



**Environmental
Planning
Commission**

**Agenda Number: 06
Project Number: 1011513
Case Number: 18EPC-40005
Hearing Date: April 12, 2018**

Supplemental Staff Report

Agent	RBA Architecture, PC
Applicant	Rio Grande Realty & Investments, LLC (Todd Kruger)
Request	Zone Map Amendment (zone change)
Legal Description	Lots 12, 13 & 14, Tract A, Unit A, North Albuquerque Acres
Location	on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE.
Size	Approximately 2.8 acres
Existing Zoning	SU-1 PUD (Planned Unit Development) (not to exceed 6 du/ac)
Proposed Zoning	O-1

Staff Recommendation

APPROVAL of 18EPC-40005, based on the Findings beginning on Page 10.

Staff Planner

Catalina Lehner, AICP-Senior Planner

Summary of Analysis

The request is for a zone map amendment for an approx. 2.8 acre vacant site, zoned SU-1 PUD, on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE. The applicant wants to develop a medical office complex.

The subject site is in an Area of Consistency as designated by the Comprehensive Plan. No sector development plans apply. The zone map amendment has been adequately justified pursuant to R270-1980 based upon the use being more advantageous to the community.

The affected neighborhood organizations are the North Wyoming Neighborhood Association (NA), the Countrywood Area NA, and the District 4 Coalition, which was notified. Property owners within 100 feet of the subject site were also notified. A facilitated meeting was held on February 22, 2018. Concerns include traffic, landscaping, and buffering, though a site development plan is not proposed at this time. Staff has received two written comments; one party is opposed.

Staff recommends approval of the request.

This report should be read in conjunction with the March 08, 2018 Staff report.



Project #1011513



Legend

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

Notes

0.1 0 0.05 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
2/28/2018 © City of Albuquerque

This map is a user generated static output from www.cabq.gov/gis and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES

PASEO DEL NORTE

SU-2/O-1

1004564

22A1

LA CUEVA

1004622

SU-2/C-1

18A

NORTH ALBUQUERQUE ACRES TRACT A UNIT A

1008257

23A

(21)

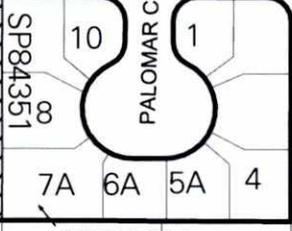
PALOMAS AV

PALOMAR AV

86

SU-1 NURSING HOME SP-82-121 B2A

SU-1 PRD



HERIT 78

BARSTOW ST

POTOMAC CT

LIBERTY DR

TRAIL

PIONEER TRL

SU-1 PRD

79

21

17

DOMINGO BACA DRAINAGE

LOMA

(29)

36

KRIM DR

21

9

17

(27)

CALLOW ST

(UNIT 9)

25

18

40

ZONING MAP

Note: Grey shading indicates County.



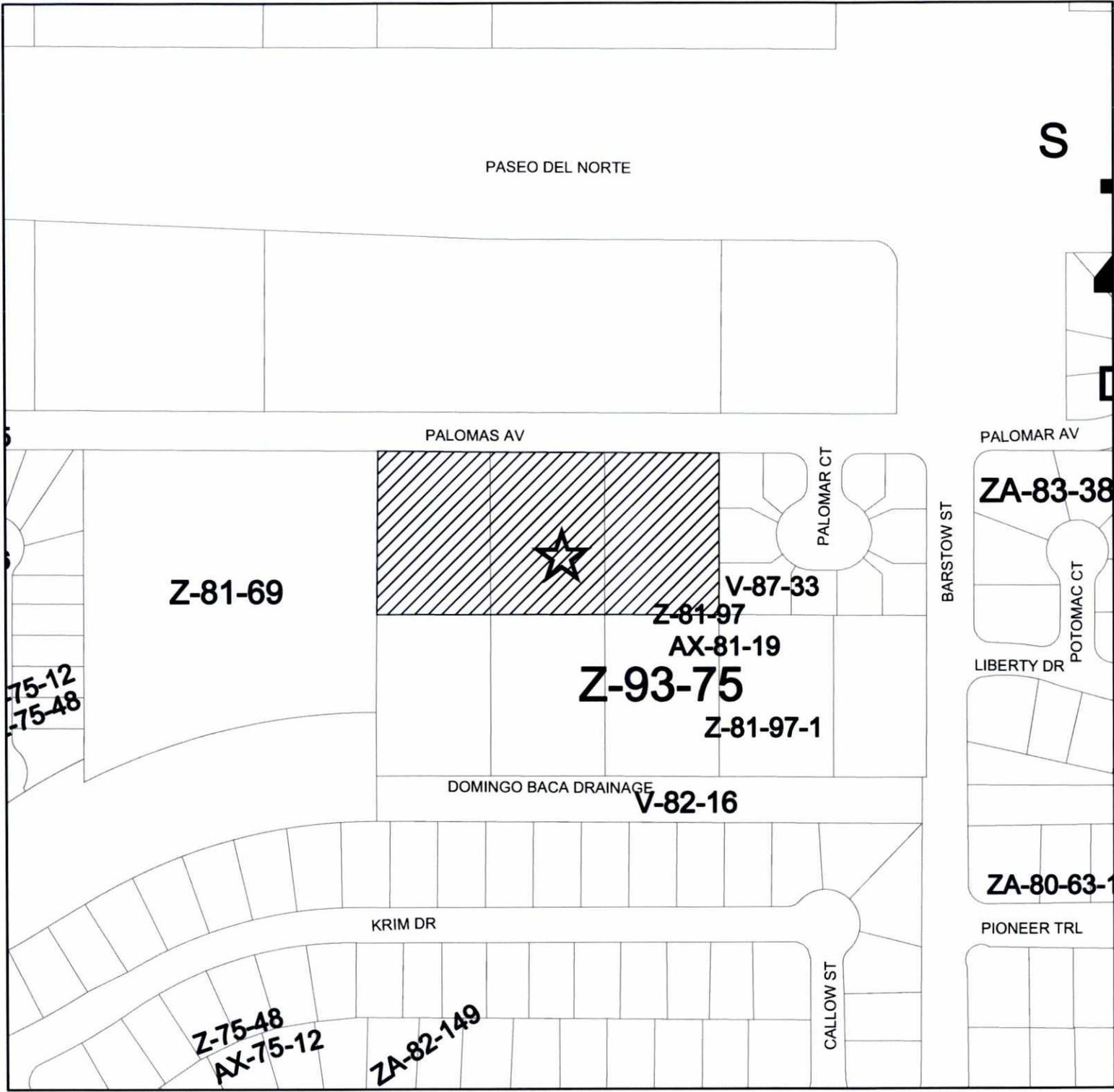
1 inch = 200 feet

Project Number: 1011513

Hearing Date: 3/8/2018

Zone Map Page: D19

Application Case Numbers: 18EPC-40005



S

PASEO DEL NORTE

PALOMAS AV

PALOMAR AV

Z-81-69

ZA-83-38

V-87-33

Z-81-97

AX-81-19

Z-93-75

Z-81-97-1

BARSTOW ST

LIBERTY DR

POTOMAC CT

DOMINGO BACA DRAINAGE

V-82-16

ZA-80-63-1

KRIM DR

PIONEER TRL

CALLOW ST

Z-75-48
AX-75-12

ZA-82-149

Z-75-12
Z-75-48

HISTORY MAP

Note: Grey shading indicates County.



