



**Environmental
Planning
Commission**

**Agenda Number: 06
Project #: 1011337
Case #: 17EPC-40031
October 12, 2017**

Staff Report

Agent	SMPC Architects
Applicant	Bestway Investments, LLC d/b/a Fiesta Auto Group
Request	Zone Map Amendment
Legal Description	vacated alley lying south of Lots A-1, A-D and the westerly 20 feet of Lot E, and north of Lot P-3, and the southern half of the alley north of Lot P-4; the vacated alley lying south of the easterly 5 feet of Lot E and all of Lots F-K; the vacated alley south of and adjacent to Lot K-1; Lot P-3; and Lot P-4 of Block 14, Del Norte Subdivision of Williamson's Replat
Location	on Lomas Blvd. NE, east of Louisiana Blvd. NE, between Chama St. NE and Grove St. NE
Size	Approximately 0.7 acre
Existing Zoning	P
Proposed Zoning	C-2

Staff Recommendation

APPROVAL of 17EPC-40031, based on the Findings beginning on Page 14.

Staff Planner

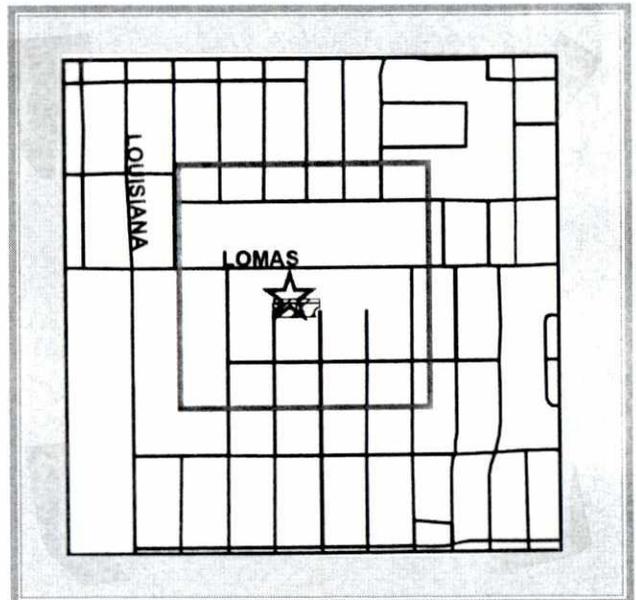
Catalina Lehner, AICP-Senior Planner

Summary of Analysis

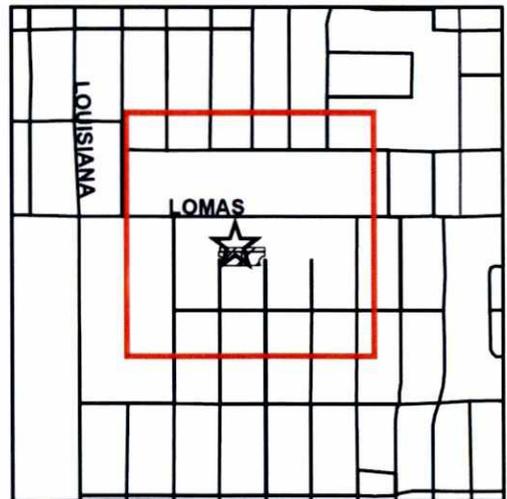
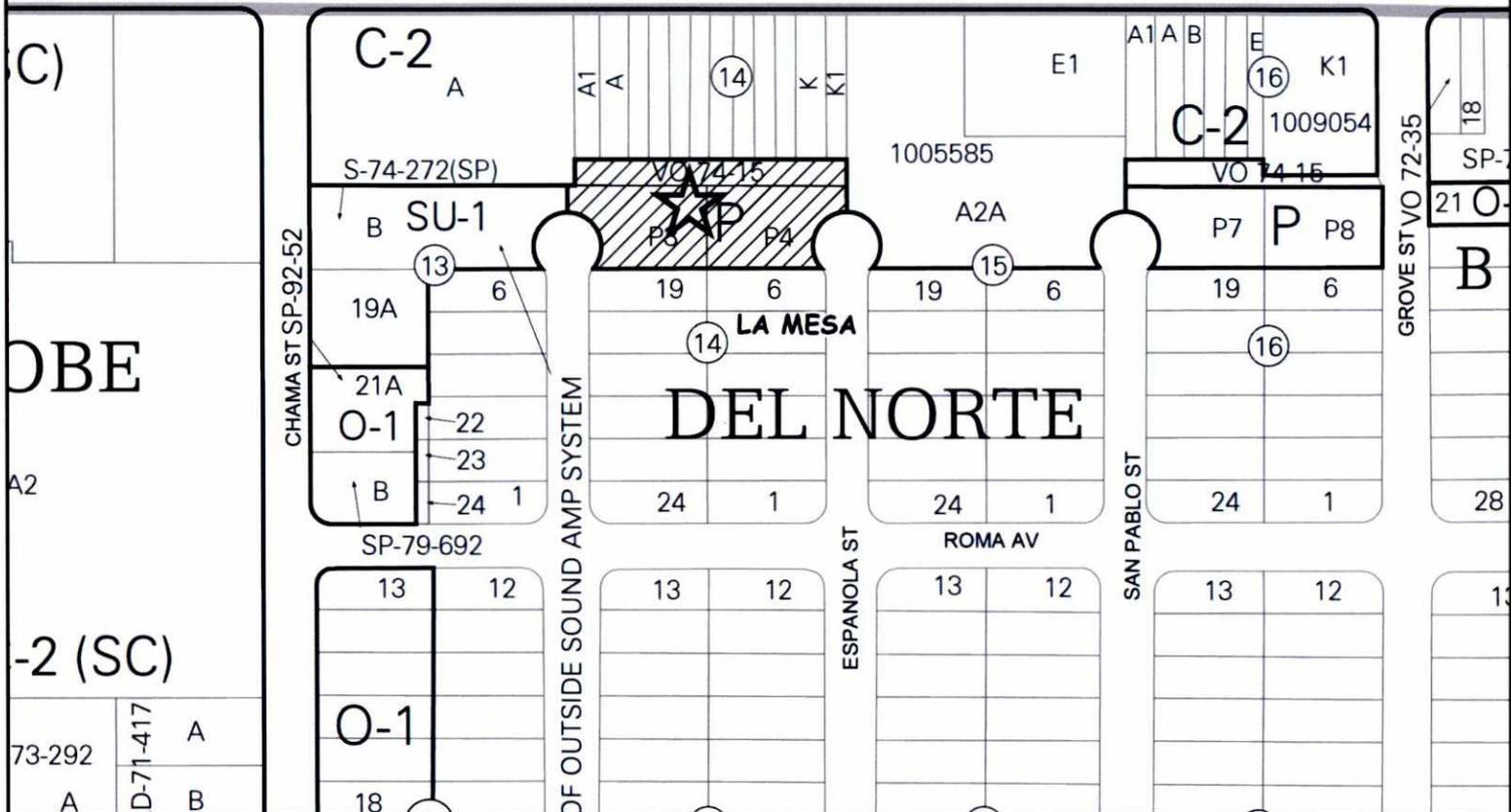
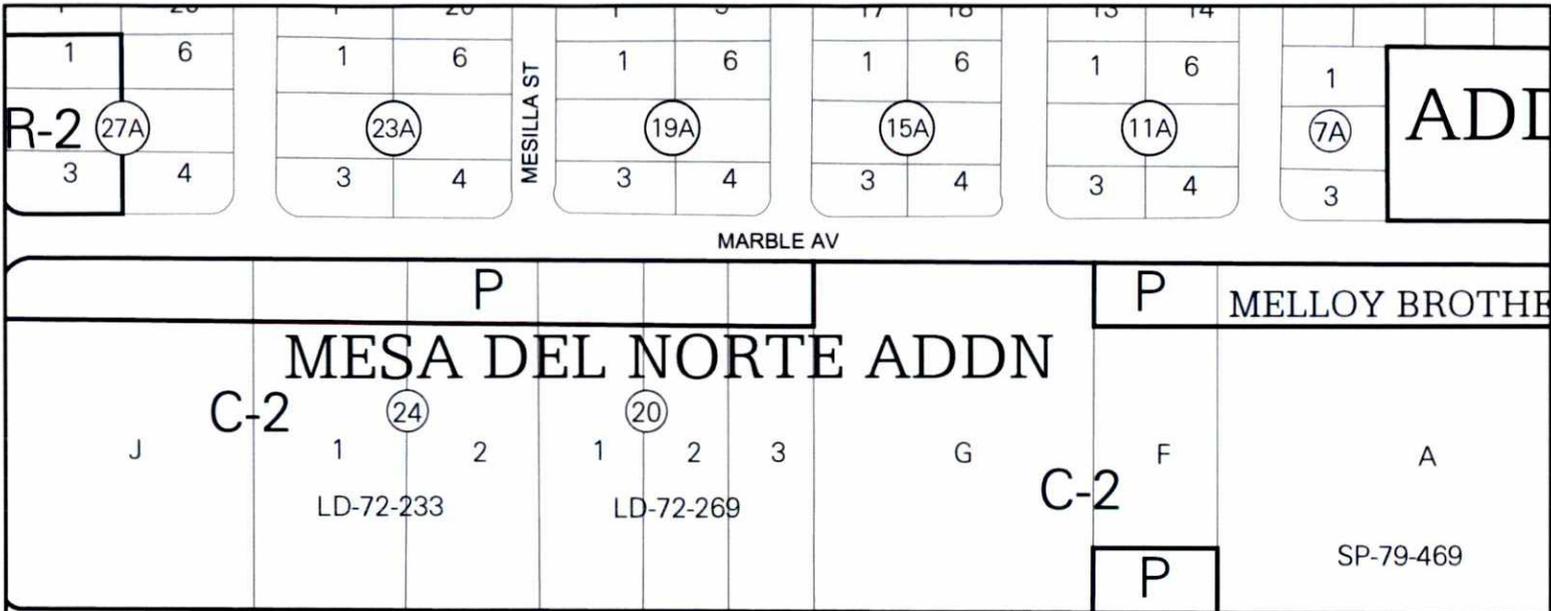
The request is for a zone map amendment for an approx. 0.7 acre site, zoned P, which is the southern portion of a C-2 zoned lot fronting Lomas Blvd. NE. The request was deferred at the September hearing to allow for notification of the District 4 Coalition, which was inadvertently omitted. The applicant wants to expand a vehicle sales business and construct a new building, which would encroach upon the P zoned area. The P zone only allows parking.

The subject site is in an Area of Change. The La Mesa Sector Development Plan applies. The request generally furthers applicable Goals and policies and the zone map amendment has been adequately justified pursuant to R-270-1980.

The affected neighborhood organizations and property owners were notified, as required. A facilitated meeting was not requested. Staff recommends approval.



City Departments and other interested agencies reviewed this application from 08/08/2017 to 08/18/2017. Agency comments used in the preparation of this report begin on Page 19.



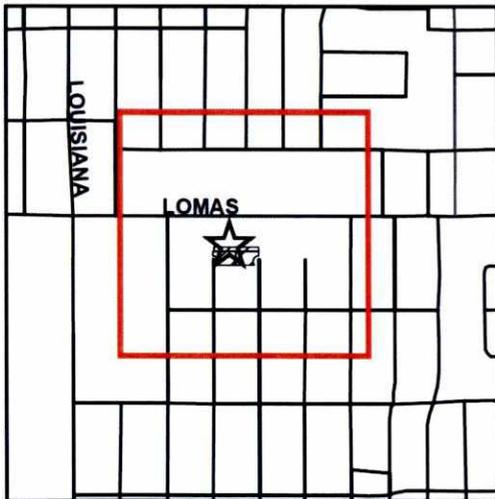
ZONING MAP

Note: Grey shading indicates County.



1 inch = 220 feet

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09/14/2017
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17EPC-40031



LAND USE MAP

Note: Grey shading indicates County.

KEY to Land Use Abbreviations

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

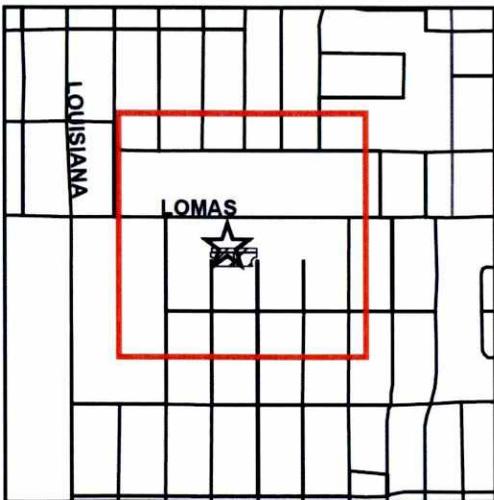
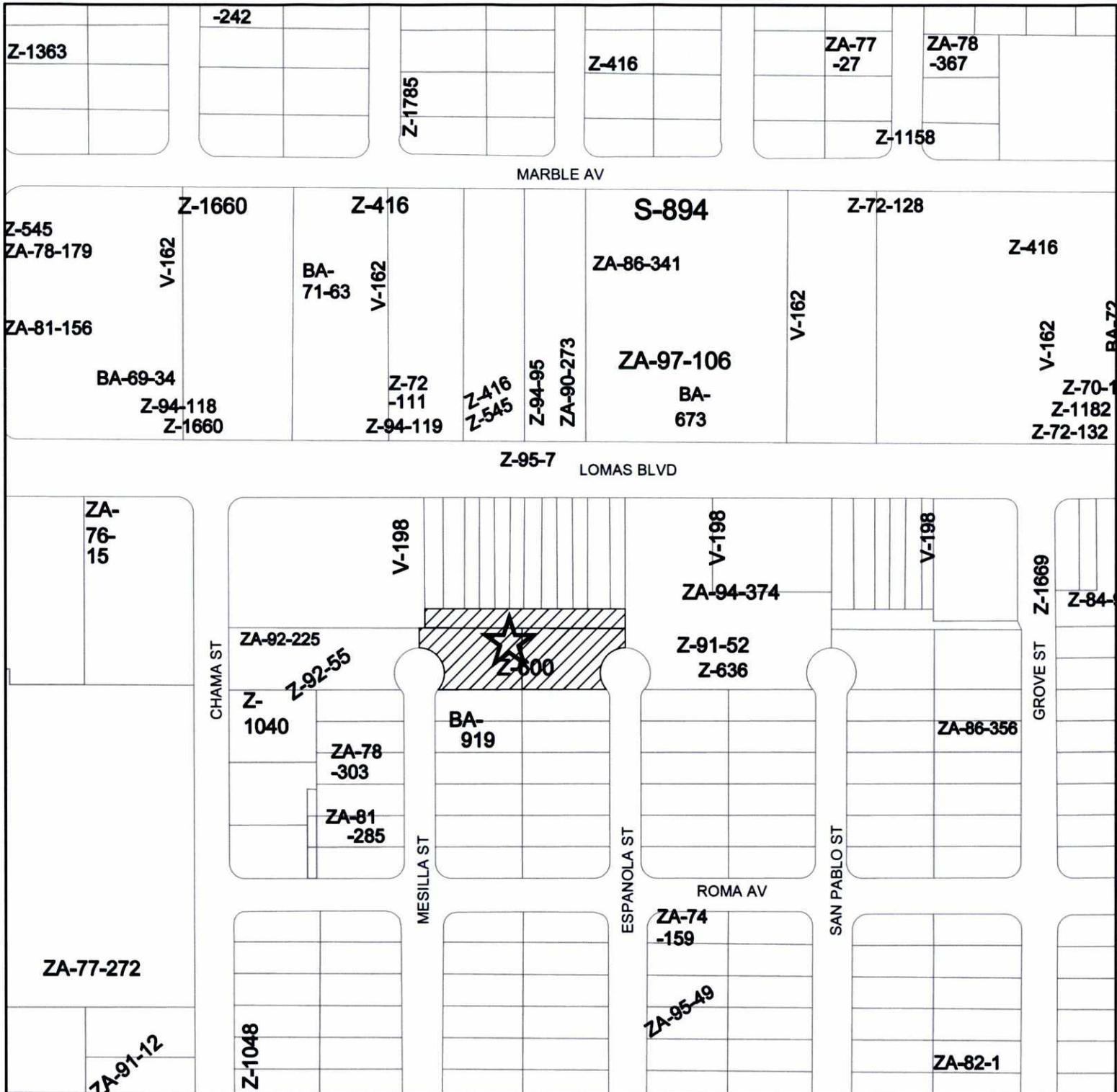


