Environmental Planning Commission

Agenda #: 5
Project #: PR-2019-002663
Case #: RZ-2019-00043
Hearing Date: September 12, 2019

Staff Report

Agent	Consensus Planning
Applicant	Group II U26 VC, LLC and Volcano Cliffs, Inc.
Request	**Zone Map Amendment (zone change)**
Legal Description	the northerly 436.01 feet of Lot 1, Block 2, and Lot 1A-1, Block 3, Volcano Cliffs Unit 26
Location	the southwestern corner and the southeastern corner of the intersection of Paseo del Norte Blvd. NW and Kimmick Dr. NW
Size	Approximately ~~23~~ 16 acres
Existing Zoning	MX-L
Proposed Zoning	MX-M

Staff Recommendation

~~That a recommendation of~~
DENIAL of RZ-2019-00043, based on the Findings beginning on Page 20.
~~be forwarded to the City Council.~~

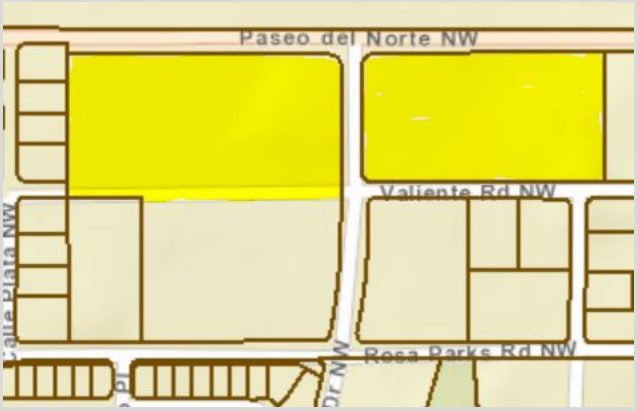
Staff Planner
Catalina Lehner, AICP-Senior Planner

Summary of Analysis

The request is for a zone map amendment for an approximately ~~23~~ 16 acre vacant site, zoned MX-L. The applicant wants to change the subject site's zoning to MX-M to facilitate future development pursuant to the MX-M zone.

The subject site is in an Area of Change, but is not in the Volcano Heights Urban Center, the area's designated activity center. Paseo del Norte Blvd. is currently a Commuter Corridor. The zone map amendment has not been adequately justified pursuant to the IDO zone change criteria, primarily due to significant conflicts with the Comprehensive Plan's activity center Goals and policies.

The affected neighborhood organizations are the Westside Coalition and the Paradise Hills Civic Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required. A pre-application meeting was held. Concerns include scope of future uses, appropriateness and affect upon area, future building height, and views. Staff recommends denial.



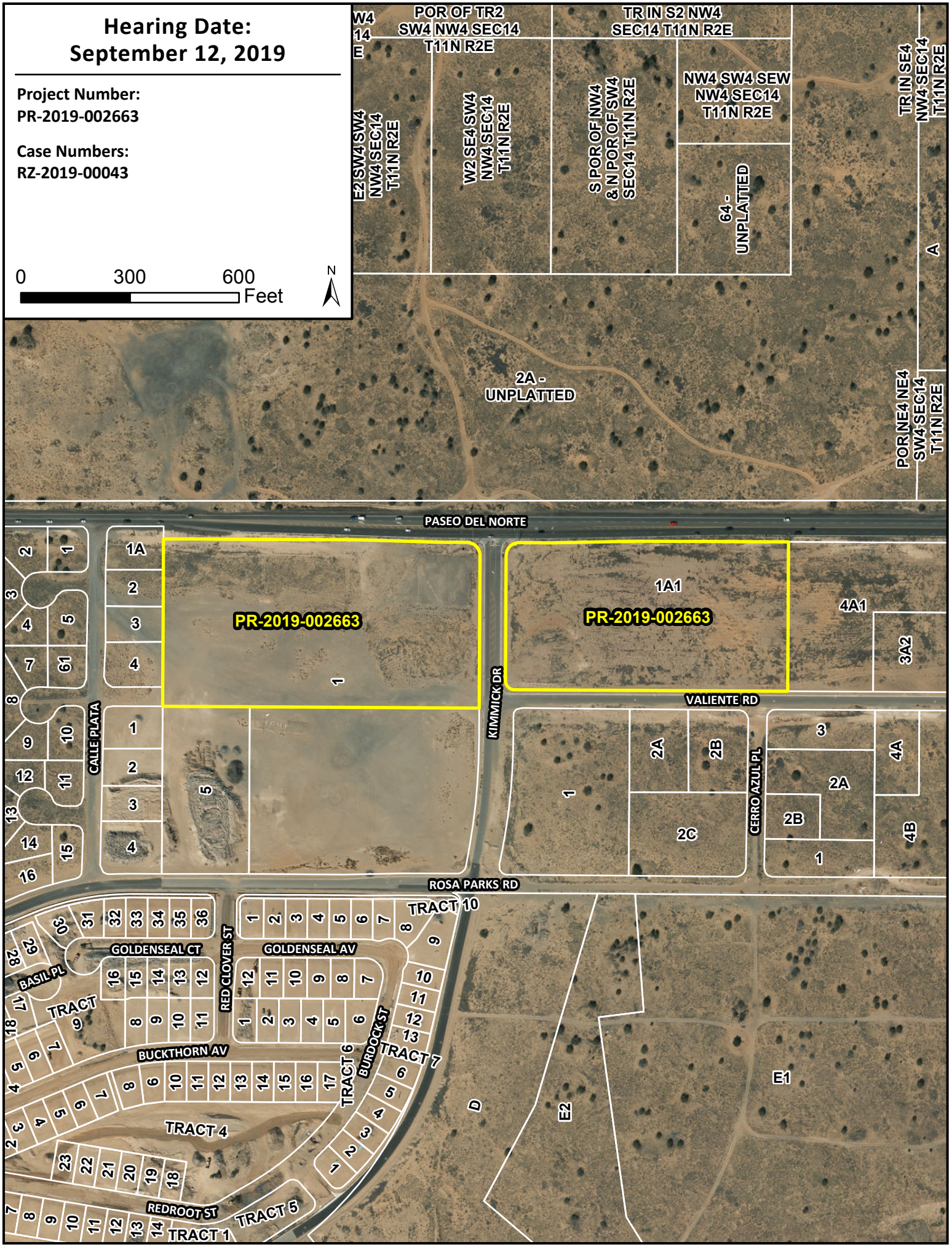
Hearing Date:
September 12, 2019

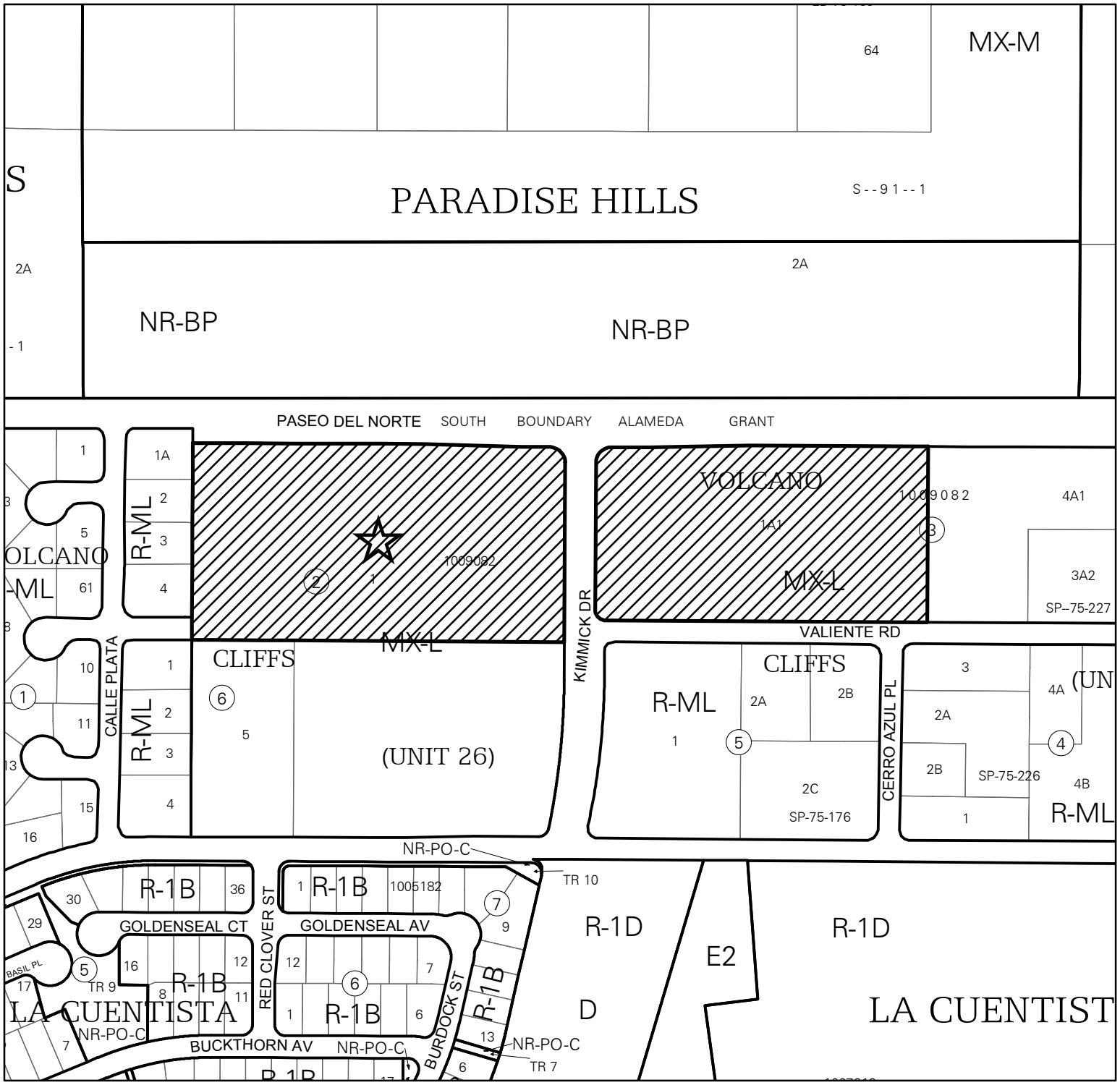
Project Number:
PR-2019-002663

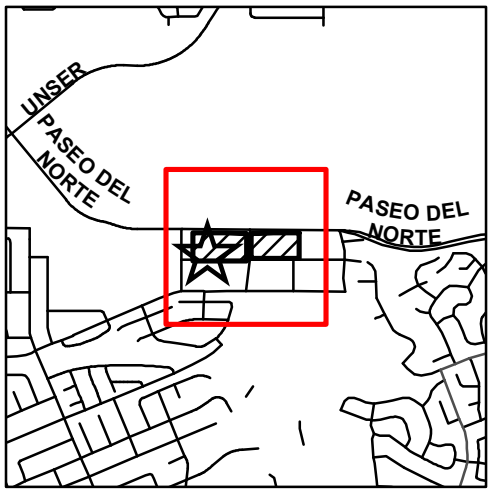
Case Numbers:
RZ-2019-00043

0 300 600 Feet

N







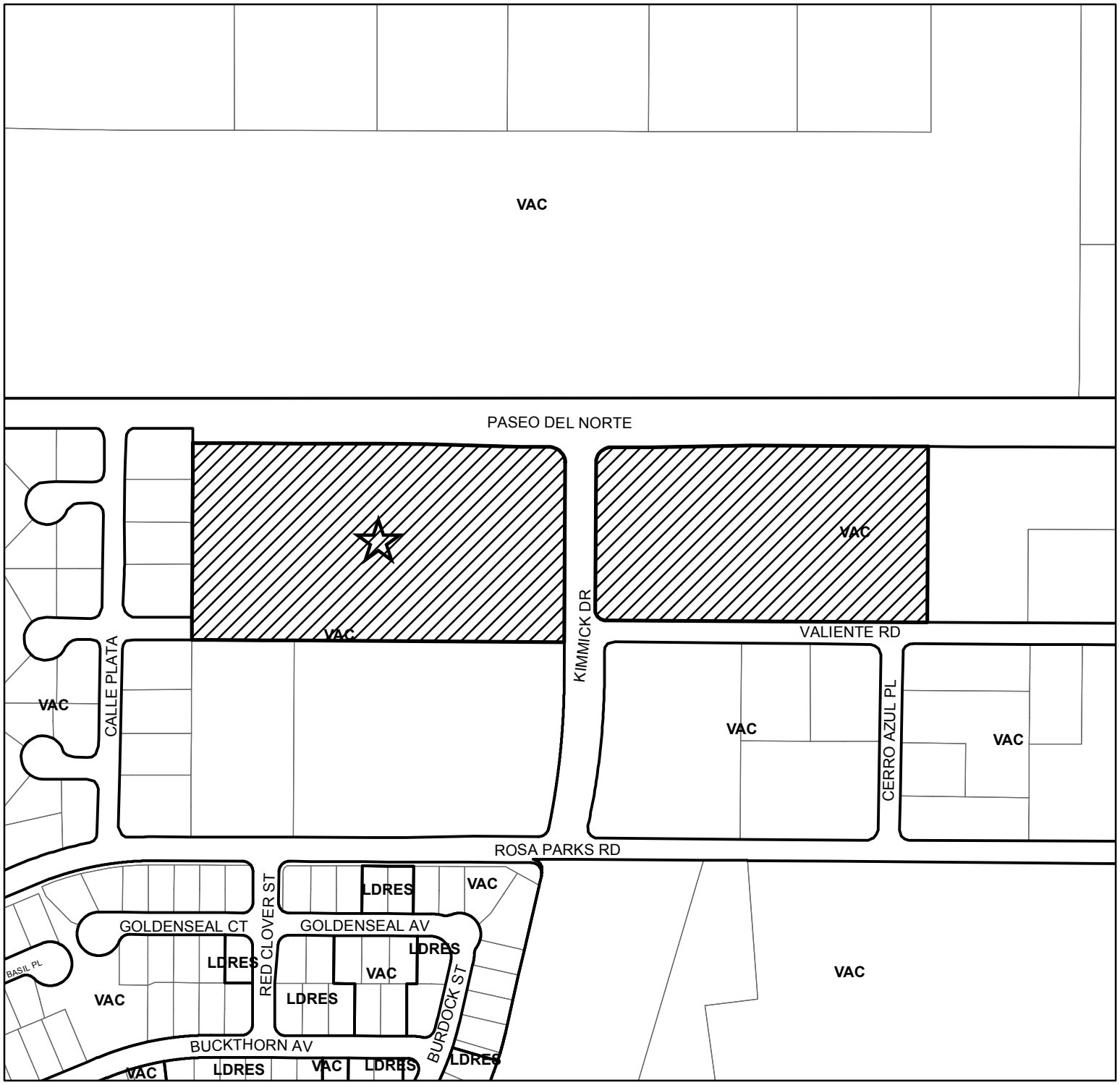
IDO ZONING MAP

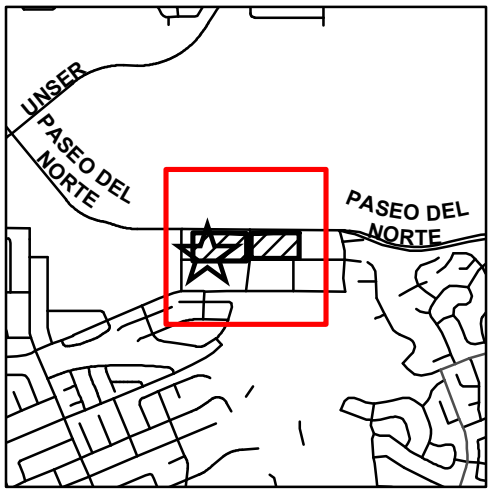
Note: Gray shading indicates County.

1 inch = 325 feet

Hearing Date:
9/12/2019
Project Number:
PR-2019-002663
Case Numbers:
RZ-2019-00043

Zone Map Page:
C-11





LAND USE MAP

Note: Gray shading indicates County.

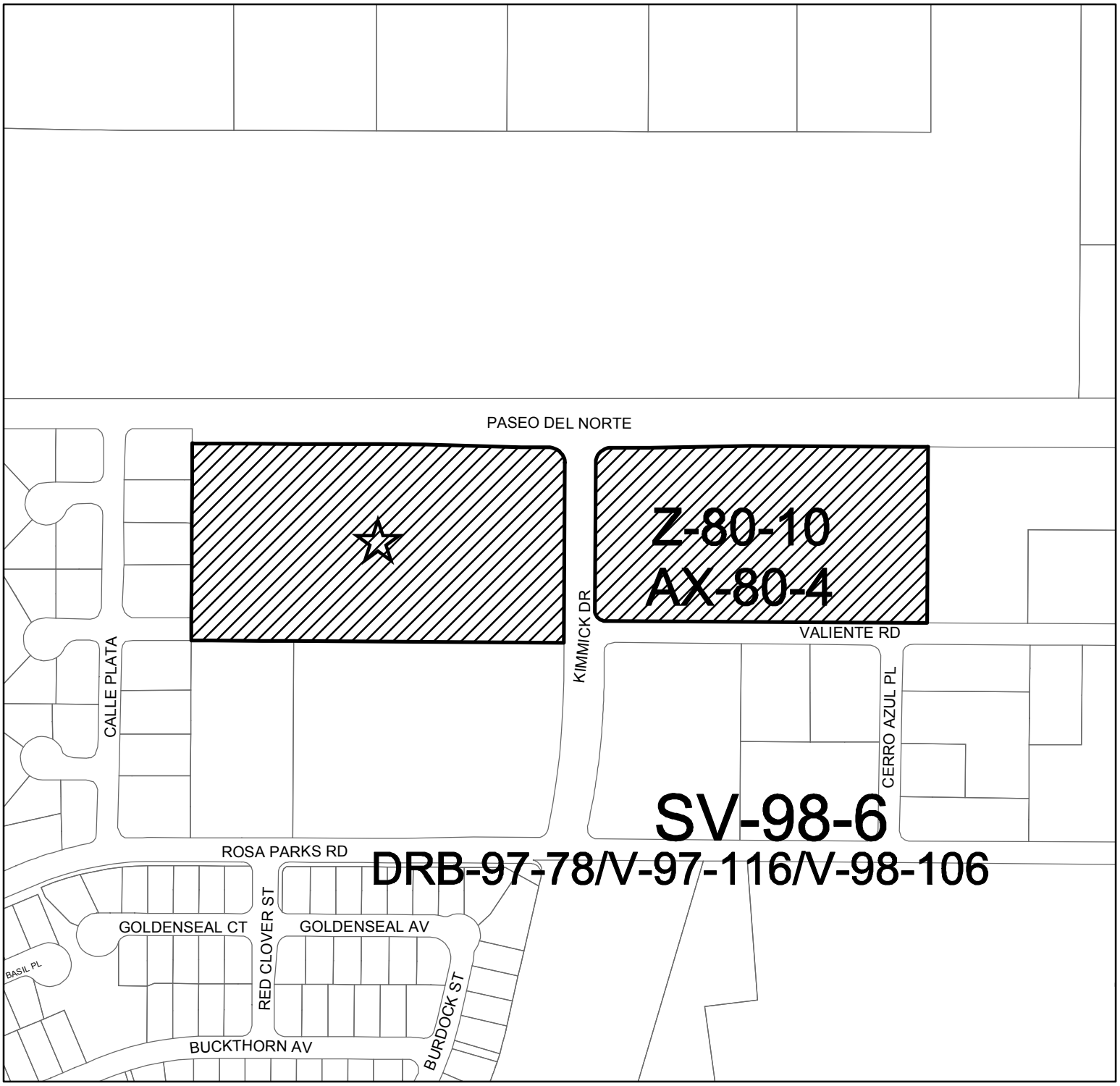
Key to Land Use Abbreviations

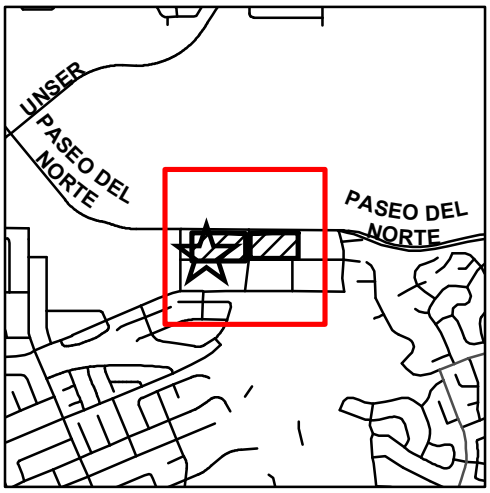
LDRES | Low-density Residential
MULT | Multi-family
COMM | Commercial Retail
CMSV | Commercial Services
OFC | Office
IND | Industrial
INSMED | Institutional / Medical
ED | Educational
APRT | Airport
TRANS | Transportation
AGRI | Agriculture
PARK | Parks and Open Space
DRNG | Drainage
VAC | Vacant
UTIL | Utilities
CMTY | Community
KAFB | Kirtland Air Force Base

1 inch = 325 feet

Hearing Date:
9/12/2019
Project Number:
PR-2019-002663
Case Numbers:
RZ-2019-00043

Zone Map Page:
C-11





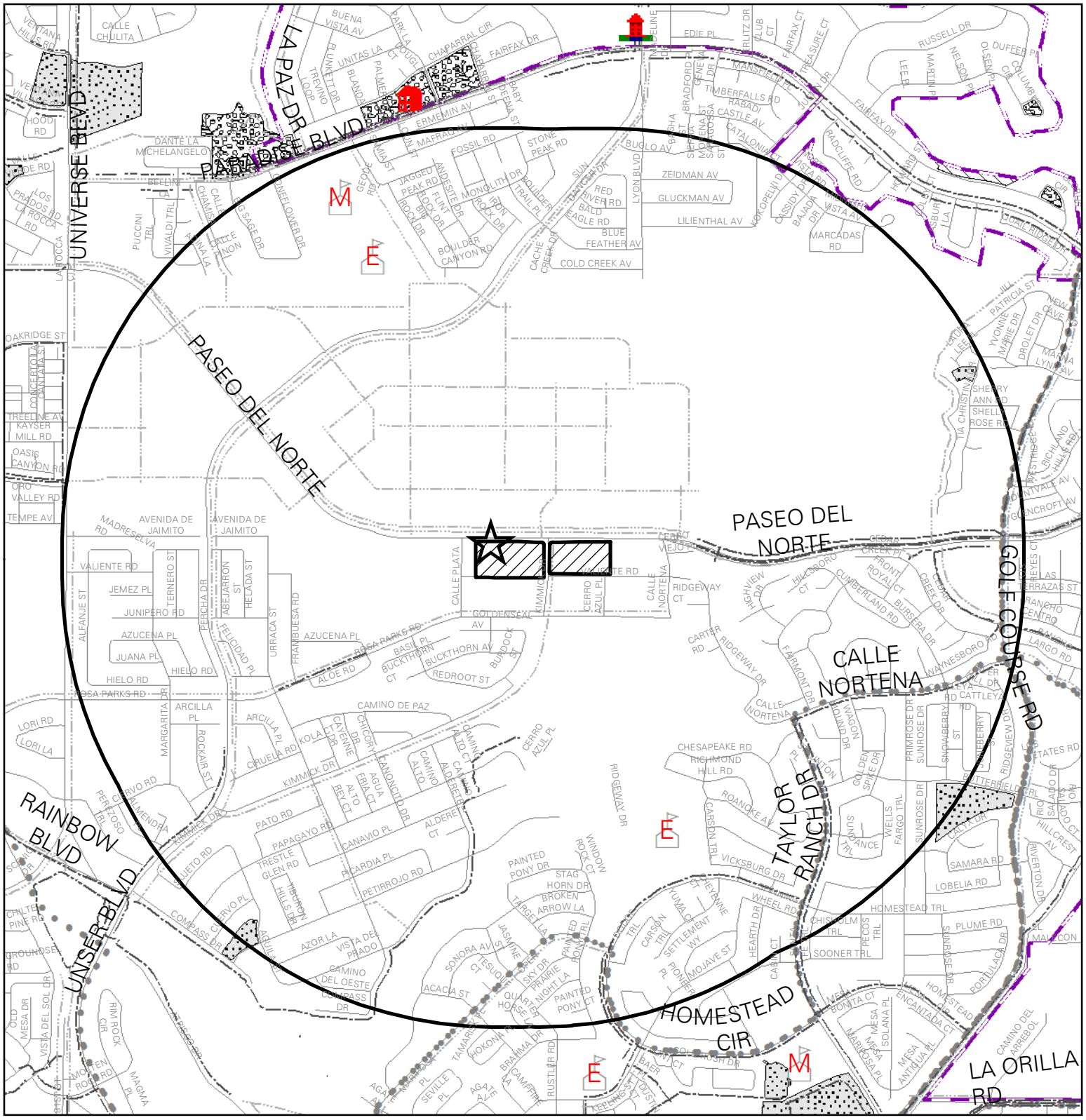
HISTORY MAP

Note: Gray shading indicates County.