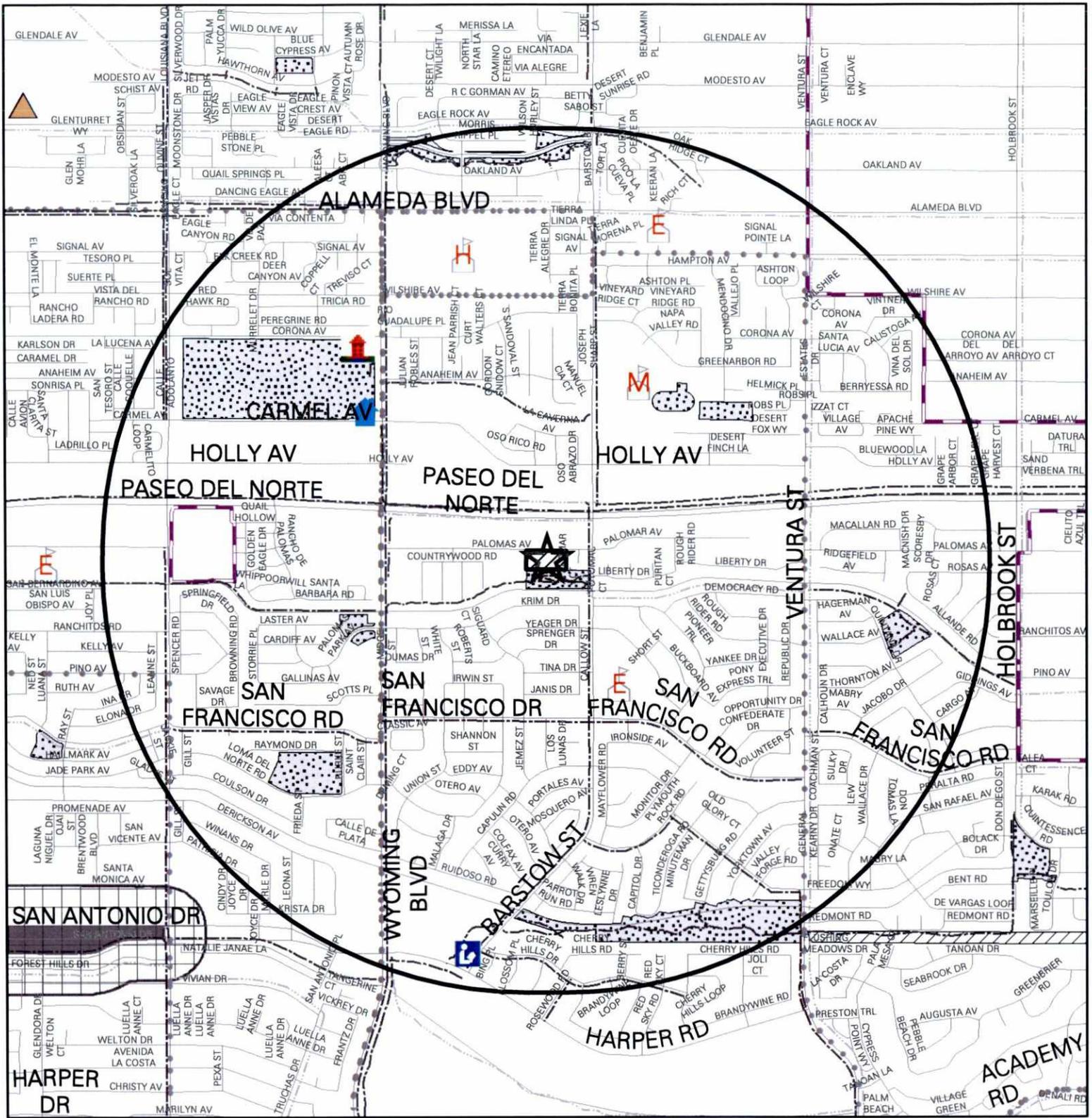
1 inch = 200 feet

Project Number:
1011513

Hearing Date:
3/8/2018

Zone Map Page: D19

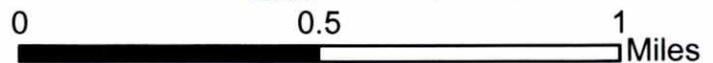
Application Case Numbers:
18EPC-40005



Public Facilities Map with One-Mile Buffer



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



Project Number: 1011513

I. OVERVIEW

Request

The request is for a zone map amendment (zone change) for an approximately 2.8 acre, vacant site consisting of three lots and located on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE, and south of Paseo del Norte Blvd. NE.

The subject site is zoned SU-1 PUD (Planned Unit Development) not to exceed 6 du/ac. The applicant is requesting a zone change to O-1 (Office and Institution Zone) in order to develop a medical office complex. The request is for a “straight zone” (not an SU-1 zone), so a site development plan is not required. Though the applicant submitted a site development plan, it is not being reviewed and is for illustrative purposes only.

The request was first scheduled for the March 8, 2018 EPC hearing. The applicant opted to take a 30-day deferral in order to strengthen the zone change justification.

Surrounding zoning, plan designations, and land uses; EPC Role; Context; History; Transportation System; Comprehensive Plan Corridor Designation; Trails/Bikeways; Transit; Public Facilities/Community Services

» See p. 3-4 of the original Staff report (attached).

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

Albuquerque Comprehensive Zoning Code

» See p. 4-5 of the original Staff report (attached).

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Consistency. A site development plan is not required with the request; the form, scale, and character of the future development is not being evaluated at this time. Applicable Goals and policies are listed below. Staff analysis is in ***bold italics***.

Chapter 4: Community Identity

Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

Policy 4.1.1 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

Though the subject site is not within the boundaries of a sector development plan and is not subject to design standards, it can be considered a distinct community. Known as the Countrywide area (there is a Countrywide Neighborhood Association), it is characterized by a variety of uses (single-family homes, townhomes, and various commercial service uses) like other areas, but the long-established nursing home, the newer multi-story senior living facility, and the large park make it distinct. The request would facilitate the addition of offices that support the distinct uses in the area, so Goal 4.1 is furthered.

Though the request would help enhance, protect, and preserve a distinct community, it is not a traditional community, so Policy 4.1.4 does not apply.

Chapter 5- Land Use

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

The request would generally allow area residents to obtain medical services close to where they live and some jobs would be created. The requested O-1 zone would contribute to the completeness of the community by allowing uses that would promote learning, shopping, and playing together. The request furthers Goal 5.2-Complete Communities.

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

The request would facilitate the distinct character of the area by providing office uses that support the nearby uses of nursing homes and senior living facilities. The offices would be conveniently located and accessible from these facilities and the surrounding neighborhoods. The request furthers Policy 5.2.1-Land Uses.

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

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

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

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

Policy 5.3.2-Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The subject site is in an area served by existing infrastructure and public facilities, and the request itself doesn't contribute to discouraging growth in areas that are not served by existing infrastructure and public facilities. Staff finds that this policy does not apply.

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

The subject site is in an Area of Consistency. The request would facilitate development of an office complex in an area characterized by a variety of uses (commercial services, office, single-family homes, and townhomes). Future development would generally reinforce the character and intensity of development in the surrounding area, and would be generally compatible with existing uses. The request furthers Goal 5.6-City Development Areas.