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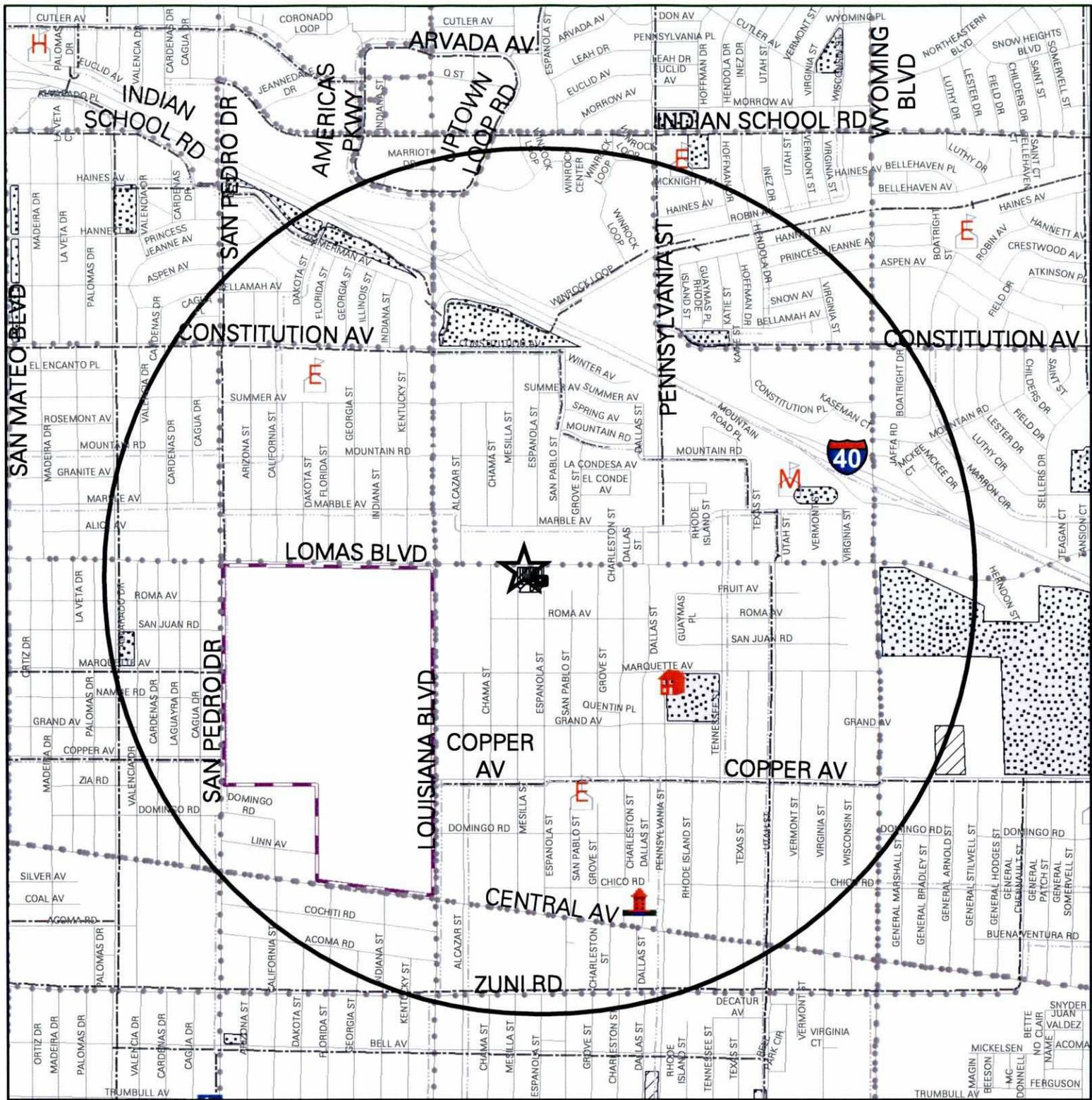
HISTORY MAP

Note: Grey shading indicates County.



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Public Facilities Map with One-Mile Buffer

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



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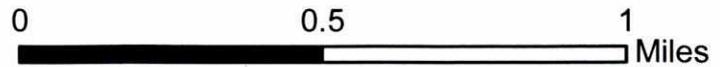


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Attachments

I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	P	Area of Change La Mesa Sector Development Plan	Commercial (vehicle sales)
North	C-2	Established Urban	Commercial (vehicle sales)
South	R-1	Established Urban La Mesa Sector Development Plan	Single-family homes
East	C-2	Established Urban	Commercial (vehicle sales)
West	SU-1 for Vehicle Sales and Storage including prohibition of outside sound amp system	Established Urban La Mesa Sector Development Plan	Commercial (vehicle sales), office

Request

The request is for a zone map amendment (zone change) for the approximately (≈) 0.7 acre southern portion of a property (the “subject site”) fronting Lomas Blvd., zoned C-2 (Community Commercial) and consisting of two lots.

The subject site is zoned P (Parking) and consists of five smaller lots, described as follows: the vacated alley lying south of Lots A-1, A-D and the westerly 20 feet of Lot E, and north of Lot P-3, and the southern half of the alley north of Lot P-4; the vacated alley lying south of the easterly 5 feet of Lot E and all of Lots F-K; the vacated alley south of and adjacent to Lot K-1; Lot P-3; and Lot P-4 of Block 14, Del Norte Subdivision of Williamson’s Replat.

The applicant proposes to expand an auto dealership. The building on the site fronting Lomas Blvd., which housed a bowling alley for many years, was recently demolished. The new building would encroach upon the P zoned lots; buildings are not allowed in the P zone. The applicant is seeking a zone change from P to C-2 so that the entire site will have C-2 zoning, which would enable re-development of the property as envisioned. At a later time, the entire site will be replatted to remove the lot lines.

EPC Role

The EPC is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1)]. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would make the final administrative decision. The request is a quasi-judicial matter.

Context

The subject site is the southern portion of two larger lots that front Lomas Blvd. NE. To the north, across Lomas Blvd., is an auto dealership. To the south are single-family homes. East and west of the subject site are an auto dealership and a business for auto sales and storage, respectively.

The subject site is not located in a designated Activity Center. The State Fair Community Activity Center lies approx. 0.7 mile west of the subject site.

History

The only records found regarding the subject site are from 1958 (Z-600). In July 1958, the City Planning Commission (CPC) considered a request for a zone map amendment from R-1 to P-1 for several lots (Lots 7, 8, 17 and 18 of Blocks 13, 14, 15 and 16 of the Del Norte Addition) between Lomas Blvd. NE and the existing residences to the south.

Though much of it is faded and unreadable, the Staff write-up supported the zone change request, noting that the platting at the time did not allow for “the most compatible usage of these lots as a parking area”. Peak-hour traffic generated by businesses was causing congestion where the residential streets enter Lomas Blvd., and people were parking their vehicles in the neighborhood. It was apparent that the commercial zoning had already been established, though it’s not clear through what actions (presumably, an early annexation).

Though not found in the old records, the zone change request would have been forwarded to the City Commission (CC) and legislation enacted. The CPC recommended that a follow-up case be heard in August 1958 (Z-636 and V-198) to address drainage and closing-off the streets. Sometime thereafter, the residential streets were converted into large cul-de-sacs and walled-off from the commercial properties.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. Lomas Blvd. is a Principal Arterial. Mesilla St. NE, Espanola St. NE, and San Pablo St. NE are local streets.

Comprehensive Plan Corridor Designation

The Comprehensive Plan designates Lomas Blvd. as a Major Transit Corridor. Major Transit Corridors are served by high-frequency transit. Development along Major Transit Corridors should be transit and pedestrian-oriented near transit stops, while auto-oriented along much of the corridor (p. 5-17).

Trails/Bikeways

There are no bike lanes or bike routes along Lomas Blvd. A bicycle lane crosses Lomas Blvd. at Carlisle Blvd., and a bicycle route crosses near Los Altos Park (near Eubank Blvd.)

Transit

ABQ Ride Route #11-Lomas passes by the subject site and offers frequent service from morning to evening, and on the weekends. No additional service is planned at this time.

Public Facilities/Community Services

Please refer to the Public Facilities Map (see attachment), which shows public facilities and community services located within one mile of the subject site.

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

Albuquerque Comprehensive Zoning Code

The subject site is currently zoned P (Parking). The larger site, adjacent to the subject site, is zoned C-2 (Community Commercial); the larger site fronts Lomas Blvd. NE. The request proposes to change the P zoning to C-2, so the entire, larger site would be zoned C-2.

The P zone (Zoning Code §14-16-2-26) provides “sites suitable for parking of automotive vehicles.” The only permissive uses are off-street parking and parking lot. The only conditional use is a structure such as an attendant shelter or restrooms.

The C-2 (Community Commercial) zone “provides suitable sites for offices, for most service and commercial activities, and for certain specified institutional uses” (see Zoning Code §14-16-2-17). The proposed use falls under “Vehicle sales, rental, service, repair and storage, both indoor and outdoor” and first appears in the C-2 zone (§14-16-2-17(A)(13)(b)).

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Change. Few Goals and policies apply because the request would result in expansion of an existing use (not a new use or a use complementary to surrounding development). Also, a site development plan is not proposed at this time, so it is not possible to evaluate the form, scale, and character of the future development. Applicable Goals and policies are listed below:

Chapter 5- Land Use

Goal 5.1- Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

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

- c) Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

In general, locating commercial growth along a designated Major Transit Corridor supports the idea of Centers and Corridors. Though the development planned at this time is local growth (not regional growth), the C-2 zone may attract regional growth if the larger site is redeveloped again, in the future. The proposed use at this time, an auto dealership, would not generally support a multi-modal transportation network, though a future C-2 use may. The request partially furthers Goal 5.1-Centers and Corridors and Policy 5.1.1- Desired Growth.

Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The request would allow redevelopment of the larger site, which would utilize existing infrastructure and public facilities. Doing so is a more efficient use of land in the public interest, in contrast to greenfield development or fringe development. The request furthers Goal 5.3-Efficient Development Patterns.

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

The request would support additional growth in an area served by existing infrastructure and public facilities, and therefore furthers Policy 5.3.1-Infill Development.

Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The request would encourage and direct growth to a designated Area of Change, where such growth is expected. Therefore, the request furthers Goal 5.6-City Development Areas.

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

The growth resulting from the request would be directed to a location adjacent to a Major Transit Corridor, where change is encouraged. Major Transit Corridors are intended to be transit and pedestrian-oriented near transit stops, while auto-oriented along much of the corridor (p. 5-17). The proposed use would be auto-oriented along a portion of the corridor that is auto-oriented, and not near the major intersections where the transit stops tend to be located. The request furthers Policy 5.6.2- Areas of Change.

Policy 5.6.4 Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

- a) Provide appropriate transitions between uses of different intensity or density and between non-residential uses and single-family neighborhoods to protect the character and integrity of existing residential areas.
- b) Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

The request would enable redevelopment of the larger lot with an auto dealership. The new building would be required to comply with Zoning Code requirements regarding minimum setbacks in the C-2 zone (which references the O-1 zone) and special landscape buffering between residential and commercial uses. These requirements are fixed, unless a variance is sought.

Height refers to the O-1 zone and allows 26 feet but more height, subject to the angle plane demonstration. Massing is not mentioned in the current regulations. Both height and massing can vary. A site development plan is not included with the request, so it's not possible to evaluate the appropriateness of the transitions or if they minimize development's negative effects. The request partially furthers Policy 5.6.4- Appropriate Transitions.

La Mesa Sector Development Plan (LMSDP) (Rank III)

The subject site is within the boundaries of the La Mesa Sector Development Plan (LMSDP). The LMSDP was first adopted in November 1976 (Resolution 190-1976) and was amended in May 1978. The LMSDP generally encompasses properties between Lomas Blvd. to the north, Wyoming Blvd. to the east, Central Ave. to the south and Louisiana Blvd. to the west. Specific boundaries are shown on p. 3 of the Plan. The LMSDP does not establish zoning and does not use the SU-2 designation.

The overarching goal of the LMSDP is to guide renewal of the area and improvement of the living conditions of low and moderate income families by upgrading housing, public facilities, and City services in the area (p. 13). The Plan's long-term and short-term objectives are set forth on p. 14.

Objective 1 (long-term): Elimination of blight and prevention of blighting influences.

In general, redevelopment of infill sites is considered to help prevent blight and conditions that lead to blight, such as run-down and unmaintained sites. The request would enable redevelopment of the larger site, including construction of a new building and site improvements, and therefore furthers Objective 1.

Objective 4 (long-term): Enhancement of the area as a primarily residential area with strips of commercial uses on the north, east and south.

Though the request would expand the strip of commercial zoning along the Plan's northern boundary (Lomas Blvd.), it would not encroach onto the established residential area to the south of the subject site and would maintain the land use patterns desired in the Plan. The request furthers Objective 4.