1 inch = 325 feet

Hearing Date:
9/12/2019
Project Number:
PR-2019-002663
Case Numbers:
RZ-2019-00043

Zone Map Page:
C-11



Public Facilities Map with One-Mile Buffer

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

0 0.5 1 Miles

Project Number: PR-2019-002663

Table of Contents

I. Introduction…….3

II. Analysis of Applicable Ordinances, Plans, and Policies……5

Integrated Development Ordinance (IDO) 6-7(F)(3)-Review and Decision Criteria for Zone Map Amendments……....8

III. Agency and Neighborhood Concerns……18

IV. Conclusion…….19

Findings and Recommendation…….20

Agency Comments……27

Attachments

I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

	Zoning	*Comprehensive Plan Area*	*Land Use*
Site	MX-L	Area of Change	Vacant
North	NR-BP	Area of Change	Vacant
South	R-1B, R-ML	Area of Change	Vacant
East	R-ML, MX-L	Area of Change	Vacant
West	R-ML	Area of Change	Vacant

Request

The request is for a zone map amendment (zone change) for an approximately ~~23~~ 16 acre site known as the northerly 436.01 feet of Lot 1, Block 2, and Lot 1A-1, Block 3, of Volcano Cliffs Unit 26 (the "subject site"). The subject site consists of two lots. Both lots are between Paseo del Norte Blvd. NW and Rosa Parks Rd. NW.

Lot 1, approximately ~~15.7~~ 16 acres, is on the western side of Kimmick Dr. NW and Lot 1A-1, approximately 7.3 acres, is on the eastern side of Kimmick Dr. NW. The applicant states that the zone change is intended for an approximately 8.7 acre portion of Lot 1. However, there is no recorded lot line to separate Lot 1 into northern and southern portions. The vacated street, Valiente Rd. NW, is not a lot line and has not been platted or recorded. ~~Therefore, the request includes all of Lot 1 as shown in the City's GIS system and reflected in the legal records.~~

The subject site is zoned MX-L. The applicant is requesting a zone change to MX-M (Mixed Use-Medium zone) to facilitate sale of the subject site for future development.

EPC Role

The Environmental Planning Commission (EPC) is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the City. Pursuant to IDO 6-7(G)(1), the request is required to be forwarded to the City Council because it exceeds 20 acres in size and is located wholly in an Area of Change. The EPC is a recommending body and the City Council will make the final decision. Appeals of City Council decisions are heard by the District Court. The request is a quasi-judicial matter.

Context

The subject site is in the Volcano Heights area and within the boundaries of CPO-12, the Volcano Mesa character protection overlay. Much of the land is undeveloped, though development of some single-family homes has occurred. The larger area is characterized by Piedras Marcadas Canyon,

which is Major Public Open Space located east of the subject site. Further to the west are some developing subdivisions and Volcano Vista High School.

Immediately north, south, east and west of the subject is undeveloped land with a variety of zoning designations. Land west of the subject site is zoned R-ML. East of the subject site is R-ML and MX-L zoning, and then some R-1D zoning and MPOS. A portion of the subject site is in VPO-2, the Northwest Mesa Escarpment view protection overlay.

R-1B zoning and R-ML zoning lie south of the subject site. To the north, across Paseo del Norte Blvd. NW, is land zoned NR-BP and MX-M.

Activity Center

The subject site is located outside of a designated Activity Center. The Volcano Heights Urban Center is north of the subject site, across Paseo del Norte Blvd. NW, and is one of two Urban Centers designated by the Comprehensive Plan. Uptown is the other. Urban Centers are intended to be mixed-use districts that are important for economic growth, and offer employment opportunities and a range of housing options (Comprehensive Plan, p. 5-14).

The Volcano Heights Urban Center is zoned NR-BP, MX-M, and MX-H to accommodate a variety of future development to serve the area and region. MX-T zoning serves as a buffer for the R-1D subdivision south of the Paseo del Norte/Unser Blvd. intersection. A wide variety of commercial development, economic base jobs, and higher density housing can develop here and support the entire Westside.

History

The subject site is located in Unit 26 of the Volcano Cliffs Subdivisions, which were originally platted mostly in the late 1960s and early 1970s. Unit 26 was platted and recorded in 1971.

The subject site was part of a much larger annexation, of Volcano Cliffs Units 2 through 27, which began in 1980 and was finalized in 1981. The annexation, of approximately 2,404 acres, was heard by the Environmental Planning Commission (EPC) at its February 21, 1980 meeting (AX-80-4/Z-80-10). City Staff recommended withholding approval until a service agreement, replatting, and addressing agency comments had occurred, and that these items were too large to condition in the absence of any clear procedures. However, the EPC voted 5-3 to forward a recommendation of approval to the City Council.

The proposed annexation was introduced at City Council on October 13, 1980. The City Council heard the case at its October 27, 1980 meeting. It's unclear if there were multiple meetings about the case, but the legislation (O-92, Enactment No. 1-1981, see attachment) was adopted on December 11, 1980 and became effective on January 2, 1981.

In more recent history, the subject site was included in the Volcano Cliffs Sector Development Plan (VCSDP), adopted by the City Council, signed by the Mayor in 2011, and amended in 2014. The subject site was zoned SU-2/VCMX, which approximated the Zoning Code's C-1 and R-2 zones with some exceptions. Upon adoption of the Integrated Development Ordinance (IDO) in

May 2017, the subject site's zoning converted to its current zoning of MX-L, Mixed-Use Low Intensity zone.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Metropolitan Region Planning Organization (MRMPO), identifies the functional classifications of roadways. Paseo del Norte Blvd. NW is a Regional Principal Arterial. Kimmick Dr. NW is a proposed Minor Collector as it bisects the subject site.

Comprehensive Plan Corridor Designation

Paseo del Norte Blvd. NW is currently designated a Commuter Corridor. Commuter Corridors are intended for long-distance trips across town by automobile, including limited access streets. Paseo del Norte Blvd. NW is also designated a Premium Transit Corridor as it passes the subject site. Premium Transit Corridors are intended to have high-quality, high-capacity, and high-frequency public transit, intended for mixed-use and transit-oriented development.

The Premium Transit designation acts as an overlay on other corridor designations. Until premium transit projects have identified transit station locations and funding has been secured, development policies for the underlying corridor apply. Once stations and funding have been identified, Premium Transit Corridor policies kick in (Comp Plan, p. 5-16). Therefore, the request is being evaluated using the **Commuter Corridor** designation.

Trails/Bikeways

A bicycle lane is proposed along Kimmick Dr. NW. Along Paseo del Norte Blvd. NW, a bicycle lane and a paved trail, the Paseo del Norte Trail, are proposed.

Transit

The subject site is not currently served by Transit. The nearest transit stop is approximately 1 mile east, at the intersection of Paseo del Norte Blvd. NW and Unser Blvd. NW. Albuquerque Ride Route #92-Taylor Ranch Express, runs along Unser Blvd. NW twice in the AM and twice in the PM, weekdays only.

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

Integrated Development Ordinance (IDO)

Definitions

Adjacent: Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. See also Alley, Multi-use Trail, Private Way, Public Right-of-Way, and Street.

General Retail: An establishment providing for the retail sale of general merchandise or food to the general public for direct use and not for wholesale; including but not limited to sale of general merchandise, clothing and other apparel, flowers and household plants that are not grown on-site, dry goods, convenience and specialty foods, hardware and similar consumer goods, or other retail sales not listed as a separate use in Table 4-2-1. See also Adult Retail, Building and Home Improvement Materials Store, Large Retail Facility, Liquor Retail, and Grocery Store.

General retail is divided into 3 categories based on the size of the establishment or use (not the size of the structure):

1. General Retail, Small: An establishment with no more than 10,000 square feet of gross floor area.
2. General Retail, Medium: An establishment of more than 10,000 square feet of gross floor area and no more than 50,000 square feet of gross floor area.
3. General Retail, Large: An establishment of more than 50,000 square feet of gross floor area. See also *Large Retail Facility*.

Infill Development: An area of platted or unplatted land that includes no more than 20 acres of land and where at least 75 percent of the parcels adjacent to the proposed development have been developed and contain existing primary buildings.

Liquor Retail: A retail sales establishment licensed by the state selling packaged alcoholic liquors (including beer, wine, and spirituous liquors) for consumption off-site. Establishments that operate under a Small Brewer's, Winegrower's, or Craft Distiller's license are not considered Liquor Retail.

Zoning
The subject site is currently zoned MX-L [Mixed-Use Low Intensity Zone District, IDO 14-16-2-4(B)], which was assigned upon adoption of the IDO. Primary land uses are non-destination retail and commercial uses, townhouses, low-density multi-family residential dwellings, and civic and institutional uses to serve the surrounding area. Specific permissive uses are listed in Table 4-2: Allowable Uses, IDO p. 130.

The request proposes to change the subject site's zoning to MX-M (Mixed Use, Medium Intensity Zone District, IDO 14-16-2-4(C). The purpose of the MX-M zone is to provide a wide array of moderate-intensity retail, commercial, institutional, and moderate-density residential uses. Specific permissive uses are listed in Table 4-2 of the IDO.

Comparison of MX-L and MX-M
A couple of key differences between the MX-L and the MX-M zones are general retail and grocery stores. The IDO defines three types of general retail: General Retail, Small; General Retail, Medium; and General Retail, Large (IDO, p. 464 and see above). In the MX-L zone, only General Retail, Small is allowed. In the MX-M zone, General Retail, Small and General Retail, Medium are allowed permissively. General Retail, Large is a conditional use and would require a hearing before the Zoning Hearing Examiner (ZHE).

Other notable differences between the MX-L and the MX-M zones include:

- Bar, light vehicle fueling station, light vehicle sales and rental, mortuary, pawn shop, and transit facility are conditional uses in the MX-L zone (and require a hearing before the ZHE), but become permissive uses in the MX-M zone.
- Hospital, catering service, and nightclub are not allowed in MX-L, but are permissive in MX-M.
- Liquor retail is an accessory use in MX-L and a permissive use in MX-M.
- Drive-through is a conditional use in MX-L and an accessory use in MX-M.

The existing MX-L zone allows General Retail, Small (up to 10,000 sf), but does not allow General Retail, Medium (up to 50,000 sf). New permissive uses in the MX-M zone are general retail-medium, hospital, catering service, nightclub, liquor retail, and drive-through. In the nearby Volcano Heights Urban Center, drive-throughs are prohibited pursuant to IDO Section 14-16-4-3(F).

Use-Specific Standards
Noteworthy Use Specific Standards include those for liquor retail and light vehicle fueling station. The use-specific standards for Liquor Retail [see 4-3(D)(36)(a through h), p. 159] specify in Standard (c) that a conditional use is required when a proposed liquor retail use is within 500 feet of any residential or NR-PO zone district or any group home use.

Due to the R-ML and R-1B zoning adjacent to the subject site, it's likely that a conditional use would be required for liquor retail. A conditional use is subject to a hearing before the Zoning Hearing Examiner (ZHE). If the conditional use is obtained, the next step would be a hearing before the State liquor board.

The IDO's use-specific standards for Light Vehicle Fueling Station [see 4-3(D)(17)(a through n), p. 147] regulate items such as access points, canopies, and screening. (D)(17)(i) and state that a conditional use is required when this use is located adjacent to any residential zone district. Therefore, due to the adjacent R-ML and R-1B zoning, it's likely that a conditional use would be required.

Albuquerque / Bernalillo County Comprehensive Plan
The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan designates an Area of Change. Applicable Goals and policies are listed below. The Goals and policies listed below are cited by the applicant in the zone change justification letter dated August 23, 2019 (see attachment).

Staff does not provide analysis or additional citations other than what the applicant provided because, pursuant to the IDO Subsection 14-16-6-4(F)(2), the applicant bears the burden of providing a sound justification for the request, based on substantial evidence.

Chapter 4: Community Identity

Policy 4.1.2-Identity and Design

Chapter 5: Land Use

Goal 5.1-Centers & Corridors
Policy 5.1.1- Desired Growth and subpolicies a and b
Policy 5.1.2- Development Areas
Policy 5.1.8-Premium Transit Corridors
Policy 5.1.12-Commuter Corridors
Goal 5.2-Complete Communities
Policy 5.2.1-Land Uses and subpolicies a, b, e, g, and n
Goal 5.3-Efficient Development Patterns
Policy 5.3.1-Infill Development
Goal 5.4 Jobs-Housing Balance
Policy 5.4.2 -West Side Jobs and subpolicy a
Goal 5.6- City Development Areas
Policy 5.6.2- Areas of Change and subpolicies b, c, d, e, and g

Chapter 7-Urban Design

Policy 7.6.2-Transportation Infrastructure

Economic Development

Goal 8.1- Placemaking
Policy 8.1.1- Diverse Places and subpolicy a

Integrated Development Ordinance (IDO) 6-7(F)(3)-Review and Decision Criteria for Zone Map Amendments

Requirements
The review and decision criteria outline requirements for deciding zone 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 district was applied to the property; or 2) there has been a significant change in neighborhood or community conditions affecting the site; or 3) a different zone district is more advantageous to the community as articulated by the Comprehensive Plan or other, applicable City plans.

Justification & Analysis
The zone change justification letter analyzed here, received on August 23, 2019, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned MX-L (Mixed-Use Low Intensity Zone. The requested zoning is MX-M (Mixed Use, Medium Intensity Zone). The reason for the request is to facilitate sale of the subject site for future development.

The applicant believes that the proposed zone map amendment (zone change) meets the IDO's zone change decision criteria [14-16-6-7(F)(3)] as elaborated in the justification letter. Citations are from the IDO. The applicant's arguments are in *italics*. Staff analysis follows.

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

Applicant: The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering a preponderance of Comprehensive Plan policies related to Centers and Corridors, Development Areas, Complete Communities, and Land Use.

Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The Goals and policies listed here as applicable are relevant to the request; note that relevancy does not automatically mean that the Goal or policy is furthered. In several instances, the request presents a significant conflict with an applicable Goal and/or policy.

<u>Applicable citations</u>: Policy 4.1.2-Identity and Design; Goal 5.1-Centers & Corridors; Policy 5.1.2-Development Areas; Policy 5.1.8-Premium Transit Corridors Subpolicy d; Policy 5.1.12-Commuter Corridors and Subpolicies a and b; Goal 5.2-Complete Communities; Policy 5.2.1-Land Uses; Policy 5.2.1-Land Uses Subpolicies a, e, and g; Goal 5.3- Efficient Development Patterns; Goal 5.4-Jobs Housing balance; Policy 5.4.2-West Side Jobs and subpolicy a; Goal 5.6-City Development Areas; Policy 5.6.2-Areas of Change and Subpolicies b, c, d, e, and g; Policy 7.6.2-Transportation Infrastructure; Policy 8.1.1-Diverse Places and Subpolicy a; Policy 8.1.2-Resilient Economy.

<u>Non-applicable citations</u>: Policy 5.1.1-Desired Growth; Policy 5.1.2-Development Areas; Policy 5.1.8-Premium Transit Corridors; Policy 5.1.12-Commuter Corridors Subpolicy c; Policy 5.2.1-Land Uses Subpolicies b and n; Policy 5.3.1-Infill Development;

<u>Relevant Goals and Policies not cited</u>: Policy 5.1.4-Urban Centers; Policy 5.1.6-Activity Centers; Policy 5.2.1-Land Uses Subpolicy j; Policy 5.4.2-West Side Jobs subpolicy b; Policy 5.6.4-Appropriate Transitions; Policy 8.1.1-Diverse Places Subpolicy b

Staff: The applicant has provided the required policy-based response, but has not adequately demonstrated that the request would further a preponderance of applicable Goals and policies and not be in significant conflict with them.

Staff finds that the request conflicts with a preponderance of applicable Comprehensive Plan Goals and policies. The subject site is not in a designated Activity Center so activity center goals and policies (such as Goal 5.1 and Policy 5.1.1) cannot be used to justify the request. The

Volcano Heights Urban Center is located north of the subject site, across Paseo del Norte Blvd. and spans westward to include a large area around the intersection of Paseo del Norte and Unser Blvds.

Activity center Goals and policies are relevant, however, because the request conflicts with them. For instance, one of the applicant's main arguments is that upzoning the subject site would lead to continued infill and development of the adjacent Center. Staff disagrees and finds that fostering more intense development outside of designated Activity Centers directly contravenes the intent of the Comprehensive Plan. A community of strong centers cannot be created by upzoning land outside of designated activity centers, and driving development desired for activity centers away from them and closer to residential uses and open spaces where the more intense uses are not generally desired.

The request would serve to undermine the Volcano Heights Urban Center in favor of more intense development in a location that is not beneficial to the community as a whole, and is the opposite of the intention of the Comprehensive Plan. The request conflicts with Policy 5.1.4-Urban Centers regarding creation of Urban Centers that provide a range of employment opportunities and housing, and Policy 5.1.6-Activity Centers regarding fostering mixed-use centers of activity that meet the needs of residents and businesses.

The request also conflicts with Policy 5.2.1-Land Uses, and would not support the healthy, sustainable, and distinct community that would result from development of a mix of appropriate uses in the Volcano Heights Urban Center, based upon the IDO-established zoning that supports the Comprehensive Plan vision. Subpolicy g states that commercial development should be located in existing commercial zones and designated centers and corridors, and Subpolicy j states that zone changes outside of designated activity centers are discouraged.

The applicant's other main argument is that, because the subject site is located along a designated Corridor, that more intense development should be directed to it. Staff does not agree. More intense development is clearly intended to be in designated activity centers, especially Urban Centers. Centers and Corridors work together as a mutually reinforcing framework that forms the backbone of the Comprehensive Plan; a major conflict with activity center policies means a major conflict with the Comprehensive Plan.

The Comprehensive Plan states that center policies generally take precedence over corridor policies (p. 5-13), so the conflict with applicable Activity Center policies is primary. Though corridor policies are secondary, it's worth noting the conflicts with them as well because they are intended to support centers. Paseo del Norte Blvd.'s future Premium Transit designation is intended to support the Volcano Heights Activity Center. However, premium Transit policies only apply after station locations have been identified and funding allocated, which has not occurred yet. Staff is not convinced by the applicant's argument that the zone change is a good idea because it would support more intense mixed-use development along this designated Commuter Corridor that would be desirable in the future along a Premium Transit Corridor. A wide-variety of auto-oriented, commuter corridor type uses can develop without the proposed

zone change, and intensification of allowable uses on the subject site would detract from the Activity Center that the future Premium Transit Corridor is intended to serve.

Also, there is a conflict with the applicant's argument that the request protects the identity and cohesiveness of nearby neighborhoods because the request would leave a buffer of MX-L zoned land on its southern side that is at least 500 feet wide. ~~This argument is incorrect because~~ Lot 1, on the western side of Kimmick Dr., has not been platted into northern and southern portions. The vacated western portion of Valiente Rd. NW is not a lot line~~, so the request includes all of Lot 1 and R-1B zoning lies to the south and there would be no buffer~~. The existing MX-L zoning is purposefully north of the residentially-zoned parcels, and acts to buffer them from Paseo del Norte Blvd. NW.

Therefore, because the applicant has not demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not significantly conflict with the, there is no demonstration that the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is insufficient.

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

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

Applicant: The subject site is located wholly in an Area of Change, so this criterion does not apply.

Staff: The subject site is located wholly in an Area of Change, so this criterion does not apply. The response to Criterion B is sufficient.

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

1. There was typographical or clerical error when the existing zone district was applied to the property.

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

Applicant (summarized): The proposed amendment is located wholly in an Area of Change, and the existing zoning is inappropriate because a different zone district is more advantageous to the community as articulated by the ABC Comp Plan. As described in this justification letter, the requested MX-M zone furthers numerous goals and policies of the Comprehensive Plan, including locating larger retail along automobile-oriented Commuter Corridors, infill development and land use patterns, supporting future transit along Paseo del Norte, and helping shift the jobs-housing balance on the west side of the Rio Grande.

The Northwest Mesa has several locations of vacant MX-L zoned property, but nothing that allows more intense, even moderately intense, development outside of the Volcano Heights Urban Center, which lacks utilities and other infrastructure. Approving a change to the MX-M zone in the proposed location will implement the appropriate pattern of land use, development density, intensity, and connectivity as desired by the community and described by the Comprehensive Plan.

MX-M is more advantageous than MX-L because the existing zoning includes a variety of use restrictions that are not appropriate for a property located next to a Commuter Corridor, future Premium Transit Corridor, and Urban Center. It is unrealistic to assume that a site this large will successfully develop with all 10,000 square-foot or less individual businesses or without many of the other uses allowed by the MX-M zone, especially considering the Comprehensive Plan policies to allow automobile-oriented uses along Corridors like Paseo del Norte and promoting additional job opportunities for the West Side. When these uses develop, they will be conveniently accessible to the surrounding neighborhoods, as well as others driving on Paseo del Norte without requiring them to travel farther distances for the same goods and services.

Staff: A different zone district (MX-M) on the subject site would generally not be more advantageous to the community as a whole than the existing zoning (MX-L). The additional uses allowed by the MX-M zone would take away from the Comprehensive Plan's intended development intensity for the nearby Volcano Heights Urban Center, which already has MX-M zoning.

The applicant has not demonstrated that the request furthers a preponderance of applicable Goals and policies and does not conflict with them. The policy analysis fails to address significant conflicts with Comprehensive Plan Goals and policies that support Activity Centers such as the Volcano Heights Urban Center, which was zoned MX-H, MX-M, and NR-BP specifically so that more intense uses can concentrate in the designated activity center and not

outside of it. The Comprehensive Plan's primary purpose is to benefit the community as a whole by directing and encouraging more intense development to designated Centers in order to preserve and protect the lower-intensity uses outside of designated centers. The request conflicts directly with this purpose.

Though automobile-oriented uses are generally appropriate along Commuter Corridors, Paseo del Norte Blvd. NW passes the subject site for a short portion of its length as it leads into the designated Activity Center, where more intense uses can concentrate without disrupting the lower-intensity uses that characterize the area. In this area and context, it is inappropriate for the medium-intensity uses allowed by the MX-M zone to be located near low-density residential areas and Major Public Open Space; the MX-L zoning already in place south of Paseo del Norte Blvd. NW is a much better fit for the context that surrounds the ~~23~~ 16 acre subject site than the proposed zoning.

The MX-H and NR-BP zoning in the Volcano Heights Urban Center allow a wide variety of commercial, office, and industrial uses that can result in economic base jobs that have a multiplier effect throughout the local economy. The proposed zone change from MX-L to MX-M may result in a few more service jobs than keeping the MX-L zone, though the effect of undermining the designated activity center could be detrimental to the area overall in the long run. The response to Criterion C is insufficient.

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

Applicant: None of the permissive uses in the MX-M zone will be harmful to the adjacent property, neighborhood, or community. The table provides a comparison of the MX-L and MX-M zones, limited to uses permissive in the MX-M zone that are not already permissive in the MX-L zone. Many are already allowed conditionally in the MX-L zone, including light vehicle fueling station, tap room or tasting room, and drive-through or drive-up facility. Many also have use-specific standards that mitigate their impact, including separation requirements between residential uses. The distance separation between the subject site and the nearest low-density residential use is approximately 540 feet.

Some uses that are of concern to neighbors include "big box" stores, home improvement stores, hospitals, warehouses, a temporary circus, drive-in theater, and group homes. Other than hospitals, most of these uses are Conditional and would require additional hearings with the Zoning Hearing Examiner. Part of that hearing process would be a determination that the use would not be harmful to the neighbors.

Regarding "big box" stores, the IDO includes Use-specific Standards that adequately mitigate the impacts. Such facilities are also typically larger that the area proposed for this request. Sites 12 to 20 acres are typical, which would require a site 50% larger than either of the areas proposed to become MX-M. The location of Kimmick splitting the subject site in half and leaving the MX-L to the south limits the possibility of this site becoming a large retail facility.

Other Use-specific standards will ensure these uses are not harmful to adjacent neighbors. Hospitals in the MX-M zone are limited to 20 overnight beds and prohibit ambulance traffic, so size and noise concerns are minimized. Light vehicle fueling stations become a Conditional Use if proposed adjacent to residential, and light vehicle sales and rental includes extra screening requirements.

Liquor retail also becomes a Conditional Use if it is within 500 feet of any surrounding residential zone. Pawn shops have a minimum separation requirement from other pawn shops. Lastly, drive-through facilities include a significant number of design standards. In addition, drive-throughs are Conditional Uses within 330 feet of Major Public Open Space and prohibited when adjacent to Major Public Open Space.