Policy 5.6.3- Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The subject site is in an Area of Consistency and is outside of designated Centers and Corridors. The request would generally protect the character of the single-family residential uses and the park nearby. Office uses are generally considered to be compatible with residential uses. Also, the Zoning Code requires additional buffering (walls, landscaping) when adjacent to residential uses and limits height in the O-1 zone to 26 feet (the same as the R-1 zone). The request generally furthers Policy 5.6.3- Areas of Consistency.

Resolution 270-1980- Policies for Zone Map Amendments

Requirements

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

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

Justification & Analysis

The zone change justification letter analyzed here, received on March 20, 2018, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned SU-1 PUD (Planned Unit Development) (not to exceed 6 du/ac). The requested zoning is O-1. The reason for the request is to allow development of an office complex.

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

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

Applicant (summarized): As will be demonstrated in Sections C and D, the allowed uses for O-1 zoning will further the appropriate land use policies and goals of the City, in part because O-1 zoning requires substantial buffering. As such, the proposed zone change is consistent with the health, safety, morals and general welfare of the City.

Staff: *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 response to Section A is sufficient.*

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

Applicant (summarized): The applicant will provide a sound justification that stability of land use will not be compromised by this request, and will demonstrate that the request is not in significant conflict with adopted policies of the Comprehensive Plan. The O-1 zone has a list of permissive uses to assure stability and limit negative impacts on any surrounding residential properties (see Section E). Approval of this O-1 zone change does not affect stability of land use and zoning; O-1 uses are compatible and are already in place.

Staff: *The proposed zone change would not adversely affect stability of land use or zoning in the area because the applicant has demonstrated, in the responses to Sections C and D, that the proposed change furthers applicable Goals and policies of the Comprehensive Plan and does not significantly conflict with them. Also, the permissive uses in the O-1 zone would ensure stability and limit negative impacts on nearby residential uses. The response to Section B is sufficient.*

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

Applicant (summarized): The change will not be in significant conflict with any adopted elements of the Comprehensive Plan. The future development allowed by the change to the O-1 zone would be consistent with existing development nearby, and would be limited to uses that are generally considered compatible with residential areas.

Applicable citations: Goal 4.1- Character; Goal 5.2- Complete Communities and Policy 5.2.1- Land Uses; Goal 5.3-Efficient Development Patterns and Policy 5.3.1- Infill Development and Goal 5.6- City Development Areas and Policy 5.6.3-Areas of Consistency.

Non-applicable citations: Policy 4.1.1- Distinct Communities; Policy 5.3.2- Leapfrog Development.

Staff: *The applicant has demonstrated that the request does not significantly conflict with applicable Goals and policies of the Comprehensive Plan regarding distinct communities, Areas of Consistency, and efficient development patterns.*

The test in Section C is whether or not there is "significant conflict" with an adopted element of the Comprehensive Plan or other City master plan such as a sector development plan. Staff finds the policy citations sufficient and concludes that the proposed zone change would

not be in significant conflict with adopted elements of the Comprehensive Plan. No City master plan or sector development plan applies. The response to Section C is sufficient.

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

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

Applicant (summarized): Based upon the response to Section C, this request facilitates Goals, policies, and sub-policies of the Comprehensive Plan and will be more advantageous to the community as articulated in that Plan, and shows that the existing zoning is inappropriate. There are no relevant Goals, policies, or sub-policies that are in significant conflict with the proposed zone map amendment.

Staff: The request for a different zone category would be more advantageous to the community, as articulated in the Comprehensive Plan, because it would facilitate development of a use that is generally compatible with nearby uses and would not adversely affect stability of land use and zoning. The applicant has adequately demonstrated in the response to Section C that the request would further applicable Goals and policies in the Comprehensive Plan and not significantly conflict with them. Therefore, the response to Section D is sufficient.

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

Applicant (summarized): The O-1 zone has been mapped as a buffer zone between more intense residential and non-residential uses, and single-family residences. Most O-1 permissive uses that would be applicable in this case are either not generally harmful, or highly unlikely to be developed on the site. As such, applicant asserts that no reasonable development on this site will be harmful to adjacent property, the neighborhood, or the community.

Staff: The task in Section E is to examine the permissive uses in the requested zone, O-1. The applicant provided a detailed response and discussed all of the permissive uses in the O-1 zone, making it possible to conclude that none of the permissive uses would be harmful to adjacent property, the neighborhood or the community. Also, generally, the O-1 zone is considered to be compatible with residential areas and is often used as a buffer between single-family residential uses and non-residential uses. The response to Section E is sufficient.

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

- 1) denied due to lack of capital funds, or

2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.”

Applicant (summarized): This development will not require any un-programmed capital expenditures by the City. The zone change is located within the City limits and all infrastructure is established.

Staff: The request would not require major or unprogrammed capital expenditures by the City and the subject site is already served by existing infrastructure. The response to Section F is sufficient.

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

Applicant: The cost of land or other economic considerations pertaining to the applicant are not a determining factor for a change of zone. The location and proximity of facilities are a major consideration. The applicant believes that the request furthers specific City policies and asks for no specific consideration regarding any economic issue.

Staff: Economic considerations are a factor, but they are not the determining factor for the request. The location and proximity to related facilities are the determining factors. The response to Section G is sufficient.

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

Applicant: Palomas is a local street. The applicant has not argued that location of the site is on a collector or a major street. Justification for the request is based on the Goals, policies, and sub-policies discussed in Section C.

Staff: Palomas Ave. NE is not a collector or major street, and applicant is not using location on a collector or major street as justification for the request. The response to Section H is sufficient.

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

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

Applicant (summarized): The applicant does not believe that the request to O-1 zoning will create a spot zone. The property across the street is also zoned O-1. The request entails approximately 2.8 acres and is not a small area as envisioned in this section. Nonetheless, the applicant believes that the Goals, policies, and sub-policies discussed in Section C show that the change will clearly facilitate realization of the Comprehensive Plan.

Staff: The request would not result in a spot zone because it would not give a zone different (O-1) from surrounding zoning to one small area, and more than one premises is involved. The response to Section I is sufficient.

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

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

Applicant (summarized): Because the request is for a strip of land along a street that will create a different zone than some of the surrounding uses, this may be considered a strip zone. However, the proposed zone category is office and not commercial, and the responses articulated in Section C demonstrate that approval of this request will clearly facilitate realization of the Comprehensive Plan.

Staff: The subject site can be considered a “strip of land along a street”. However, the requested zone is the O-1 Office and Institution zone, which is not a commercial zone and therefore would not result in a strip commercial development (ex. a strip mall). The response to Section J is sufficient.

Staff Conclusion

Staff concludes that the applicant has adequately justified the zone map amendment (zone change) pursuant to R270-1980. The response to Section C provides a policy-based explanation that the request would not result in a significant conflict with applicable Goals and policies of the Comprehensive Plan, and supports the reasoning that a different zoning category would be more advantageous to the community (Section D). The remaining sections (A, B, E, F, G, H, I, and J) are sufficiently addressed. For these reasons, Staff recommends approval of the zone change request.

III. AGENCY & NEIGHBORHOOD CONCERNS

» See p. 12-13 of the original Staff report (attached).

IV. CONCLUSION

The request is for a zone map amendment (zone change) for an approximately 2.8 acre, vacant site located on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE.

The subject site is zoned SU-1 PUD (Planned Unit Development) (not to exceed 6 du/ac). The applicant is requesting a zone change to O-1 in order to develop a medical office complex. A site development plan is not required at this time and is not evaluated here.