Resolution 270-1980- Policies for Zone Map Amendments

Requirements

Resolution 270-1980 outlines policies and requirements for deciding zone map change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone map pattern was created; or 2) changed neighborhood or community conditions justify the change; or 3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Justification & Analysis

The zone change justification letter analyzed here, received on August 24, 2017, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned P. The requested zoning is C-2. The reason for the request is to allow re-development of the site with a building, parking, and storage uses that would encroach upon the P zoned area.

The applicant believes that the proposed zone map amendment (zone change) conforms to R270-1980 as elaborated in the justification letter. Staff analysis is in **bold text**. The citation in quotes is from R270-1980.

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

Applicant (summarized): The proposed zone change is consistent with the health, safety, morals and general welfare of the City because the new zoning will allow the site to redevelop in accordance with the guidelines in the La Mesa Sector Development Plan and the goals in the Comprehensive Plan (see Sections C and D).

Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan (and other plans if applicable), which the applicant has done as demonstrated in the response to Section C. Therefore, the response to Section A is sufficient.

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

Applicant (summarized): The proposed C-2 zone designation will not compromise the stability of land use and this map amendment will be consistent with the adopted policies of the LMSDP and the Comprehensive Plan. The properties to the east, west, and north of Lomas are designated as C-2 and SU-1. The adjustment from P to C-2 will allow for new infill redevelopment to situate appropriately on the site. The applicant desires to locate commercial activity toward Lomas Blvd. and acknowledges the transition between residential properties and commercial properties and the need to limit residents' exposure to adverse activities.

Staff: The applicant has adequately demonstrated that the proposed zone change is justified based on responses to Sections C and D, and that generally the proposed use would not adversely affect stability of land use or zoning in the area. The response to Section B is sufficient.

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

Applicant (summarized): The applicant believes that the request does not conflict with any known elements of the Comprehensive Plan or the La Mesa Sector Development Plan (LMSDP), and that the request supports the Comprehensive Plan as demonstrated here.

Relevant citations: Goal 5.1-Centers and Corridors; Goal 5.3-Efficient Development Patterns, and Policy 5.3.1; Goal 5.6- City Development Areas and Policy 5.6.2 and actions g and h; Policy 5.6.4- Appropriate Transitions and actions a and b.

Non-applicable citations: Policy 5.1.5- Employment Centers; Policy 5.1.10-Major Transit Corridors-prioritize high-frequency transit; Policy 5.1.10b- minimize impacts by providing transitions along corridors; Goal 5.2-Complete Communities and Policy 5.2.1 and actions h and n;

Non-applicable: text references to 2.4.2-Growing Inward; 2.4.6- Focusing Growth in Centers and Corridors; 3.3.2- Corridors; 5.1.2.2- Directing Growth; 5.1.2.5- City of Abq. Development Areas.

Some of the applicant's citations do not apply. The subject site is not located in a designated Employment Center and the request would not create a mix of uses. Also, the request is limited to the zone change only. Because a site development plan is proposed at this time*, design issues such as form and scale cannot be considered. However, Zoning Code requirements that are non-variable, such as setbacks and buffering, can figure into a discussion of use.

**standard practice for a change to a straight zone. Only changes to an SU-1 zone require an associated site development plan pursuant to 14-16-2-22(A)(1).*

For analysis purposes, citing text portions of the Comprehensive Plan (or another Plan) is not done. Because the ideas in the text are embodied in the Goals and policies, the Goals and policies are cited. The objectives (aka actions) that follow the policies were developed to support the policies and should not be cited individually, which takes them out of context.

Overall, Staff finds the policy citations sufficient and the responses adequate. DISCUSS

The response to Section C is sufficient.

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

Applicant (summarized): The existing P zoning is inappropriate because it restricts redevelopment of the property. The applicant does not make an argument that there was an error or that changes in the neighborhood justify the request. Rather, the request furthers the

policies of the Comprehensive Plan regarding private development and seeks a zone designation that will be more advantageous to the community.

Staff: The response states that the existing zoning is inappropriate because a different use category would be more advantageous to the community (3), but should have added the phrase “as articulated in applicable plans” and refer to the response to Section C. Staff finds that the applicant has adequately demonstrated, by the policy-based discussion in Section 1C, that the proposed zoning would be more advantageous to the community than the current zoning and that there is no significant conflict with applicable Goals and policies in the Comprehensive Plan and the LMSDP. The response to Section D is sufficient.

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

Applicant (summarized): The requested C-2 zone and its permissive uses will not be harmful to adjacent commercial properties to the east and west (zoned SU-1 and C-2) and the properties across Lomas Blvd. TO the north (zoned C-2). The proposed zone change would not be harmful to the single-family properties to the south because there is no vehicular access to them; the residential streets are capped with large cul-de-sacs and surrounded by block walls. Any new development will be required to provide buffering according to the landscaping regulations.

Staff: The applicant intends to re-develop the subject site with an auto dealership and associated functions, such as parking, service bays, and inventory storage, which are permissive uses in the proposed C-2 zone. The P zone only allows parking. The applicant has adequately addressed other permissive uses in the C-2 zone and has concluded that they would not be harmful.

Staff generally agrees and wants to mention a couple of related issues: the subject site consists of a strip of land along the southern boundary of a larger site. If the larger site were to be re-developed after the auto dealership, it is likely that the C-2 uses would want visibility from Lomas Blvd. NE and would be located closer to this major street rather than near the residences to the south. Also, the existing land use pattern of C-2 zoning along both sides of Lomas Blvd. NE and R-1 zoning for the subdivisions to the south was established in the 1950s or perhaps earlier (see History section of this report). The current request does not proposed to change this pattern. The response to Section E is sufficient.

F. “A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the City may be:

- 1) denied due to lack of capital funds, or
- 2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.”

Applicant (summarized): The proposed zone change is located within City limits and all infrastructure (roads, water, and sewer) is established. The applicant does not request or require any capital expenditures by the City to develop this parcel.

Staff: *The request would not require major or unprogrammed capital expenditures by the City. The response to Section F is sufficient.*

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

Applicant: *The applicant believes that the request furthers specific policies and is not asking for specific consideration regarding any economic issue. The purpose of the request is to allow for commercial development that is consistent with development on neighboring properties.*

Staff: *Economic considerations are a factor, but the applicant is not raising any economic considerations as arguments so therefore they are not the determining factor for the request. The response to Section G is sufficient.*

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

Applicant: *The subject site is not located along a major street and therefore does not claim adjacency to a major street as justification for this request. The zone map amendment is supported by relevant policies.*

Staff: *The subject site is not located on a major street. Rather, it is located at the rear of a larger property. Therefore, location of a major street cannot be used as justification for the request. The response to Section H is sufficient.*

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

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

Applicant (summarized): *The applicant does not believe that this is a spot zone as defined in this section. The request does not present a different zone category from those already existing for neighboring properties along the Lomas Blvd. corridor, from Louisiana to Wyoming Blvds. Also, the request supports realization of the Comprehensive Plan (see Section C).*

The total lot size is approximately 1.5 acres and more than one premise is involved. In the immediate area, there are five different zones: O-1, C-1, R-T, R-1, and R-2 and the request does not constitute a different zone from those already existing. Applicant also believes that the request clearly facilitates realization of the Comprehensive Plan.

Staff: *The subject site is approximately 0.7 acres and is a “small area”. However, the request is for a zone (C-2) that is well-established in the area and does not differ from other zones nearby. Also, the applicant has demonstrated that the request does not present any significant conflicts with applicable Goals and policies of the Comprehensive Plan and the LMSDP. The response to Section I is sufficient.*

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

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

Applicant (summarized): The applicant does not believe that the request would constitute a strip zone as defined in this section. The request does not present a different zone category from those already existing for neighboring properties. Also, the request supports realization of the Comprehensive Plan (see Section C).

Staff: *The subject site does not constitute a “strip of land along a street” because it is located along the rear boundary of a property and is approximately 0.7 acre in size. The response to Section J is sufficient.*

Staff Conclusion

Staff finds that the applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. The policy-based response to Section C demonstrates that the request would not result in a significant conflict with applicable Goals and policies in the Comprehensive Plan and the LMSDP. Another zoning category would be more advantageous to the community because it would further a preponderance of applicable Goals and policies (Section D). The remaining sections (A, B, E-J) are adequately addressed. For these reasons, Staff recommends approval of the zone map amendment (zone change) request.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City departments and other interested agencies reviewed this application from 8/8/2017 to 8/18/2017. Few agency comments were received; they mostly indicate “no comment”. PNM provided standard comments regarding new service and screening of ground equipment. Agency comments begin on p.19 of this report.

Neighborhood/Public

The La Mesa Community Improvement Association (LMCIA) was required to be notified, which the applicant did (see attachments). Property owners within 100 feet of the subject site were also

notified, as required (see attachments). The District 4 Coalition was inadvertently omitted from the list of parties required to be notified, so the request was deferred at the September 14, 2017 EPC hearing for 30 days to allow for proper notification. The applicant notified the District 4 Coalition as required (see attachments).

A facilitated meeting was not requested. As of this writing, Staff has not received any inquiries or correspondence regarding the request. There is no known opposition.

IV. CONCLUSION

The request is for a zone map amendment for an approx. 0.7 acre site, which is the southern portion of a larger site that fronts Lomas Blvd. NE. The applicant proposes to change the subject site's zoning from P (Parking) to C-2 (Community Commercial) so that the entire lot is zoned C-2 and can be redeveloped with a building, inventory storage, and service bays that would have encroached onto the P-2 zone.

Staff concludes that the applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. The policy-based response to Section C demonstrates that the request would not result in a significant conflict with applicable Goals and policies in the Comprehensive Plan and the LMSDP. The remaining sections of R270-1980 (A, B, D, F, G, H and I) are sufficiently addressed.

The La Mesa Community Improvement Association was notified as required, as were property owners within 100 feet of the subject site. The District 4 Coalition was inadvertently omitted from the list of parties required to be notified, so the request was deferred at the September 14, 2017 EPC hearing to allow for proper notification. The applicant notified the District 4 Coalition as required.

A facilitated meeting was not requested. Staff has not received any inquiries or written comments. There is no known opposition. Staff recommends approval.

FINDINGS - 17EPC-40031, October 12, 2017- Zone Map Amendment (Zone Change)

1. The request is for a zone map amendment (zone change) for the vacated alley lying south of Lots A-1, A-D and the westerly 20 feet of Lot E, and north of Lot P-3, and the southern half of the alley north of Lot P-4; the vacated alley lying south of the easterly 5 feet of Lot E and all of Lots F-K; the vacated alley south of and adjacent to Lot K-1; Lot P-3; and Lot P-4 of Block 14, Del Norte Subdivision of Williamson's Replat, an approximately 0.7 acre site located on on Lomas Blvd. NE, east of Louisiana Blvd. NE, between Chama St. NE and Grove St. NE (the "subject site").
2. The subject site is currently used for parking, which is the only use allowed. The request is to change the subject site's zoning from P (Parking) to C-2 (Community Commercial) so that the entire site will have the same zoning, which will facilitate redevelopment of the site with an auto sales business that includes a new building, inventory storage areas, and service bays.
3. The subject site is in an area that the Comprehensive Plan has designated an Area of Change. The La Mesa Sector Development Plan (LMSDP) applies.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the LMSDP, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request furthers the following, applicable Goals and policies of the Comprehensive Plan:
 - A. Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The request would allow redevelopment of the larger site, which would utilize existing infrastructure and public facilities. Doing so is a more efficient use of land in the public interest, in contrast to greenfield development or fringe development.
 - B. Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The request would support additional growth in an area served by existing infrastructure and public facilities.
 - C. Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The request would encourage and direct growth to a designated Area of Change, where such growth is expected.

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

The growth resulting from the request would be directed to a location adjacent to a Major Transit Corridor, where change is encouraged. Major Transit Corridors are intended to be transit and pedestrian-oriented near transit stops, while auto-oriented along much of the corridor (p. 5-17). The proposed use would be auto-oriented along a portion of the corridor that is auto-oriented, and not near the major intersections where the transit stops tend to be located.

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

- A. Goal 5.1- Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

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

- c) Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

In general, locating commercial growth along a designated Major Transit Corridor supports the idea of Centers and Corridors. Though the development planned at this time is local growth (not regional growth), the C-2 zone may attract regional growth if the larger site is redeveloped again, in the future. The proposed use at this time, an auto dealership, would not generally support a multi-modal transportation network, though a future C-2 use may.

- B. Policy 5.6.4- Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

- c) Provide appropriate transitions between uses of different intensity or density and between non-residential uses and single-family neighborhoods to protect the character and integrity of existing residential areas.

- d) Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

The request would enable redevelopment of the larger lot with an auto dealership. The new building would be required to comply with Zoning Code requirements regarding minimum setbacks in the C-2 zone (which references the O-1 zone) and special landscape buffering between residential and commercial uses. These requirements are fixed, unless a variance is sought.

Height refers to the O-1 zone and allows 26 feet but more height, subject to the angle plane demonstration. Massing is not mentioned in the current regulations. Both height and

massing can vary. A site development plan is not included with the request, so it's not possible to evaluate the appropriateness of the transitions or if they minimize development's negative effects.

7. The request furthers the following, long-term objectives of the La Mesa Sector Development Plan (LMSDP):
 - A. Objective 1 (long-term): Elimination of blight and prevention of blighting influences.

In general, redevelopment of infill sites is considered to help prevent blight and conditions that lead to blight, such as run-down and unmaintained sites. The request would enable redevelopment of the larger site, including construction of a new building and site improvements.
 - B. Objective 4: Enhancement of the area as a primarily residential area with strips of commercial uses on the north, east and south.

Though the request would expand the strip of commercial zoning along the Plan's northern boundary (Lomas Blvd.), it would not encroach onto the established residential area to the south of the subject site and would maintain the land use patterns desired in the Plan.
8. The applicant has adequately justified the zone map amendment (zone change) request pursuant to Resolution 270-1980 as follows:
 - A. Section A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Goals and policies from the Comprehensive Plan (and other applicable plans), which the applicant has done in the response to Section C.
 - B. Section B: The applicant has adequately demonstrated that the zone change is justified based on responses to Sections C and D, and that generally the proposed use would not adversely affect stability of land use or zoning in the area.
 - C. Section C: The applicant's policy-based discussion demonstrates that applicable Comprehensive Plan Goals and policies, and applicable objectives of the La Mesa Sector Development Plan (LMSDP), support the request and do not significantly conflict with it.
 - D. Section D: A different use category is more advantageous to the community (3) as articulated in the Comprehensive Plan and the LMSDP. The policy-based discussion in the response to Section C demonstrates that the proposed zoning would not result in a significant conflict with applicable Goals and policies in the Comprehensive Plan.
 - E. Section E: The applicant has adequately addressed the permissive uses in the C-2 zone, which would generally not be harmful to adjacent property, the neighborhood or the community. The applicant's policy-based arguments support the request.