Table 2. IDO Zoning Comparison: MX-L vs. MX-M

USE	MX-L	MX-M
Hospital	-	
Sports Field	C	P
University or College	C	P
Auditorium or Theater	A	P
Bar	C	P
Catering Service	-	P
Nightclub	-	P
Tap room or tasting room	C	P
Light vehicle fueling station	C	P
Light vehicle sales and rental	C	P
Mortuary	C	P
Personal and business services/large	-	P
General retail/medium	-	P
Liquor retail	A	P
Pawn shop	C	P
Park-and-ride lot	C	P
Transit facility	C	P
Drive-through or drive-up facility	CA	A
Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours	-	A

Staff: The requested zone (MX-M) includes a wider variety of non-residential uses than the existing MX-L zone. Permissive residential uses are the same. The zones differ mostly with respect to permissive commercial uses. The table shows uses that would become permissive in the MX-M zone.

In MX-L, which is roughly equivalent to the former C-1 zone, only General Retail, Small is allowed. In MX-M, General Retail, Small and General Retail, Medium are allowed. General Retail, Large is a conditional use in MX-M. The approximately ~~15.7~~ 16 acre Lot 1, on the western side of Kimmick Dr. NW, contains enough area for a large, single-user store to develop

provided a conditional use is obtained. 12 to 20 acres is the typical size lot for a big box store, as stated by the applicant.

Other notable differences between the two zones (mixed-use low intensity and mixed-use medium intensity) are: bar, light vehicle fueling station, and light vehicle sales and rental, mortuary, pawn shop, and transit facility are conditional uses in the MX-L zone that become permissive uses in the MX-M zone. Hospital, catering service, and nightclub are not allowed in MX-L, but are permissive in MX-M. Liquor retail is an accessory use in MX-L and a permissive use in MX-M. A drive-through is a conditional use in MX-L and an accessory use in MX-M.

The following uses, proposed to be permissive, are often considered harmful to adjacent property, the neighborhood, or the community: bar, light vehicle fueling station, light vehicle sales and rental, pawn shop, nightclub, liquor retail, and drive through.

IDO regulations could help mitigate some impacts to nearby lower-intensity uses. Future development would be required to comply with applicable IDO regulations, such as the 5-5(I)(1)- Drive Through Facility Design and Section 14-16-5-9: Neighborhood Edges, due to the single-family homes to the south. These requirements for buffering and screening would apply to future development. State regulations pertaining to alcohol licensing would also apply to future uses on the subject site, just as they apply City-wide.

Though many of these uses would be subject to the IDO's use-specific standards, the distance separation between the subject site (the northerly 436.01 feet of Lot 1) and the nearest low-density residential use (R-1B zoned lots) is approximately ~~75 feet, not~~ 540 feet as stated. ~~Therefore,~~ Even with use-specific standards, however, there could still be a ~~the~~ potential for harmful effects on adjacent property and the neighborhood because of the moderate-intensity uses in this context ~~could be more than originally represented~~.

The greater harm that could result from the request, however, would be to the community in the area and the City as a whole. Upzoning approximately ~~23~~ 16 acres to MX-M, outside of the designated Volcano Heights Urban Center that already contains MX-M zoning, would adversely affect the area because it would facilitate development of medium-intensity uses outside of the designated activity center and affect its potential to develop with the desired mix and intensity of uses intended by the Comprehensive Plan.

The Volcano Heights Urban Center is one of two designated urban centers in the City, and is the only urban center on the City's Westside. Allowing a zone change that would facilitate development of more intense uses than intended, outside of the activity center and south of Paseo del Norte, would harm the community because it would be contrary to the Comprehensive Plan's establishment or designated activity centers that absorb more intense development so that the areas characterized by lower-intensity development can be protected and quality of life supported. The response to Criterion D is insufficient.

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

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

Applicant: The proposed zone change will not require major and unprogrammed capital expenditures by the City. The Applicant has already helped pay for and install the infrastructure necessary for development of this site through Special Assessment District 228. It has access to adequate roadways, water, sewer, and storm water facilities. Additionally, any additional required extensions of these services for any specific development proposal will be the sole responsibility of the developer.

Staff: The applicant did not respond directly to the question, but uses language found in the former R270-1980 in lieu of choosing option 1, 2, 3, or 4. The applicant states that infrastructure necessary for the subject site's development has been put in place, but did not address the issue of capacity.

Staff points out that infrastructure in the area continues to develop. In October 2018, the City Council passed legislation that prioritizes the intersection of Paseo del Norte and Unser Blvds., which is at the heart of the Volcano Heights Urban Center. Bill No. R-18-84 was enacted in November 2018 and includes roadway infrastructure in the City's capital implementation program (CIP). The response to Criterion E is sufficient.

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

Applicant: While the property is located adjacent to Paseo del Norte, a regional principal arterial, it is not the only reason for providing justification for the zone change to MX-M. As described earlier in this letter, the request is based on being more advantageous to the community as it furthers a preponderance of applicable Comprehensive Plan policies for Commuter Corridors, land use, infill development, jobs-housing balance, and economic development.

Staff: Though not completely based on the subject site's location on a major street, the applicant's justification relies on location next to Paseo del Norte Blvd. NW, a commuter corridor, to support the claim that moderate-intensity commercial uses should develop on the subject site due. Because the applicant has not adequately demonstrated that the request

furthers a preponderance of applicable Comprehensive Plan Goals and policies, and that is would be more advantageous to the community than the subject site's current zoning, the street location argument becomes more important. The response to Criterion F is insufficient.

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

Applicant: While economic considerations of the owner related to marketability of the property are a consideration in this request, the justification is not completely or predominantly based on such considerations. The determining factor for this request is support for Comprehensive Plan policies making the request more advantageous to the community. The requested zone change will allow additional moderate-intensity commercial uses to develop that will provide additional needed services closer to residents in the northwest part of the City.

Staff: The applicant's justification is based predominantly on economic considerations. Staff does not agree that the determining factor for the request is support for Comprehensive Plan policies because of the significant conflicts with activity center policies, and the request cannot be demonstrated to be more advantageous to the community. The applicant's desire to sell the subject site with a more-intense zoning descriptor is predominantly economic. The response to Criterion G is insufficient.

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

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

Applicant: The zone change does not apply a zone district to one small area or one premise, or to a strip of land along a street. The subject site is nearly 16 acres, so it is *not a small area. Additionally, while not immediately adjacent to the subject site, there* is *a significant amount of MX-M zoned property in the area also along the Paseo del Norte and Unser Boulevard Commuter Corridors. Based on these two factors, the request does not constitute a spot zone.*

The request is also not considered a strip zone because while running parallel to Paseo del Norte, the two properties that constitute the subject site are over 400 feet deep. Oriented toward the signalized intersection of Kimmick with Paseo del Norte, they create a relatively large development node of higher intensity uses *in an appropriate location with adequate transitions before getting to low-density residential* uses.

Staff: The request would not apply a zone district different from surrounding zone districts to one small area. The subject site is approximately ~~23~~ 16 acres in size and does not constitute a strip of land along a street. The existing MX-M zoning in the area is with the Volcano Heights Urban Center, which is the appropriate location for development of more intense uses. The response to Criterion H is sufficient.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City departments and other interested agencies reviewed this application from 8/7/2019 to 8/21/2019. Long Range Planning Staff notes that the subject site is adjacent to the Volcano Heights Urban Center designated in the Comprehensive Plan, and suggests that the EPC carefully consider whether an upzone is appropriate in this area south of Paseo del Norte Blvd., which was designated to be lower-intensity mixed-use to be compatible with the single-family zoning to the south. The discrepancy between the applicant's analysis and the legal ad, which covers all of Lot 1, was noted.

The Open Space Division provided a letter (see attachment) expressing concern that the request for MX-M zoning may have adverse effects on the Major Public Open Space property nearby, La Cuentista. The City is in the process of purchasing more land in this area for open space and is concerned about future development near sensitive lands.

The National Park Service submitted a letter (see attachment) stating concern that the proposed zone change could have an adverse effect on the Petroglyph National Monument, and that the MX-M zone would allow additional uses that would be incompatible to the sensitivity of the culturally significant resources nearby. They prefer to see larger commercial development further from the monument to avoid such impacts.

Albuquerque Public Schools (APS) notes that all three schools that serve the area, Sunset View Elementary School, Tony Hillerman Middle School, and Volcano Vista High School, are currently over capacity for enrollment and future development would be a strain on the school system.

The Mid-Region Metropolitan Planning Organization (MRMPO) notes that Paseo del Norte Blvd. is a Regional Principal Arterial and that it's a limited access facility. PNM commented regarding easements and coordination in the future when construction occurs. Agency comments begin on p.27.

Neighborhood/Public

The Paradise Hills Civic Association and the Westside Coalition were 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). Though the applicant's letter refers to the portion of Lot 1 north of the vacated ROW of Valiente Rd. NW, because there is no platted lot line, all of Lot 1 is required to be buffered for notification purposes. The corrected buffer resulted in three more parties required to be notified, which the applicant did more than 15 days before the public hearing, as required (see attachments).

A pre-application facilitated meeting was held on July 17, 2019 (see attachment). Representatives from the Westside Coalition and Petroglyph Estates subdivision attended. Neighbors, who are opposed to the request, expressed several concerns that include consequences of the proposed zone change and overall effect on the area, range of uses the proposed zone would allow, possibility of big box stores developing, increased building height becoming allowable and affecting views, loss of character, and diminished property values. The applicant stated that the lots are not large enough for big-box stores and that the applicants are not developers, but want to sell the land.

Staff received a letter of opposition from three neighbors (see attachment), who share the same concerns. They believe that many uses allowed under the MX-M designation are incompatible with the area's culturally sensitive nature and character protected by CPO-12. They believe that the existing zoning can provide for neighborhood-serving needs and that the zoning established by the IDO shouldn't be readily discarded.

IV. CONCLUSION

The request is for a zone map amendment (zone change) for an approximately ~~23~~ 16 acre site, consisting of two lots and located on the western and eastern sides of Kimmick Dr. NW, south of Paseo del Norte Blvd. NW. The area is largely undeveloped.

The subject site is zoned MX-L. The applicant is requesting the MX-M (Mixed Use-Medium Intensity) zone in order to develop the subject site pursuant to the MX-M zone.

The zone map amendment is not justified because the applicant has not adequately shown that the request would further a preponderance of applicable Goals and policies and not be in conflict with them (Criterion A). There are significant conflicts with Activity Center policies. Lacking the required support from the Comprehensive Plan, the proposed zoning would also not be more advantageous to the community than the current zoning (Criterion C) and the justification relies predominantly on economic factors (Criterion G).

The affected neighborhood organizations are the Paradise Hills Civic Association the Westside Coalition, which were notified as required. Property owners within 100 feet of the subject site were also notified as required. A pre-application facilitated meeting was held. Neighborhood attendees are opposed to the request, citing concerns about the proposed zone change's effect on the area, range of uses, big box stores, higher buildings and views, loss of character, and diminished property values.

Staff received letters of opposition from the National Park Service, the Open Space Division, and three neighbors as of this writing.

Staff recommends denial.

FINDINGS - RZ-2019-00043, September 12, 2019- Zone Map Amendment (Zone Change)

1. The request is for a zone map amendment (zone change) for an approximately ~~23~~ 16 acre site known as the northerly 436.01 feet of Lot 1, Block 2, and Lot 1A-1, Block 3, Volcano Cliffs Unit 26 (the "subject site"). The subject site is located at the southwestern corner and the southeastern corner of the intersection of Paseo del Norte Blvd. NW and Kimmick Dr. NW.

2. The Environmental Planning Commission (EPC) is hearing this case as a recommending body. Pursuant to Section 6-7(G)(1) of the Integrated Development Ordinance (IDO), the request is required to be forwarded to the City Council because it exceeds 20 acres in size and is located wholly in an Area of Change. The request is a quasi-judicial matter.

3. The subject site is an area that the Comprehensive Plan designated an Area of Change. Paseo del Norte Blvd. is designated as a Commuter Corridor with a Premium Transit Overlay. Because no premium transit projects have identified station locations or have been funded in this location yet, only the policies for the underlying corridor designation (Commuter Corridor) apply.

4. The subject site is not in a designated activity center. The Volcano Heights Urban Center, one of only two urban centers in the City designated by the Comprehensive Plan, is located north and west of the subject site.

5. The subject site is zoned MX-L (Mixed-Use Low Intensity Zone). The applicant is requesting the MX-M zone (Mixed Use-Medium Intensity Zone) in order to sell the land for future development under a more intense zoning designation. The IDO purpose of the MX-M zone is to provide a wide array of moderate-intensity retail, commercial, institutional, and moderate-density residential uses.

6. There is existing MX-M zoning already in the area within the Volcano Heights Urban Center, which is the appropriate location for development of more intense uses. MX-L zoning is found on the southern side of Paseo del Norte Blvd. to provide neighborhood scale goods and services while supporting the development of more intense uses in the designated activity center where MX-M zoning is already in place.

7. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.

8. The request conflicts with the following, applicable Comprehensive Plan Goal and policies regarding growth, as follows:

   Goal 5.1-Centers & 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.

Policy 5.1.2-Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The request would not lead to continued infill and development of the adjacent Volcano Heights Urban Center. First, the subject site does not meet the IDO definition of infill development; the area is almost entirely undeveloped. Second, fostering more intense development outside of designated Activity Centers directly contravenes the intentions of the Comprehensive Plan.

The City cannot grow as a community of strong centers and corridors if land outside the designated activity centers is upzoned to compete with them (Goal 5.1), which would drive development out of the activity centers where it is desirable and closer to residential uses and open spaces that are intended to be more stable and maintain a lower-intensity and scale of development (Policy 5.1.2). The more intense uses and regional growth are intended to develop in the designated activity centers (especially the Urban Centers), which would help shape the built environment into a sustainable development pattern that benefits the City as a whole (Policy 5.1.1).

9. The request conflicts with the following, additional applicable Comprehensive Plan policies, as follows:

   A. Policy 5.1.4-Urban Centers: Create highly accessible and walkable Urban Centers that provide a range of employment opportunities and higher-density housing options.

      Policy 5.1.6-Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

      The Volcano Heights Urban Center, one of the two Urban Centers established by the Comprehensive Plan, is intended to provide a range of employment and higher-density housing options and has the zoning to do so. The request would make it more difficult to provide a range of employment opportunities and higher-density housing options in the Urban Center because it would draw future development away and undermine the Comp Plan's intent of establishing it (Policy 5.1.4). Similarly, the request would not foster mixed-use centers with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses because it would promote more intense development outside of the designated center nearby and would promote more intense development outside the center in a location that would not benefit the community as a whole.

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

g) Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors as follows:
   i. In Activity Centers with development to serve adjacent neighborhoods with an emphasis on pedestrian and bicycle connections to nearby residential areas;

j) Discourage zone changes to commercial, industrial, or office uses outside of Centers and Corridors.

The request also conflicts with Policy 5.2.1-Land Uses, and would not support the healthy, sustainable, and distinct community that would result from development of a mix of appropriate uses in the Volcano Heights Urban Center, based upon the IDO-established zoning that supports the Comprehensive Plan's vision. Commercial development should be located in existing commercial zones and designated centers and corridors; the Volcano Heights Urban Center is a designated center, along a designated corridor, in which the zones to achieve this purpose already exist (Subpolicy g). Zone changes, such as the request, that are outside of designated activity centers are discouraged by the Comprehensive Plan (Subpolicy j).

10. Center policies take precedence over corridor policies (Comprehensive Plan, p. 5-13), so the conflict with applicable Activity Center policies is primary. Though secondary, corridor policies are intended to support the designated activity centers. Paseo del Norte Blvd.'s future Premium Transit designation is intended to support the Volcano Heights Activity Center. However, premium Transit policies only apply after station locations have been identified and funding allocated, which has not occurred yet. Paseo del Norte Blvd. NW is a designated Commuter Corridor. A wide-variety of auto-oriented, appropriate uses can develop along the corridor without the proposed zone change; intensification of allowable uses on the subject site would detract from the Activity Center that the future Premium Transit Corridor is intended to serve.

11. Though automobile-oriented uses are generally appropriate along Commuter Corridors, Paseo del Norte Blvd. NW passes the subject site for a short portion of its length as it leads into the designated Activity Center, where more intense uses can concentrate without disrupting the lower-intensity uses that characterize the area. It is inappropriate for the medium-intensity uses allowed by the MX-M zone to be located near low-density residential areas and Major Public Open Space; the MX-L zoning already in place south of Paseo del Norte Blvd. NW is a much better fit for the context that surrounds the ~~23~~ 16 acre subject site than the proposed zoning. See also Finding 16.

12. The zone map amendment is not adequately justified pursuant to the IDO Review and Decision criteria for zone changes 6-7(F)(3). The responses to Criteria A, C, D, and G are insufficient. The policy analysis does not sufficiently demonstrate that the request furthers a preponderance of applicable Goals and policies and does not conflict with them (Sections A), so it is not possible to conclude that the request would be more advantageous to the community than the current zoning (Criterion C). The applicant did not adequately address the issue of potential harm to adjacent property, the neighborhood, or the community (Criterion D). The response to

Criteria G demonstrates that the justification is completely or predominantly based on economic considerations pertaining to the applicant.

13. The applicant has not adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(3)-Review and Decision Criteria for Zone Map Amendments, as follows:

A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant has not adequately demonstrated that the request would further a preponderance of applicable Goals and policies and not be in significant conflict with them.

The request presents significant conflicts with applicable Comprehensive Plan Goals and policies regarding Activity Centers. The request to upzone approximately ~~23~~ 16 acres outside of the designated Volcano Heights Urban Center would directly contravene the intent of the Comprehensive Plan to foster more intense development inside of the designated centers, in order to support development of less intense uses closer to residential areas and open spaces. A network of strong centers and corridors, which benefits the community as a whole, cannot be created by undermining the designated urban center.

B. Criterion B: The subject site is located wholly in an Area of Change, so this criterion does not apply.

C. Criterion C: A different zone district (MX-M) would generally not be more advantageous to the community as a whole than the existing zoning (MX-L). The additional uses allowed by the MX-M zone would take away from the Comprehensive Plan's intended development intensity for the nearby Volcano Heights Urban Center, which also has MX-M zoning.

The applicant has not demonstrated that the request furthers a preponderance of applicable Goals and policies because the policy analysis fails to address significant conflicts with Comprehensive Plan Goals and policies that support Activity Centers. The Comprehensive Plan's primary purpose is to benefit the community as a whole; one way it does so it to direct and encourage more intense development to designated Centers in order to preserve and protect the lower-intensity uses outside of designated centers. The request conflicts directly with this purpose.

D. Criterion D: The requested zone (MX-M) includes a greater variety of non-residential uses than the existing MX-L zone. In MX-L, only General Retail, Small is allowed. In MX-M, General Retail, Small and General Retail, Medium are allowed. General Retail, Large is a conditional use in MX-M.

Other notable differences between the two zones (mixed-use low intensity and mixed-use medium intensity) are: a bar, light vehicle fueling station, and light vehicle sales and rental, mortuary, pawn shop, and transit facility are conditional uses in the MX-L zone but become permissive uses in the MX-M zone. Hospital, catering service, and nightclub are not allowed in MX-L, but are permissive in MX-M. Liquor retail is an accessory use in MX-L

and a permissive use in MX-M. A drive-through is a conditional use in MX-L and an accessory use in MX-M.

The following uses, proposed to be permissive, are often considered harmful to adjacent property, the neighborhood, or the community: bar, light vehicle fueling station, light vehicle sales and rental, pawn shop, nightclub, liquor retail, and drive through. The distance separation between the subject site (the northerly 436.01 feet of Lot 1) and the nearest low-density residential use (R-1B zoned lots) is approximately ~~75 feet, not~~ 540 feet. Even with use-specific standards, the potential for harmful effects on adjacent property and the neighborhood could be more than originally represented. ~~Therefore,~~ Even with use-specific standards, however, there could still be a ~~the~~ potential for harmful effects on adjacent property and the neighborhood because of the moderate-intensity uses in this context that would become permissive ~~could be more than originally represented.~~

The greater harm, however, would be to the community in the area and the City as a whole. Upzoning approximately ~~23~~ 16 acres to MX-M, outside of the designated Volcano Heights Urban Center that already contains MX-M zoning, would facilitate development of medium-intensity uses outside of the designated activity center. This would be contrary to the Comprehensive Plan's establishment of designated activity centers to absorb more intense development so that the areas characterized by lower-intensity development can be protected and quality of life supported.

E. Criterion E: Infrastructure necessary for the subject site's development is in place, and infrastructure in the area continues to develop. The City Council passed legislation that prioritizes the intersection of Paseo del Norte and Unser Blvds., which is at the heart of the Volcano Heights Urban Center. Bill No. R-18-84 was enacted in November 2018 and includes roadway infrastructure in the City's capital implementation program (CIP).

F. Criterion F: The applicant's justification relies on location next to Paseo del Norte Blvd. NW, a commuter corridor, to support the claim that moderate-intensity commercial uses should develop on the subject site. However, the applicant has not adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies, and that is would be more advantageous to the community than the subject site's current zoning.

G. Criterion G: The applicant's justification is based predominantly on the economic consideration of wanting to sell the subject site with a more-intense zoning descriptor. The request conflicts significantly with activity center policies and is not more advantageous to the community as a whole than the current zoning.

H. Criterion H: The request would not apply a zone district different from surrounding zone districts to one small area. The subject site is approximately ~~23~~ 16 acres in size and does not constitute a strip of land along a street.

14. The affected neighborhood organizations are the Paradise Hills Civic Association and the Westside Coalition were required to be notified, which the applicant did. Property owners

within 100 feet of the subject site were also notified, as required. Though the applicant's letter refers to the portion of Lot 1 north of the vacated ROW of Valiente Rd. NW, because there is no platted lot line, all of Lot 1 is required to be buffered for notification purposes. The corrected buffer resulted in three more parties required to be notified, which the applicant did more than 15 days before the public hearing, as required.

15. A pre-application facilitated meeting was held on July 17, 2019. Neighbors are opposed to the request and expressed several concerns that include consequences of the proposed zone change and overall effect on the area, range of uses that would be allowed, possibility of big box stores, increased building height affecting views, loss of character, and diminished property values. The applicant stated that the lots are not large enough for big-box stores and that the applicants are not developers, but want to sell the land.

16. Staff received letters of opposition from the Open Space Division and the National Park Service. The Open Space Division is concerned that the request may have adverse effects on the Major Public Open Space nearby and about future development near sensitive lands. The National Park Service is concerned that the request could have an adverse effect on the Petroglyph National Monument, and that the MX-M zone would allow additional uses that would be incompatible with the sensitivity of the cultural resources nearby. They prefer commercial development further from the monument to avoid such impacts.

17. Three neighbors, who share the same concerns, submitted letters of opposition. They believe that many uses allowed under the MX-M designation are incompatible with the area's culturally sensitive nature and character protected by CPO-12. They believe that the existing zoning can provide for neighborhood-serving needs and that the zoning established by the IDO shouldn't be readily discarded.

RECOMMENDATION - RZ-2019-00043, September 12, 2019

~~That a recommendation of~~ DENIAL of Project #: 2019-002663, Case #: 2019-00043, a zone change from MX-L to MX-M, for the northerly 436.01 feet of Lot 1, Block 2, and Lot 1A-1, Block 3, Volcano Cliffs Unit 26, an approximately ~~23~~ 16 acre site located at the southwestern corner and the southeastern corner of the intersection of Paseo del Norte Blvd. NW and Kimmick Dr. NW~~, be forwarded to the City Council~~ based on the preceding Findings.

Catalina Lehner

Catalina Lehner, AICP
Senior Planner

Notice of Decision cc list:

Group II U26 VC, LLC & Colcano Cliffs, Inc., 8860 Desert Finch Ln NE, ABQ, NM 87122
Consensus Planning, Inc., 302 Eight St. NW, ABQ, NM 87102
Westside Coalition of NAs, Rene Horvath, 5515 Palomino Dr. NW, ABQ, NM 87120
Westside Coalition of NAs, Harry Hendriksen, 10592 Rio Del Sol NW, ABQ, NM 87114
Paradise Hills Civic Association, Maria Warren 5020 Russell Dr. NW, ABQ, NM 87114
Paradise Hills Civic Association, Tom Anderson, 10013 Plunkett Dr., NW, ABQ, NM 87114
Alan Varela, avarela@cabq.gov

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Long Range Planning
The request is for a Zone Map Amendment from MX-L to MX-M to allow for a light vehicle fueling station and a convenience store with liquor sales, which would be considered small general retail and liquor retail uses under the IDO. This site is adjacent to the Urban Center designated for Volcano Heights in the Comprehensive Plan. The zoning pattern north of Paseo del Norte includes NR-BP and MX-M, appropriate for the more intense uses expected in the Urban Center. Zoning south of Paseo del Norte was designated to be lower-intensity mixed-use to be compatible with the single-family zoning to the south. The Environmental Planning Commission will need to carefully consider whether an upzone in this area is appropriate south of Paseo del Norte or whether such a zone change might compete with the more intense zoning to the north where the City has designated the Urban Center as the more appropriate place for more intense uses.