The North Wyoming Neighborhood association (NA), the Countrywood Area NA, the District 4 Coalition, and property owners within 100 feet of the subject site were notified as required. A facilitated meeting was held on February 22, 2018. Participants expressed concern about traffic, parking, effect on property values, buffering, and noise. As of this writing, Staff has received two comments from adjacent property owners. One is opposed based upon concern about traffic, noise, pollution, and hours of the offices. The other is concerned about buffering.

The applicant has adequately justified the zone change pursuant to R270-1980 based on the use being more advantageous to the community. Staff recommends approval of the request.

FINDINGS - 18EPC-40005, April 12, 2018- Zone Map Amendment (Zone Change)

1. The request is for a zone map amendment (zone change) for an approximately (\approx) 2.8 acre, vacant site consisting of three lots and located on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE, and south of Paseo del Norte Blvd. NE (the “subject site”). The subject site is zoned SU-1 PUD (Planned Unit Development) (not to exceed 6 du/ac).
2. The applicant is requesting a zone change to the O-1 Office and Institution zone in order to develop a medical office complex. Because the request is to a straight zone (not an SU-1 zone), a site development plan is not required and is not a part of the request.
3. The subject site is in an area that the Comprehensive Plan has designated an Area of Consistency. No area or sector development plans apply.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request furthers the following, applicable Comprehensive Plan Goals:

A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

Though the subject site is not within the boundaries of a sector development plan and is not subject to design standards, it can be considered a distinct community. Known as the Countrywide area, it is characterized by a variety of uses (single-family homes, townhomes, and various commercial service uses) like other areas, but the long-established nursing home, the newer multi-story senior living facility, and the large park make it distinct. The request would facilitate the addition of offices that support the distinct uses in the area.

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

The request would generally allow area residents to obtain medical services close to where they live and some jobs would be created. The requested O-1 zone would contribute to the completeness of the community by allowing uses that would promote learning, shopping, and playing together.

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

The request would allow development of a site that is already served by existing infrastructure and public facilities. Doing so is a more efficient use of land in the public interest, in contrast to greenfield development or fringe development.

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

The subject site is in an Area of Consistency. The request would facilitate development of an office complex in an area characterized by a variety of uses (commercial services, office, single-family homes, and townhomes). Future development would generally reinforce the character and intensity of development in the surrounding area, and would be generally compatible with existing uses.

6. The request furthers the following, applicable Comprehensive Plan policies:

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

The request would facilitate the distinct character of the area by providing office uses that support the nearby uses of nursing homes and senior living facilities. The offices would be conveniently located and accessible from these facilities and the surrounding neighborhoods.

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

The request would support additional growth in an area served by existing infrastructure and public facilities.

- C. Policy 5.6.3- Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The subject site is in an Area of Consistency and is outside of designated Centers and Corridors. The request would generally protect the character of the single-family residential uses and the park nearby. Office uses are generally considered to be compatible with residential uses. Also, the Zoning Code requires additional buffering (walls, landscaping) when adjacent to residential uses and limits height in the O-1 zone to 26 feet (the same as the R-1 zone).

7. The applicant has not adequately justified the zone map amendment (zone change) request pursuant to Resolution 270-1980 as follows:

- A. Section A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Goals and policies (and other plans if applicable) of the Comprehensive Plan and does not significantly conflict with them, which the applicant has done adequately in the response to Section C.

- B. Section B: The proposed zone change would not adversely affect stability of land use or zoning in the area because the applicant has demonstrated, in the responses to Sections C

and D, that the proposed change furthers applicable Goals and policies of the Comprehensive Plan and does not significantly conflict with them. Also, the permissive uses in the O-1 zone would ensure stability and limit negative impacts on nearby residential uses.

- C. Section C: The applicant has demonstrated that the request does not significantly conflict with applicable Goals and policies of the Comprehensive Plan regarding distinct communities, Areas of Consistency, and efficient development patterns. The policy citations are sufficient and the applicant has shown that the proposed zone change would not be in significant conflict with adopted elements of the Comprehensive Plan.
 - D. Section D: The request for a different zone category would be more advantageous to the community, as articulated in the Comprehensive Plan, because it would facilitate development of a use that is generally compatible with nearby uses and would not adversely affect stability of land use and zoning. The applicant has adequately demonstrated in the response to Section C that the request would further applicable Goals and policies in the Comprehensive Plan and not significantly conflict with them.
 - E. Section E: The request would not be harmful to adjacent property, the neighborhood or the community because the O-1 zone is generally considered to be compatible with residential areas. The applicant discussed all of the permissive uses in the O-1 zone and demonstrated that none of them would be harmful to adjacent property, the neighborhood or the community.
 - F. Section F: The request would not require major or unprogrammed capital expenditures by the City and the subject site is already served by existing infrastructure.
 - G. Section G: Economic considerations are a factor, but they are not the determining factor for the request. The location and proximity to related facilities are the determining factors.
 - H. Section H: Palomas Ave. is not a collector or major street and the applicant is not using location on a collector or major street as justification for the request.
 - I. Section I: The request would not result in a spot zone because it would not give a zone different (O-1) from surrounding zoning to one small area, and more than one premises is involved.
 - J. Section J: The subject site can be considered a “strip of land along a street”. However, the requested zone is the O-1 Office and Institution zone, which is not a commercial zone and therefore would not result in a strip commercial development.
8. The applicant has adequately justified the zone change pursuant to R270-1980. The response to Section C provides a policy-based explanation that the request would not result in a significant conflict with applicable Goals and policies of the Comprehensive Plan, and supports the reasoning that a different zoning category would be more advantageous to the community (Section D). The remaining sections (A, B, E, F, G, H, I, and J) are sufficiently addressed.

9. The North Wyoming Neighborhood association (NA), the Countrywood Area NA, and the District 4 Coalition were required to be notified, which the applicant did. Property owners within 100 feet of the subject site were also notified, as required. As of this writing, Staff has received two comments from adjacent property owners. One is opposed based upon concern about traffic, noise, pollution, and hours of the offices. The other is concerned about buffering.
10. A facilitated meeting was held on February 22, 2018. Participants expressed concerns about traffic generated by the future development, cumulative traffic impacts in the area, the need for landscaping and buffering, the effect on property values, the general appropriateness of a zone change, and the noise and disturbance from construction activities.
11. Some concerns can be addressed by knowing that the Zoning Code contains requirements regarding landscaping and buffering when a non-residential zone is developed and it abuts a residential zone (see §14-16-3-10(E)(8)). These will apply to the future development. A minimum 10 foot landscape strip with trees capable of reaching a height of at least 25 feet, and spaced at 75% the diameter of the tree at maturity (overlapping on the site plan), and a minimum 6 foot opaque wall, are required.

RECOMMENDATION - 18EPC-40005, April 12, 2018

APPROVAL of 18EPC-40005, a zone change from SU-1 PUD to O-1 (not to exceed 6 du/ac), for Lots 12, 13 & 14, Tract A, Unit A, North Albuquerque Acres, an approximately 2.8 acre site located on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE and south of Paseo del Norte Blvd. NE, based on the preceding Findings.