- F. Section F: The request will not facilitate a development that will require any major or unprogrammed capital expenditures by the City.
- G. Section G: Economic considerations pertaining to the applicant are a factor, but the applicant is not raising any economic considerations as arguments so therefore they are not the determining factor for the request.
- H. Section H: The subject site is not located on a major street. Rather, it is located at the rear of a larger property. Therefore, location of a major street cannot be used as justification for the request.
- I. Section I: The subject site is approximately 0.7 acres and is a “small area”. However, the request is for a zone (C-2) that is well-established in the area and does not differ from other zones nearby. Also, the applicant has demonstrated that the request does not present any significant conflicts with applicable Goals and policies of the Comprehensive Plan and the LMSDP.
- J. Section J: The subject site does not constitute a “strip of land along a street” because it is located along the rear boundary of a property and is approximately 0.7 acre in size.
9. The applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. The policy-based response to Section C demonstrates that the request would not result in a significant conflict with applicable Goals and policies in the Comprehensive Plan and the LMSDP. Another zoning category would be more advantageous to the community because it would further applicable Goals and policies (Section D). The remaining sections (A, B, E-J) are adequately addressed.
10. The La Mesa Community Improvement Association (LMCIA) was notified as required, as were property owners within 100 feet of the subject site. A facilitated meeting was not requested. As of this writing, Staff has not received any inquiries or correspondence regarding the request. There is no known opposition.
11. The District 4 Coalition was inadvertently omitted from the list of parties required to be notified, so the request was deferred at the September 14, 2017 EPC hearing for 30 days to allow for proper notification. The applicant notified the District 4 Coalition as required. A facilitated meeting was not requested and Staff has not been contacted.

RECOMMENDATION - 17EPC-40031, October 12, 2017

APPROVAL of 17EPC-40031, a zone change from P and C-2, for the vacated alley lying south of Lots A-1, A-D and the westerly 20 feet of Lot E, and north of Lot P-3, and the southern half of the alley north of Lot P-4; the vacated alley lying south of the easterly 5 feet of Lot E and all of Lots F-K; the vacated alley south of and adjacent to Lot K-1; Lot P-3; and Lot P-4 of Block 14, Del Norte Subdivision of Williamson’s Replat, an approximately 0.7 acre

site located on Lomas Blvd. NE, east of Louisiana Blvd. NE, between Chama St. NE and Grove St. NE, based on the preceding Findings.

Catalina Lehner

**Catalina Lehner, AICP
Senior Planner**

cc: Bestway Investment, LLC-dba Fiesta Auto Group, 7300 Lomas Blvd. NE, Albuquerque, NM 87110
SMPC Architects, Glenn Fellows, 115 Amherst SE, Albuquerque, NM 87106
La Mesa Community Improvement Assoc., Charles Bennett, 600 San Pablo St. NE, Albuquerque, NM 87108
La Mesa Community Improvement Assoc., Nancy Bearce, 600 San Pablo St. NE, Albuquerque, NM 87108
District 4 Coalition, Gina Dennis, 1816 Buena Vista Drive NE, #2, Albuquerque, NM 87106
District 4 Coalition, Marian Jordan, 816 Arizona St. NE, Albuquerque, NM 87108

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

No adverse comments.

Office of Neighborhood Coordination

Long Range Planning

No comment.

CITY ENGINEER

Transportation Development

No objection to the request.

Hydrology Development

New Mexico Department of Transportation (NMDOT)

NMDOT has no comments.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations (Department of Municipal Development):

Street Maintenance (Department of Municipal Development):

RECOMMENDED CONDITIONS FROM CITY ENGINEER, DMD and NMDOT:

WATER UTILITY AUTHORITY

Utility Services

17EPC-40031 Zone Map Amendment (Zone Change)

Identification: UPC – 101905711050322611, 101905712550322618

- a. No adverse comment
- b. When development is desired request an availability statement at the link below
 - i. http://www.abcwua.org/Availability_Statements.aspx
 - ii. Request shall include a zone map showing the site location.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

No adverse comments.

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- No Comment.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

On Lomas Major Transit Corridor	Fixed Route 11	Site is straddled by stop pairs at Chama Street and San Pablo Street; no additional service is planned	No Comment
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COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed. No comment.

ALBUQUERQUE PUBLIC SCHOOLS

MID-REGION COUNCIL OF GOVERNMENTS

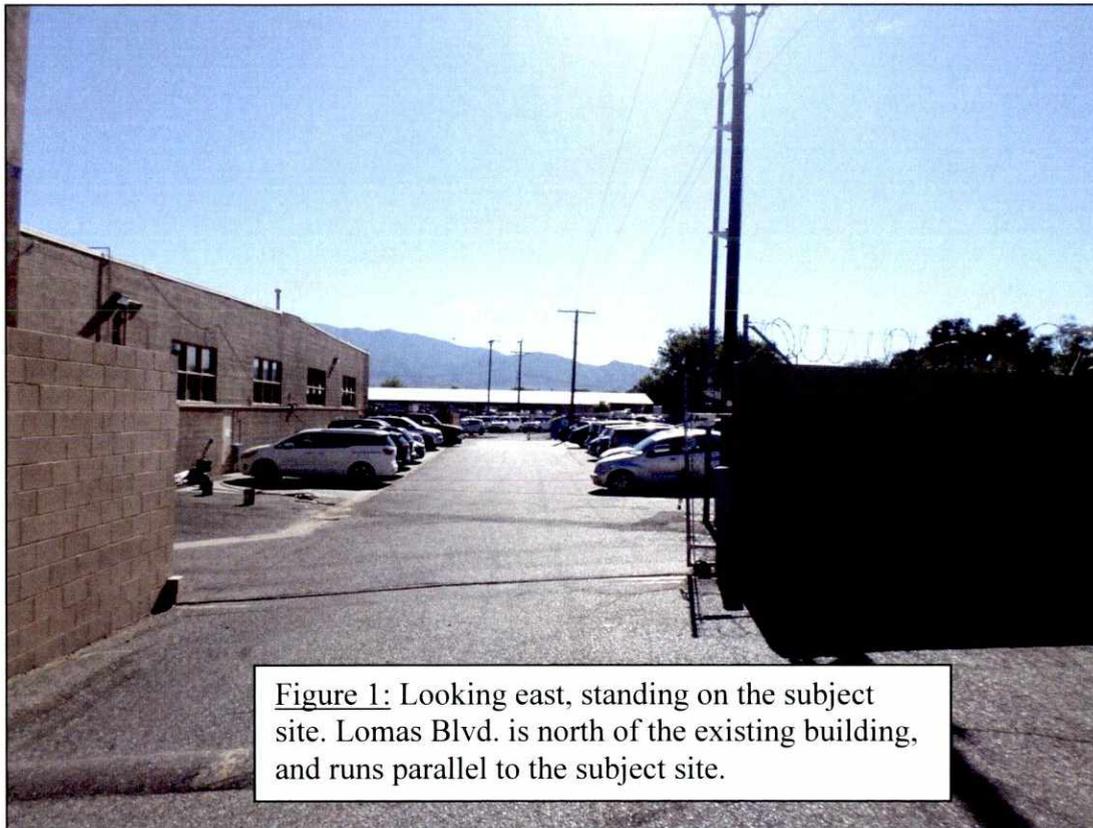
MIDDLE RIO GRANDE CONSERVANCY DISTRICT

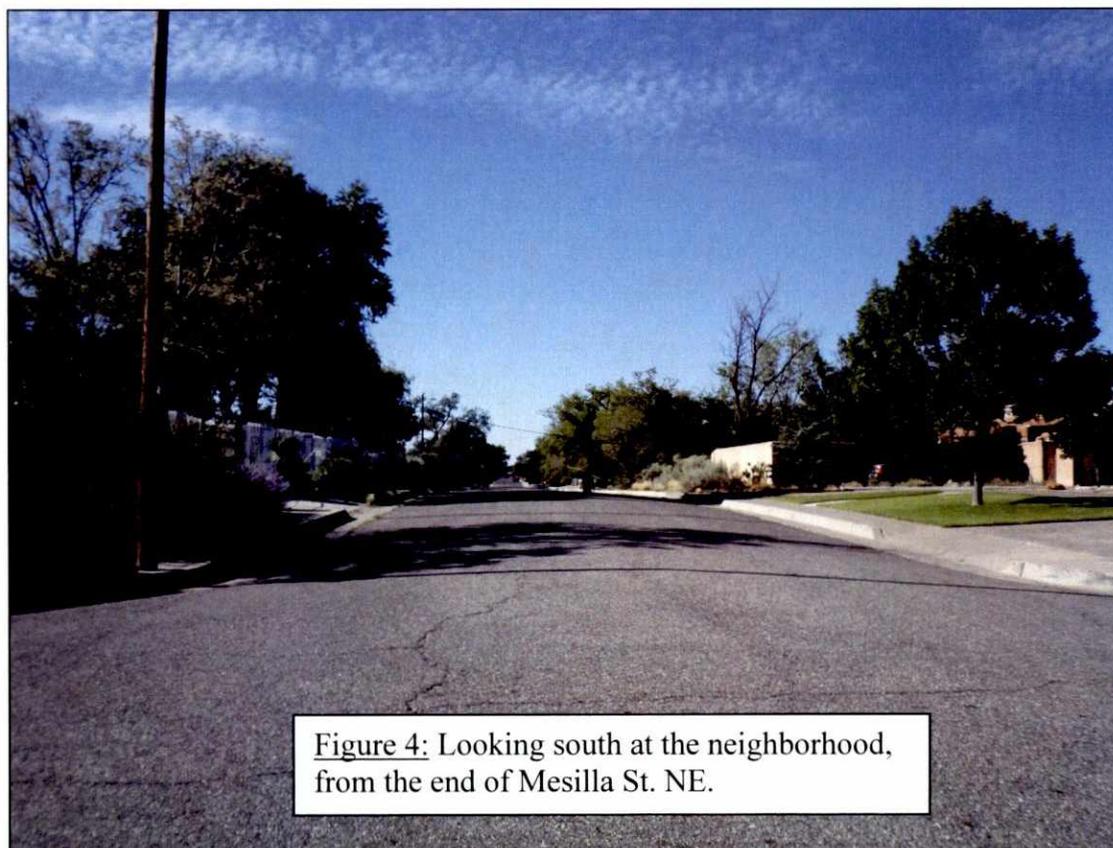
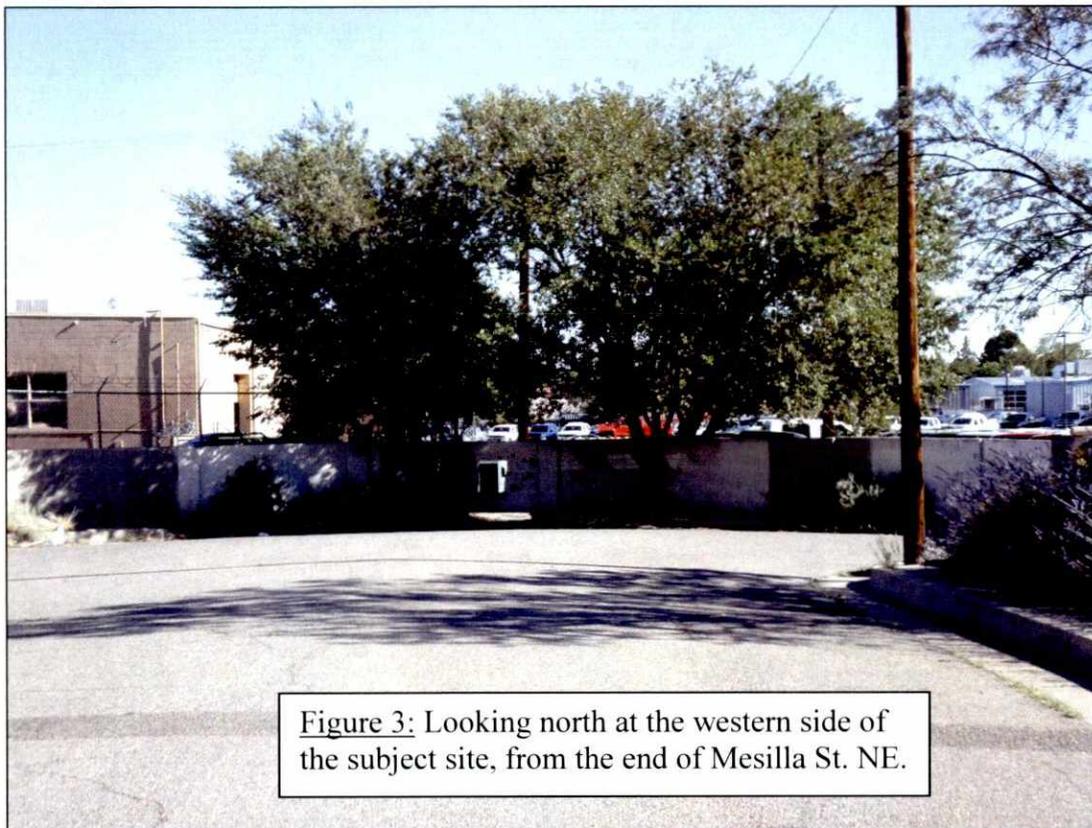
PUBLIC SERVICE COMPANY OF NEW MEXICO

1. Existing PNM overhead and underground distribution facilities are located on the property. It is the applicant's obligation to abide by any conditions or terms of those easements.
2. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project.