The Environmental Planning Commission considerations should also address the discrepancy in the application between the applicant's analysis, which only covers the northern portion of Tract 1, and the legal description of the zone map amendment request, which includes the entire tract.

Should the zone map amendment be approved, this site would require an amendment to the existing site plan, which only allows office and townhouse uses. The site would also require a minor subdivision to establish a zone boundary for the northern half of Tract 1, Block 2.

CITY ENGINEER

Transportation Development
No objection to the request.

Hydrology Development
No objections.

New Mexico Department of Transportation (NMDOT)
No comments at this time.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning
No comments.

Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:

WATER UTILITY AUTHORITY

Utility Services

1. Identification: UPC – 101106404014530102
   a. No adverse comment to the zone change
   b. As the site develops the public sanitary sewer shall not be impacted. Once service is desired an Availability Statement shall be requested. Requests can be made at the link below:
      i. http://www.abcwua.org/Availability_Statements.aspx
      ii. Request shall include a City Fire Marshal approved Fire 1 Plan and a zone map showing the site location.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

Please see comment letter dated August 22, 2019

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- No comment.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

AMAFCA has no objections to the EPC case being heard in September.

ALBUQUERQUE PUBLIC SCHOOLS

APS Case Comments: A zone change from MX-L (Mixed Use Low Intensity) to MX-M (Mixed Use Moderate Intensity) creates a potential of residential development until property is developed for probable uses. In the future, should there be on-site residential development on this property, at Kimmick Drive between Paseo del Norte NW and Rosa Parks NW, the follow APS schools will be impacted: Sunset View Elementary School, Tony Hillerman Middle School, and Volcano Vista High School. Currently, all three of these schools are operating at enrollments above capacity and development will be a strain on the schools.

School Capacity and Enrollment

School	2018-2019 40th Day Enrollment	Facility Capacity	Space Available
Sunset View Elementary School	698	660	-38
Tony Hillerman Middle School	1207	1180	-27
Volcano Vista High School	2223	2202	-21

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
  - Construct new schools or additions
  - Add portables
  - Use of non-classroom spaces for temporary classrooms
  - Lease facilities
  - Use other public facilities
- Improve facility efficiency (short term solution)
  - Schedule Changes
    - Double sessions
    - Multi-track year-round
  - Other
    - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
  - Boundary Adjustments / Busing
  - Grade reconfiguration
- Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments. For informational purposes:

- The Long Range Roadway System indicates Paseo del Norte is to be a Regional Principal Arterial, Kimmick Drive is a proposed Minor Collector, and Rosa Parks Road is proposed to be a Major Collector.

- The Long Range Bikeway System indicates a proposed Paved Trail and Bike Lane along Paseo del Norte, and a proposed Bike Lane on Kimmick Drive and Rosa Parks Road.
- Paseo del Norte is a limited access facility. Please contact Dave Pennella at 724-3621 or dpennella@mrcog-nm.gov with any questions about access control.
- Paseo del Norte is an Intelligent Transportation System (ITS) Priority Corridor. Please consult the reviewing agency's Traffic Engineering and/or ITS Department with any questions regarding ITS infrastructure.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

1. There is an existing PNM underground distribution line along the east side of the subject property with associated above ground equipment at Kimmick NW and Valiente NW. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.

2. When construction occurs, it will be necessary for the applicant to coordinate with PNM to ensure that compliance with the National Electrical Safety Code for both horizontal and vertical clearances are met between the existing distribution line and the proposed building footprint. The customer must also ensure applicable OSHA safe working clearance requirements for employees and equipment with respect to PNM's lines are met during and after construction of the building.

3. It will be necessary for the developer to contact the PNM New Service Delivery Department when the site is to be developed in order to coordinate electric service. Contact:

   Contact: Andrew Gurule, PNM Service Center
   4201 Edith Boulevard NE Albuquerque, NM 87107
   Phone: (505) 241-0589

View of the subject site from Kimmick Dr. NW, looking east.

View of the subject site from Kimmick Dr. NW, looking east at Paseo del Norte Blvd. NW.

View of the subject site from Kimmick Dr. NW, looking west.

Looking north at Paseo del Norte Blvd. NW, from Kimmick Dr. NW.

ZONING

Please refer to the Integrated Development Ordinance (IDO)
for specifics regarding the MX-L and MX-M zones

HISTORY

EXHIBIT NO. 15

459

CITY of ALBUQUERQUE
FOURTH COUNCIL

COUNCIL BILL NO. F/S 0-92 ENACTMENT NO. 1-1981

SPONSORED BY: Patrick J. Baca

ORDINANCE

ANNEXING ALL OF UNITS 2 THROUGH 27, VOLCANO CLIFFS SUBDIVISIONS NOT PRESENTLY WITHIN THE BOUNDARIES OF THE CITY OF ALBUQUERQUE; AND AMENDING THE ZONE MAP OF THE CITY OF ALBUQUERQUE AS ADOPTED IN ORDINANCE NO. 80-1975, AS AMENDED.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. Area. Since this annexation, submitted as a petition by the property owners, can meet the policies set out by Council Enactment No. 254-1980 for annexation of areas designated by the Albuquerque/Bernalillo County Comprehensive Plan as Established Urban and Developing Urban, the following described territory is hereby annexed to and made a part of the City of Albuquerque for all purposes upon filing a copy of this ordinance and map of the territory so annexed in the Office of the County Clerk of Bernalillo County, New Mexico, and publication of this ordinance according to law:

A. The unannexed portion of Units 2 and 3 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on February 15, 1966.

B. Units 4 and 5 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on November 1, 1967.

C. Unit 6 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on June 18, 1970.

410

D. The unannexed portion of Unit 7 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on September 23, 1969.

E. Units 8, 9, and 10 of the Volcano Cliffs Subdivision, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on July 29, 1970.

F. Unit 11 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on August 25, 1970.

G. Units 12, 13, 14, and 15 of the Volcano Cliffs Subdivisions, as filed in the office of the County Clerk of Bernalillo County, New Mexico, on July 29, 1970.

H. Unit 16 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on March 17, 1971.

I. Unit 17 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on April 12, 1971.

J. Unit 18 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on January 19, 1971.

K. Unit 19 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on December 14, 1970.

L. Unit 20 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on August 9, 1971.

M. Unit 21 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on November 15, 1971.

N. Unit 22 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on July 9, 1975.

O. Unit 23 of the Volcano Cliffs Subdivision, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on November 15, 1971.

P. Unit 24 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on December 16, 1970.

Q. Unit 25 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on December 15, 1970.

R. Unit 26 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on June 23, 1971.

S. Unit 27 of the Volcano Cliffs Subdivisions, as filed in the Office of the County Clerk of Bernalillo County, New Mexico, on November 15, 1971.

Section 2. Conditions.

Provided, however, that this annexation is conditional upon and shall not be published until the following two conditions have been met:

A. Title. The City Attorney is satisfied that title to all public right-of-way and parks shown on the plats is conveyed to the City of Albuquerque, and the easements shown dedicated to the appropriate public and utility bodies; and

B. Capital Expenditures. The applicants have agreed in writing to a statement prepared by representatives of the Mayor, indicating that necessary major streets, water, sanitary sewer, and storm water handling facilities which require any significant City expenditure can be made available at an indefinite time which is a substantial number of years in the future; this approach assumes a normal distribution of costs between special assessment districts and other funding sources, except all exceptional costs of providing such capital expenditures, resulting from the rock on the site, shall be borne by the property owners.

Section 3. Flood Hazard. The City's Flood Hazard Area Zoning

Ordinance precludes new construction or substantial improvements hereafter undertaken on lands within a flood hazard area except in conformance with that ordinance; all or substantial parts of some lots in the area being annexed are in the flood hazard area defined by the extent of a 100 year storm's flooding. The City will not allow alteration of the 100-year flood plan except where such is consistent with an approved comprehensive drainage report. In the area above the escarpment, not all of the 100-year flood plan has been identified as yet.

Section 4. Zoning. The zone map referred to in Ordinance No. 80-1975, as amended, is hereby amended as follows: Establishment of R-1 zoning for the area described in Section 1 above.

Section 5. Severability Clause. If any section, subsection, sentence, clause, word or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid by any court of competent jursidiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Council, the Governing Body of the City of Albuquerque, hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, word, or phrase thereof irrespective of any one or more sections, subsections, sentences, clauses, words, or phrases being declared unconstitutional or otherwise invalid.

Section 6. Effective Date and Publication. This ordinance shall become effective five days after publication in full.

463

PASSED AND ADOPTED THIS 11th day of December, 1980.

BY A VOTE OF 9 FOR AND 0 AGAINST

Marion M. Cottrell, President
City Council

APPROVED this 2nd day of January, 1981.

David Rusk, Mayor
City of Albuquerque

ATTEST:

City Clerk/Recorder

APPLICATION INFORMATION

City of Albuquerque

DEVELOPMENT REVIEW APPLICATION

Effective 5/17/18

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

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

APPLICATION INFORMATION

Applicant: Group II U26 VC, LLC and Volcano Cliffs, Inc.		Phone:
Address: 8860 Desert Finch Ln NE		Email:metro.metrodevelopment@aol.com
City: Albuquerque	State: NM	Zip: 87122
Professional/Agent (if any): Consensus Planning, Inc.		Phone: (505) 764-9801
Address: 302 8th Street NW		Email:fishman@consensusplanning.com
City: Albuquerque	State: NM	Zip: 87102
Proprietary Interest in Site: Owners	List all owners:	

BRIEF DESCRIPTION OF REQUEST

Zone change from MX-L to MX-M on 15.97 acres

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

Lot or Tract No.: Tract 1 and Lot 1A-1	Block: 2 and 3	Unit: 26
Subdivision/Addition: Volcano Cliffs	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): C-11	Existing Zoning: MX-L	Proposed Zoning: MX-M
# of Existing Lots: 2	# of Proposed Lots: 2	Total Area of Site (acres): 15.97

LOCATION OF PROPERTY BY STREETS

Site Address/Street: Kimmick Drive NW	Between: Paseo del Norte	and: Rosa Parks

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

1009082

Signature:	Date: 7/23/19
Printed Name: Jacqueline Fishman, AICP	☐ Applicant or ☒ Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees
RZ-2019-00043	Zone change	$1,395.00
-		
-		
Meeting/Hearing Date: September 12, 2019		Fee Total: $1,395.00
Staff Signature:	Date: 7-24-19	Project # PR-2019-002162

Form Z: Policy Decisions

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

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

☒ ***INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)***

- X Interpreter Needed for Hearing? NO if yes, indicate language: _____
- X Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- X Letter of authorization from the property owner if application is submitted by an agent
- X Traffic Impact Study (TIS) form *(not required for Amendment to IDO Text)*
- X Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled *(not required for Amendment to IDO Text)* NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

☐ **ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN**

☐ **ADOPTION OR AMENDMENT OF FACILITY PLAN**

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

☐ **AMENDMENT TO IDO TEXT**

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

☒ **ZONING MAP AMENDMENT – EPC**

☐ **ZONING MAP AMENDMENT – COUNCIL**

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

☐ **ANNEXATION OF LAND**

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

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

Signature:	**Date:** 7/23/19
Printed Name: JACQUELINE FISHMAN	☐ Applicant or ☒ Agent

FOR OFFICIAL USE ONLY

Project Number:	Case Numbers
PR-2019-002663	RZ-2019-00043
	-
	-
Staff Signature:	
Date: 7-24-19	

CITY OF ALBUQUERQUE · NEW MEXICO · 1706

July 18, 2019

Dan Serrano, Chairman
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Paseo del Norte and Kimmick NW – Request for Zoning Map Amendment

Dear Mr. Chairman:

The purpose of this letter is to authorize Consensus Planning, Inc. to act as our agent on a zone change request from MX-L to MX-M for the property located at the southeast and southwest corners of Paseo del Norte and Kimmick Drive NW.

The property is legally described as a portion of Tract 1, Block 2, Volcano Cliffs Subdivision and Lot 1A-1, Block 3, Volcano Cliffs Subdivision. Group II U26 VC, LLC and Volcano Cliffs, Inc. are the owners of these two properties.

Thank you for your consideration.

Sincerely,

Billy Wright
Managing Member
Group II U26 VC LLC
Volcano Cliffs Inc.

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Group II U26 VC LLC DATE OF REQUEST: 7/23/19 ZONE ATLAS PAGE(S): C-11

CURRENT:

ZONING MX-L

PARCEL SIZE (AC/SQ. FT.) 15.97

REQUESTED CITY ACTION(S):

ANNEXATION [ ]

ZONE CHANGE [X]: From MX-L To MX-M

SECTOR, AREA, FAC, COMP PLAN [ ]

AMENDMENT (Map/Text) [ ]

LEGAL DESCRIPTION:

LOT OR TRACT # Tr 1 BLOCK # 2

SUBDIVISION NAME Volcano Cliffs Unit 26 + Lot 1A-1, Block 3, VC Unit 26

SITE DEVELOPMENT PLAN:

SUBDIVISION* [ ] AMENDMENT [ ]

BUILDING PERMIT [ ] ACCESS PERMIT [ ]

BUILDING PURPOSES [ ] OTHER [ ]

*includes platting actions

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT [X]

NEW CONSTRUCTION [ ]

EXPANSION OF EXISTING DEVELOPMENT [ ]

GENERAL DESCRIPTION OF ACTION:

OF UNITS: _____

BUILDING SIZE: _____(sq. ft.)

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

APPLICANT OR REPRESENTATIVE _____ DATE 7/23/19

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

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

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

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

Notes: A new TIS form will be required as this site is developed

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

TRAFFIC ENGINEER _____ DATE 7/23/19

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 _____

Revised January 20, 2011

CONSENSUS PLANNING

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

August 23, 2019

Dan Serrano, Chairman
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Paseo del Norte and Kimmick – Request for Zoning Map Amendment

Dear Mr. Chairman:

On behalf of Group II U26 VC, LLC and Volcano Cliffs, Inc., Consensus Planning submits this request for approval of a Zoning Map Amendment – EPC. The purpose of this letter is to provide justification of our request for a Zoning Map Amendment from the existing MX-L zone to the MX-M zone by responding to the decision criteria specified in Integrated Development Ordinance (IDO) Section 14-16-6-7(F)(3). The subject site is located on the south side of Paseo del Norte on both the east and west sides of Kimmick Drive NW (see Figure 1).

Figure 1. Subject site (bounded in red) and context at the Paseo and Kimmick intersection.

PROJECT CONTEXT

The subject site is comprised of two pieces of property totalling approximately 15.97 acres at the southeast and southwest corners of Paseo del Norte and Kimmick Drive NW. The parcel on the west side of Kimmick is an approximately 8.68-acre portion of Tract 1, Block 2, Volcano Cliffs Unit 26. The parcel on the east side of Kimmick is 7.29 acres and legally described as Lot 1A-1, Block 3, Volcano Cliffs Unit 26. Both parcels are currently vacant, as is most of the surrounding area. Infrastructure does exist around the subject site, including a traffic signal at Paseo del Norte and Kimmick, as the owners paid for it as part of Special Assessment District 228. If the zoning is approved, the Applicant will replat Tract 1 in order to create a lot line and zoning boundary.

PRINCIPALS

James K. Strozier, FAICP
Christopher J. Green, PLA, ASLA, LEED AP
Jacqueline Fishman, AICP

The property is within the Northwest Mesa Community Planning Area and is designated as an "Area of Change" in the 2017 Albuquerque/Bernalillo County Comprehensive Plan. Adjacent to the site, Paseo del Norte is designated as a Commuter Corridor and overlaid as a future Premium Transit Corridor connecting the Journal Center with the Volcano Heights Urban Center and Rio Rancho.

Unser Boulevard, to the west of the subject site, is also a Commuter Corridor, and Golf Course Road, located below the escarpment to the east, is a Major Transit Corridor. Kimmick Drive at the location of the subject site is approximately halfway between these two other major roadways and is the only signalized intersection in this stretch of Paseo del Norte.

No development has occurred along this stretch of Paseo del Norte between the escarpment up to Universe Boulevard to the west. This is largely due to fragmented land ownership, as well as the difficulty and cost of installing the necessary infrastructure in the rocky terrain. New residential subdivisions as part of the La Cuentista development are being constructed to the south of the subject property, as well as numerous other homes on original Volcano Cliffs lots that along with the subject property are part of a Special Assessment District. These property owners worked together in order to extend the infrastructure needed for development in this area south of Paseo del Norte. No infrastructure exists on the north side and may not exist for quite a long time.

In addition to the residential to the south, there is Major Public Open Space approximately 520+ feet to the south and over 1000 feet east from the subject site, which includes the Piedras Marcadas Canyon of Petroglyph National Monument.

Figure 2. Land Use Context (subject site bounded in red)

The current zoning of the subject site is MX-L, Mixed-Use Low Intensity. There is additional MX-L zoning to the south and east, as well as R-ML, Residential Multi-family Low Density that transitions to R-1B, R-1D, NR-PO-B, and NR-PO-C. These zone categories were established upon the effective date of the IDO based on the previous zoning from the Volcano Cliffs Sector Development Plan

(Mixed-Use, Urban Residential, and Large Lot Residential). The R-1B and NR-PO-C of the La Cuentista development were previously zoned R-1.

Properties on the north side of Paseo del Norte are zoned MX-M, MX-H, and NR-BP with a buffer zone of MX-T to the east before reaching the NR-PO-B of the Petroglyph National Monument.

TABLE 1. SURROUNDING ZONING & LAND USE

	ZONING	LAND USE
NORTH	MX-T, MX-M, MX-H, NR-BP	Vacant
EAST	MX-L, R-1D, NR-PO-B	Vacant and Major Public Open Space
SOUTH	MX-L, R-ML, R-1B, R-1D, NR-PO-B, and NR-PO-C	Vacant, Single-family residential, & public and private open space
WEST	R-ML	Vacant

Figure 3. Existing Zoning (subject site bounded in red)

SUMMARY OF REQUEST

The Applicant has owned these properties for many years, but there has been little interest in developing in this area. Now with access to Paseo del Norte at the signalized intersection and utilities installed, it is the opportune time to capitalize on these investments. Situated along a major Commuter Corridor, more intense land uses would make the property more marketable and ultimately respond better to its location along a regional principal arterial roadway adjacent to an Urban Center.

To achieve this, the Applicant is requesting MX-M, Mixed-Use Medium Intensity zoning for the subject site while maintaining the existing MX-L on their properties to the south and east. This remaining MX-L and the adjacent R-ML will continue to provide a step-down in intensity and buffer to the low density single-family residential and Major Public Open Space farther south and east.

Examples of uses that are currently conditional or prohibited by the existing MX-L zoning, but are customarily found along major Corridors such as Paseo del Norte, include tap room or tasting room; light vehicle fueling station; general retail, medium (more than 10,000 square feet); grocery stores (over 15,000 square feet); liquor retail; and drive-through facilities. The applicant has received interest for some of these uses from the MX-M zone and is processing this zone change to facilitate appropriate development for the area. MX-M uses are compatible with the surrounding area, zoning, and uses given the context and is supported by Comprehensive Plan goals and policies for development along Corridors.

In addition to the Zone Change request, the Applicant intends to eliminate or void the Site Development Plan for Subdivision that was previously approved for Tract 1 on the southwest corner of Paseo del Norte and Kimmick. This prior approval, originally acted on by the Development Review Board in accordance with the Sector Development Plan, includes additional and sometime duplicative design standards when compared to the IDO. The intent of the Applicant is to have any future development of these properties follow the processes and standards of the IDO.

JUSTIFICATION

This request for a Zoning Map Amendment complies with the criteria outlined in Section 14-16-6-7(F)(3) of the Integrated Development Ordinance (IDO) as follows:

6-7(F)(3)(a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

Applicant's Response: *The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering a preponderance of Comprehensive Plan policies related to Centers and Corridors, Development Areas, Complete Communities, and Land Use, as follows:*

Comprehensive Plan Policies (Applicant responses in italics):

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

Applicant Response: *The request protects the identity and cohesiveness of the nearby neighborhoods, La Cuentista and Petroglyph Estates, because the zone change ensures the appropriate scale and location of development, mix of uses, and character of building design by proposing the MX-M zone to the land that is abutting Paseo del Norte while leaving a buffer of MX-L and R-ML at least 500 feet wide between the proposed MX-M and the developed neighborhoods.*

The request also furthers this policy because the MX-M zone provides the mix of uses and scale and location of development appropriate for land located along a Commuter Corridor and near a signalized intersection at the edge of the Volcano Heights Urban Center, which includes NR-BP zoning adjacent to the area of the proposed change.

Goal 5.1 Centers & 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.

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

Applicant Response: *The request will help Albuquerque grow as a community of strong Centers connected by a multi-modal network of Corridors because the subject site abuts a designated Commuter Corridor that is also a future Premium Transit Corridor, and a zone change that allows for more variety and intensity of uses along those Corridors will help fulfill the desire for regional growth, employment density, and infill development to occur in these areas. While the surrounding area is largely vacant, there is development farther away in all directions. Much of the vacant land is the Comprehensive Plan-designated Volcano Heights Urban Center, so promoting development that may lead to continued infill and development of the adjacent Center is beneficial to the community at large. Development of the site with a shopping center and supportive uses would provide new opportunities for nearby residents to work, shop, and play closer to their homes and potentially by walking rather than driving.*

Policy 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

Applicant Response: *The request directs more intense growth to subject site, which is located along a designated Corridor and is considered an Area of Change. The request furthers this policy because changing the zoning for a portion of the property from MX-L to MX-M will allow for that more intense growth to occur while maintaining the appropriate density and scale of development within other nearby areas that are not located along the Commuter Corridor and are considered Areas of Consistency.*

Policy 5.1.8 Premium Transit Corridors: Foster corridors that prioritize high-capacity, high-frequency transit service, with mixed-use, transit-oriented development within walking distance of transit stations.

d) **Apply Premium Transit policies after station locations have been identified and project funding has been allocated.**

Applicant Response: *The subject site is located along Paseo del Norte, which is designated as a future Premium Transit Corridor, and turns north just west of the subject site bisecting the adjacent Urban Center (Source: Paseo del Norte High Capacity Transit Study Alternatives Analysis Report (2014), prepared for the Rio Metro Regional Transit District). While funding of the "locally preferred alternative" from the study has not yet been allocated, the Applicant believes*

changing the zoning from MX-L to MX-M supports the near-term development of the site in its current automobile-oriented Commuter Corridor context while also supporting more intense mixed-use development that would be appropriate and desirable once that future high capacity service is finally established.

Policy 5.1.12 Commuter Corridors: Allow auto-oriented development along Commuter Corridors that are higher-speed and higher-traffic volume routes for people going across town, often as limited-access roadways.

- **a) Allow auto-oriented, single-use development, such as strip retail, large retail facilities, and business and institutional campuses along Commuter Corridors.**
- **b) Buffer residential land uses adjacent to Commuter Corridors.**
- **c) Support traffic flow by limiting new curb cuts, encouraging shared access of driveways and business access roads, or providing access from perpendicular local roads.**

Applicant Response: *The request for a change from MX-L to MX-M supports this policy because it will allow more intense auto-oriented uses such as drive-through facilities and larger retail stores along Paseo del Norte, which is a designated Commuter Corridor with a posted speed limit of 35 miles per hour past the subject site. East of the subject site, below the escarpment, the speed limit is 45 miles per hour where the road cross section is more complete. In addition, the request considers the surrounding residential zoning and maintains the existing MX-L as a buffer to the lower-density residential land uses developing to the south, as well as other residential lots and the Petroglyph National Monument approximately 785 feet to the east.*

Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

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

- **a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.**
- **b) Encourage development that offers choice in transportation, work areas, and lifestyles.**
- **e) Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.**
- **g) Locate quality commercial development and redevelopment in existing commercial zones and designated Centers and Corridors as follows:**
  - **ii. In larger area-wide shopping centers located near intersections of arterial streets and provided with access via transit;**
- **n) Encourage more productive use of vacant lots and under-utilized lots, including surface parking.**

Applicant Response: *The request furthers this goal and policy because it will foster a community where residents can live, work, learn, shop, and play together. The request allows for development of quality commercial development at the intersection of an arterial street with a future collector that will have transit*

access in the future along Paseo del Norte. Allowing for larger retail and grocery development among other uses in the MX-M zone will catalyze future development of a currently vacant site that will bring new goods, services, and amenities to the northwest part of the City.

