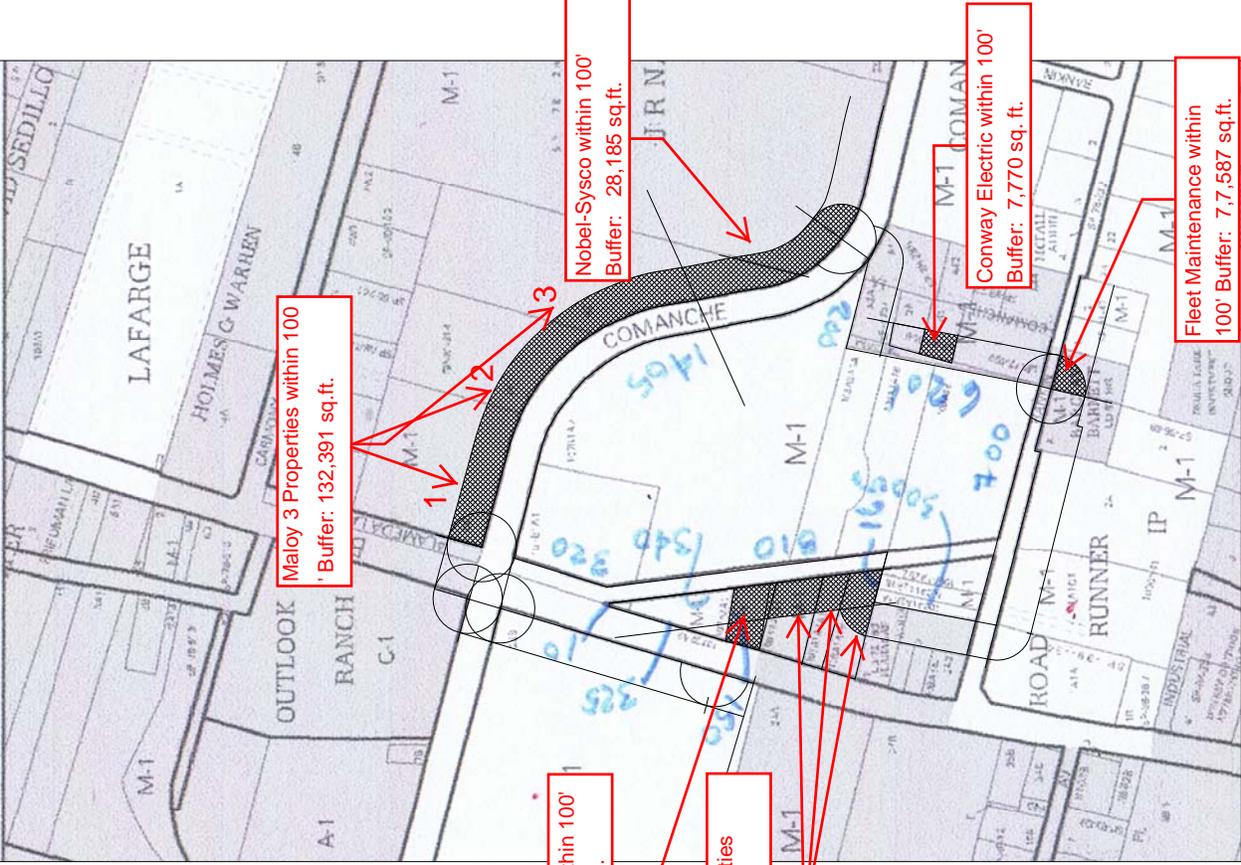
- verified graphic scale
- reverified a sample property in square area
- outlined entire property
- offset the property to across the street / ROW where relevant
- from corners, a circle or portion of a circle was drawn to develop 100' relevant area
- then offset 100' even if the outline was skewed or included a curve
- **measured the entire "donut" beginning across the street and then extending 100', then broke out opposition owners (See Maps 1 and 2)**



**MAP # 1**  
**TOTAL SQ. FT. WITHIN SHADED BUFFER**  
**497,904 sq ft.**



**MAP # 2**  
**BUSINESSES WITH SIGNED OPPOSITION**  
**230,431 sq. ft.**



Maloy 3 Properties within 100'  
 Buffer: 132,391 sq.ft.

American Marine within 100'  
 Buffer: 18,384 sq. ft.

CES, LLC 3 Properties  
 Buffer: 36,114 sq. ft.

Nobel-Sysco within 100'  
 Buffer: 28,185 sq.ft.

Conway Electric within 100'  
 Buffer: 7,770 sq. ft.

Fleet Maintenance within 100'  
 Buffer: 7,7587 sq.ft.