Contact: Mike Moyer, PNM Service Center
4201 Edith Boulevard NE Albuquerque, NM 87107
Phone: (505) 241-3697

3. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specification





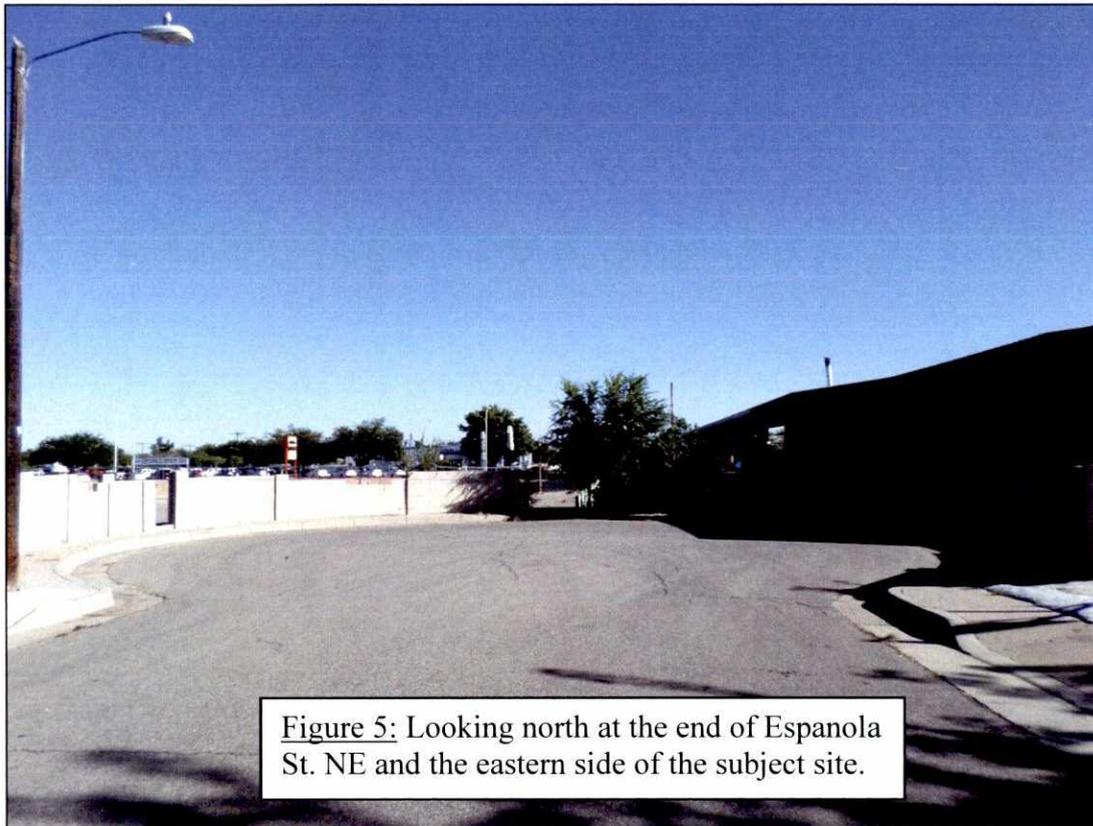


Figure 5: Looking north at the end of Espanola St. NE and the eastern side of the subject site.

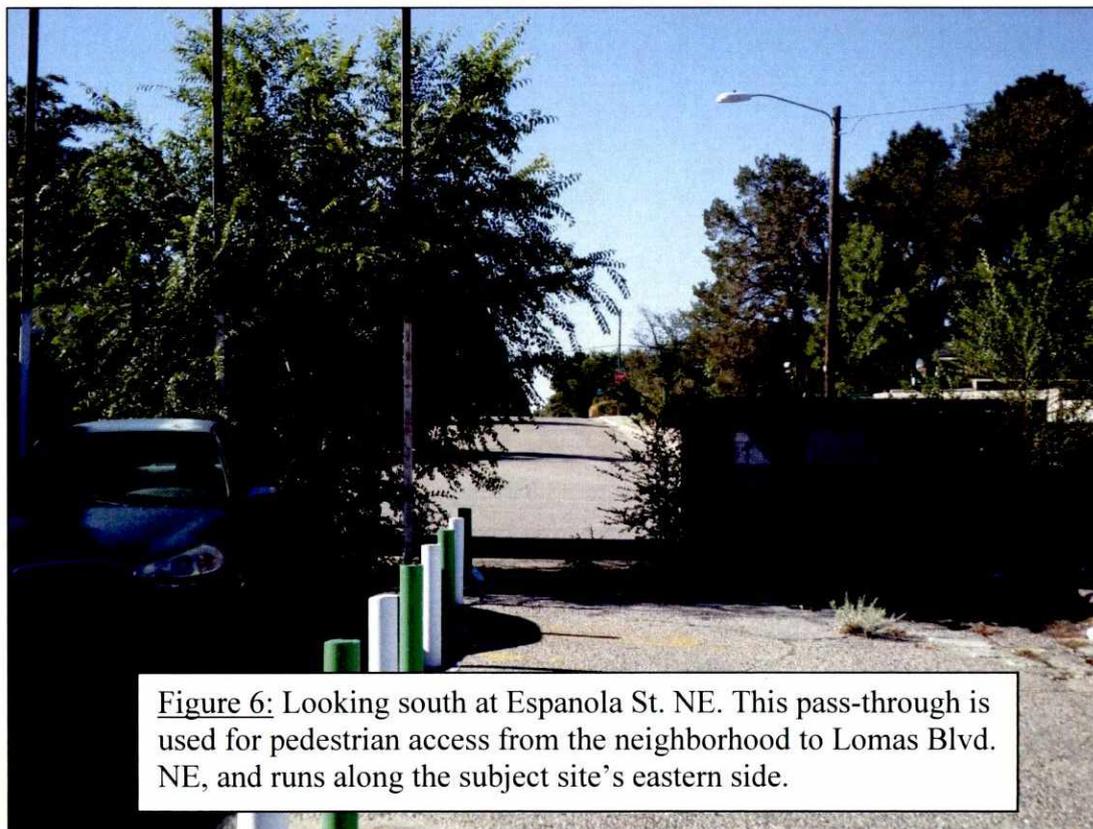
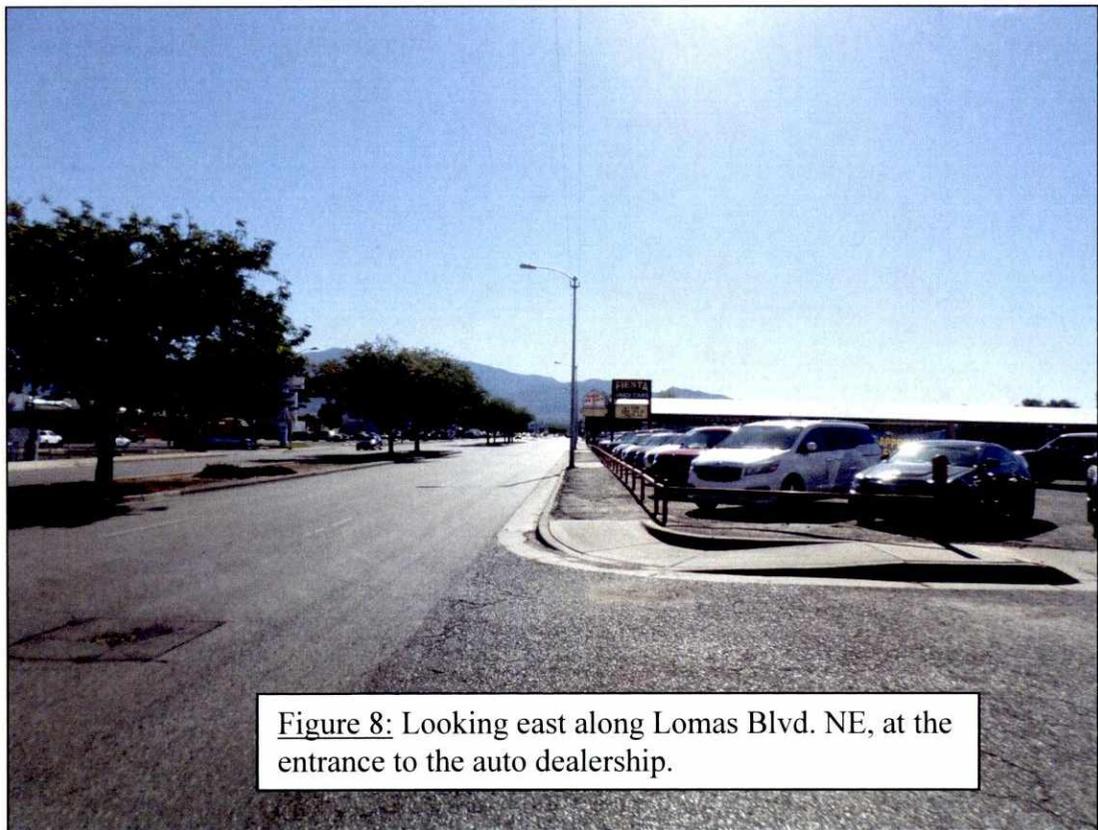
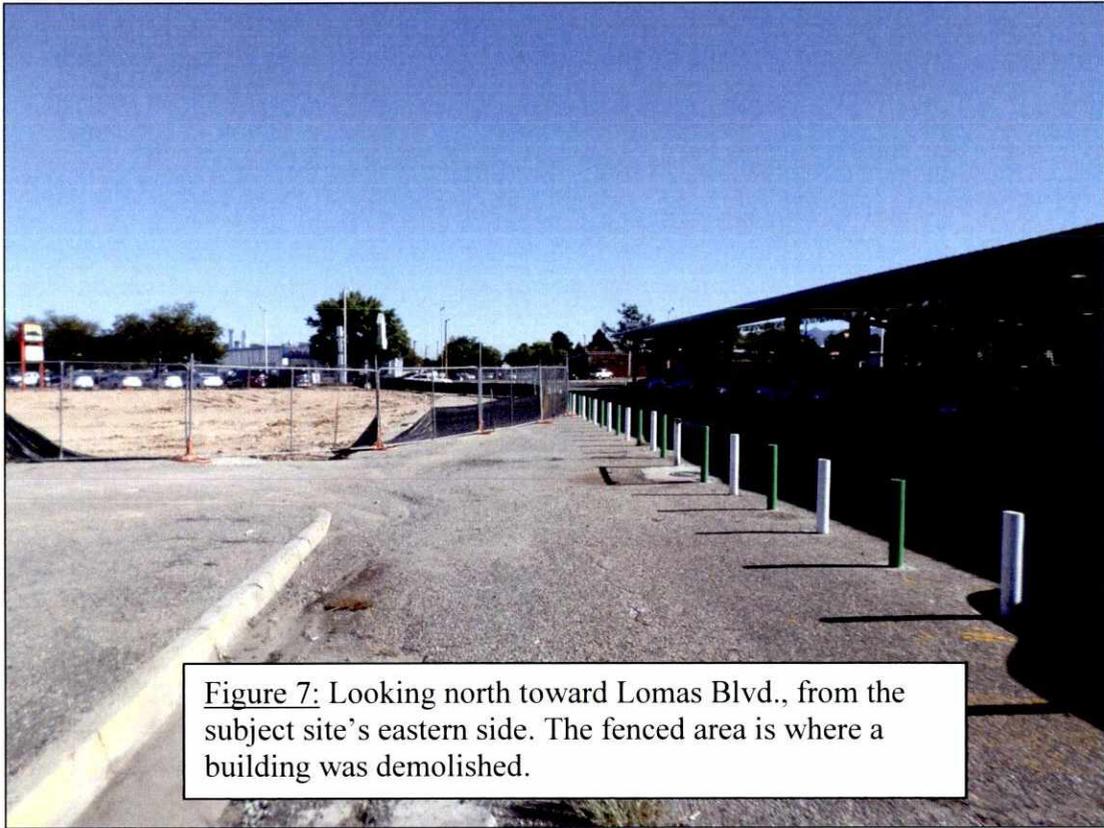
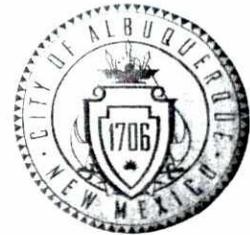


Figure 6: Looking south at Espanola St. NE. This pass-through is used for pedestrian access from the neighborhood to Lomas Blvd. NE, and runs along the subject site's eastern side.



HISTORY

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

September 15, 2017

Bestway Investment Group, LLC
dba Fiesta Auto Group
7300 Lomas Blvd. NE
Albuquerque, NM 87110

Project# 1011337
17EPC-40031 Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for: the vacated alley lying south of Lots A-1, A-D and the westerly 20 feet of Lot E, and north of Lot P-3, and the southern half of the alley north of Lot P-4; the vacated alley lying south of the easterly 5 feet of Lot E and all of Lots F-K; the vacated alley south of and adjacent to Lot K-1; Lot P-3; and Lot P-4 of Block 14, Del Norte Subdivision of Williamson's Replat, zoned P to C-2, located on Lomas Blvd. NE, east of Louisiana Blvd. NE, between Chama St. NE and Grove St. NE, containing approximately 0.7 acre. (K-19)

Staff Planner: Catalina Lehner

PO Box 1293

Albuquerque

On September 14, 2017 the Environmental Planning Commission (EPC) voted to DEFER Project 1011337/17EPC-40031, a Zone Map Amendment (Zone Change), for 30 days based on the following findings:

FINDINGS:

- www.cabq.gov
1. The request is for a zone map amendment for an approx. 0.7 acre site, zoned P, which is the southern portion of a C-2 zoned lot fronting Lomas Blvd. NE.
 2. The affected neighborhood organizations and property owners were notified, as required. However, the District 6 Coalition was inadvertently omitted from the correspondence provided to the applicant.
 3. A 30 day deferral is needed so that complete notification can occur.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 29, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is

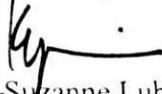
OFFICIAL NOTICE OF DECISION
Project #1011337
September 14, 2017
Page 2 of 2

required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

Sincerely,


Suzanne Lubar
Planning Director

SL/CL

cc: Bestway Invest., LLC dba Fiesta Auto Group, 7300 Lomas Blvd. NE, Albuquerque, NM 87110
SMPC Architects, Attn: Glenn Fellows, 115 Amherst SE, Albuquerque, NM 87106
La Mesa Community Improvement Assoc., Charles Bennett, 600 San Pablo St. NE, Albuquerque, NM 87108
La Mesa Community Improvement Assoc., Nancy Bearce, 600 San Pablo St. NE, Albuquerque, NM 87108

ZONING

Please refer to §14-16-2-17 for the C-2 zone
and to §14-16-2-26 for the P zone

APPLICATION INFORMATION



Supplemental Form (SF)

SUBDIVISION	S	Z	ZONING & PLANNING
<input type="checkbox"/> Major subdivision action	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor subdivision action	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
<input type="checkbox"/> Vacation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar
<input type="checkbox"/> Variance (Non-Zoning)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
SITE DEVELOPMENT PLAN	P	<input type="checkbox"/>	<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> for Subdivision	<input type="checkbox"/>	<input type="checkbox"/>	L A APPEAL / PROTEST of...
<input type="checkbox"/> for Building Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other
<input type="checkbox"/> Administrative Amendment (AA)	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Administrative Approval (DRT, URT, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> IP Master Development Plan	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<input type="checkbox"/>	<input type="checkbox"/>	
STORM DRAINAGE (Form D)	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Storm Drainage Cost Allocation Plan	<input type="checkbox"/>	<input type="checkbox"/>	

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102.
Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): SMPC Architects, Glenn Fellows PHONE: 505-255-8668
 ADDRESS: 115 Amherst SE FAX: 505-268-6665
 CITY: Albuquerque STATE NM ZIP 87106 E-MAIL: g.fellows@smpcarchitects.com
 APPLICANT: FIESTA AUTO GROUP PHONE: 505-299-2760
 ADDRESS: 7300 LOMAS BLVD. NE FAX: 505-999-2709
 CITY: Albuquerque STATE NM ZIP 87110 E-MAIL: derek_kulachefiestaauto
 Proprietary interest in site: yes List all owners: _____
 group.com

DESCRIPTION OF REQUEST: CHANGE ZONE FROM P TO C-2.