Development of MX-M also furthers this policy because it will encourage development of a wide mix of uses conveniently accessible from the surrounding neighborhoods to the south and future higher density residential uses on the adjacent R-ML properties and within the Urban Center. Many neighbors that must now drive two miles and farther for the uses allowed by the MX-M zoning will have the option to walk or bike to a new commercial retail and services. Good access will be available via Paseo del Norte and Kimmick and the location near residences, along a Commuter Corridor, and future Premium Transit offers choice in transportation, work areas, and lifestyles for all residents.

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.

Applicant Response: *The request furthers this goal and policy because the change would support development of the site, which while in an area that is mostly undeveloped, has access to existing infrastructure including multiple-lane arterial roadways, storm drainage facilities, water and sewer, and other utilities unlike those properties located in the adjacent Urban Center. Development of the subject site will maximize use of this infrastructure to support the public good and may help catalyze additional development in this area.*

Goal 5.4 Jobs-Housing Balance, Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing growth west of the Rio Grande.

Policy 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.

a) **Ensure adequate capacity of land zoned for commercial, office, and industrial uses west of the Rio Grande to support additional job growth.**

Applicant Response: *Outside of the adjacent Urban Center, there is very little undeveloped land that allows higher intensity land uses in the Northwest Mesa Community Planning Area. As previously discussed, the Volcano Heights Urban Center lacks the utilities and infrastructure at this time to support development. Changing the zoning of the subject site to MX-M helps further this goal and policy because it prioritizes growth west of the Rio Grande. This change also ensures there is adequate capacity of readily developable land that is zoned for moderate intensity commercial and office land uses that will support job growth on the West Side.*

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.

- **b) Encourage development that expands employment opportunities.**
- **c) Foster a range of housing options at various densities according to each Center and Corridor type.**
- **d) Encourage higher-density housing and mixed-use development as appropriate land uses that support transit and commercial and retail uses.**
- **e) Encourage job creation in business and industrial parks, near freight routes, and where adequate transitions and buffers can be provided to protect abutting residential uses.**
- **g) Encourage development where adequate infrastructure and community services exist.**

Applicant Response: *The request furthers this goal and policy because it directs more intense growth to a site designated as an Area of Change adjacent to an Urban Center and Commuter Corridor. Allowing a greater variety of moderate intensity commercial uses and higher density housing on the subject site will expand employment opportunities in the area and support the existing and future development of the surrounding properties including the Urban Center, and ultimately, support future higher-capacity transit service as desired along Paseo del Norte. In addition, the subject site is located adjacent to one of a limited number of truck freight routes in the northwest part of Albuquerque and the Applicant has carefully considered the transitions and buffers to neighboring residential uses by leaving approximately 9.1 acres of property to the south and 6.42 acres to the east of the subject site with the existing MX-L zoning. As previously mentioned, the request will encourage development where adequate infrastructure and community services exist.*

Policy 7.6.2 Transportation Infrastructure: Match infrastructure capacity, design, and maintenance to the development context, expected land use intensities of abutting development, and all travel modes.

Applicant Response: *The request furthers this policy because it matches the proposed land use intensity to the abutting regional principal arterial and other more intense zoning categories along this important Commuter Corridor. The City of Albuquerque has made the expansion of Paseo del Norte a high priority and changing the zoning of the subject site to MX-M will add complementary uses to the type of roadway planned to abut the subject site. Paseo del Norte is a limited access roadway, so future development of the subject site will coordinate auto access and circulation using Kimmick, a future Collector street, and its signalized intersection with Paseo del Norte.*

Goal 8.1 Placemaking: Create places where business and talent will stay and thrive.

Policy 8.1.1 Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

- **a) Invest in Centers and Corridors to concentrate a variety of employment opportunities for a range of occupational skills and salary levels.**

Applicant Response: *Changing the zoning of the subject site to MX-M would further this goal and policy because it fosters development consistent with the location along a Commuter Corridor, future Premium Transit Corridor, and adjacent to an Urban Center. Moderate-intensity commercial and mixed-use development will result in a variety of employment opportunities for a range of skills and salary levels.*

Overall, as evident based on the above goals and policies, the proposed MX-M zone will allow for uses compatible with the site's location along a Commuter Corridor and adjacent to an Urban Center. The request meets Criterion 6-7(F)(3)(a) by being consistent with the health, safety, and general welfare by providing additional services and medium-intensity commercial services and jobs in closer proximity to area residents while using existing infrastructure.

6-7(F)(3)(b) If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

Applicant's Response: *The subject site is located wholly in an Area of Change, so this criterion does not apply.*

6-7(F)(3)(c) If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:

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

Applicant Response: *The proposed amendment is located wholly in an Area of Change, and the existing zoning is inappropriate because a different zone district is more advantageous to the community as articulated by the ABC Comp Plan.*

As described in this justification letter, the requested MX-M zone furthers numerous goals and policies of the Comprehensive Plan, including locating larger retail along automobile-oriented Commuter Corridors, infill development and land use patterns, supporting future transit along Paseo del Norte, and helping shift the jobs-housing balance on the west side of the Rio Grande.

The Northwest Mesa has several locations of vacant MX-L zoned property, but nothing that allows more intense, even moderately intense, development outside of the Volcano Heights Urban Center, which lacks utilities and other infrastructure. The next nearest location similarly positioned to the subject site is

significantly far to the south near the intersection of Coors Boulevard and Saint Joseph's Drive.

Approving a change to the MX-M zone in the proposed location will implement the appropriate pattern of land use, development density, intensity, and connectivity as desired by the community and described by the Comprehensive Plan. MX-M is more advantageous than MX-L because the existing zoning includes a variety of use restrictions that are not appropriate for a property located next to a Commuter Corridor, future Premium Transit Corridor, and Urban Center. It is unrealistic to assume that a site this large will successfully develop with all 10,000 square-foot or less individual businesses or without many of the other uses allowed by the MX-M zone, especially considering the Comprehensive Plan policies to allow automobile-oriented uses along Corridors like Paseo del Norte and promoting additional job opportunities for the West Side. When these uses develop, they will be conveniently accessible to the surrounding neighborhoods, as well as others driving on Paseo del Norte without requiring them to travel farther distances for the same goods and services.

Approving the requested change to MX-M would be a benefit to the entire Northwest Mesa Community and could spur other quality development to follow.

6-7(F)(3)(d) The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Applicant's Response: *None of the permissive uses in the MX-M zone will be harmful to the adjacent property, neighborhood, or community. The following table provides a comparison of the MX-L and MX-M zones, limited to those uses that are permissive in the MX-M zone that are not already permissively in the MX-L zone (i.e., all uses that are facilitated by this zone change that would not need to come back for Conditional Use approval later). Of these uses, many are already allowed conditionally in the MX-L zone, including light vehicle fueling station, tap room or tasting room, and drive-through or drive-up facility. Many of the uses also have use-specific standards that mitigate their impact, including separation requirements between residential uses. The distance separation between the subject site and the nearest low-density residential use is approximately 540 feet.*

Some uses that are of concern to neighbors as noted in the pre-application meeting for this request include "big box" stores, home improvement stores, hospitals, warehouses, a temporary circus, drive-in theater, and group homes. Other than hospitals, most of these uses are Conditional and would require additional hearings with the Zoning Hearing Examiner should the Applicant choose to pursue any of them. Part of that hearing process would be a determination that the use would not be harmful to the neighbors.

Regarding "big box" stores, the IDO includes Use-specific Standards for "Large Retail Facilities" that adequately mitigate the impacts of their large size. Such facilities are also typically larger that the area proposed for this zone change request. Sites 12 to 20 acres are typical, which would require a site 50% larger than either of the areas proposed to become MX-M with this request. The location of Kimmick splitting the subject site in half and leaving the MX-L to the south limits the possibility of this site becoming a large retail facility.

Other Use-specific standards will ensure these uses are not harmful to adjacent neighbors. Hospitals in the MX-M zone are limited to 20 overnight beds and prohibit ambulance traffic, so size and noise concerns are minimized. Light vehicle fueling stations become a Conditional Use if proposed adjacent to residential, and light vehicle sales and rental includes extra screening requirements.

Liquor retail also becomes a Conditional Use if it is within 500 feet of any surrounding residential zone, including those that are still vacant. Pawn shops have a minimum separation requirement from other pawn shops. Lastly, drive-through facilities include a significant number of design standards. In addition, drive-throughs are Conditional Uses within 330 feet of Major Public Open Space and prohibited when adjacent to Major Public Open Space.

TABLE 2. IDO ZONING COMPARISON: MX-L VS. MX-M

USE	MX-L	MX-M
Hospital	-	P
Sports Field	C	P
University or College	C	P
Auditorium or Theater	A	P
Bar	C	P
Catering Service	-	P
Nightclub	-	P
Tap room or tasting room	C	P
Light vehicle fueling station	C	P
Light vehicle sales and rental	C	P
Mortuary	C	P
Personal and business services, large	-	P
General retail, medium	-	P
Liquor retail	A	P
Pawn shop	C	P
Park-and-ride lot	C	P
Transit facility	C	P
Drive-through or drive-up facility	CA	A
Parking of more than 2 truck tractors and 2 semitrailers for more than 2 hours	-	A

6-7(F)(3)(e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:

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

Applicant's Response: *The proposed zone change will not require major and unprogrammed capital expenditures by the City. The Applicant has already helped pay for and install the infrastructure necessary for development of this site through Special Assessment District 228. It has access to adequate roadways, water, sewer, and storm water facilities. Additionally, any additional required extensions of these services for any specific development proposal will be the sole responsibility of the developer.*

6-7(F)(3)(f) The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

Applicant's Response: *While the property is located adjacent to Paseo del Norte, a regional principal arterial, it is not the only reason for providing justification for the zone change to MX-M. As described earlier in this letter, the request is based on being more advantageous to the community as it furthers a preponderance of applicable Comprehensive Plan policies for Commuter Corridors, land use, infill development, jobs-housing balance, and economic development.*

6-7(F)(3)(g) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Applicant's Response: *While the economic considerations of the owner related to the marketability of the property are a consideration in this request, the justification is not completely or predominantly based on such considerations. The determining factor for this request is support for Comprehensive Plan policies making the request more advantageous to the community. The requested zone change will allow additional moderate-intensity commercial uses to develop that will provide additional needed services closer to residents in the northwest part of the City.*

6-7(F)(3)(h) The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

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

CONSENSUS PLANNING

Applicant's Response: *The zone change does not apply a zone district to one small area or one premise, or to a strip of land along a street. The subject site is nearly 16 acres in size and constitutes almost two entire block faces, so it is not a small area. Additionally, while not immediately adjacent to the subject site, there is a significant amount of MX-M zoned property in the area also along the Paseo del Norte and Unser Boulevard Commuter Corridors. Based on these two factors, the request does not constitute a spot zone. This request provides a rare opportunity to change the zoning on two sides of an existing intersection.*

The request is also not considered a strip zone because while running parallel to Paseo del Norte, the two properties that constitute the subject site are over 400 feet deep. Oriented toward the signalized intersection of Kimmick with Paseo del Norte, they create a relatively large development node of higher intensity uses in an appropriate location with adequate transitions before getting to low-density residential uses.

NEIGHBORHOOD COORDINATION

As part of the IDO pre-application procedures, Consensus Planning notified the Westside Coalition, which requested a facilitated meeting. The meeting was held on July 15, 2019 at the Paradise Hills Community Center. There were three neighbors in attendance, and all spoke in opposition to the request. One participant even suggested downzoning the property to low-density residential, clearly inappropriate for this property along Paseo del Norte.

CONCLUSION

On behalf of Group II U26 VC, LLC and Volcano Cliffs, Inc., we respectfully request that the Environmental Planning Commission approve this request for a Zoning Map Amendment for the subject site.

Thank you for your consideration.

Sincerely,

Jacqueline Fishman, AICP
Principal

PRE-APPLICATION REVIEW TEAM (PRT) MEETING REQUEST

Pre-application Review Team (PRT) Meetings are available to help applicants identify and understand the allowable uses, development standards, and processes that pertain to their request. ***PRT Meetings are for informational purposes only; they are non-binding and do not constitute any type of approval.*** Any statements regarding zoning at a PRT Meeting are not certificates of zoning. The interpretation of specific uses allowed in any zone district is the responsibility of the Zoning Enforcement Officer (ZEO).

When you submit PRT notes to meet a Pre-application Meeting requirement in Table 6-1-1, you will be charged a $50 PRT fee.

Official Use only

PA#: _____ Received By: _____ Date: _____

APPOINTMENT DATE & TIME: _____

Applicant Name: Consensus Planning for Steve Metro Phone#: (505) 764-9801 Email: fishman@consensusplanning.com

PROJECT INFORMATION:

For the most accurate and comprehensive responses, please complete this request as fully as possible and submit any relevant information, including site plans, sketches, and previous approvals.

Size of Site: ~33 acres Existing Zoning: MX-L Proposed Zoning: MX-M

Previous case number(s) for this site: 1009082

Applicable Overlays or Mapped Areas: Volcano Mesa CPO-12 and NW Mesa Escarpment VPO-2

Residential – Type and No. of Units: _____

Non-residential – Estimated building square footage: _____ No. of Employees: _____

Mixed-use – Project specifics: _____

LOCATION OF REQUEST:

Physical Address: Paseo del Norte and Kimmick Drive Zone Atlas Page (Please identify subject site on the map and attach) C-11

BRIEFLY DESCRIBE YOUR REQUEST (What do you plan to develop on this site?)

Develop portion of the property closest to the intersection as a light vehicle fueling station/convenience store with liquor retail.

QUESTIONS OR CONCERNS (Please be specific so that our staff can do the appropriate research)

Does staff have an opinion on a zone change request for all of the MX-L property in this area to MX-M? Considering options of possibly breaking it up. Spot zone considerations?

Property is an Area of Change, so confirm that up to 20 acres is via EPC. Could this be two EPC applications, or would the greater total acreage make it a ZMA - Council action regardless?

There is an existing Site Development Plan for Subdivision that was approved for this site. What steps are necessary to void that plan and any related design standards in order to pursue development solely under the IDO?

Would like to go over Use-specific Standards for most immediate desired uses (see above).

Is there any likelihood of additional infrastructure that would trigger DRB review of a site plan or considerations for a plat.

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 19-202 Date: 7-1-19 Time: 1:00 pm

Address: Paseo del Norte + Kimmick Dr. NW

AGENCY REPRESENTATIVES AT MEETING:

Planning: Catalina Lehner

Code Enforcement: Carl Garcia

Fire Marshall:

Transportation:

Other:

PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!
THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL..
Additional research may be necessary to determine the exact type of application and/or process needed.
Factors unknown at this time and/or thought of as minor could become significant as the case progresses.

REQUEST: Develop small portion of site as a light vehicle fueling station, C-store with liquor retail; zone change

SITE INFORMATION:

Zone: MX-L (was SU-2 VCMX) Size: ≈33 acres

Use: light vehicle fueling, liquor retail Overlay Zone: CPO 12-p105 VPO 2-p.124

Comp Plan Area Of: Change, Volcano center Comp Plan Corridor: Commuter-premium transit overlay

Comp Plan Center: no MPOS or Sensitive Lands: no

Parking: Table 5-5-1, p.230+232 MR Area: no

Landscaping: 5-6, p.257 Street Trees: 5-6(D), p.258

Use Specific Standards: 4-3(D)(36)-Liquor retail + 4-3(D)(16)-lt veh fueling station

Dimensional Standards: See governing SPS - use DNA where SPS is silent - table 5-1-2 p.194

*Neighborhood Organization/s: Paradise Hills Civic Assoc, Westside Coalition

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

PROCESS:

Type of Action: (1) zone change - 6-7(F) - p.427 (2) site plan DRB - 6-6(G) - p.395

Review and Approval Body: (1) EPC (2) DRB

Is this PRT a requirement? yes

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 19-202 Date: 7-1-19 Time: 1:00 pm

Address: Paseo del Norte + Kimmick Dr. NW

NOTES: Project #1009028 (the Cliffs on Paseo SPS - 9/2017)

- no liquor sales in MX-L (unless grocery store)
- standards for liquor retail 4-3(D)(36) - p. 159
  - conditional use needed if w/in 500 feet of residential
- standards for light vehicle fueling - 4-3(D)(17) - p. 147
- zone change criteria - 6-7(F)(3) - p. 427. must justify Δ in writing
- pursuant to 6-7(P)(1) - p. 426. up to 20 acres goes to EPC - make two separate applications - possible - street separates the lots.
- pursuant to 1-10(A) - p. 4. Prior approvals remain valid. Possible to replace in full at DRB
- portion N of Valiente Rd NW - Both sides of Kimmick
- already has infrastructure - pd through SAD
- use in Latitudes contains a food sales, restaurant, gas station - all general retail - medium - all are (P) in MX-M zone,
  - if condit use - 6-6(A) - p. 385 - answer criteria 6-6(A)(3) - liquor retail
- working on pre-application facilitated meeting
- goal to apply next month.

STAFF INFORMATION

August 12, 2019

TO:	Jackie Fishman, Consensus Planning
FROM:	Catalina Lehner, Senior Planner City of Albuquerque Planning Department
TEL:	(505) 924-3935
RE:	**Project #2019-002663, RZ-2019-00043**, Paseo-Kimmick Zone Change

---

I've completed a first review of this request, including the justification letter for the proposed zone map amendment (zone change). I have some questions about the request, and some suggestions that will help clarify and strengthen the justification. Please provide the following:

⇒ A revised zone change justification letter pursuant to the IDO zone change criteria (one copy) by:

12 pm on Friday, August 23, 2019.

Note: If you have difficulty with this deadline, please let me know.

1) Introduction:

A. Though I've done my best for this review, additional items may arise as the case progresses. If so, I will inform you immediately.

B. This is what I have for the legal description: Lot 1, Block 2, Volcano Cliffs Unit 26, and Lot 1-A-1, Block 3, Volcano Cliffs Unit 26, Is this correct?

C. The City's GIS system does not show a parcel line along the southern side of the portion of the subject site at the SW corner of Paseo del Norte Blvd. NW and Valiente Rd. NW. Was this western portion of the subject site subdivided recently? If so, when, and can you please provide documentation for the file?

D. Without a recorded subdivision line, and based on the information I have, the whole property is the subject site, on both the northern and southern sides of the street. This totals about 23 acres, which exceeds the thresholds for Zoning Map Amendment-EPC in 6-7(F)(1)(a). The request would go to Council after receiving a recommendation from the EPC.

→See also Section 3.B of this memo regarding notification.

2) Process:

A. Information regarding the EPC process, including the calendar and current Staff reports, can be found at:

http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission

B. Timelines and EPC calendar: the EPC public hearing for September is the 12th. Final staff reports will be available one week prior, on September 5th.

C. A pre-application review team (PRT) meeting is required. I found the PRT notes in the file.

D. Agency comments will be distributed around Wednesday, August 21st. I will email you a copy of the comments and will forward any late comments to you.

E. A Traffic Impact Study (TIS) will be required at a future date as the subject site develop.

3) Notification & Neighborhood Issues:

Notification requirements for a zone change are found in Table 6-1-1 (IDO, p. 328) and are explained in Section 6-4(K), Public Notice (IDO, p. 345).

A. The required notification consists of: i) an emailed letter to neighborhood representatives indicated by the ONC, and ii) a mailed letter (first-class) to property owners within 100 feet of the subject site. It appears that the first requirement was met.

B. Regarding the second requirement, property owner notification within 100 feet of the subject site, there are three issues. The 100 foot buffer map, from what I can tell, will need to be redone:

i) first, if there is no subdivision line, the entire, approximately 15.7 acre western portion of the subject site will need to be buffered and the buffer map re-done.

ii) second, notification will need to be given ASAP to parties not picked up with the first notification based on the smaller portion of the subject site.

iii) third, even if i and ii above aren't the case, the buffer map should be re-done for the sake of clarity.

When City Staff prepares the buffer map, the Notes field indicates the ROW of the largest street and then adds 100 feet to that. This information is lacking on the buffer map provided. Also, I tried to verify distances using the scale on the map, and wound up guessing. It needs to be transparent and verifiable that the 100 foot notification included all the properties required.

C. Do you anticipate that a facilitated meeting will be requested during the EPC process? Has one been scheduled?

D. I'm aware of the pre-application facilitated meeting and that there are neighborhood concerns, which are mostly related to views preservation, heights, range of uses, uses considered undesirable, and the possibility of big box stores.

4) Zone Map Amendment (zone change)- General:

A. A zone change justification is all about the requirements of the zone change criteria in the IDO at 6-7(F)(3) and how the applicant can demonstrate that the request fulfills them.

The merits of the project and neighborhood support are not included in the criteria. Therefore, these belong in the project letter and not in the justification.

B. Responding the A-H of the zone change criteria is both a legal exercise and a planning exercise. It is critical to "hit the nail on the head" conceptually and in terms of form. This can be done by:

i. responding to each requirement in the customary way (see examples).

ii. using conclusory statements such as "because_____".

iii. re-phrasing the requirement itself in the response, and

iv. choosing an option when requested to respond to a requirement.

The July 23, 2019 version of the zone change justification (v.1) would be strengthened by incorporating more because statements, being sure to re-state the requirement in the response, and expressly choosing an option when responding to criteria C, E, and H.

C. A thorough, substantiated zone change justification essay is required of all applicants. This is particularly important for cases where an appeal is a possibility.

In general, v. 1 of the zone change justification needs to be strengthened in order to clearly demonstrate that the request would further applicable Goals and policies and not be harmful to adjacent property, the neighborhood, and the community. For example, the ties between the Goals and policies cited and the request are insufficiently developed and, at this stage, do not "hit the nail on the head".

5) Zone Map Amendment (zone change)- Section by Section:

Please address and incorporate the following to provide a strengthened response to the IDO zone change criteria. The burden is on the applicant to justify the proposed zone change.

A. Criterion A (strengthen): Like responding to a legal requirement, the words of the Goal or policy cited need to be incorporated into the responses. Otherwise, they are not sufficiently tied together, and the demonstration is not made.

- Be sure to develop strong and precise connections between each citation and the request, because this is the crux of justifying a zone change and is closely scrutinized on appeal.
- If you cite a Goal, please provide a discussion of how the request furthers it, or don't include it.
- If you cite a sub-policy, please provide a discussion of how the request furthers it or don't include it.
- Tip: do not choose Goals and policies about site design, because a site development plan is not part of the request.
- Why does paragraph 2 of the response talk about the existing zoning being inappropriate? That is not in the requirement for criterion A.
- Please include a conclusory statement regarding Criterion A.

B. Criterion B: OK.

C. Criterion C (strengthen): More precision is needed with this response. Please develop arguments that respond to one of the criteria (1, 2, or 3), as required, and address the first part of the provision regarding location in an Area of Change. There's no need to choose two and, in this case, it creates confusion on my part. The response to Criterion A must be sufficiently strong to support the response to Criterion C, when Subcriterion c.3 is chosen.

D. Criterion D (strengthen): The response is a bit disjointed and needs to precisely address the language of the criterion. The first paragraph is the most important; it needs to be expanded and emphasized.

   Why is the overarching purpose of the zone change stated in the middle of the response to one of the criterion? It seems to me that this type of introductory material doesn't really fit here as a response to what Criterion D is asking. The last paragraph also doesn't respond to the criterion and would perhaps be more effecti ve elsewhere.

E. Criterion E: OK

F. Criterion F: OK, but the last sentence doesn't have to do with the requirement and therefore isn't effective in this location.

G. Criterion G: OK

H. Criterion H (strengthen): Please restate the requirement in the response, to create precise ties between the two.

Lehner, Catalina L.

From: Somerfeldt, Cheryl
Sent: Monday, August 05, 2019 1:04 PM
To: papabobs4@gmail.com
Cc: Lehner, Catalina L.
Subject: FW: FW: From Vecenergy ABQ
Attachments: [Untitled].pdf

Bob,
Thank you for your comments. This email is being forwarded to the case planner, Catalina Lehner, and your comments will part of the written record. Please contact Catalina if you have further comments or questions. Also, feel free to attend the public hearing on September 12, 2019 in order to speak to the EPC on the record regarding this case.

ONE ALBUQUERQUE planning

CHERYL SOMERFELDT
current planner
o 505.924.3357
e csomerfeldt@cabq.gov
cabq.gov/planning

From: papabobs4@gmail.com [mailto:papabobs4@gmail.com]
Sent: Tuesday, July 30, 2019 7:34 AM
To: Somerfeldt, Cheryl
Subject: Fwd: FW: From Vecenergy ABQ

Hi Cheryl,
This is my letter in opposition to change zoning.
Thanks
Bob.