Catalina Lehner

***Catalina Lehner, AICP
Senior Planner***

cc: Todd J. Kruger, Rio Grande Realty & Investments, LLC, 3701 Corrales Rd., Corrales, NM 87048
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North Wyoming NA, Tracy Guidry, 8330 Krim Dr. NE, ABQ, NM 87109
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Countrywood Area NA, Christine Messersmith, 7904 Woodrige Dr. NE, ABQ, NM 87109
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Nor Este NA, Jim Griffee, P.O. Box 94115, ABQ, NM 87199
Nor Este NA, Bob Smith, P.O. Box 94115, ABQ, NM 87199
Dist. 4 Coalition of Neigh. Assoc. Michael Pridham, 3901 Georgia St. NE, Bldg F, ABQ, NM, 87110
Dist. 4 Coalition of Neigh. Assoc. Breanna Bloomquist, 1844 Man O War St. SE, ABQ, NM, 87123



Figure 1: Looking north, from the subject site, across Palomas Avenue.

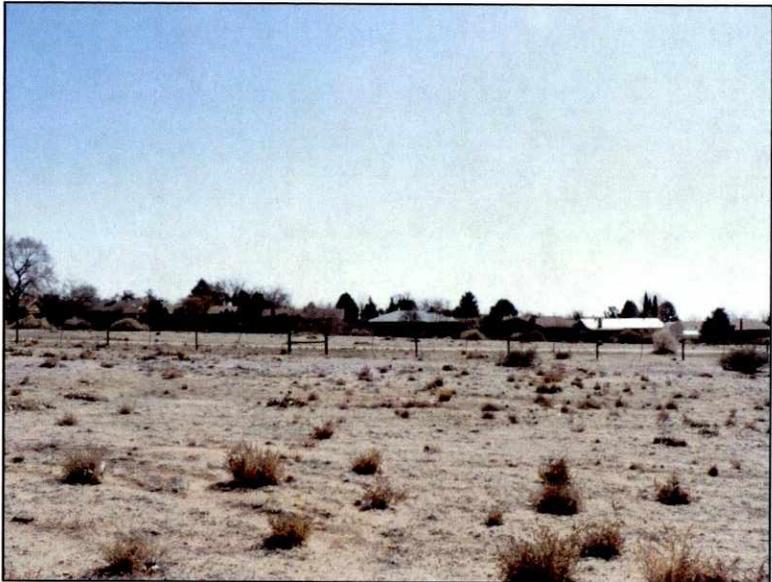


Figure 2: Looking south, from the subject site, toward Barstow Park.



Figure 3: Looking west, from the subject site.



Figure 4: Looking east, from the subject site, at the adjacent homes.

Figure 5: Looking east, down Palomas Ave., from the subject site.

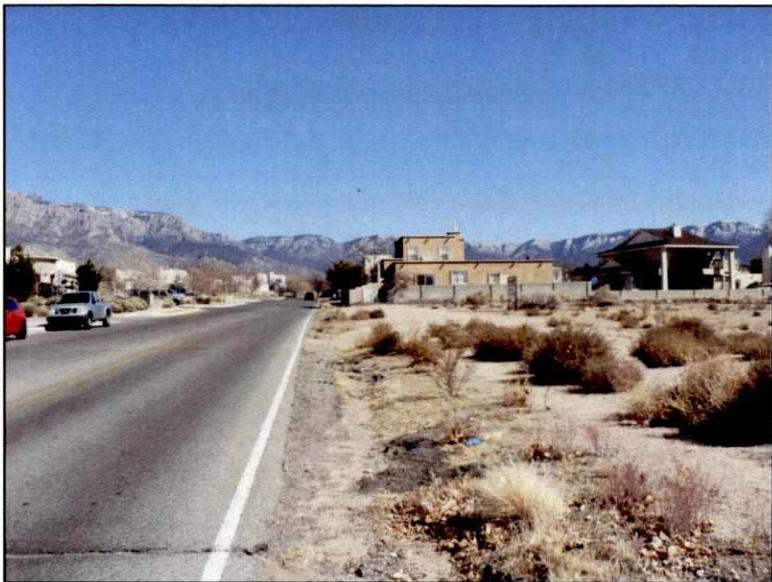


Figure 6: Looking west, down Palomas Ave., from the subject site.



March 20, 2018

City of Albuquerque
Planning Department
600 Second Street NW
Albuquerque, NM 87102

**Re: PALOMAS MEDICAL OFFICE BUILDINGS
8300 / 8310 / 8320 Palomas Ave NE
Albuquerque, NM 87109**

INTRODUCTION:

This application is submitted for Lots 12, 13 & 14, Tract A, Unit A of the North Albuquerque Acres subdivision located on Palomas NE due north of the Barstow Park. The Owner is requesting a zone change from the existing SU-1PUD which allows 6 dwelling units per acre to O-1 zone which allows medical and other offices. Because of the proximity to Nursing Home and Assisted Living which are adjacent to this property, the applicant would like to develop a medical office complex. The hours of operation would be 9-5 Monday through Friday. Even though we are requesting straight O-1 zoning, we are including the site plan because it shows the projects proximity to the adjacent developments and shows the orientation to achieve maximum mountain views. Applicant will provide information to the EPC on a one page informational exhibit rather than a full site plan.

Applicant attended a facilitated meeting on February 22nd and the meeting went well. The concerns and comments are listed in the summary performed by the facilitator. The major concerns were landscaping, buffers to the residential on the east, traffic and the relationship to the park. It was agreed that applicant would do extensive landscaping on the east and south. It was also agreed to not wall in the property from the park but rather leave it open. This would allow pedestrian access to the park for all the neighbors to the north. There will be a 6' wall between this property and the residential property to the east. We had a traffic count performed and it did not meet the threshold for a traffic study.

We are requesting a Zone Map amendment for a Zone Change and no Sector Plan is involved.

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

The Comprehensive Plan adopts policies that are found in the regulations of the Zoning Code. This zone map amendment will allow a medical office as governed by the O-1 zone category.

As will be demonstrated in Sections C & D of this request, the allowed uses for O-1 zoning will not conflict with adopted relevant plans and policies and will, in fact, further the appropriate land use policies and goals of the City, in part because O-1 zoning requires substantial buffer landscaping which will upgrade this vacant parcel and allow a use which provides desirable neighborhood medical office. As such, applicant believes that this proposed zone map amendment is consistent with the health, safety, morals and general welfare of the City of Albuquerque.

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

Applicant will provide a sound justification that stability of land use will not be compromised by this request for O-1 zoning, and this map amendment will be consistent with the adopted plans and policies of the Comprehensive Plan as explained below and as further justified in Sections C and D. Further, applicant will demonstrate that this request is not in significant conflict with adopted plans and policies of the Comprehensive Plan

Approval of this request will allow applicant to build a neighborhood oriented medical office in an area with several elder care facilities as well as single and multi-family homes. The O-1 zone has a list of permissive uses to assure stability and limit negative impacts on any surrounding residential properties. In Section E. applicant will discuss how permissive uses in the O-1 zone will not be harmful to the adjacent property, the neighborhood or the community. As such, applicant submits that this request is not part of any sector development plan, master plan or privately developed area will not be in significant conflict with any adopted plans or policies of the Comprehensive Plan.

Approval of this O-1 zone change does not affect the stability of land use and zoning. The property to the north is zoned SU-2/O-1 the property to the west is zoned SU-1 Nursing Home. O-1 uses are compatible and are already in place.

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

As stated in Section B, and as will be further articulated through discussion of relevant policies identified in this Section, this zone change request is not in significant conflict with any of the elements of the Comprehensive Plan or other master plans and amendments, including privately developed area plans which have been adopted by the city. The subject site is in an area of consistency. There are no City master plans and amendments which affect this request. Nor is the applicant aware of any privately developed area plans which have been adopted by the city.

Plan Element 4 - Community Identity

Goal 4.1 Character - Enhance, protect and preserve distinct communities.