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

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

Lot or Tract No. lots P3 & P4 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: Del Norte Subdivision
 Existing Zoning: P Proposed zoning: C-2 MRGCD Map No. NA
 Zone Atlas page(s): K19 UPC Code: 101905711050322611 (P3)
1019057112550322618 (P4)

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): NA

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 2 No. of proposed lots: 2 Total site area (acres): .655 (28,545 S.F.)
 LOCATION OF PROPERTY BY STREETS: On or Near: on LOMAS TWO BLOCKS EAST
 Between: _____ and OF LOUISIANA
 Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team (PRT) Review Date: 6/20/17

SIGNATURE

Glenn Fellows DATE 8/1/17
 (Print Name) Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 11/2014

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>1TEPC - 40031</u>	<u>AZM</u>	___	<u>\$240.00</u>
<input type="checkbox"/> All fees have been collected	___	<u>ADV</u>	___	<u>\$75.00</u>
<input type="checkbox"/> All case #s are assigned	___	<u>CME</u>	___	<u>\$50.00</u>
<input type="checkbox"/> AGIS copy has been sent	___	___	___	\$
<input type="checkbox"/> Case history #s are listed	___	___	___	\$
<input type="checkbox"/> Site is within 1000ft of a landfill	___	___	___	\$
<input type="checkbox"/> F.H.D.P. density bonus	___	___	___	\$
<input type="checkbox"/> F.H.D.P. fee rebate	___	___	___	\$
	Hearing date <u>September 14 2017</u>			Total <u>\$365.00</u>

Glenn Fellows 8-3-17 Project # 1011337
 Staff signature & Date

Bestway Investment LLC

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

ANNEXATION (EPC08)

- Application for zone map amendment including those submittal requirements (see below).
Annexation and establishment of zoning must be applied for simultaneously.
 - Petition for Annexation Form and necessary attachments
 - Zone Atlas map with the entire property(ies) clearly outlined and indicated
NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
 - Letter describing, explaining, and justifying the request
NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990"
 - Letter of authorization from the property owner if application is submitted by an agent
 - Board of County Commissioners (BCC) Notice of Decision
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - Sign Posting Agreement form
 - Traffic Impact Study (TIS) form
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

SDP PHASE I – DRB CONCEPTUAL PLAN REVIEW (DRBPH1) (Unadvertised)

SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14) (Public Hearing)

SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2) (Unadvertised)

- Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
 - Proposed Sector Plan (30 copies for EPC, 6 copies for DRB)
 - Zone Atlas map with the entire plan area clearly outlined and indicated
 - Letter describing, explaining, and justifying the request
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for EPC public hearing only)
 - Traffic Impact Study (TIS) form (for EPC public hearing only)
 - Fee for EPC final approval only (see schedule)
 - List any original and/or related file numbers on the cover application
- Refer to the schedules for the dates, times and places of DRB and EPC hearings.* Your attendance is required.

AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05)

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

AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)

AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)

- Proposed Amendment referenced to the materials in the Plan being amended (text and/or map)
 - Plan to be amended with materials to be changed noted and marked
 - Zone Atlas map with the entire plan/amendment area clearly outlined
 - Letter of authorization from the property owner if application is submitted by an agent (map change only)
 - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980 (Sector Plan map change only)
 - Letter briefly describing, explaining, and justifying the request
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for sector plans only)
 - Traffic Impact Study (TIS) form
 - Sign Posting Agreement
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)

- Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended
 - Sections of the Zone Code/Subdivision Regulations to be amended with text to be changed noted and marked
 - Letter describing, explaining, and justifying the request
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

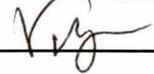
I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.


 _____ Applicant name (print)
 8/3/17
 _____ Applicant signature & Date



Revised: June 2011

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
 IERC - 40031

 8-3-17
 _____ Staff signature & Date
 Project # 1011337



Fiesta Kia

7300 Lomas Blvd., NE • Albuquerque, NM 87110
505-999-2700

July 20, 2017

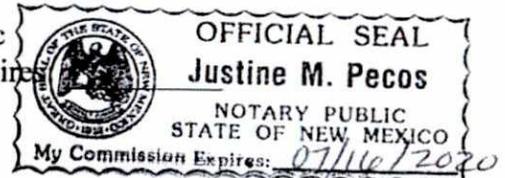
To: City of Albuquerque

This letter is written to verify that Glenn Fellows with SMPC Architects has my permission to act in the capacity of my Agent in matters relating to the Zone Map Amendment submissions to the EPC for the KIA Dealership Project at 7400 Lomas Boulevard NE.

Derek Kulach
Fiesta KIA
7300 Lomas Blvd. NE
Albuquerque, NM 87110

This instrument was acknowledged before me on this 20th day of July, 2017 by Derek Kulach, owner of Fiesta KIA.

Notary Public
My Commission expires



CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: PIESTA AUTO GROUP DATE OF REQUEST: 8/1/17 ZONE ATLAS PAGE(S): K-19

CURRENT:

ZONING P & C-2 .655 Acres

PARCEL SIZE (AC/SQ. FT.) (3.2 Acres total inc. current C-2)

REQUESTED CITY ACTION(S):

ANNEXATION []

ZONE CHANGE []: From P To C-2

SECTOR, AREA, FAC, COMP PLAN []

AMENDMENT (Map/Text) []

LEGAL DESCRIPTION:

LOT OR TRACT # P-3 & P-4 BLOCK # _____

SUBDIVISION NAME DEL NORTE Subdivision

SITE DEVELOPMENT PLAN:

SUBDIVISION* [] AMENDMENT []

BUILDING PERMIT [] ACCESS PERMIT []

BUILDING PURPOSES [] OTHER []

*includes platting actions

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT []

NEW CONSTRUCTION []

EXPANSION OF EXISTING DEVELOPMENT []

GENERAL DESCRIPTION OF ACTION:

OF UNITS: commercial / car dealership

BUILDING SIZE: ± 19,000 (sq. ft.)

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

APPLICANT OR REPRESENTATIVE [Signature]

DATE 8/1/17

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

Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2nd St. NW, Plaza del Sol Building, City, 87102, phone 924-3991

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

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

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

[Signature]
TRAFFIC ENGINEER

08-01-17
DATE

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

TIS -SUBMITTED / /
-FINALIZED / /

TRAFFIC ENGINEER

DATE

August 24, 2017

Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque

RE: Zone Map Amendment
7400 Lomas Blvd. NE

Dear Ms. Hudson:

We respectfully submit to the EPC this zone map amendment request for Lots P-1, P-2, P-3, P-4 and P-5 in the Del Norte Subdivision, located at 7400 Lomas Boulevard NE between Espanola and Mesilla Streets NE, in zone map K-19. The subject lots are zoned P. We request a zone map amendment to change these five lots to C-2.

These five subject lots are part of a property under single ownership that is contiguous with lots A1, A, B, C, D, E, F, G, H, J, K, and K1, Del Norte Subdivision. The contiguous lots are all zoned C-2.

This property was most recently developed and operated as Skidz, a Bowling Alley that was constructed in the 1960's. The current owners, Bestway Investments, LLC, dba, purchased the property and razed the bowling alley structure. They intend to build a new Kia automobile dealership on the property. The current Fiesta Kia dealership is directly to the west of the subject property. The applicants wish to relocate to the subject property and construct a new building. The preferred site plan and building footprint will straddle the C-2/P zone demarcation. The preferred site plan places most of the associated commercial activity within the C-2 zones of the property. The P zone subject lots which border residential lots would become space for employee parking, service bays, and inventory storage. Because P zone does not allow for auto servicing or vehicle display a zone map amendment is necessary. It should be noted that the lots to the east and west of the subject lots are zoned C-2 and SU-1.

SMPC Architects has been retained to design the new facility. We met with Planning Department staff in a PRT on June 20, 2017 to review the project, at which time we were informed that a zone map amendment would be required.

Resolution 270-1980 (Policies for Zone Map Amendments/ Change Applications)

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

This proposed zone change of the subject parcels from P to C-2 is consistent with the health, safety, morals, and general welfare of the City because the new single zone will allow site redevelopment to occur in accordance with guidelines in the La Mesa Sector Development Plan and the goals set forth in the Comprehensive Plan as demonstrated in Sections C and D of this request. The allowed uses under C-2 will not conflict with the Comprehensive Plan policies as demonstrated in Section E. Unifying the site under one designation of C-2 will not only allow for new infill redevelopment which will permit the property to be more productive and provide an upgrade that is consistent with current design standards, but also allow the use of the property to align with the uses on neighboring properties.

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

The proposed C-2 zone designation will not compromise the stability of land use and this map amendment will remain consistent with the adopted plans and policies of the La Mesa Sector Plan and the Comprehensive Plan. Approval of this request will allow commercial development on a vacant parking lot.

The properties to the east, west, and north of Lomas are designated as C-2 and SU-1. The proposed zone change would allow this property to operate within compatible commercial uses with adjoining properties. Currently the property is comprised of both C-2 and P designations. The C-2 zones are adjacent to Lomas Boulevard while the P zones are adjacent to residential properties. The adjustment from P to C-2 allows for new redevelopment infill to situate appropriately upon the site.

Following the goals of the Comprehensive Plan, it is the desire of the Applicant to focus commercial activity towards the Lomas Boulevard boundary, and limit the commercial activity taking place near residential properties. By focusing the commercial activity along the Lomas Boulevard boundary, the property acknowledges Lomas Boulevard as a Major Transit Corridor, thus participating in the Comprehensive Plan's goals of maintaining commercial development along major corridors. This proposed zone change would also allow the property to fully acknowledge the transition zone between residential properties and commercial properties by limiting the residents' exposure to adverse activities.

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

This request for a zone map change is not in conflict with any known elements of the 2017 Albuquerque Bernalillo Comprehensive Plan, nor any of the La Mesa Sector Development Plan guidelines. Moreover, the request supports the Comprehensive plan in the following areas:

2.4.2 Growing Inward

The current zone designation of P prevents the parcel from potential infill redevelopment. In support of Factor 2.4.2, a zone change will allow inward growth along a transit corridor.

2.4.6 Focusing Growth in Centers & Corridors

The zone change from P to C-2 will allow for redevelopment growth along Lomas Boulevard which the Comprehensive plan identifies as a Major Transit Corridor. These corridors are meant to provide a framework for various activities and to be scaled in a way to “protect existing single-family neighborhoods”. The zone change would unify the targeted parcel with identical land uses for neighboring parcels to the east and west. This unity would effectively produce a barrier from the transit focused corridor for the residential properties to the south and would focus vehicular activity along Lomas.

3.3.2 Corridors

Lomas Boulevard has been identified as a Major Transit Corridor which meets Louisiana Boulevard, also a Major Transit Corridor. Major transit corridors “prioritize transit above other modes to ensure a convenient and efficient transit system”. The zone change from P to C-2 would reinforce the Comprehensive Plan’s defined corridors by focusing transit activities along the Lomas boundary and would limit vehicle exposure to the southern boundary which aligns with residential properties.

5.1.2.2 Directing Growth

The Comprehensive Plan seeks to direct growth to city centers and corridors. The designation of Lomas Boulevard as a Major Transit Corridor means that Lomas is connected to transportation networks and is efficiently served by utility infrastructure. The re-designation of the P zones to C-2 would enable new redevelopment infill to align with the Comprehensive Plan’s goals to utilize corridors for growth.

The Comprehensive Plan also identifies two types of Development Areas – “Areas of Change, where growth is encouraged and best served with transit and other infrastructure, and Areas of Consistency, where any development that happens should be designed carefully to reinforce the character, scale, and intensity of surrounding neighborhoods or non-residential development.”

The subject parcels are positioned on the transitional boundary between an Area of Change which is Lomas Boulevard, and an Area of Consistency which is the La Mesa Residential Area. By re-designating the P zones as C-2 zones, the boundary between the two areas remains in place, and the subject parcels become more

accessible to redevelopment efforts. The subject parcels are clearly within an Area of Change and the re-designation supports the Comprehensive Plans goals for advancing development along city corridors.

5.1.2.5 City of Albuquerque Development Areas

As already stated under 5.1.2.2, the subject parcel is located within an Area of Change. The re-designation of the parcels from P to C-2 will assist with redevelopment which works towards the goals of the Comprehensive plan to focus growth and infill to locations that can be served by existing utilities. The zone change and subsequent redevelopment also works towards the Comprehensive Plans goals to bring job creation into Areas of Change.

Goal 5.1 Centers and Corridors - Grow as a community of strong Centers connected by a multi-modal network of corridors.

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

Policy 5.1.1 c - Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

The applicant seeks to redevelop the parcels with new infill. The re-designation from P to C-2 will allow for new infill and encourage employment density.

Policy 5.1.5 - Employment Centers: Create Centers that prioritize employment opportunities and foster synergy among businesses. [ABC]

Policy 5.1.5 a - Prioritize office and commercial employment in areas with good access via automobile and transit.

The re-designation of the subject parcels from P to C-2 will allow for new infill development which will provide employment in an area with good access via automobile and transit.

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

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 new infill redevelopment of the parcels would be required to include 10' of landscape buffers within the site design. These regulations ensure that the redevelopment would follow the policy of the Comprehensive Plan to provide a transition between the development along the Lomas corridor and the abutting single-family residential areas.

Goal 5.2 Complete Communities

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

Policy 5.2.1 h - Encourage infill development that adds complimentary uses and is compatible in form and scale to the immediately surrounding development.

The re-designation of the subject parcels from P to C-2 is compatible in form and scale with the immediately surrounding development and would provide for complimentary uses.

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

The re-designation of the subject parcels from P to C-2 would allow for a more productive use of under-utilized surface parking lots.

Goal 5.3 Efficient Development Patterns – Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

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

The re-designation of the subject parcels from P to C-2 would add additional infill growth in an area with existing infrastructure and public facilities.

Goal 5.6 City Development Areas – Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

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

The re-designation of subject parcels from P to C-2 allows for infill redevelopment within an Area of Change along Lomas Boulevard, a designated Major Transit Corridor.

Policy 5.6.2 g - Encourage development where adequate infrastructure and community services exist.

The re-designation of subject parcels from P to C-2 will allow for infill redevelopment in a location where adequate infrastructure and community services exist.

Policy 5.6.2 h - Encourage development in areas with a highly connected street grid and frequent transit service.

The re-designation of subject parcels from P to C-2 will allow for infill redevelopment along Lomas Boulevard, designated as a Major Transit Corridor, which is highly connected to the street grid and has frequent transit service.

Policy 5.6.4 - Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

The re-designation of the subject parcels from P to C-2 would have landscape regulations attached. The new infill redevelopment of the parcels would be required to include 10' of landscape buffers within the site design. These regulations ensure that the redevelopment would follow the policy of the Comprehensive Plan to provide a transitional buffer between the commercial development along the Lomas corridor and the abutting single-family residential areas.