Sent from myMail for iOS

-------- Forwarded message --------
From: Bob Stenzel <Robert.Stenzel@vecenergy.com>
To: papabobs4@gmail.com <papabobs4@gmail.com>
Date: Tuesday, July 30, 2019, 7:23 AM -0600
Subject: FW: From Vecenergy ABQ

-----Original Message-----
From: VEAL_MFP <MFP@vecelliogroup.com>
Sent: Tuesday, July 30, 2019 7:04 AM
To: Bob Stenzel <Robert.Stenzel@vecenergy.com>
Subject: From Vecenergy ABQ

Please open the attached document. This document was digitally sent to you using an HP Digital Sending device.

LEGAL DISCLAIMER The information in this message is confidential and may be privileged. It is intended solely for the addressee. Access to this message by anyone else is unauthorized. If the reader of this is not the intended recipient, any dissemination, distribution, or copying of this communication, or any action or omission taken by the reader in reliance on it is prohibited and may be unlawful. Thank you

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

Lehner, Catalina L.

From: Somerfeldt, Cheryl
Sent: Monday, August 05, 2019 1:15 PM
To: Lehner, Catalina L.
Subject: FW: Opposition to the request for zoning change of the parcels at Kimmick and Paseo del Norte

Catalina,
Please see the comments below.

CHERYL SOMERFELDT
current planner
o 505.924.3357
e csomerfeldt@cabq.gov
cabq.gov/planning

From: Mike Voorhees [mailto:mike@cyonic.com]
Sent: Friday, July 19, 2019 1:00 PM
To: Somerfeldt, Cheryl
Subject: Re: Opposition to the request for zoning change of the parcels at Kimmick and Paseo del Norte

Thanks for your assistance, Cheryl.

Mike

Sent from my iPhone

On Jul 19, 2019, at 12:03 PM, Somerfeldt, Cheryl <csomerfeldt@cabq.gov> wrote:

> Thank you Mr. Voorhees,
> I am not sure if I will be the Current Planner for this case, but I will make sure it becomes part of the record. Applications are due next Thursday July 25, so we will know at that time if the applicant has submitted all of the required materials and to whom the case will be assigned. If they submit by the deadline, the case will be heard at the September 12, 2019 EPC public hearing, and you are welcome to attend and speak at the hearing in addition to your written comments.
>
> Thank you,
>
> <image001.jpg>
>
> **CHERYL SOMERFELDT**

current planner
o 505.924.3357
e csomerfeldt@cabq.gov
cabq.gov/planning

From: Mike Voorhees [mailto:mike@cyonic.com]
Sent: Friday, July 19, 2019 11:55 AM
To: Somerfeldt, Cheryl
Subject: Opposition to the request for zoning change of the parcels at Kimmick and Paseo del Norte

Dear Ms. Somerfeldt,

Please find attached our letter of opposition to the request for zoning change of the parcels at Kimmick and Paseo del Norte.

Please also ensure that our letter is forwarded to Derek Bohannan, Chair, & Bill McCoy III, Vice Chair, of the Environmental Planning Commission.

Sincerely.
Mike T. Voorhees

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

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

LETTERS FROM AGENCIES

CITY OF ALBUQUERQUE

August 19, 2019

TO: Dan Serrano, EPC Chair

FROM: Colleen Langan-McRoberts, Open Space Division Superintendent, Parks and Recreation Department

RE: Comments on Proposed Zone Change from MX-L to MX-M (EPC #2019-002663)

The Parks and Recreation Department (PRD) respectfully provides the following comments to the EPC regarding a proposed zoning change close to existing Major Public Open Space and the Petroglyph National Monument.

The property proposed for development is legally described as:
A portion of Tract1, Block 2, Volcano Cliffs Subdivision and lot 1A-1, Block 3, Volcano Cliffs Subdivision;

The City Open Space Division (OSD) believes the request to change the zoning of this property from MX-L to MX-M may have adverse effects to the Major Public Open Space property, known as La Cuentista, which runs along the escarpment and on the mesa approximately 500-600 feet south of said application site request for zone change. The OSD also believes the stated purpose of developing a portion of the site as a light vehicle fueling station does not further the sensitive lands ordinance of the Comprehensive Plan nor the IDO. The City owns and is in the process of purchasing more land about 520 feet south of this parcel to preserve as Major Public Open Space adjacent to Petroglyph National Monument.

The Comprehensive Plan identifies multiple goals and policies intended to "preserve and protect the Monument from growth and development pressures on the West Side" (11.3.4[b]), "protect the integrity and quality of the region's natural features and environmental assets" (10.3), and "protect…significant cultural landscapes as important contributors to our heritage and rich and complex identities" (11.3). The Comprehensive Plan also considers development projects within a quarter mile of the Monument as potentially impactful and worthy of further scrutiny (11.3.4.3); this property falls within that distance.

This parcel is located on a Premium Transit Corridor and within an Urban Center, both of which encourage mixed use and transit- and pedestrian-oriented development; MX-L, the parcel's current zone, accommodates both. While the MX-M zone may be appropriate for other locations along the corridor, the increased intensity of allowable uses in this zone including light fueling stations, an increase in retail development size, and drive-through development, would be detrimental to the protection of the sensitive natural and cultural

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

CITY OF ALBUQUERQUE

landscape in the immediate area. The City Open Space Division does not find that this zone change is justified.

The Parks and Recreation Department, Open Space Division appreciates this opportunity to provide comments and suggestions to the EPC in the review and decision-making process for this proposed zone change near the sensitive lands of the La Cuentista Major Public Open Space and Petroglyph National Monument Escarpment. My staff and I are available to provide clarifications and to answer any questions you may have.

Colleen Langan-McRoberts 9-18-19 DATE

Colleen Langan-McRoberts, Superintendent, Open Space Division

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

United States Department of the Interior

NATIONAL PARK SERVICE
Petroglyph National Monument
6001 Unser Blvd NW
Albuquerque, New Mexico 87120

IN REPLY, REFER TO:

L1425

August 19, 2019

RE: Project #2019-002663, RZ-2019-00043 – Zone Map Amendment (Zone Change), Kimmick

Dear Ms. Lehner:

We have reviewed the application for approximately 15.97 acres, located at Kimmick Drive NW, between Paseo del Norte NW and Rosa Parks NW, for a zoning designation change of MX-L to MX-M. While this location is not directly adjacent to Petroglyph National Monument (monument), it appears to be located about 0.2 miles from the monument. As the zoning designation change could have an adverse effect on the monument, we have a few comments for your consideration.

As one of 419 official National Park Service (NPS) sites in the country, our mission for the monument is to preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education and inspiration of this and future generations. We watch closely how adjacent land uses may potentially affect the NPS and monument's primary mission and purpose.

Changing the zone from MX-L to MX-M would allow additional uses that would be incompatible to the sensitivity of the nearby culturally significant resources of the monument. Some of the uses which could be allowed under MX-M designation and the associated appurtenances and related impacts (i.e. lighting, noise, etc.) may also affect wildlife behavior. In addition, MX-M appears to allow for taller, multi-story buildings, which could further detract from the landscape and setting of the monument. Development in this area is fast growing and Paseo del Norte becomes congested at various times of the day. The proposed zone change would allow for larger commercial development, which would create more traffic and congestion issues in this area. The monument's preference would be to have larger commercial development further away from the monument boundaries to diminish the impacts aforementioned.

A Visitor Use Management Plan (VUM Plan) was completed on March 12, 2019. This plan was a joint effort by the NPS and the City of Albuquerque Open Space Division that identified 24 secondary access points and 6 primary access points for sustainable access and trail use and a 39-mile formalized trail system for the monument. The monument continues to enjoy a cooperative relationship with the City of Albuquerque in our shared quest to protect the resources and yet provide our visitors and local citizens outdoor experiences in a natural setting within an increasingly urban landscape. We would appreciate your consideration of our efforts to preserve

the delicate balance of protecting and preserving the monument and our adjacent natural areas with the least impact as possible.

If you have any questions regarding our comments about the proposed zone change, please contact me at dale_kissner@nps.gov or at 505-274-2565.

Sincerely,

Dale Kissner
Acting Superintendent

NOTIFICATION

From: Quevedo, Vicente M.
To: Michael Vos
Subject: Neighborhood Meeting Inquiry_Paseo del Norte and Kimmick_EPC
Date: Thursday, June 20, 2019 1:43:32 PM
Attachments: image001.png
image002.png
image003.png
ZoneAtlas_C-11.pdf
Neighborhood Meeting Inquiry_Paseo del Norte and Kimmick_EPC.xlsx

---

Michael,

See list of associations below and attached regarding your EPC submittal. In addition, we have included web links below that will provide you with additional details about the new Integrated Development Ordinance (IDO) requirements. The web links also include notification templates that you may utilize when contacting each association. Thank you.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
Westside Coalition of Neighborhood Associations	Rene	Horvath	aboard10@juno.com	5515 Palomino Drive NW	Albuquerque	NM	87120		5058982114
Westside Coalition of Neighborhood Associations	Harry	Hendriksen	hlhen@comcast.net	10592 Rio Del Sol NW	Albuquerque	NM	87114	5052214003	5058903481
Paradise Hills Civic Association	Maria	Warren	samralphroxy@yahoo.com	5020 Russell Drive NW	Albuquerque	NM	87114	5054402240	
Paradise Hills Civic Association	Tom	Anderson	ta_a@msn.com	10013 Plunkett Drive NW	Albuquerque	NM	87114	5053040106	5058972593

IDO – Public Notice Requirements & Template: https://www.cabq.gov/planning/urban-design-development/public-notice

IDO – Neighborhood Meeting Requirements & Template: https://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance

IDO - Administration & Enforcement section: http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17-Part6.pdf

Respectfully,

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

Website: www.cabq.gov/neighborhoods

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

From: webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** ISD WebMaster
Sent: Thursday, June 20, 2019 7:56 AM
To: Office of Neighborhood Coordination <vos@consensusplanning.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Neighborhood Meeting Inquiry Sheet Submission

Neighborhood Meeting Inquiry For:
Environmental Planning Commission
If you selected "Other" in the question above, please describe what you are seeking a Neighborhood Meeting Inquiry for below:
Contact Name
Michael Vos
Telephone Number
5057649801
Email Address
vos@consensusplanning.com
Company Name
Consensus Planning, Inc.
Company Address
302 8th Street NW
City
Albuquerque
State
NM
ZIP
87102
Legal description of the subject site for this project:
Tract 1, Block 2; Tract 5, BLock 6; and Lots 1A1, 4A1, and 3A2, Block 3, Volcano Cliffs Unit 26
Physical address of subject site:
N/A
Subject site cross streets:
Paseo del Norte and Kimmick
Other subject site identifiers:
Properties on south side of Paseo del Norte zoned MX-L
This site is located on the following zone atlas page:
C-11

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

CONSENSUS PLANNING

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

July 23, 2019

Harry Hendriksen
10592 Rio Del Sol NW
Albuquerque, NM 87114

Rene Horvath
5515 Palomino Drive NW
Albuquerque, NM 87120

Dear Mr. Hendriksen, Ms. Horvath, and the Westside Coalition of Neighborhood Associations:

This letter is notification that Consensus Planning has applied for a Zoning Map Amendment – EPC to the Environmental Planning Commission (EPC) on behalf of Group II U26 VC, LLC.

The subject site consists of a portion of Tract 1, Block 2 and Lot 1A-1, Block 3, Volcano Cliffs Unit 26 totaling approximately 15.97 acres at the southeast and southwest corners of Paseo del Norte and Kimmick Drive NW. The property is currently zoned MX-L (Mixed-use Low Intensity) and is designated as an Area of Change. The applicant is requesting a zone change to MX-M (Mixed-use Moderate Intensity) to allow for additional commercial uses such as general retail, medium and liquor retail.

The EPC Public Hearing for this application will be held on Thursday, September 12, 2019 starting at 8:30am in the Basement Hearing Room at Plaza del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

Please do not hesitate to contact me if you have any questions, would like to meet, or desire any additional information. Under the IDO, anyone may request, and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Section 14-16-6-4(D)). Visit: https://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development/ to view and download the Facilitated Meetings Criteria. If you wish to request a Facilitated Meeting, please contact the Planning Department at (505) 924-3337.

Sincerely,

Jacqueline Fishman, AICP
Principal

Attached: Zone Atlas Map C-11

PRINCIPALS

James K. Strozier, FAICP
Christopher J. Green, PLA, ASLA, LEED AP
Jacqueline Fishman, AICP

CONSENSUS PLANNING

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

July 23, 2019

Maria Warren
5020 Russell Drive NW
Albuquerque, NM 87114

Tom Anderson
10013 Plunkett Drive NW
Albuquerque, NM 87114

Dear Mr. Anderson, Ms. Warren, and the Paradise Hills Civic Association:

This letter is notification that Consensus Planning has applied for a Zoning Map Amendment – EPC to the Environmental Planning Commission (EPC) on behalf of Group II U26 VC, LLC.

The subject site consists of a portion of Tract 1, Block 2 and Lot 1A-1, Block 3, Volcano Cliffs Unit 26 totaling approximately 15.97 acres at the southeast and southwest corners of Paseo del Norte and Kimmick Drive NW. The property is currently zoned MX-L (Mixed-use Low Intensity) and is designated as an Area of Change. The applicant is requesting a zone change to MX-M (Mixed-use Moderate Intensity) to allow for additional commercial uses such as general retail, medium and liquor retail.

The EPC Public Hearing for this application will be held on Thursday, September 12, 2019 starting at 8:30am in the Basement Hearing Room at Plaza del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

Please do not hesitate to contact me if you have any questions, would like to meet, or desire any additional information. Under the IDO, anyone may request, and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Section 14-16-6-4(D)). Visit: https://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development/ to view and download the Facilitated Meetings Criteria. If you wish to request a Facilitated Meeting, please contact the Planning Department at (505) 924-3337.

Sincerely,

Jacqueline Fishman, AICP
Principal

Attached: Zone Atlas Map C-11

PRINCIPALS

James K. Strozier, FAICP
Christopher J. Green, PLA, ASLA, LEED AP
Jacqueline Fishman, AICP

From:	Jackie Fishman
To:	samralphroxy@yahoo.com; ta_a@msn.com
Cc:	Michael Vos
Subject:	Pre-Application Notification
Date:	Friday, June 21, 2019 11:03:22 AM
Attachments:	ZoneAtlas_C-11.pdf

Dear Neighbors:

This email is notification that Consensus Planning is preparing an application for a Zoning Map Amendment to the Environmental Planning Commission (EPC) on behalf of Group II U26 VC, LLC.

The subject site is located on the south side of Paseo del Norte at Kimmick Drive NW. The zone change request is for the northern half of Tract 1, Block 2, Volcano Cliffs Unit 26 containing approximately 8.68 acres, as well as all of Lot 1A1, Block 3, Volcano Cliffs Unit 26 that contains 7.29 acres. These tracts are on the southwest and southeast corners of the Paseo del Norte and Kimmick Drive intersection, respectively. The applicant is requesting a change from the existing MX-L (Mixed-use Low Intensity) zone to the MX-M (Mixed-use Medium Intensity) zone.

As part of the IDO regulations, we are providing you an opportunity to discuss the application prior to submittal. Should you desire to request a meeting regarding this request, please do not hesitate to email me at fishman@consensusplanning.com or contact me by phone at 505-764-9801. Per the IDO, you have 15 days or until July 5, 2019 to request a meeting. If you do not want to schedule a meeting, please let me know.

Sincerely,

Jacqueline Fishman, AICP
Principal
Consensus Planning, Inc.
302 Eighth Street NW
Albuquerque, NM 87102
P: 505.764.9801

From:	Jackie Fishman
To:	hlhen@comcast.net; aboard10@juno.com
Cc:	Michael Vos
Subject:	EPC Application Notification
Date:	Wednesday, July 24, 2019 8:22:00 AM
Attachments:	ZoneAtlas_C-11.pdf

Dear Neighbors:

This email is notification that Consensus Planning has applied for a Zoning Map Amendment – EPC to the Environmental Planning Commission (EPC) on behalf of Group II U26 VC, LLC and Volcano Cliffs, Inc.

The subject site consists of a portion of Tract 1, Block 2 and Lot 1A-1, Block 3, Volcano Cliffs Unit 26 totaling approximately 15.97 acres at the southeast and southwest corners of Paseo del Norte and Kimmick Drive NW. The property is currently zoned MX-L (Mixed-use Low Intensity) and is designated as an Area of Change. The applicant is requesting a zone change to MX-M (Mixed-use Moderate Intensity) to allow for additional commercial uses such as general retail, medium and liquor retail.

The EPC Public Hearing for this application will be held on Thursday, September 12, 2019 starting at 8:30am in the Basement Hearing Room at Plaza del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

Please do not hesitate to contact me if you have any questions, would like to meet, or desire any additional information. Under the IDO, anyone may request, and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Section 14-16-6-4(D)). Visit: https://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development/ to view and download the Facilitated Meetings Criteria. If you wish to request a Facilitated Meeting, please contact the Planning Department at (505) 924-3337.

Jacqueline Fishman, AICP
Principal
Consensus Planning, Inc.
302 Eighth Street NW
Albuquerque, NM 87102
P: 505.764.9801

From: Jackie Fishman
To: aboard10@juno.com
Cc: Michael Vos; Russell Brito
Subject: Re: Pre-Application Notification
Date: Tuesday, June 25, 2019 8:23:50 PM

Hi Rene -

Thanks, we will work with the City on getting the meeting scheduled and get back with you.

Jackie Fishman

On Jun 24, 2019, at 10:07 PM, "aboard10@juno.com" <aboard10@juno.com> wrote:

> Dear Jackie,
> Several people have indicated that they would like to know more about the request. I would like a facilitated meeting on this.
> Thank you for the notice,
> Rene' Horvath
> WSCONA
> 898-2114
>
> ---------- Original Message ----------
> From: Jackie Fishman <fishman@consensusplanning.com>
> To: "hlhen@comcast.net" <hlhen@comcast.net>, "aboard10@juno.com" <aboard10@juno.com>
> Cc: Michael Vos <Vos@consensusplanning.com>
> Subject: Pre-Application Notification
> Date: Fri, 21 Jun 2019 17:00:53 +0000
>
> Dear Neighbors:
>
> This email is notification that Consensus Planning is preparing an application for a Zoning Map Amendment to the Environmental Planning Commission (EPC) on behalf of Group II U26 VC, LLC.
>
> The subject site is located on the south side of Paseo del Norte at Kimmick Drive NW. The zone change request is for the northern half of Tract 1, Block 2, Volcano Cliffs Unit 26 containing approximately 8.68 acres, as well as all of Lot 1A1, Block 3, Volcano Cliffs Unit 26 that contains 7.29 acres. These tracts are on the southwest and southeast corners of the Paseo del Norte and Kimmick Drive intersection, respectively. The applicant is requesting a change from the existing MX-L (Mixed-use Low Intensity) zone to the MX-M (Mixed-use Medium Intensity) zone.

As part of the IDO regulations, we are providing you an opportunity to discuss the application prior to submittal. Should you desire to request a meeting regarding this request, please do not hesitate to email me at fishman@consensusplanning.com or contact me by phone at 505-764-9801. Per the IDO, you have 15 days or until July 5, 2019 to request a meeting. If you do not want to schedule a meeting, please let me know.

Sincerely,

Jacqueline Fishman, AICP

Principal

Consensus Planning, Inc.

302 Eighth Street NW

Albuquerque, NM 87102

P: 505.764.9801

CONSENSUS PLANNING

Memorandum

To: City of Albuquérque

From: Consensus Planning, Inc.

Date: August 26, 2019

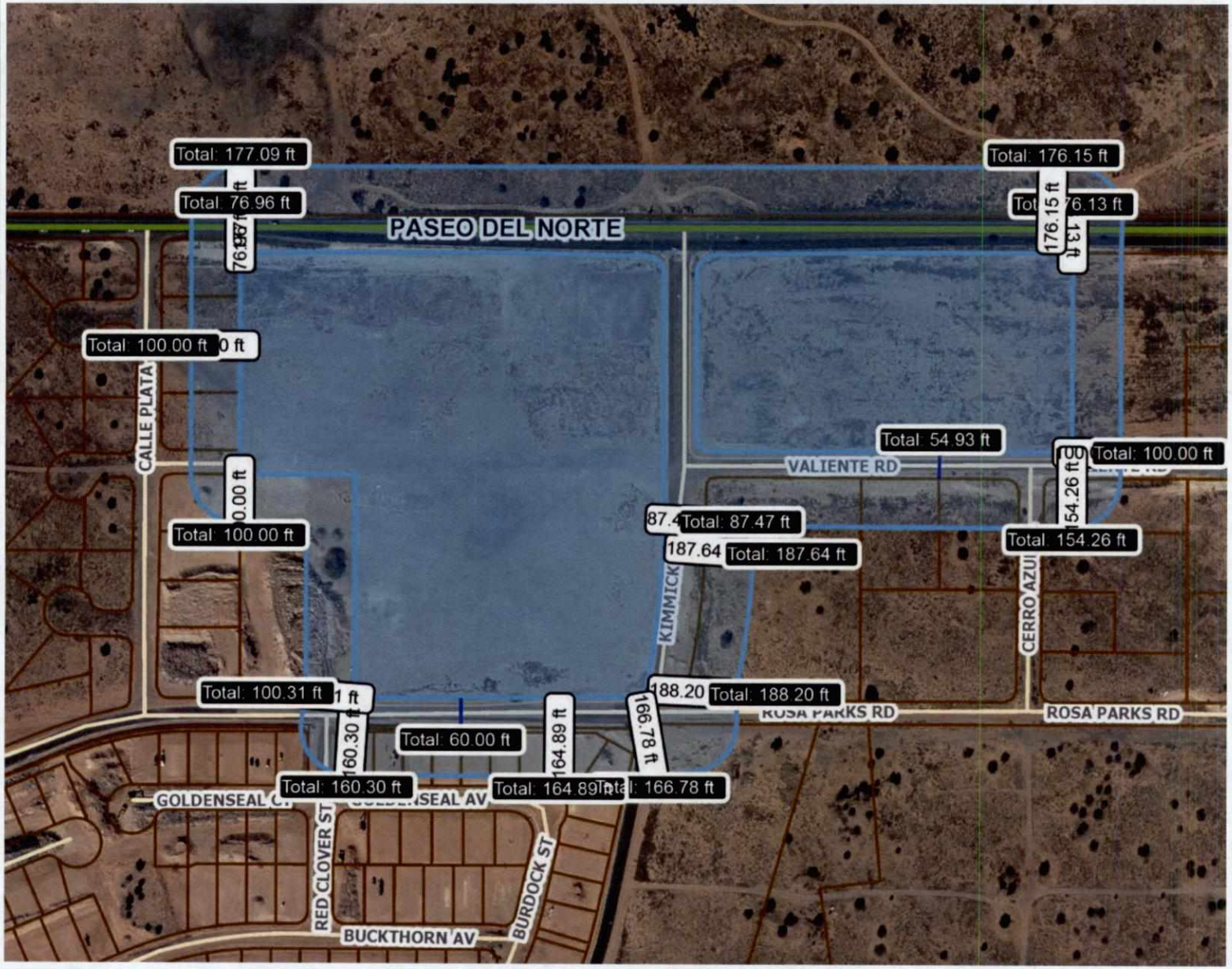
Re: First Class Mailing for Zoning Map Amendment at Paseo del Norte and Kimmick Drive NW

I, Michael Vos, prepared and mailed public notice via First Class mail to property owners within the required 100' buffer, excluding public rights-of-way, from Tract 1, Block 2 and Lot 1A-1, Block 3, Volcano Cliffs Unit 26, as well as to the four (4) distinct neighborhood association contacts provided by the Office of Neighborhood Coordination regarding this request for a Zoning Map Amendment – EPC. In accordance with IDO Section 15-16-6-4(K)(2)(e), these letters were mailed more than 15 consecutive days before the monthly public meeting or hearing of the request.

Sincerely,

Michael J. Vos, AICP
Consensus Planning, Inc.

Larger Property Owner Buffer Map



601 0 301 601 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
8/15/2019 © City of Albuquerque

1: 3,607

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit http://www.cabq.gov/abq-data/abq-data-disclaimer-1 for more information.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Bernalillo County Parcels
- Primary Streets
  - Freeway
  - Principal Arterial
  - Minor Arterial
  - Local Streets
  - BN and SF Railroad
- Other Streets
- Municipal Limits
  - Corrales
  - Edgewood
  - Los Ranchos
  - Rio Rancho
  - Tijeras
  - UNINCORPORATED
- World Street Map

Notes

Prepared by Consensus Planning
8/15/19
See distances on map.