Policy 4.1.1 - Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

This request will allow development on a property that has been vacant since the site was annexed in 1981 as SU-1/PUD (not to exceed 6 d.u.'s per acre). The rest of the original annexation area has all been developed to include a nursing home, retirement facility, single family homes and a park.

Although this property is not located within the La Cueva Sector Development Plan area, it is nonetheless part of what has become a distinct community in the far northeast heights. Single family homes, townhomes, nursing home and other elder care facilities dot the area that is also served by large retail such as Kohl's, Target and Lowe's

as well as numerous restaurants, banks pharmacies, groceries (including Trader Joe's) and a large community and recreational facility.

In other words, though this is not a historic or traditional community, it has become a distinct neighborhood, even as it may be bifurcated in some sense by Paseo del Norte. Commercial and office uses are also easily accessible by bike paths and walking trails. The applicability of this particular request will complement both the residential and the elder care nature of the area and will therefore further Goal 4.1 and Policy 4.1.1. This will be deliberated further in the Plan Element 5 discussion.

Plan Element 5 - Land Use

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 medical office would support the predominant residential and elder care uses in the neighborhood. (5.2.1.a)

As previously noted, this area is well served by bike paths and pedestrian walkways. Moreover, this request establishes a new use which is conveniently accessible to all of the small residential neighborhood areas of this community, (5.2.1.e)

This request is for an office zone and therefore does not significantly conflict with 5.2.1.g which states that commercial development should be located in existing commercial zones.

It furthers 5.2.1.h in that it provides for 'infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development. The compatibility of form and scale is based upon the standard regulations of the O-1 zone.

As articulated above, applicant feels that Policy 5.2.1, including sub-policies a, e, g. and h. are furthered by this request.

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.

Approval of this zone map amendment will allow for infill development on a long time vacant lot. All relevant infrastructure and public facilities exist to serve this site. The O-1 zoning will allow for uses (in this case a medical office) that support the standard residential and elder care facilities in the neighborhood.

O-1 zoning is characterized as providing "sites suitable for office, service, institutional and dwelling uses." As such, an O-1 infill development is designed to serve the needs of the neighborhood with low impact uses that limit building height, require substantial landscaping and have designated buffer regulations for setbacks and parking to mitigate any negative impact. This request will further the intent of this policy.

Policy 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities. This request does not significantly conflict with this policy as this is an infill development in an established community with all relevant

existing infrastructure and public facilities. This is not a leapfrog development and does not conflict with this policy.

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

The surrounding area has an assisted living facility, and a nursing home and a medical office use will reinforce the consistency and character of the area.

Policy 5.6.3. Areas of Consistency: *Protect and enhance the character of existing single family neighborhoods, areas outside Centers and Corridors, parks, and Major Public Open Space.*

- a. *Ensure that development reinforces the scale, intensity and setbacks of the immediately surrounding area.*

O-1 height regulations are generally the same as R-1, though buildings may be taller if they meet certain solar access requirements. Although this request is for a standard zone category and prior site plan approval by the EPC is not required, this applicant is committed to a single story building. Regardless of the intent of this applicant the setback regulations of the O-1 when an allowed use abuts the R-1 are greater than setbacks when R-1 abuts R-1.

- b. *In areas with predominately single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.*

The area to the south of this request is predominately single family, the existing use of this zone was 6 dwelling units per acre the proposed O-1 zoning will act as a buffer between the multi-story assisted living and the residences south of the park.

Based upon the applicability of the policies and sub-policies discussed herein, applicant believes that it has been adequately demonstrated that the zone change request will not be in significant conflict any adopted elements of the Comprehensive Plan, or any other City master plans and amendments and that there are no privately adopted area plans that would affect this zone map amendment request.

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

Regarding the criteria of this Section, applicant will demonstrate that the existing zoning is inappropriate because:

1. Applicant makes no argument that there in an error regarding the existing map pattern.
2. Although there have been changed neighborhood conditions, they are not significant to justify this request.

3. Based upon the justifications addressed in Section C, this request facilitates goals and policies and sub-policies of the *Comprehensive Plan* and will be more advantageous to the community as articulated in that plan and that the existing zoning is inappropriate. Specifically, several relevant goals and policies of the *Comprehensive Plan* are used as justification for this request as discussed in Section C. Applicant has demonstrated that these relevant goals, policies and sub-policies are furthered by this request and that there are no relevant goals policies or sub-policies that are in significant conflict with this proposed zone map amendment.

In addition to the goals and policies already discussed, applicant would also make note of Policy 5.7.2. Regulatory Alignment: 'This policy updates regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.'

More specifically Section C. states: 'Avoid the use of SU-1 as a tool to negotiate design or use standards between stakeholders and limit its application to uses specified in the SU-1 zone.' Although the overall intent of this policy is accomplished through the Integrated Development Ordinance, approval of this request would eliminate an existing SU-1 zone and further the regulatory alignment goal.

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

The O-1 zone has often been mapped as a buffer zone between more intense residential and non-residential use and single family residences. Most O-1 permissive uses that would be applicable in this case are either not generally harmful, or highly unlikely to be developed on this site.

- Antenna up to 65' high, community residential programs, dwelling units, and public utility structures are all allowed in the R-1 zone, and therefore could not be considered any more harmful.
- Other uses which are allowed permissively in the O-1 zone which are not likely to be harmful include:
- Beauty shop or barber shop - These are low impact neighborhood business which are rarely open in the evenings or Sundays.
- Church, or other place of worship. Admittedly a 'mega-church' could be harmful to at least the adjacent property. The site, however, is not big enough for a mega church and located on a residential street. A church would want greater visibility and would not find this site desirable.
- Club. The Moose Lodge, Elks Club and the Fraternal Order of Eagles are examples of a club. These are anachronistic uses and applicant knows of no newly established club in an O-1 zone in at least the past 40 years.
- Incidental uses within a building (as further described in this section) can only be established if the building has at least 10,000 feet of floor area. Neither the proposed use of a small medical office, nor the overall size of the site would make this use feasible.
- Institution, including library, museum, nursing or rest home, school, day care center, There are already several nursing homes in the vicinity and the intent of this request is to, in part, provide service to those residence. Hope High School, a private school is already located in the general area and, again, the site is not large enough for a school. There are other day care facilities in the area including one just approved within a mile of this site. Neither a library, nor a museum is practical, necessary, or contemplated in this location.

- Medical Supplies and services, such as drug prescription and supply shop, physical therapy office, or shop for fabricating and fitting prosthetic or correcting devices, or medical or dental laboratory. Some of these uses (e.g; physical therapy, drug prescriptions) may be part of the medical office use. The other uses are either not practical at this location or readily available elsewhere.
- Park-and-ride temporary facilities. The site is both too small and inconveniently located for this use.
- Parking lot. There is no practical need for a parking lot of any sort on this site.
- Photocopy, photography studio, except adult photo studio. Photocopy studios are non-existent and a non-adult photo studio would be a very benign use similar to an office.
- Radio or television studio. There is no possibility of these uses being established due to the size and location of the site.
- Sign. Signs are strictly limited in size, height, type and illumination. The uses allowed in the zone are not the type to rely on signage to attract business, only to identify them. Wall signs are limited to no more than 15% of the facade to which it is attached and no lettering shall exceed 9" in height. Free standing signs, if allowed at all, cannot exceed 75 square feet and cannot exceed the height of the building.
- Storage structure or storage incidental to a specific project for up to one year. There is no logical reason that such a use would be established here, and the time one year requirement would mean any possible harmful activity would be limited.
- Wireless Telecommunication Facility. There are myriad requirements regulating this use and any possible approval would have no negative impact on the neighborhood, the adjacent property or the community.
- Applicant believes even if the proposed use does not occur, most likely uses for this property are benign and that any potential harmful permissive use is either unlikely, undesirable or impractical. As such, applicant asserts that no reasonable development on this site will be harmful to the adjacent property, the neighborhood or the community.