Policy 5.6.4 a - Provide appropriate transitions between uses of different intensity or density and between non-residential uses and single-family neighborhoods to protect the character and integrity of existing residential areas.

The re-designation of the subject parcels from P to C-2 would allow the property to be redeveloped in compatibility with the parcels to the north, east, and west. This would consolidate heavier use intensities of commercial activity to remain focused upon Lomas Boulevard. The separation of this heavier commercial use intensity from the lighter use intensity of the residential areas is supplemented by allowing the new infill development to position appropriately on the site. The site would then be subject to landscape regulations requiring landscape buffers for transitional zones.

Policy 5.6.4 b - Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

The re-designation of the subject parcels from P to C-2 supports the Comprehensive Plan's policy to minimize negative effects upon individuals and neighborhoods by allowing the infill redevelopment to be sited appropriately in such a way to keep commercial activities along the Lomas corridor and limiting activity along the boundary with the residential neighborhood.

In addition to the Comprehensive Plan, the La Mesa Sector Development Plan puts forth considerations and guidelines for development in the La Mesa Area. The area is predominately residential but is flanked on the north, east, and south sides by a strip of commercial zoning. This commercial zoning includes the subject parcels requesting the zoning change from P to C-2.

La Mesa Sector Development Plan

Plan Purposes Section B. Specific Long Term Objectives

1. Elimination of blight and prevention of blighting influences

4. Enhancement of the area as primarily residential area with strips of commercial uses on the north, east, and south

As the Long-Term Objectives state, the re-designation of the subject parcels from P to C-2 will prevent the potential blighting influence of a vacant parking lot. The Sector has long acknowledged the C-2 zones along the north boundary. The change in zone designation would not conflict with the La Mesa Sector Plan.

The Sector Development Plan also puts forth in the Community Development Plan that land is to be made “available for development or redevelopment by private enterprise or public agencies for uses in accordance with the land use recommendations”. (21)

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

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

The existing zoning is inappropriate because the existing P-zone designation restricts redevelopment of the property. If the P designation were to remain, the lots would continue in the only use allowed, as a grandfathered parking lot.

- 1) The applicant makes no argument for an error in the existing zone map pattern.
- 2) The applicant makes no argument towards a significant change in the neighborhood or community conditions to justify this request.
- 3) This request furthers the policies of the Comprehensive Plan regarding private development and seeks a designation which proves to be more advantageous to the community.

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

The requested C-2 zone designation and its permissive uses will not be harmful to adjacent commercial properties to the east and west which are currently zoned SU-1 and C-2. The properties across Lomas Boulevard to the north are also currently zoned C-2. There are two single family residences, R-1 properties, immediately to the south. The proposed zone change would not be harmful to these R-1 properties because vehicular access to these residential streets from Lomas does not exist. The residential streets are capped with large cul-de-sacs surrounded by block walls which provide existing buffering and the new development will be required to increase this buffer with added landscaping regulations.

C-2 Community Commercial Zone Permissive Uses

A. Permissive Uses

- a. Antenna up to 65 feet in height – **would not be harmful**
- b. Clinic – **would not be harmful**
- c. Copying, Blueprinting – **would not be harmful**
- d. Institution – **would not be harmful**
 - i. Club
 - ii. Daycare Center
 - iii. Library
 - iv. Museum
 - v. School, including caretaker’s mobile home
- e. Office – **would not be harmful**
- f. Park and Ride temporary facilities – **would not be harmful**
- g. Public Utility structure – **would not be harmful**
- h. Residential Uses permissible in the R-3 Zone – **would not be harmful**
- i. Sign – **would not be harmful**
- j. Radio or Television Studio or Station – **would not be harmful**
- k. Recycling Bin as an accessory use on the site– **would not be harmful**
- l. Retail of any consumer product and provision of any customer, personal, or business service, except adult amusement establishments and adult stores, hospitals for human beings and transit facilities provided it is not listed as a conditional use in this zone, or as a permissive or conditional use listed for the first time in the C-3 zone – **would not be harmful**
 - i. Alcoholic drink sales for consumption off premises
 - ii. Vehicle sales, rental, service, repair, and storage, both indoor and outdoor
 - iii. Banking, loaning money, including pawn
 - iv. Building materials
 - v. Circus or carnival operation
 - vi. Drive-in restaurant
 - vii. Dry cleaning, laundry, clothes pressing
 - viii. Flowers and plants, including out-door sales
 - ix. Gasoline, oil, and liquified petroleum gas retailing, including outdoor sales, but not truck plazas
 - x. Golf driving range, miniature golf course, baseball batting range, located in a building or outdoors
 - xi. Hospital for animals
 - xii. One mobile home for a watchman of caretaker on the same lot with commercial uses
 - xiii. Parking lot, as regulated in the O-1 zone
 - xiv. Pets, as regulated in the C-1 zone
 - xv. Restaurant with outdoor seating
 - xvi. Sample dwelling unit used to sell such units
 - xvii. Secondhand store
 - xviii. Stand or vehicle selling fruit, vegetables, or nursery stock
 - xix. Not permissible as retailing or services are uses listed as conditional use in this section and uses that are in substantial part industrial or manufacturing activities, e.g., automobile dismantling, sheet metal working, or tire recapping and retreading

- m. Storage Structure or yard for equipment, material or activity incidental to a specific construction project, provided it is of a temporary nature and is moved after the specific construction project is completed or work on the project has been dormant for a period of 6 or more months, and further provided that it is limited to a period of one year unless the time is extended by the Planning Director – **would not be harmful**
- n. Wholesaling of Jewelry – **would not be harmful**
- o. Uses or activities in a tent – limited to a 7 day stay, twice a year – **would not be harmful**
- p. Wireless Telecommunications Facility – **would not be harmful**

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

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

This proposed zone change is located within the city limits and all infrastructure including roads, water, and sewer are all established. As such, applicant neither requests, nor requires capital expenditures by the City to develop this parcel. Redevelopment costs will be totally borne by the property owner.

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

The applicant considers the request to further specific city policies regarding this request and asks for no specific consideration regarding any economic issue with this zone map amendment. The purpose of this request is to allow for private commercial development in a way that is consistent with neighboring properties.

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

The subject site is not located along a major street and therefore does not claim adjacency to a major street as justification for this request. The applicant believes that the justification for this zone map amendment is supported by relevant policies of the Comprehensive Plan.

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

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

The applicant does not believe that this is a spot zone as defined in this section. This request does not present a different zone category from those already existing for neighboring properties and along the considered extents of the Lomas corridor between Louisiana Boulevard NE and Wyoming Boulevard NE. The applicant also believes that this request furthers (I.1) because it directly supports the realization of the Comprehensive Plan through the goals and policies presented and justified in Section C.

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

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

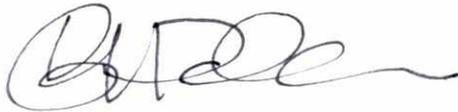
The applicant does not believe that this request would constitute a "strip zone" as defined in this section. This request does not present a different zone category from those already existing for neighboring properties to the north, east, and west. The applicant also believes that this request furthers (J.1) because it directly supports the realization of the Comprehensive Plan through the goals and policies presented and justified in Section C.

The applicant team has met with each reviewing agency and attended a Pre-Application Review Team (PRT) meeting and has not received any comment which would indicate that this request raises any concern.

On July 31h, 2017, certified mail letters were sent to the representatives of the La Mesa Community Improvement Association. A facilitated meeting may be requested for a date which best meets the needs of the neighborhood.

On behalf of Bestway Investments, LLC, dba, we thank you for your consideration of this request and we look forward to discussing the merits of this proposal with you and your fellow commissioners.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Glenn Fellows', with a long horizontal flourish extending to the right.

Glenn Fellows, AIA

Attachments

END OF DOCUMENT

PRE-APPLICATION REVIEW TEAM (PRT) MEETING

PA# 17-87 Date: 6.20.2017 Time: 1:30 PM

Address: 7400 LOMAS NE

1. AGENCY REPRESENTATIVES PRESENT AT MEETING

Planning: Kym Dicone Other: CHERYL SOMERFELDT.
Code Enforcement: Ben McIntosh Other: _____
Fire Marshall: Antonio Chinchilla Eric Gonzales
Transportation: _____

2. TYPE OF APPLICATION ANTICIPATED / APPROVAL AUTHORITY

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

3. SUMMARY OF PRT DISCUSSION:

Current Zoning: C.2 / P

Proposed Use/Zone: _____

Applicable Plans: _____

Applicable Design Regulations: _____

Previously approved site plans/project #s: _____

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

Handouts Given:

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

Additional Notes:

C.2 WILL ALLOW USE (CAR SERVICE) BUT P WILL NOT.

THE P PORTION WILL REQUIRE A ZONE CHANGE + REPLAT.

LANDSCAPE REGULATIONS APPLY. 14.16.3.10 - WILL

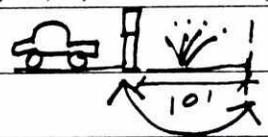
REQUIRE STREET TREES ALONG LOMAS 1@ 30 LF.

PARKING LOT STREET TREES (OFF ST. PARKING)

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

REQUIRES LANDSCAPE BUFFERS (10' FRONT + 6' SIDE WHERE IT ABUTS @ STREET.

ABUTS RESIDENTIAL ZONED LOTS, SPECIAL BUFFER LANDSCAPE REQ'MENTS - REQUIRES LANDSCAPING + WALL IF PARKING AREA ABUTS LANDSCAPE BUFFER, 6' SOLID WALL



RESIDENTIAL 14.16.3.10 EB ZONE.

PARKING LOT TREES @ PROVIDED SPACES (VS. REQUIRED) MTG.

P = IS JUST FOR PARKING ONLY. EPC ZONE CHANGE.

VEHICLE DISPLAY → PARKING A VEHICLE

PARKING LOT - TREES @ 1 @ 10 SPACES - DEFN.

VARIANCE FOR ^{PARKING LOT} TREES # THRU ZONE.

NO > THAN 100' FROM TRUNK

ABCWVA - FRONT COUNTER GROUND FLOOR.

NEW CURB CUT ALONG LOMAS. DISCUSS W/ LOGAN.

FIRST FLUSH ORDINANCE - DEPRESSED LANDSCAPED AREA.

NEIGHBORHOOD INFORMATION

SMPCArchitects

PRINCIPLES OF DESIGN.

September 19, 2017

District 6 Coalition of Neighborhood Associations
Marian Jordan
816 Arizona Street NE
Albuquerque, NM 87108

Dear Ms. Jordan.

This letter is written to inform you that as agents for Bestway Investment Group, LLC (dba Fiesta Kia) we intend to file an Environmental Planning Commission (EPC) application for a zoning map amendment for a portion of the property at 7400 Lomas NE.

The legal description for this property is the vacated alley lying south of Lots A-1, A-D and the westerly 20 feet of Lot E, and north of Lot P-3, and the southern half of the alley north of Lot P-4; the vacated alley lying south of the easterly 5 feet of Lot E and all of Lot F-K; the vacated alley south of and adjacent to Lot K-1; Lot P-3; and Lot P-4 of Block 14, Del Norte Subdivision of Williamson's Replat. The property is currently zoned P and our request will be to change the zone to C-2.

The property is located on the south side of Lomas, north of and between the Cul de Sacs at Mesilla and Espanola Streets NE. The property was previously developed and used as a parking lot for the bowling alley at the north side of the property.

If this request is granted by EPC, we anticipate the need to file a replat of this property to consolidate all of the lots into a single lot.

Affected Neighborhood Associations and Homeowner Associations may request a facilitated Meeting regarding this project by contacting the Alternative Dispute Resolution (ADR) Program by email at striplett@cabq.gov, by phone at (505)768-4712, or (505)768-4660. A facilitated meeting request must be received by October 9, 2017.

Please contact me at g.fellows@smpcarchitects.com or 505-255-8668 if you have any questions.

Sincerely,



Glenn Fellows, AIA
Attachment

115 Amherst Drive SE
Albuquerque, NM 87106
T 505 255 8668 F 505 268 6665
www.SMPCarchitects.com

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Total Postage and Fees	\$3.84



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ALBUQUERQUE, NM 87108

SMPCArchitects

PRINCIPLES OF DESIGN.

July 31, 2017

Charles Bennett
La Mesa Community Improvement Association
600 San Pablo Street NE
Albuquerque, NM 87108

Dear Mr. Bennett.

This letter is written to inform you that as agents for the ownership group at Fiesta Kia we intend to file an Environmental Planning Commission (EPC) application for a zoning map amendment for a portion of the property at 7400 Lomas NE.

The legal description for this property is Lot P-3 and Lot P-4 Del Norte Subdivision. Our request to the EPC will be to change the zone designation of this property from its current P designation to C-2. This change will make the entire property at 7400 Lomas NE a single zone, all being C-2.

The property is located on the south side of Lomas, north of and between the Cul de Sacs at Mesilla and Espanola Streets NE. These 2 lots were previously developed and used as a parking lot for the bowling alley at the north side of the property. We have attached a copy of the Alta Survey of the property to further note its location.

If this request is granted by EPC, we anticipate the need to file a replat of this property to consolidate all of the lots into a single lot.

Affected Neighborhood Associations and Homeowner Associations may request a facilitated Meeting regarding this project by contacting the Alternative Dispute Resolution (ADR) Program by email at striplett@cabq.gov, by phone at (505)768-4712, or (505)768-4660. A facilitated meeting request must be received by August 14, 2017.

Please contact me at g.fellows@smpcarchitects.com or 505-255-8668 if you have any questions.

Sincerely,



Glenn Fellows, AIA
Attachment

115 Amherst Drive SE
Albuquerque, NM 87106
T 505 255 8668 F 505 268 6665
www.SMPCarchitects.com

SMPCArchitects

PRINCIPLES OF DESIGN.

July 31, 2017

Nancy Bearce
La Mesa Community Improvement Association
600 San Pablo Street NE
Albuquerque, NM 87108

Dear Mr. Bennett.

This letter is written to inform you that as agents for the ownership group at Fiesta Kia we intend to file an Environmental Planning Commission (EPC) application for a zoning map amendment for a portion of the property at 7400 Lomas NE.

The legal description for this property is Lot P-3 and Lot P-4 Del Norte Subdivision. Our request to the EPC will be to change the zone designation of this property from its current P designation to C-2. This change will make the entire property at 7400 Lomas NE a single zone, all being C-2.

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If this request is granted by EPC, we anticipate the need to file a replat of this property to consolidate all of the lots into a single lot.