UPC	Owner	Owner Address	Owner Address 2	SITUS Address	SITUS Address 2	Legal Description	Acres
101106404208330716	ABRAZO HOMES LLC	P O BOX 65808	ALBUQUERQUE NM 87193-5808	6011 GOLDENSEAL AV NW	ALBUQUERQUE 87120	LT 5 BLK 7 FINAL PLAT OF LA CUENTISTA SUBDIVISION, UNIT IICC	0.1532
101006451217240906	AMADOR SAMMY & SYLVIA	14429 CRYSTAL LANTERN DR	HACIENDA HGTS CA 91745-2510	N/A	ALBUQUERQUE NM 87120	* 002 002VOLCANO CLIFFS SUBD UNIT 26	0.3788
101206410522731501	BEDROCK PARTNERSHIP & N M GEN PARTNERSHIP C/O GERALI	1509 HARVARD CT NE	ALBUQUERQUE NM 87106-3712		ALBUQUERQUE NM 87114	TRACT 2-A REPLAT OF TR 2 68.75 AC TRACT & 66.15 AC TR INPA	60.67
101106408506130504	CITY OF ALBUQUERQUE	PO BOX 2248	ALBUQUERQUE NM 87103-2248	ROSA PARKS RD NW	ALBUQUERQUE NM 87120	N'LY PORT OF TRACT 0 CORRECTION PLAT OF THE BULK LAND PI	5.0006
101106417313530301	CLAYTON MINARD L & TOYO	3706 GENERAL ARNOLD ST NE	ALBUQUERQUE NM 87111	N/A	ALBUQUERQUE NM 87120	*00030004VOLCANO CLIFFS SUBD UNIT 26	0.75
101106406907630712	DOUBLE M PROPERTIES INC	4400 ALAMEDA BLVD NE SUITE E	ALBUQUERQUE NM 87113-1519	8240 BURDOCK ST,NW	ALBUQUERQUE 87120	LT 9 BLK 7 FINAL PLAT OF LA CUENTISTA SUBDIVISION, UNIT IICC	0.3393
101106417517930502	GROUP I U26 VC LLC RM 115	2400 LOUISIANA BLVD NE BLDG 3	ALBUQUERQUE NM 87110-4303	VALIENTE RD NW	ALBUQUERQUE NM 87114	LT 4A-1 BLK 3 PLAT OF LTS 1A-1 & 4A-1 BLK 3 VOLCAND CLIFFSS	5.2248
101106404014530102	GROUP II U26 VC LLC C/O WRIGHT BILLY J RDD M 115	2400 LOUISIANA BLVD NE BLDG 3	ALBUQUERQUE NM 87110-4362	PASEO DEL NORTE NW	ALBUQUERQUE NM 87120	TR 1 BLK 2 PLAT OF TR 1 BLK 2 VOLCANO CLIFFS SUBD UNIT 26(A	15.7217
101106414513030203	KEGLE RONALD F & DARLEEN A	5720 MEACHAM ST	WASHDE VALLEY NV 89704	N/A	ALBUQUERQUE NM 87120	*2B 5 REPLAT OF LT 2 BLK 5 UNIT 26 VOLCANO CLIFFS SUBD COI	0.855
101106410411830201	MGME DEVELOPMENT INC	600 SAN JOSE AVE SE	ALBUQUERQUE NM 87102-5066	N/A	ALBUQUERQUE NM 87120	*00010005VOLCAND CLIFFS SUBD UNIT 26	3.24
101006451216240907	DMLOR MICHAEL A & GLENNA M TRUSTEES OMLDR RVT	600 SAN JOSE AVE SE	ALBUQUERQUE NM 87102-5066	N/A	ALBUQUERQUE NM 87120	* 003 002VOLCAND CLIFFS SUBD UNIT 26	0.3788
101006451213441005	ROLLINS MICHAEL & UNA	10700 MARBLE STDNE DR NW	ALBUQUERQUE NM 87114	N/A	ALBUQUERQUE NM 87120	* 001 006VOLCANO CLIFFS SUBD UNIT 26	0.4326
201106400611830101	TRACT 5 U26 LLC	5700 UNIVERSITY BLVD SE SUITE 310	ALBUQUERQUE NM 87106-9601	N/A	ALBUQUERQUE NM 87120	*00050006VOLCANO CLIFFS SUBD UNIT 26	2.53
101106413017030501	VOLCANO CLIFFS INC	4112 BLUE RIDGE PL NE	ALBUQUERQUE NM 87111-4167	VALIENTE RD NW	ALBUQUERQUE NM 87120	LT 1A-1 BLK 3 PLAT OF LTS 1A-1 & 4A-1 BLK 3 VOLCANO CLIFFSS	7.2901
101006451215140901	ZIA TRUST CUSTODIAN THANH VAN NGUYEN R/D IRA	PO BOX 30928	ALBUQUERQUE NM 87190-0928	N/A	ALBUQUERQUE NM 87120	* 004 002VOLCAND CLIFFS SUBD UNIT 26	0.4515

g, Inc.
NW
87102

FIRST-CLASS

PITNEY BOWES
US POSTAGE
02 1P $ 000.50⁰
0002118651 AUG 26 2019
MAILED FROM ZIP CODE 87102

DDUBLE M PROPERTIES INC
4400 ALAMEDA BLVD NE SUITE E
ALBUQUERQUE NM 87113-1519

g, Inc.
NW
87102

FIRST-CLASS

PITNEY BOWES
US POSTAGE
02 1P $ 000.50⁰
0002118651 AUG 26 2019
MAILED FROM ZIP CODE 87102

ABRAZO HOMES LLC
PO BOX 65808
ALBUQUERQUE NM 87193-5808

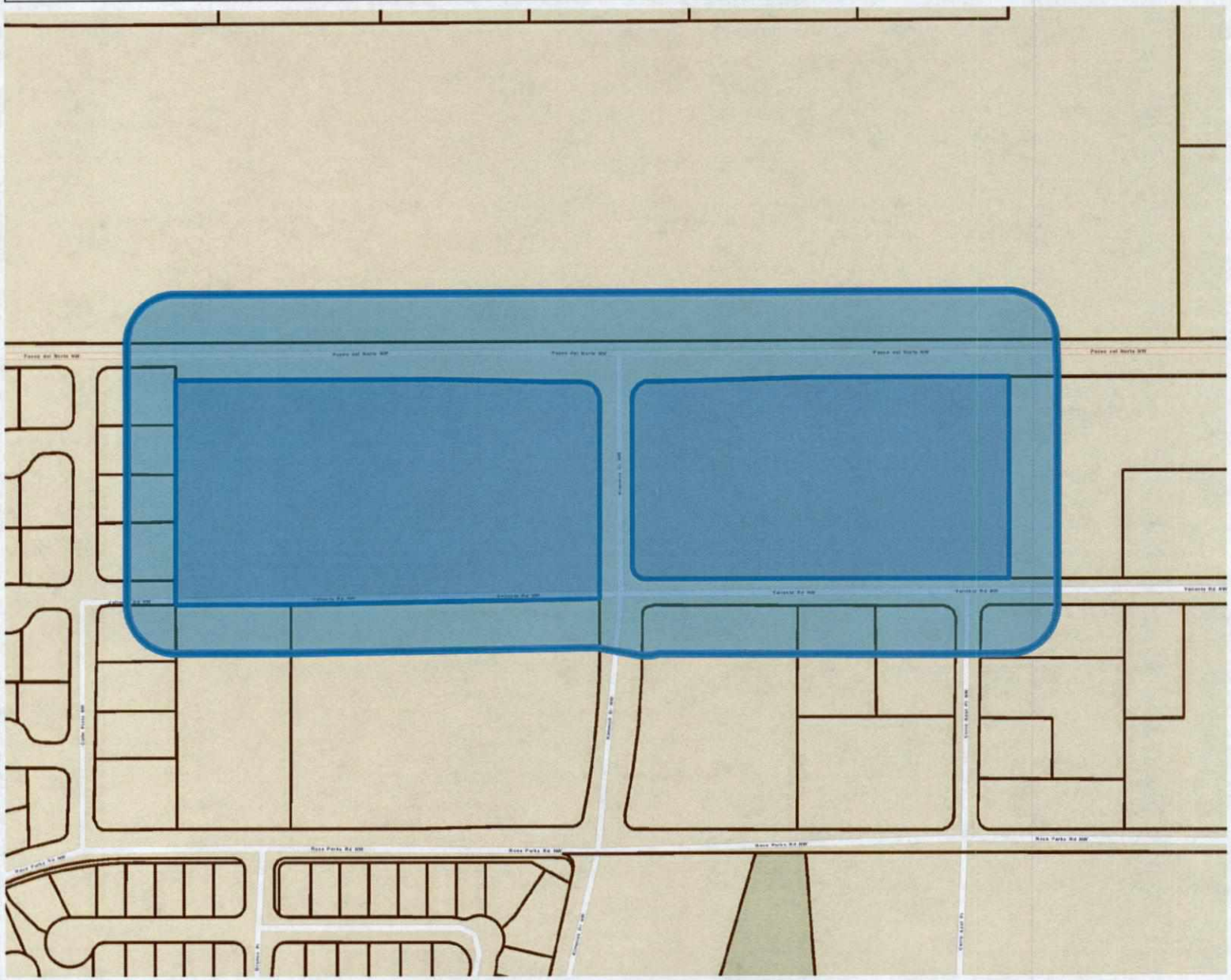
g, Inc.
W
87102

FIRST-CLASS

PITNEY BOWES
US POSTAGE
02 1P $ 000.50⁰
0002118651 AUG 26 2019
MAILED FROM ZIP CODE 87102

CITY OF ALBUQUERQUE
PO BOX 2248
ALBUQUERQUE NM 87103-2248

Property Owner 100-Foot Buffer Map



601 0 301 601 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
7/21/2019 © City of Albuquerque

1: 3,607

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit http://www.cabq.gov/abq-data/abq-data-disclaimer-1 for more information.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

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

Notes

Prepared by Consensus Planning
7/21/19

UPC	Owner	Owner Address	Owner Address 2	Legal Description	Acres
1010064S1217240906	AMADOR SAMMY & SYLVIA	14429 CRYSTAL LANTERN DR	HACIENDA HGTS CA 9174S-2510	* 002 002VOLCANO CUFFS SUBD UNIT 26	D.378B
101106410S22731501	BEDROCK PARTNERSHIP & N M GEN PARTNERSHIP C/O GERALD GOLD	1509 HARVARD CT NE	ALBUQUERQUE NM 87106-3712	TRACT 2-A REPLAT OF TR 2 6B.75 AC TRACT & 66.15 AC TR	60.67
101106417313530 3D1	CLAYTON MINARD L & TOYO	3706 GENERAL ARNOLD ST NE	ALBUQUERQUE NM 87111	*00030004VOLCANO CLIFFS SUBD UNIT 26	0.75
101106417517930502	GROUP I LI26 VC LLC RM 115	2400 LOUISIANA BLVD NE BLDG 3	ALBUQUERQUE NM 87110-4303	LT 4A-1 BLK 3 PLAT OF LTS 1A-1 & 4A-1 BLK 3 VOLCAND CL	S.2248
101106404014S30102	GROUP II LI26 VC LLC C/O WRIGHT BILLY J ROOM 115	2400 LOUISIANA BLVD NE BLDG 3	ALBUQUERQUE NM B7110-4362	TR 1 8LK 2 PLAT OF TR 1 BLK 2 VOLCANO CUFFS SUBD UNI	15.7217
101106414S13030203	KEGLE RONALD F & OARLEEN A	5720 MEACHAM ST	WASHOE VALLEY NV 89704	*2B 5 REPLAT OF LT 2 BLK 5 UNIT 26 VOLCANO CLIFFS SUB	0.855
101106410411830201	MGME DEVELOPMENT INC	600 SAN JOSE AVE SE	ALBUQUERQUE NM B7102-5066	*0001000SVOLCANO CLIFFS SU8D UNIT 26	3.24
1010064S1216240907	OMLOR MICHAEL A & GLENNA M TRUSTEES OMLOR RVT	600 SAN JOSE AVE 5E	ALBUQUERQUE NM B7102-5066	* 003 002VOLCANO CLIFFS SU8D UNIT 26	0.378B
1010064S1213441005	ROLLINS MICHAEL & LINA	10700 MARBLE STONE DR NW	ALBUQUERQUE NM B7114	* 001 006VOLCANO CLIFFS SUBD UNIT 26	0.4326
1011064006 11B30101	TRACT 5 LI26 LLC	5700 UNIVERSITY BLVD SE SUITE 310	ALBUQUERQUE NM B7106-9601	*000S0006VOLCANO CLIFFS SUBD UNIT 26	2.53
101106413017030S01	VOLCANO CLIFFS INC	4112 BLUE RIDGE PL NE	ALBUQUERQUE NM B7111-4167	LT 1A-1 BLK 3 PLAT OF LTS 1A-1 & 4A-1 BLK 3 VOLCANO CL	7.2901
1010064S1215140901	2/A TRUST CUSTODIAN THANH VAN NGUYEN R/O IRA	PO BOX 3092B	ALBUQUERQUE NM 87190-092B	* 004 002VOLCANO CLIFFS SUBD UNIT 26	D.4S15

July 23, 2019

Property Owner:

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, September 12, 2019** at **8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following item.

EPC RULES OF CONDUCT OF BUSINESS

A copy of the Rules of Conduct is posted on the Planning Department's website at http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission and printed copies are available in the Planning Department office on the third floor of the Plaza del Sol Building, 600 Second Street NW. For more information, please contact Russell Brito, Current Planning Division Manager, at (505) 924-3337 or at rbrito@cabq.gov.

Staff reports and supplemental materials are posted on the City website, https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-staff-reports, on Thursday, September 5, 2019.

REQUEST

Consensus Planning, agent for Group II U26 VC, LLC and Volcano Cliffs, Inc., requests a Zoning Map Amendment - EPC for Tract 1, Block 2 and Lot 1A-1, Block 3, Volcano Cliffs Unit 26, zoned MX-L (Mixed-Use Low Intensity), located at the southeast and southwest corners of Paseo del Norte and Kimmick Drive NW, containing approximately 15.97 acres. The request is for a zone change to MX-M (Mixed-Use Moderate Intensity) to allow for additional land uses such as general retail, medium and liquor retail pursuant to the Integrated Development Ordinance.

If you have questions or need additional information regarding this request contact Mr. Russell Brito, City Planning at (505) 924-3337 or at rbrito@cabq.gov.

Sincerely,

Consensus Planning, Inc.

02

FIRST-CLASS

PITNEY BOWES

US POSTAGE

$ 000.50⁰

02 1P
0002118651 JUL 24 2019
MAILED FROM ZIP CODE 87102

Harry Hendriksen
10592 Rio Del Sol NW
Albuquerque, NM 87114

nc.

02

FIRST-CLASS

PITNEY BOWES

US POSTAGE

$ 000.50⁰

02 1P
0002118651 JUL 24 2019
MAILED FROM ZIP CODE 87102

Rene Horvath
5515 Palomino Drive NW
Albuquerque, NM 87120

nc.

.02

FIRST-CLASS

PITNEY BOWES

US POSTAGE

$ 000.50⁰

02 1P
0002118651 JUL 24 2019
MAILED FROM ZIP CODE 87102

Tom Anderson
10013 Plunkett Drive NW
Albuquerque, NM 87114

.02

FIRST-CLASS

PITNEY BOWES
US POSTAGE
$ 000.50⁰
02 1P
0002118651 JUL 24 2019
MAILED FROM ZIP CODE 87102

Maria Warren
5020 Russell Drive NW
Albuquerque, NM 87114

Inc.

102

FIRST-CLASS

PITNEY BOWES
US POSTAGE
$ 000.50⁰
02 1P
0002118651 JUL 24 2019
MAILED FROM ZIP CODE 87102

AMADOR SAMMY & SYLVIA
14429 CRYSTAL LANTERN DR
HACIENDA HGTS CA 91745-2510

ıc.

02

FIRST-CLASS

PITNEY BOWES
US POSTAGE
$ 000.50⁰
02 1P
0002118651 JUL 24 2019
MAILED FROM ZIP CODE 87102

CLAYTON MINARD L & TOYO
3706 GENERAL ARNOLD ST NE
ALBUQUERQUE NM 87111

102

FIRST-CLASS

PITNEY BOWES
US POSTAGE
$ 000.50⁰
02 1P
0002118651 JUL 24 2019
MAILED FROM ZIP CODE 87102

BEDROCK PARTNERSHIP & N M GEN
PARTNERSHIP C/O GERALD GOLD
1509 HARVARD CT NE
ALBUQUERQUE NM 87106-3712

Inc.
/
102

FIRST-CLASS

PITNEY BOWES
US POSTAGE
$ 000.50⁰
02 1P
0002118651 JUL 24 2019
MAILED FROM ZIP CODE 87102

GROUP II U26 VC & GROUP I U26 VC LLC
C/O WRIGHT BILLY J ROOM 115
2400 LOUISIANA BLVD NE BLDG 3
ALBUQUERQUE NM 87110-4362

Inc.
V
7102

FIRST-CLASS

PITNEY BOWES
US POSTAGE
$ 000.50⁰
02 1P
0002118651 JUL 24 2019
MAILED FROM ZIP CODE 87102

TRACT 5 U26 LLC
5700 UNIVERSITY BLVD SE SUITE 310
ALBUQUERQUE NM 87106-9601

.02

FIRST-CLASS

PITNEY BOWES
US POSTAGE
$ 000.50⁰
02 1P
0002118651 JUL 24 2019
MAILED FROM ZIP CODE 87102

KEGLE RONALD F & DARLEEN A
5720 MEACHAM ST
WASHOE VALLEY NV 89704

, Inc.
V
7102

FIRST-CLASS

PITNEY BOWES
US POSTAGE
$ 000.50⁰
02 1P
0002118651 JUL 24 2019
MAILED FROM ZIP CODE 87102

OMLOR MICHAEL A & GLENNA M
TRUSTEES OMLOR RVT
600 SAN JOSE AVE SE
ALBUQUERQUE NM 87102-5066

2

FIRST-CLASS

PITNEY BOWES
US POSTAGE
$ 000.50⁰
02 1P
0002118651 JUL 24 2019
MAILED FROM ZIP CODE 87102

ROLLINS MICHAEL & LINA
10700 MARBLE STONE DR NW
ALBUQUERQUE NM 87114

102

FIRST-CLASS

PITNEY BOWES

US POSTAGE

$ 000.50⁰

02 1P 0002118651 JUL 24 2019

MAILED FROM ZIP CODE 87102

MGME DEVELOPMENT INC
600 SAN JOSE AVE SE
ALBUQUERQUE NM 87102-5066

nc.

02

FIRST-CLASS

PITNEY BOWES

US POSTAGE

$ 000.50⁰

02 1P 0002118651 JUL 24 2019

MAILED FROM ZIP CODE 87102

VOLCANO CLIFFS INC
4112 BLUE RIDGE PL NE
ALBUQUERQUE NM 87111-4167

Inc.

102

FIRST-CLASS

PITNEY BOWES

US POSTAGE

$ 000.50⁰

02 1P 0002118651 JUL 24 2019

MAILED FROM ZIP CODE 87102

ZIA TRUST CUSTODIAN THANH VAN
NGUYEN R/O IRA
PO BOX 30928
ALBUQUERQUE NM 87190-0928

NEIGHBORHOOD MEETING AND LETTERS

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM
PROJECT MEETING REPORT

Project #: Volcano Cliffs Pre-Application Meeting

Property Description: The subject site is located on the south side of Paseo del Norte at Kimmick Drive NW. The zone change request is for the northern half of Tract 1, Block 2, Volcano Cliffs Unit 26 containing approximately 8.68 acres, as well as all of Lot 1A1, Block 3, Volcano Cliffs Unit 26 that contains 7.29 acres. These tracts are on the southwest and southeast corners of the Paseo del Norte and Kimmick Drive intersection, respectively.

Date Submitted: 7/17/19
Submitted By: Kathleen Oweegon

Meeting Date/Time: 7/15/19 – 6:30 pm to 8:30 pm
Meeting Location: Paradise Hills Community Center
5901 Paradise Blvd. NW ABQ NM 87114

Facilitator: Kathleen Oweegon
Co-facilitator: Jocelyn M. Torres

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

- **Applicant:** Group II U26 VC, LLC
  - **Steve Applicant**
  - **Bill Wright**
- **Agent:** Consensus Planning
  - Michael Vos
  - Jackie Fishman
- **Affected Neighborhood Associations (per CABQ notification requirements):**
  - Westside Coalition of Neighborhood Associations
  - Paradise Hills Civic Association

Background/Meeting Summary:
The applicant is preparing to apply for a Zoning Map Amendment to the Environmental Planning Commission (EPC), requesting a change from the existing MX-L (Mixed-use Low Intensity) zone to the MX-M (Mixed-use Medium Intensity) zone. This meeting is pre-application to provide the neighbors with the opportunity to learn about the request and share any questions or concerns they may have.

A summary of questions and concerns is included in the Meeting Specifics.

Outcomes:

- *Areas of Agreement* – None
- *Unresolved Issues & Concerns* –
  - Applicant seeks to change the zoning from MX-L to MX-M, which the neighborhood associations, and neighbors oppose.
  - Implications & consequences of zone change – overall negative effect on area
  - Possibility of Big Box stores and other undesirable development in the area
  - Potential increased height of buildings may obstruct existing views
  - Loss of character of the area and diminished property value
- *Other Key Points* – See questions and concerns below.

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM
PROJECT MEETING REPORT

Meeting Specifics:

1) Overview of Proposed Project
   a) Applicant seeks a zone change on its property located south of Paseo del Norte (Paseo) and east and west of Kimmick.
   b) Consensus Planning is serving as Agent on this application.
      i) Principals for Applicant are Steve Metro and Bill Wright.
   c) Applicant owns approximately 18 acres west of Kimmick and 15 to 16 acres east of Kimmick and south of Paseo del Norte (Paseo). *(see map at end of report)*
      i) Applicant seeks a zone change for approximately nine acres located south of Paseo and west of Kimmick from MX-L to MX-M.
      ii) Applicant also seeks a zone change for approximately seven acres located south of Paseo and east of Kimmick from MX-L to MX-M.
   d) This property was located within the Special Assessment District 22A.
   e) Utilities are near the property, and the Applicant has paid for a signal at Paseo and Kimmick.
      i) Other vacant landowners in this vicinity do not have utilities on the property.
   f) A Site Plan for Subdivision was done in September 2017.
      i) Applicant seeks to void this Site Plan as part of their request, because it was done under Albuquerque's prior Zoning Ordinance and is not required by the IDO.
         (1) Applicant does not want to burden this development with rules that no longer exist.
   g) The purpose of the zone change request is to provide adequate building space for potential tenants who require more square footage than that allowed under MX-L zoning.
      i) MX-L allows for a maximum building footprint of ten thousand square feet per business/retail tenant.
      ii) MX-M zoning allows for a much larger footprint, thereby enhancing Applicant's potential for selling the vacant property to owners seeking commercial development.
      iii) Applicant seeks zoning that is more consistent with the location and that allows for variety in the types of stores that can lease the developed property.
      iv) Applicant intends to sell the vacant land and does not plan to develop the property.
      v) Applicant has paid for infrastructure but has seen no return on his investment.
2) Questions and Concerns about types of development
   a) N – The 2017 Site Plan provided for multi-family and office development, which is desirable in that neighborhood.
   b) Q: Is part of the plan to put in Big Box stores?
      i) A: No, there is no current plan to put in anything. The goal is simply to sell the property. If this request is approved, it will be more marketable.
         (1) Current uses are limiting to certain types of businesses, such as liquor stores and buildings with a footprint greater than 10,000 sq. ft.
   c) Q: CPO 6-4(0)(2)(c) has requirements for single site and not part of a pattern; shouldn't be approved for adjacent sites owned by the same person.
      i) Jackie: That's from the deviation section for when 30 ft. A deviation is a minor change up to 10%.

d) N: But, if they want a deviation change from standard without change of zone, that might be a problem.
   i) Keep zoning as-is but with flexibility for specific variance.
   ii) This seems a drastic remedy from the way the IDO is written, and opens Pandora's box.
   iii) Jackie: There is a signalized intersection. This is the equivalent of C-2 from the old zoning code.
e) Q: Is Paseo limited access?
   i) Jackie: I think so.
f) N: Delivery trucks can't come up Unser; they have to come up Paradise Hills.
   i) Jackie: I'll check on the truck restrictions on Paseo and let you know what I learn.
g) Q: Is there interest from developers for use of the property?
   i) Jackie: There are some possibilities, but nothing firm.
   ii) N: It would be good if the developers could present their concept to us.
h) Jackie: What do you want?
   i) N: Trader Joe's, or something not already nearby via Paseo, etc.
      (1) New amenities, not large retail.
i) N: There are offices going up on Paseo, west of the river. Offices are ok.
   i) A neighborhood center and other small stores are already nearby.
j) Q: Does MX-L allow for single-family?
   i) Jackie: No. Townhomes and multi-family are allowed.
k) N: There's an untapped market for townhomes.
l) Q: What if you downzone to single-family?
   i) Jackie: There is plenty of R-1 property nearby that hasn't been developed. You could do this there without a zone change.
m) Q: When you talk about retail, there's so much already nearby, more isn't needed.
   i) There are already some vacant business properties in the area because some businesses moved.
      (1) Jackie: There's no demand out there; there are few houses and it's hard to develop.
n) Jackie: How far is it to the Smith's and post office?
   i) N: Smith's is 2 miles away.
o) N: A childcare center would be good.
p) Jackie: The sites we are asking for the zone change on are 7 and 9 acres. You're not going to get a big commercial development on a lot that size.
q) N: Because the IDO has a variety of different possible uses, I will oppose.
r) N: If the applicant has a buyer, propose something then.
   i) It's hard to backtrack if you do the zone change now, so do it when it's needed.
s) N: We might not oppose a specific use at a later time, but if we approve now, we don't know what we'll get.
   i) Jackie: The City doesn't do conditional uses at this level.

t) N: MX-L is more appropriate next to a residential area and Open Space to serve as a transition.
   i) Jackie: It's 500 ft. from La Cuentista to where we are proposing the change to MX-M.
   ii) N: It's 400 ft. from Kimmick and Rosa Park to the south-most boundary of your proposed MX-M; that's bigger than most Open Space buffers.
      (1) Jackie: It's over 500 ft.

u) Jackie: I will talk to the Applicant about your concerns.