F. A proposed zone change which, to be utilized though land development requires major and unplanned capital expenditure by the City may be; 1) denied due to lack of capital funds, or 2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.

This development will not require any un-programmed capital expenses by the City.

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

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

The cost of land and other economic considerations pertaining to the applicant is not a determining factor for a change of zone. The located and proximity of facilities to this site are major considerations. The cost of the land or other economic considerations are not a factor for the zone change.

Applicant believes that this request furthers specific city policies regarding this request and asks for no specific consideration regarding any economic issue with this zone

map amendment. The purpose of this request is to allow a desirable infill office development.

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

Palomas is a local street with a 60' right-of-way. Applicant has not argued that location of the site is on a collector or major street. Justification for approval of this request is based upon the goals, policies and sub-policies discussed in Section C.

I. A zone change request which would give a zone different from surrounding zones to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when; (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area plan, or (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for uses allowed in any adjacent zone due to topography, traffic for special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone.

Applicant does not believe that this request to O-1 zoning will create a spot zone as defined in this Section. The property across the street is also zoned O-1 and this request entails approximately 2.8 acres, which is not a small area as envisioned by this section. Nonetheless, applicant believes that the goals, policies and sub-policies discussed in Section C. show that '(1) the change will clearly facilitate realization of the Comprehensive Plan...' [Note; the last part of this sentence is not relevant as the site is not located in an adopted sector development plan or an area plan].

J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will only be approved where; (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area plan, and (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

Because this request is for a 'strip of land along a street' that will create a different zone than some of the surrounding uses, this may be considered a strip zone. However, the proposed zoning category is designated as office, and not commercial. However, as applicant not in Section I., the responses articulated in Section C. demonstrate that approval of this request will clearly facilitate realization of the Comprehensive Plan.



Conclusions

A positive consideration of this request is appreciated. I look forward to addressing the commission to answer any other questions that may arise.

Thank you for consideration of this matter. We feel that a high quality office complex with emphasis on medical is a natural neighbor to this neighborhood and to the adjoining properties.

We feel that this development will have a positive effect on the surrounding areas and that it will enhance the stability of the land in the vicinity. Quality medical offices will improve the quality of life in the area without compromising the existing properties.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Bennett", with a long, sweeping horizontal line extending to the right.

Rick Bennett
Architect



**Environmental
Planning
Commission**

**Agenda Number: 05
Project Number: 1011513
Case Number: 18EPC-40005
Hearing Date: March 08, 2018**

Staff Report

Agent	RBA Architecture, PC
Applicant	Rio Grande Realty & Investments, LLC (Todd Kruger)
Request	Zone Map Amendment (zone change)
Legal Description	Lots 12, 13 & 14, Tract A, Unit A, North Albuquerque Acres
Location	on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE.
Size	Approximately 2.8 acres
Existing Zoning	SU-1 PUD (Planned Unit Development) (not to exceed 6 du/ac)
Proposed Zoning	O-1

Staff Recommendation

DENIAL of 18EPC-40005, based on the Findings beginning on Page 14.

Staff Planner

Catalina Lehner, AICP-Senior Planner

Summary of Analysis

The request is for a zone map amendment for an approx. 2.8 acre vacant site, zoned SU-1 PUD, on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE. The applicant wants to develop a medical office complex.

The subject site is in an Area of Consistency as designated by the Comprehensive Plan. No sector development plans apply.

The affected neighborhood organizations are the North Wyoming Neighborhood Association (NA), the Countrywood Area NA, and the District 4 Coalition, which was notified. Property owners within 100 feet of the subject site were also notified. A facilitated meeting was held on February 22. Concerns include traffic landscaping, and buffering. Staff has received two written comments; one party is opposed.

At this time, the zone map amendment has not been adequately justified pursuant to R270-1980 primarily because the response to Section C is insufficient. The burden is on the applicant to provide the justification.

Staff recommends denial of the request.

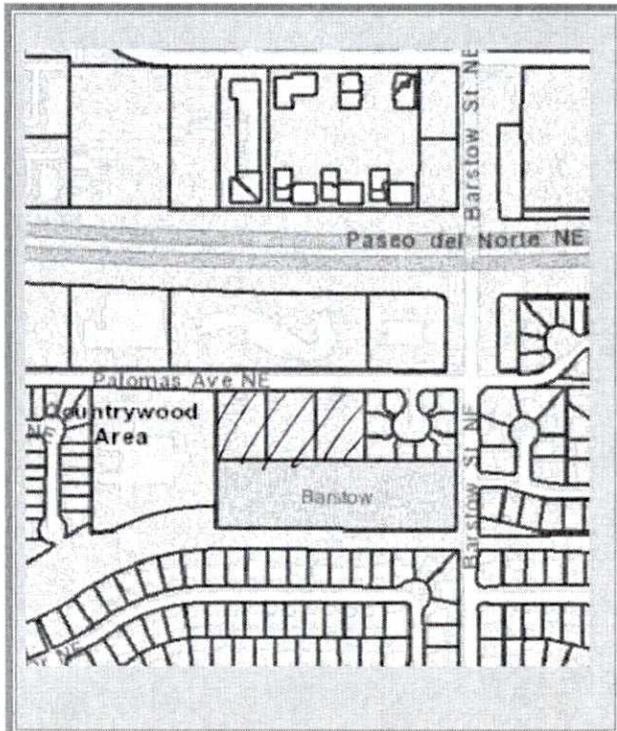


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Attachments

I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	SU-1 PUD	Area of Consistency	Vacant
North	SU-2/O-1	Area of Consistency	Retirement Facility (assisted living and independent living)
South	R-1	Area of Consistency	Barstow Park (City-owned), North Domingo Baca Arroyo
East	SU-1 PUD	Area of Consistency	Single-family homes
West	SU-1 for Nursing Home	Area of Consistency	Nursing Home

Request

The request is for a zone map amendment (zone change) for an approximately (≈) 2.8 acre, vacant site consisting of three lots and located on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE, and south of Paseo del Norte Blvd. NE.

The subject site is zoned SU-1 PUD (Planned Unit Development). The applicant is requesting a zone change to O-1 (Office and Institution Zone) in order to develop a medical office complex. The request is for a “straight zone” (not an SU-1 zone), so a site development plan is not required. Though the applicant submitted a site development plan, it is not being reviewed as part of the request and is for illustrative purposes only.

EPC Role

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

Context

Generally, the area is characterized by a variety of low-impact uses: single-family residential, retirement facilities, and offices. The subject site is located on Palomas Ave. NE. Barstow Park, a City park, is to the south. Across Palomas Ave. NE, to the north, is a multi-story retirement facility that provides both assisted living and independent living. Paseo del Norte Blvd. is approximately 400 feet further north. To the west is a nursing home that was developed in the 1980s (see also History section of this report). To the east is a small subdivision of ten single-family homes.

The subject site is not located in a designated Activity Center. The La Cueva Town Center Activity Center is ≈800 feet northwest of the subject site. No sector development plan applies.