Affected Neighborhood Associations and Homeowner Associations may request a facilitated Meeting regarding this project by contacting the Alternative Dispute Resolution (ADR) Program by email at striplett@cabq.gov, by phone at (505)768-4712, or (505)768-4660. A facilitated meeting request must be received by August 14, 2017.

Please contact me at g.fellows@smpcarchitects.com or 505-255-8668 if you have any questions.

Sincerely,



Glenn Fellows, AIA
Attachment

115 Amherst Drive SE
Albuquerque, NM 87106
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Postage	\$1.19
Total Postage and Fees	\$4.54



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 1600 San Pablo Street NE
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 ALB, NM 87108

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

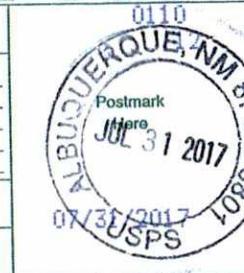
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Total Postage and Fees	\$4.54



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 1600 San Pablo St NE
 City, State, ZIP+4®
 ALB, NM 87108

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Hearing Date: Thursday, Sept. 14, 2017 **1011337**

Zone Atlas Page: K-19

Notification Radius: Neighborhood Associations
100ft plus r.o.w

Cross Reference and Location: On Lomas 2 blocks east of Louisiana

Applicant: Bestway Investment LLC
7300 Lomas Blvd. NE
ABQ, NM 87110

Agent: SMPC Architects, Glenn Fellows
115 AmherstSE
ABQ, NM 87106

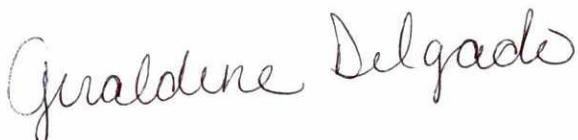
Special Instructions:

**Notice must be mailed from the
City 15 days prior to the meeting.**

- PLN Generated buffer map & address labels**
- Applicant Generated buffer map & address labels**

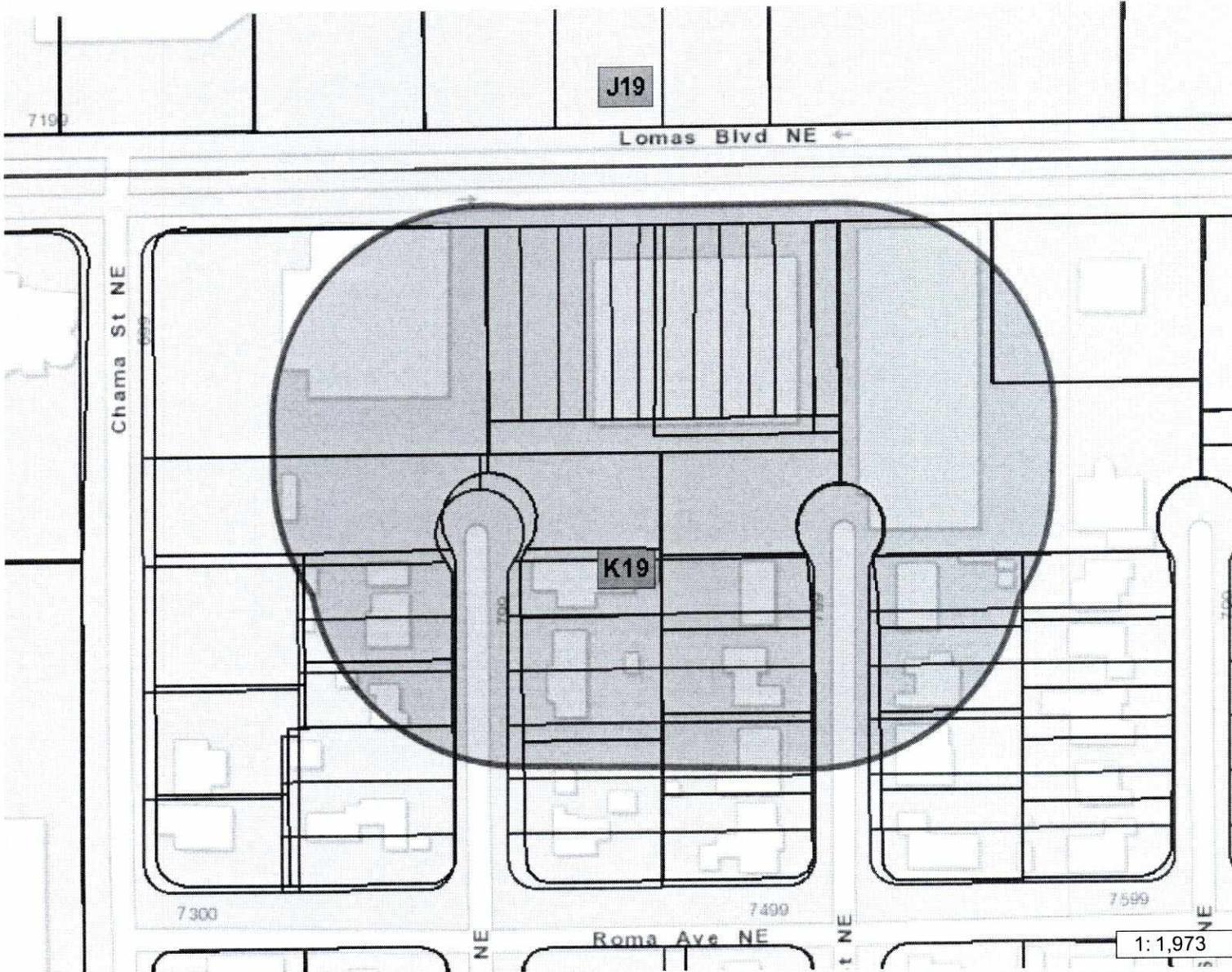
- PLN Certified mail outs**
- Applicant Certified mail outs**

Date Mailed: 08/23/17

Signature: 



7300 Lomas Blvd. NE



Legend

- Bernalillo County Parcels
- City Parcels
- Zone Grid
- Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED
- World Street Map

Notes

Buffer: 195ft.
 ROW: Lomas Blvd. 95ft.

0.0 0 0.02 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
 8/2/2017 © City of Albuquerque

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THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

1:1,973

- PEDERSON PHILLIP G ETUX
709 ESPANOLA ST NE
ALBUQUERQUE NM 87108-2157
- BESTWAY INVESTMENTS LLC
5800 MONTANA
EL PASO TX 79925
- LOHMAN TODD D & LOHMAN-VIGIL TERRY CO-
TRUSTEES LOHMAN RVT
3800 RIO GRANDE BLVD NW
ALBUQUERQUE NM 87107
- RANDALL DORA
710 ESPANOLA ST NE
ALBUQUERQUE NM 87108
- REYES EZEQUIEL L & IGNACIA
717 SAN PABLO ST NE
ALBUQUERQUE NM 87108
- DAVIES CHARLES F & NANETTE D
705 ESPANOLA ST NE
ALBUQUERQUE NM 87108
- CARREON-ROMERO DELIA
713 ESPANOLA ST NE
ALBUQUERQUE NM 87108
- EDGAR MARY LOUISE & BUCK ELIZABETH ANN &
GARY PATRICK TR BUCK RVT
PO BOX 90686
ALBUQUERQUE NM 87199
- WILLIAMSON MICHAEL ANTHONY & MABEL
611 MESILLA ST NE
ALBUQUERQUE NM 87108-2046
- CHAVEZ GILBERT A & DOS REIS MARCIA Q
601 MESILLA ST NE
ALBUQUERQUE NM 87108-2045
- CALIX NORMA
614 MESILLA ST NE
ALBUQUERQUE NM 87108
- AUTO LEASEHOLDS LLC
PO BOX 26207
ALBUQUERQUE NM 87125-6207
- CORDOVA DANIEL C
706 ESPANOLA ST NE
ALBUQUERQUE NM 87108-2157
- RENZ KEVIN D
602 MESILLA ST NE
ALBUQUERQUE NM 87108
- DELCID HIRAM
616 MESILLA ST NE
ALBUQUERQUE NM 87108
- BLAKES LOTABURGER LLC
PO BOX 3648
ALBUQUERQUE NM 87190-3648
- QUEZADA FRANK J
615 MESILLA ST NE
ALBUQUERQUE NM 87108-2046
- LE HIEU THI & MONG HOANG THI
714 ESPANOLA ST NE
ALBUQUERQUE NM 87108-2157

7300 Lomas Blvd. NE

SMPCArchitects

PRINCIPLES OF DESIGN.

August 2nd, 2017

Phillip G Pederson ETUX
709 Espanola St. NE
Albuquerque, NM 87108-2157

Dear Mr. Pederson

This letter is written to inform you that as agents for the ownership group at Fiesta Kia we intend to file an Environmental Planning Commission (EPC) application for a zoning map amendment for a portion of the property at 7400 Lomas NE.

The legal description for this property is Lot P-3 and Lot P-4 Del Norte Subdivision. Our request to the EPC will be to change the zone designation of this property from its current P designation to C-2. This change will make the entire property at 7400 Lomas NE a single zone, all being C-2.

The property is located on the south side of Lomas, north of and between the Cul de Sacs at Mesilla and Espanola Streets NE. These 2 lots were previously developed and used as a parking lot for the bowling alley at the north side of the property. We have attached a copy of the Alta Survey of the property to further note its location.

If this request is granted by EPC, we anticipate the need to file a replat of this property to consolidate all of the lots into a single lot. The EPC hearing is scheduled for 8:30am, September 14th, 2017 in the basement hearing room at Plaza Del Sol, 600 Second NW, Albuquerque, NM 87102.

Affected Neighborhood Associations and Homeowner Associations may request a facilitated Meeting regarding this project by contacting the Alternative Dispute Resolution (ADR) Program by email at striplett@cabq.gov, by phone at (505)768-4712, or (505)768-4660. A facilitated meeting request must be received by August 14, 2017.

Please contact me at g.fellows@smpcarchitects.com or 505-255-8668 if you have any questions.

Sincerely,



Glenn Fellows, AIA
Attachment

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Albuquerque, NM 87106
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 Street, Apt. No., or PO Box No.: *601 Mesilla St. NE*
 City, State, ZIP+4: *Albuquerque, NM 87108-2045*

PS Form 3800, June 2002 See Reverse for Instructions

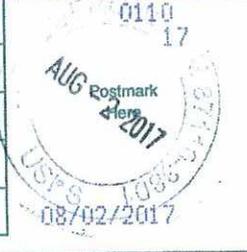
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 City, State, ZIP+4: *Albuquerque, NM 87108*

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 City, State, ZIP+4: *Albuquerque, NM 87108*

PS Form 3800, June 2002 See Reverse for Instructions

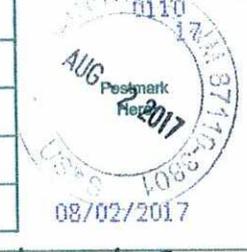
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 City, State, ZIP+4: *Albuquerque, NM 87125-6207*

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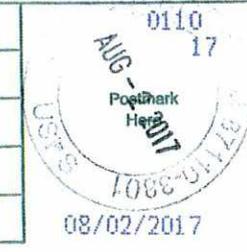
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 City, State, ZIP+4: *Albuquerque, NM 87108-2046*

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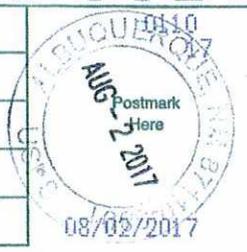
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 City, State, ZIP+4: *Albuquerque, NM 87108*

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Postage	\$0.49
Total Postage and Fees	\$5.29



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 Street, Apt. No., or PO Box No. **709 Española ST. NE**
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Postage	\$0.49
Total Postage & Fees	\$5.29

Postage	\$3.35
Certified Fee	\$1.45
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
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Total Postage & Fees	\$5.29



Sent To **Carreon-Romero, Delia**
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Sent To **Cordova, Daniel C.**
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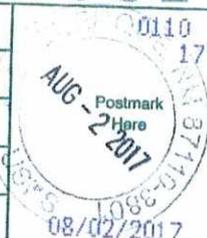
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Sent To **Bestway Investments, LLC**
 Street, Apt. No., or PO Box No. **5800 MONTANA**
 City, State, ZIP+4® **El Paso, TX 79925**

PS Form 3800, June 2002 See Reverse for Instructions

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 City, State, ZIP+4 **Albuquerque, NM 87108**

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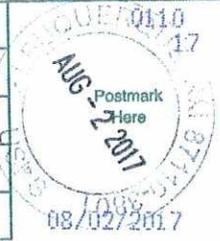
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	\$0.00
Total Postage & Fees	\$5.29



Sent To **Blakes Lotaburger LLC**
 Street, Apt. No., or PO Box No. **P.O. Box 3648**
 City, State, ZIP+4 **Albuquerque, NM 87190-3648**

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Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$1.45
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.00
	\$0.00
Total Postage & Fees	\$5.29



Sent To **Calix, Norma**
 Street, Apt. No., or PO Box No. **614 Mesilla ST. NE**
 City, State, ZIP+4 **Albuquerque, NM 87108**

PS Form 3800, June 2002 See Reverse for Instructions

856 1537 0003 3110 0000 7003

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Postage	\$3.35
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$1.45
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.00
	\$0.00
Total Postage & Fees	\$5.29



Sent To **Edgar Mary Louise + Buck Elizabeth ANN + Gary Patrick TR Buck RVT**
 Street, Apt. No., or PO Box No. **P.O. Box 90686**
 City, State, ZIP+4 **Albuquerque, NM 87199**

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8606 1537 0003 3110 0000 7003

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OFFICIAL USE

Postage	\$3.35
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$1.45
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.00
	\$0.00
Total Postage & Fees	\$5.29



Sent To **Renz, Kevin D**
 Street, Apt. No., or PO Box No. **602 Mesilla ST. NE**
 City, State, ZIP+4 **Albuquerque, NM 87108**

PS Form 3800, June 2002 See Reverse for Instructions

8620 1537 0003 3110 0000 7003

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ALBUQUERQUE, NM 87107

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Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$1.45
Restricted Delivery Fee (Endorsement Required)	\$0.00
	\$0.00
	\$0.00
Total Postage & Fees	\$5.29



Sent To **LOHMAN, TODD B + LOHMAN-VIGIL, TERRY**
 Street, Apt. No., or PO Box No. **CO-TRUSTEES LOHMAN RVT**
 City, State, ZIP+4 **3800 Rio Grande Blvd NW Albuquerque, NM 87107**

PS Form 3800, June 2002 See Reverse for Instructions

7003 3110 0000 1537 6613

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Postage	\$0.00
Certified Fee	\$1.45
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$5.29



Sent To Quezada, Frank J
 Street, Apt. No.,
 or PO Box No. 615 Mesilla ST. NE
 City, State, ZIP+4® Albuquerque, NM 87108-2046

PS Form 3800, June 2002 See Reverse for Instructions

EXHIBIT