3) Questions and Concerns about implications of zone change
   a) N – The intended zone change will negatively impact the neighborhood by allowing for truck stops, big box stores such as Home Depot & Lowes, warehouses, a temporary circus, hospitals and group homes.
      i) The major difference between MX-L and MX-M is that a much larger building footprint is allowed under MX-M, which is undesirable for the existing community.
      ii) Jackie: Under the current MX-L, a building greater than or equal to 50,000 sq. ft. goes to DRB for approval.
         (1) This also applies to multi-family housing equal to or greater than 50 units.
         (2) Walgreens and CVS, which are usually 15,000 sq. ft., are other examples of more desirable businesses that might come in if larger footprints were available.
   b) N: Under the current zoning, one can build office space, multifamily housing, restaurants and a taproom (allowed under conditional uses).
      i) This zoning is consistent with the neighborhood's character and identity, complies with the CPO and protects the Monument.
      ii) Having large buildings, such as a truck stop or an 18-wheeler storage facility, located near the Petroglyph Monument doesn't make sense.
      iii) MX-M allows for permissive uses to be expanded in commercial areas that are not desirable for this location.
      iv) Neighbors will oppose this zone change.
      v) I live in Camino Alto.
         (1) The library is near my house,
         (2) USPS is further and Smiths is close – 2.5 miles.
         (3) I can currently sit on the porch, which is quiet despite nearby construction, and can hear wildlife at all times of the day.
            (a) A big box store or heliport certainly changes this.
      vi) Under current permissible uses, you can still do retail, restaurants, and a taproom as conditional use.
         (1) You just can't do large things
      vii) Acknowledge a truck stop is unlikely, but still don't want Kimmick overloaded with traffic from Big Box stores, etc.
      viii) The point is that under MX-M, permissive uses would be expanded for uses that are not desirable for this location.

ix) The genie cannot be put back into the bottle once the zone is changed.
x) Jackie – Applicant will do a site analysis as part of its justification for the zone change.

c) N: The proposed zone change will open the floodgates for a large store, not a Chili's or a dental office.
   i) Based on what the City has done with the IDO, don't do the zone change now.
      (1) Sell the land, then get a zone change.
   ii) Has the owner been approached by a buyer?
      (1) Several multi-family two-story apartments are located at Eagle Ranch and Paseo.
      (2) If the applicant has a buyer, they should approach the City.
      (3) Once MX-M is approved, we cannot backtrack.
   iii) Jackie: Now with the IDO, the process has changed so there is no need to follow your proposal.
      (1) The owners want the zone change now.
      (2) This property has been hard to sell.
         (a) Bill Wright has owned his part of it for over 30 years.

4) <u>Questions and Concerns about preserving the character of the neighborhood</u>
   a) N: The zone change will negatively affect views and property values.
   b) N: Permissive uses under MX-M allows for undesirable uses that are not complementary to the neighborhood and negatively impact the identity and character of the neighborhood.
      i) If near to the Open Space, it will negatively affect one's experience of the Open Space.
      ii) Would prefer stipulated uses, though doubts that's possible.
         (1) Distinctions are too "large-grained" – no way to stipulate.
            (a) Prefer some sort of intermediate.
      iii) Vehemently oppose MX-M uses in this area
         (1) It sets a precedent for a change in the tone of the area.
         (2) MX-L should give lots of acceptable potential for development
   c) N: This will open the floodgate for large stores
      i) Developers want the most intensive development they can get.
      ii) Leave it as-is and let the new owners apply for what they want.
      iii) Jackie: We would be retaining a lot of what is there now.
         (1) East, west and south is all RML – low-density residential
         (2) IDO changed a lot of things.
            (a) MX-L limits even a Trader Joe's
               (i) N: In California, Trader Joe's are often very small, squeezed in between other businesses.
   d) Q: Why not sell as-is?
      i) Jackie: They tried, but there has been no interest in the property.

5) Questions and Concerns about building height
   a) N: – The MX-L maximum structure height is 35 feet. MX-M zoning allows a maximum height of 45 feet, which violates the Character Protection Overlay (CPO).
      i) The Volcano Heights Urban Center is part of CPO 12, located north of Paseo and west of Coors. This area doesn't allow for the proposed zone change under the CPO.
   b) N: Why would an owner want to develop multi-story buildings?
      i) Jackie: Big boxes don't need two stories.
         (1) Nine acres will not accommodate a big box.
         (2) The property is now zoned MX-L and Applicant seeks that approximately half of the property be rezoned to MX-M.
         (3) At the transition from Paseo, with MX-L, a multi-family unit can be up to 35 ft.; with MX-M, it's 45 ft.
   c) N: Under CPO 6-4(0)(2)(e), it says no deviation for overlay standard.
      i) Taller buildings are allowed at Centers and Corridors.
         (1) S. of Paseo is not noted as a Center or a Corridor.
         (2) Multi-story is not encouraged.
      ii) Jackie: If and when commercial buildings come in, it's highly unlikely they'd be multi-story.
      iii) Q: Why?
         (1) Jackie: Most retail is one-story
            (a) Not looking at Big Box stores coming into this area, because 9 acres isn't large enough for them.
6) Questions and Concerns about transition between zones
   a) N: This property is located next to a residential area and open space.
      i) There must be a transition between these areas and the proposed MX-M zoning.
      ii) Jackie – There is at least 500 feet between this property and the open space, which provides for a transition.
      iii) 450 feet exists between the proposed MX-M property and the corner of Rosa Park and Kimmick.
      iv) Rosa Park has a 58-foot of right of way, thus totaling over 500 feet of transition between these properties.
7) Questions and Concerns about plans for the area
   a) N: No one will buy where you don't know the terrain.
      i) In this location, builders have to cut through rock and basalt.
      ii) Someone else does the pad work for Abrazo and then they develop.
      iii) The topography, geology, La Cuentista II Development will bring commercial business and building once it is finished.
         (1) Abrazo and DR Horton are developing La Cuentista II.
         (2) I don't know who is developing La Cuentista III.
      iv) I don't want to question Steve Metro's motives.

(1) Steve has helped fight inappropriate development the neighborhood and has kept it in good shape, with broader views and other positive qualities. I thank him for that.

v) Concern is about the unintended consequences of this change

vi) The IDO's is very course and threatens the existing neighborhood.

vii) The zoning variety allowed under the IDO is more likely to draw commercial development.

viii) Jackie: We did a study awhile back on putting in a library/multi-generational center/pool, and found that it was hard to break ground, which makes it hard to sell.

(1) The City decided not to develop the library/multi-generational center/pool, because of basalt, rocks and unknown terrain.

b) Q: What does the Applicant plan to do with the land?

i) Jackie: Applicants are not developers; they want to sell the land, and different zoning would make the land more attractive to buyers.

Next Steps: Application will be filed on July 25, 2019

Action Plan: N/A

Action Items:

- Jackie will inquire into truck and traffic limitations and access requirements pertaining Paseo del Norte and advise the group.

Application Hearing Details:

1) The Environmental Planning Commission (EPC) is an appointed, 9-member, volunteer citizen board with authority on many land use and planning issues. The EPC was formed in 1972 per City of Albuquerque Ordinance #294-1972. Members:
   - Derek Bohannan, Chair, Council District 5
   - Bill McCoy III, Vice Chair, Council District 9
   - Dan Serrano, Council District 1
   - Richard Meadows, Council District 2
   - Joseph Cruz, Council District 3
   - Robert Stetson, Council District 4
   - Maia Mullen, Council District 6
   - David Shaffer, Council District 7
   - Karen Hudson, Chair, Council District 8
2) Hearing Time:
   i. No hearing is scheduled at this time, since the application has not been submitted as of the writing of this report.
3) Hearing Process:
   i. Comments from facilitated meetings will go into a report which goes to the City Planner.
   ii. The facilitated meeting report is included in the staff report and may be used to recommend conditions.
   iii. The Commission will make a decision and parties have 15 days to appeal the decision.

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM
PROJECT MEETING REPORT

4) Comment Submission:
   Comments may be sent to:
   Cheryl Somerfeldt, Staff Planner
   600 2nd Street NW, Third Floor
   Albuquerque, NM 87102
   csomerfeldt@cabq.gov
   (505) 924-3860
   OR
   Derek Bohannan, Chair, EPC
   Bill McCoy III, Vice Chair, EPC
   c/o Planning Department
   600 2nd St, NW, Third Floor
   Albuquerque, NM 87102

Names and Affiliations of All Attendees:

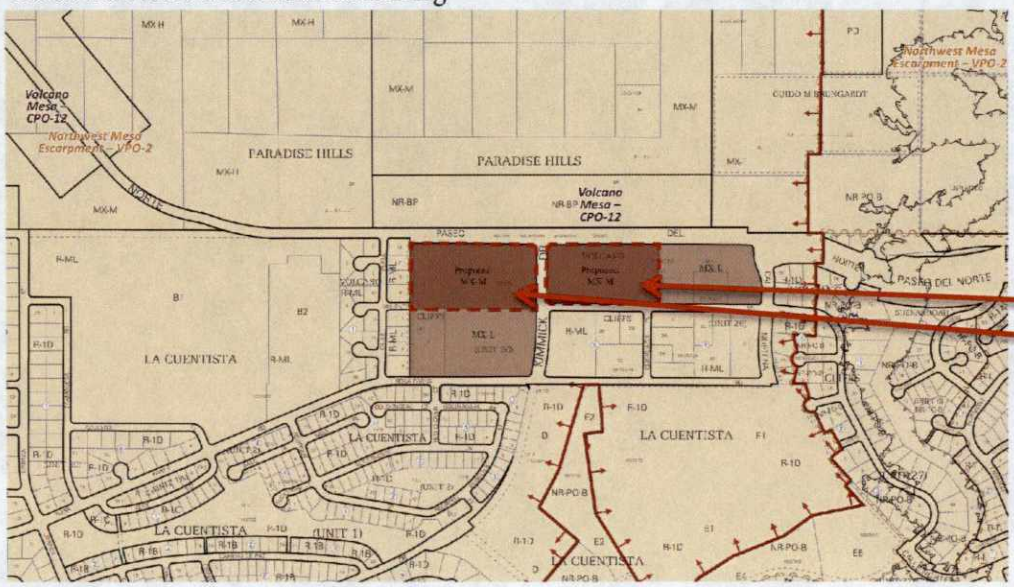
Westside Coalition of Neighborhoods
- Jon Stein
- René Horvath

Petroglyph Estates
- Mike Voorhees

Consensus Planning – Agent
- Jackie Fishman
- Michael Vos

Map of sites for proposed zone change

Paseo del Norte and Kimmick Zoning



CORRECTED FACILITATED MEETING REPORT AMENDMENTS

Date Submitted: July 19, 2019
Original Submission: July 17, 2019
Submitted By: Kathleen Oweegon
Facilitator: Kathleen Oweegon
Co-facilitator: Jocelyn M. Torres
Project Number: Volcano Cliffs Pre-Application Meeting
Meeting Date and Time: July 15, 2019 6:30 p.m.

Parties
Page 1 – Change "Steve Applicant" to "Steve Metro"

Meeting Specifics:
Page 2: 1)d) Change: Special Assessment District "22A" TO "228".

ATTN: Cheryl Somerfeldt, Staff Planner
600 2nd Street NW, Third Floor
Albuquerque, NM 87102
csomerfeldt@cabq.gov
(505) 924-3860

Derek Bohannan, Chair &
Bill McCoy III, Vice Chair
Environmental Planning Commission
c/o Planning Department
600 2nd St NW, Third Floor
Albuquerque, NM 87102

Letter in opposition to the request to change the zoning designation from MX-L to MX-M for certain parcels.

Consensus Planning, as agents for the owners of two parcels bounded by Paseo Del Norte NW on the north and bisected by Kimmick Drive NW, are requesting rezoning from MX-L to MX-M for portions of these parcels. The specific parcels are as follows:

Lot: 1 **Block:** 2
Subdivision: VOLCANO CLIFFS UNIT 26
Pin: ABQ215671
(northern half of parcel—approximately 8.68 acres)

Lot: 1A1 **Block:** 3
Subdivision: VOLCANO CLIFFS UNIT 26
Pin: ABQ19042
(entire parcel—approximately 7.29 acres)

The reasons presented by Consensus Planning at the mandatory facilitated pre-application meeting were that the owners were having trouble selling the parcels to potential developers and felt this was due to the MX-L zone being too restrictive.

We oppose the requested change for the following several reasons.

A.) The parcels in question have not been "ripe" for small commercial development because:

1. They are located in an area that until recently has not had a sufficient nearby population to drive development.
2. They have been adjacent to, and partially covered by, large quantities of excavated basalt, in various stages of being reduced to gravel and other aggregate sizes, and thus not conducive to immediate development.
3. They were accessible via a washboard dirt road (Kimmick Drive) that was only paved less than two years ago, and only open to home construction vehicle traffic until recently.

The market to develop these parcels under the MX-L zone has thus not been tested and rezoning on this basis is unwarranted and premature.

B.) Changing the zone from MX-L to MX-M is a drastic step. Many of the allowable uses under the MX-M designation are incompatible to the sensitivity of the nearby culturally significant landscapes, open space, National Monument lands, and the neighborhood identity and character which are supposed to be protected within the Volcano Cliffs Character Protection Overlay (CPO-12) boundaries. Such allowable uses (which are not allowed under the current MX-L designation) include Big Box Retail, Lumberyards, temporary location for a Circus, Warehouses,

Distribution Centers, Helipads, Drive In Theaters, Nightclubs, Hospitals, and the longterm parking of multiple trucks and semitrailers.

C.) The section of Paseo del Norte from Unser to Kimmick faces severe congestion during the evening commute, and would be significantly worsened if large retail operations were based at this location. Even the newly approved road improvements to Paseo del Norte would be insufficient to handle the potential development that a change to MX-M could create.

D.) The current MX-L designation allows for neighborhood scale convenience shopping needs, which would fit in nicely with the neighborhood character. The neighborhood is already well served by nearby large grocery stores, drug stores, hardware, and specialty retail. Duplicating such large stores at this location would be redundant and only detract from existing retail operations.

E.) The neighborhoods of Petroglyph Estates and La Cuentista enjoy a tranquil setting conducive to walking, biking, and playing outdoors, with West Mesa high dessert wildlife integrated into the communities. The traffic, noise, and lighting requirements for large retail activities on these parcels would detract from this, degrading the quality of life and potentially reducing property values of these homes.

F.) Homeowners made purchasing decisions based upon existing planning and zoning designations, and such an unjustified change to the zoning designation represents an uncompensated taking.

G.) The existing zoning in the IDO represents an extensive effort to balance the needs of many stakeholders to both preserve and develop land in a consistent and fair manner to create a greater community reflective of the values of its residents. The EPC should be hesitant to discard the work that went into the creation of the IDO without sound justification and clear necessity that a change is warranted. The alleged necessity and proposed justification in this request are dubious at best, and are certainly premature.

Thank you for considering our thoughts and concerns in opposition to the above referenced application for zoning change.

Sincerely,

Name:
Terry D. Krueger

Address:
8016 Camino Alderete NW
Albuquerque, N.M. 87120

ATTN: Cheryl Somerfeldt, Staff Planner
600 2nd Street NW, Third Floor
Albuquerque, NM 87102
csomerfeldt@cabq.gov
(505) 924-3860

Derek Bohannan, Chair &
Bill McCoy III, Vice Chair
Environmental Planning Commission
c/o Planning Department
600 2nd St NW, Third Floor
Albuquerque, NM 87102

Letter in opposition to the request to change the zoning designation from MX-L to MX-M for certain parcels.

Consensus Planning, as agents for the owners of two parcels bounded by Paseo Del Norte NW on the north and bisected by Kimmick Drive NW, are requesting rezoning from MX-L to MX-M for portions of these parcels. The specific parcels are as follows:

Lot: 1 **Block:** 2
Subdivision: VOLCANO CLIFFS UNIT 26
Pin: ABQ215671
(northern half of parcel—approximately 8.68 acres)

Lot: 1A1 **Block:** 3
Subdivision: VOLCANO CLIFFS UNIT 26
Pin: ABQ19042
(entire parcel—approximately 7.29 acres)

The reasons presented by Consensus Planning at the mandatory facilitated pre-application meeting were that the owners were having trouble selling the parcels to potential developers and felt this was due to the MX-L zone being too restrictive.

We oppose the requested change for the following several reasons.

A.) The parcels in question have not been "ripe" for small commercial development because:

1. They are located in an area that until recently has not had a sufficient nearby population to drive development.
2. They have been adjacent to, and partially covered by, large quantities of excavated basalt, in various stages of being reduced to gravel and other aggregate sizes, and thus not conducive to immediate development.
3. They were accessible via a washboard dirt road (Kimmick Drive) that was only paved less than two years ago, and only open to home construction vehicle traffic until recently.

The market to develop these parcels under the MX-L zone has thus not been tested and rezoning on this basis is unwarranted and premature.

B.) Changing the zone from MX-L to MX-M is a drastic step. Many of the allowable uses under the MX-M designation are incompatible to the sensitivity of the nearby culturally significant landscapes, open space, National Monument lands, and the neighborhood identity and character which are supposed to be protected within the Volcano Cliffs Character Protection Overlay (CPO-12) boundaries. Such allowable uses (which are not allowed under the current MX-L designation) include Big Box Retail, Lumberyards, temporary location for a Circus, Warehouses,

Distribution Centers, Helipads, Drive In Theaters, Nightclubs, Hospitals, and the longterm parking of multiple trucks and semitrailers.

C.) The section of Paseo del Norte from Unser to Kimmick faces severe congestion during the evening commute, and would be significantly worsened if large retail operations were based at this location. Even the newly approved road improvements to Paseo del Norte would be insufficient to handle the potential development that a change to MX-M could create.

D.) The current MX-L designation allows for neighborhood scale convenience shopping needs, which would fit in nicely with the neighborhood character. The neighborhood is already well served by nearby large grocery stores, drug stores, hardware, and specialty retail. Duplicating such large stores at this location would be redundant and only detract from existing retail operations.

E.) The neighborhoods of Petroglyph Estates and La Cuentista enjoy a tranquil setting conducive to walking, biking, and playing outdoors, with West Mesa high dessert wildlife integrated into the communities. The traffic, noise, and lighting requirements for large retail activities on these parcels would detract from this, degrading the quality of life and potentially reducing property values of these homes.

F.) Homeowners made purchasing decisions based upon existing planning and zoning designations, and such an unjustified change to the zoning designation represents an uncompensated taking.

G.) The existing zoning in the IDO represents an extensive effort to balance the needs of many stakeholders to both preserve and develop land in a consistent and fair manner to create a greater community reflective of the values of its residents. The EPC should be hesitant to discard the work that went into the creation of the IDO without sound justification and clear necessity that a change is warranted. The alleged necessity and proposed justification in this request are dubious at best, and are certainly premature.

Thank you for considering our thoughts and concerns in opposition to the above referenced application for zoning change.

Sincerely,

Robert A Stangel

Name:

Address: 6200 Camino ALTO RD NW
Albuquerque NM 87120

ATTN: Cheryl Somerfeldt, Staff Planner
600 2nd Street NW, Third Floor
Albuquerque, NM 87102
csomerfeldt@cabq.gov
(505) 924-3860

Derek Bohannan, Chair &
Bill McCoy III, Vice Chair
Environmental Planning Commission
c/o Planning Department
00 2nd St NW, Third Floor
Albuquerque, NM 87102

Letter in opposition to the request to change the zoning designation from MX-L to MX-M for certain parcels.

Consensus Planning, as agents for the owners of two parcels bounded by Paseo Del Norte NW on the north and bisected by Kimmick Drive NW, are requesting rezoning from MX-L to MX-M for portions of these parcels. The specific parcels are as follows:

Lot: 1 **Block:** 2
Subdivision: VOLCANO CLIFFS UNIT 26
Pin: ABQ215671
(northern half of parcel—approximately 8.68 acres)

Lot: 1A1 **Block:** 3
Subdivision: VOLCANO CLIFFS UNIT 26
Pin: ABQ19042
(entire parcel—approximately 7.29 acres)

The reasons presented by Consensus Planning at the mandatory facilitated pre-application meeting were that the owners were having trouble selling the parcels to potential developers and felt this was due to the MX-L zone being too restrictive.

We oppose the requested change for the following several reasons.

A.) The parcels in question have not been "ripe" for small commercial development because:

1. They are located in an area that until recently has not had a sufficient nearby population to drive development.
2. They have been adjacent to, and partially covered by, large quantities of excavated basalt, in various stages of being reduced to gravel and other aggregate sizes, and thus not conducive to immediate development.
3. They were accessible via a washboard dirt road (Kimmick Drive) that was only paved less than two years ago, and only open to home construction vehicle traffic until recently.

The market to develop these parcels under the MX-L zone has thus not been tested and rezoning on this basis is unwarranted and premature.

B.) Changing the zone from MX-L to MX-M is a drastic step. Many of the allowable uses under the MX-M designation are incompatible to the sensitivity of the nearby culturally significant landscapes, open space, National Monument lands, and the neighborhood identity and character which are supposed to be protected within the Volcano Cliffs Character Protection Overlay (CPO-12) boundaries. Such allowable uses (which are not allowed under the current MX-L designation) include Big Box Retail, Lumberyards, temporary location for a Circus, Warehouses,

Distribution Centers, Helipads, Drive In Theaters, Nightclubs, Hospitals, and the longterm parking of multiple trucks and semitrailers.

C.) The section of Paseo del Norte from Unser to Kimmick faces severe congestion during the evening commute, and would be significantly worsened if large retail operations were based at this location. Even the newly approved road improvements to Paseo del Norte would be insufficient to handle the potential development that a change to MX-M could create.

D.) The current MX-L designation allows for neighborhood scale convenience shopping needs, which would fit in nicely with the neighborhood character. The neighborhood is already well served by nearby large grocery stores, drug stores, hardware, and specialty retail. Duplicating such large stores at this location would be redundant and only detract from existing retail operations.

E.) The neighborhoods of Petroglyph Estates and La Cuentista enjoy a tranquil setting conducive to walking, biking, and playing outdoors, with West Mesa high dessert wildlife integrated into the communities. The traffic, noise, and lighting requirements for large retail activities on these parcels would detract from this, degrading the quality of life and potentially reducing property values of these homes.

F.) Homeowners made purchasing decisions based upon existing planning and zoning designations, and such an unjustified change to the zoning designation represents an uncompensated taking.

G.) The existing zoning in the IDO represents an extensive effort to balance the needs of many stakeholders to both preserve and develop land in a consistent and fair manner to create a greater community reflective of the values of its residents. The EPC should be hesitant to discard the work that went into the creation of the IDO without sound justification and clear necessity that a change is warranted. The alleged necessity and proposed justification in this request are dubious at best, and are certainly premature.

Thank you for considering our thoughts and concerns in opposition to the above referenced application for zoning change.

Sincerely,

COL Theodore B. Voorhees | Mary Todd W. Voorhees | Mike T. Voorhees

Home Owners of:
6320 Camino Alto NW
Albuquerque, NM 87120