History

The subject site is part of a larger annexation of 10 lots, totaling 10 acres, which occurred in 1981 (Enactment 92-1981, AX-81-19/Z-81-97, see attachment). The lots were located south of Palomas Ave. NE, north of the old San Bernardino Ave. NE (which is now part of Barstow Park), west of Barstow St., and east of the site that contains a long-established nursing home. Upon annexation, the area received the following zoning: SU-1 for Planned Unit Development (PUD) (not to exceed 6 du/ac).

Later in 1981, the 10-acre site was planned for a residential development called Villa Palomar, which consisted of 50 townhomes with an emphasis on design for solar access (Z-81-97-1). This project did not come to fruition. Of the 10 lots annexed, the five southern lots became Barstow Park. Three are the subject site. The two lots abutting the subject site to the east were developed with 10 single-family homes arranged around a cul-de-sac (see below).

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. Barstow St. is a Major Collector. Palomas Ave. NE is a local street.

Comprehensive Plan Corridor Designation

The subject site is approximately 400 feet south of Paseo del Norte Blvd., which the Comprehensive Plan designates as a Commuter Corridor. Barstow St. NE and Palomas Ave. NE are not designated corridors.

Trails/Bikeways

A designated bicycle lane runs along Barstow St. NE. There is a paved, multi-use trail that runs from Interstate-25 to Barstow Park, where the trail loops through and provides opportunities for bicycling and walking.

Transit

The subject site is not on a transit corridor. ABQ Ride Route 31 runs north-south on Wyoming Blvd. between KAFB and a turnaround at La Cueva High School. Commuter Route 98 follows the same route, but extends all the way to the Northwest Transit Center. The nearest stop pair for both these routes is on either side of the Palomas/Wyoming intersection, 2200 feet walking distance from the subject site. There is no transit service on Paseo Del Norte Blvd. and none is planned.

Public Facilities/Community Services

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

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

Albuquerque Comprehensive Zoning Code

The subject site is currently zoned SU-1 PUD (Planned Unit Development) (not to exceed 6 DU/ac). The request proposes to change the zoning to O-1 Office and Institution Zone (Zoning

Code §14-16-2-15). The O-1 zone “provides suitable sites for office, service, institutional, and dwelling uses”. The proposed use, office, is found in subsection (A)(10).

The subject site has been zoned SU-1 PUD (not to exceed 6 DU/ac) since it was annexed in 1981 (see History section of this report). The SU-1 zone “provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design” (see Zoning Code §14-16-2-22). A site development plan, which included the subject site, was proposed within a few months of annexation.

Albuquerque / Bernalillo County Comprehensive Plan

The Goals and policies listed below are those cited by the applicant in the zone change justification letter (see attachment). The applicant’s arguments are in ***bold italics***, except for when Staff finds that a Goal or policy does not apply.

Staff does not provide analysis or additional citations other than what the applicant provided because, pursuant to Section B of R270-1980, the burden is on the applicant to show why the zone change should be made.

Chapter 4: Community Identity

Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

Small to medium office uses which allow pedestrian connections to retail or office located adjacent to townhomes and multi-family assisted living centers creates the opportunity for a more neighborhood oriented service use. The residents of the adjoining assisted living as well the townhouses to the east will benefit from neighborhood medical services. This development will have pedestrian connections from the park to the south. Current regulations regarding parking, design and landscaping would enhance the attractiveness of the neighborhood.

Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The subject site is not located in a traditional community, so Policy 4.1.4 does not apply.

Chapter 5- Land Use

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

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

a) Create walkable places that provide opportunities to live, work, learn, shop, and play.

The subject site is not located in a designated Center or along a designated Corridor (see Figure 5-4 in the Comp Plan), so Goal 5.1 and Policy 5.1.5 do not apply.

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.

This is an infill development that proposes three office buildings. The area is served existing infrastructure and roadways. It introduces the office use into the residential area. These 3 lots are the last 3 empty lots on Palomas and introducing medical will be consistent with the development of the area. This development will not require any new infrastructure or roadways.

Policy 5.3.3-Compact Development: Encourage development that clusters buildings and uses in order to provide landscaped open space and/or plazas and courtyards.

The proposed building clusters will have several doctors which will share waiting room, conference rooms and restrooms. This will serve various medical needs at one stop. This cluster development will make use of the adjoining park as open space, walking trails and access to this complex from residential areas.

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

The existing area has assisted living, has a nursing home and medical office uses will reinforce the consistency and character of the area.

Policy 5.6.3- Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

O-1 height regulations are generally the same as R-1, though buildings may be taller if they meet certain solar access requirements. The applicant has no plans to build higher than 26' and is committed to a single story in height. The setbacks required in O-1 as it abuts in R-1 are greater than setbacks when R-1 abuts R-1.

c) In areas with predominately single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.

The area to the south of this request is predominately single family, the existing use of this zone was 6 dwelling units per acre the proposed O-1 zoning will act as a buffer between the multi-story assisted living and the residences south of the park.

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

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

Policy 5.6.4 (and objective c) addresses transitions in Areas of Change. Since the subject site is not in an Area of Change, these do not apply to the request.

Policy 5.7.2-Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

- c) Avoid the use of SU-1 as a tool to negotiate design or use standards between stakeholders and limit its application to uses specified in the SU-1 zone.

Policy 5.7.2 calls for updating regulatory frameworks, which is a task that is accomplished through the Integrated Development Ordinance (IDO) and not an individual development request. Policy 5.7.2 does not apply.

Resolution 270-1980- Policies for Zone Map Amendments

Requirements

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

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

Justification & Analysis

The zone change justification letter analyzed here, received on February 26, 2018, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned SU-1 PUD (Planned Unit Development) (not to exceed 6 du/ac). The requested zoning is O-1. The reason for the request is to allow development of an office complex.

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

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

Applicant (summarized): The proposed zone change is consistent with the health, safety, morals and general welfare of the City because the project proposes high-quality professional offices and is adjacent to a nursing home and an assisted living facility. The allowed uses in O-1, as demonstrated in Sections C and D, will not conflict with adopted, relevant plans and policies

and will in fact further them. The O-1 zone includes landscaping requirements that will upgrade the site, and a use which provides for marked-based neighborhood office.

Staff: *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 response to Section A is sufficient in itself, but the demonstration has not been adequately made in the response to Section C.*

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

Applicant (summarized): The O-1 zone change doesn't affect the stability of land use and zoning. O-1 uses are compatible and are already in place in the area (SU-2/O-1 to the north, for example). The request will not adversely affect any surrounding zones. O-1 allows residential and low-density offices, and also requires a 10 foot landscape buffer with trees and a 6 foot buffer wall.

Staff: *The applicant has demonstrated that the proposed zone change would not adversely affect stability of land use or zoning in the area because the future office use would be compatible with other, existing uses nearby (such as nursing homes, single-family residential, townhomes, and commercial services). However, the burden is on the applicant to demonstrate, in the responses to Sections C and D, that the proposed change furthers applicable Goals and policies of the Comprehensive Plan and does not significantly conflict with them. The response to Section B is sufficient, but the demonstration required in Sections C and D has not been made.*

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

Applicant (summarized): The applicant believes that the change is not in conflict with any elements of the Comprehensive Plan and that the change will not affect the consistency of the developed area.

Applicable citations: Goal 4.1- Character; Goal 5.3-Efficient Development Patterns and Policy 5.3.1- Infill Development; Goal 5.6- City Development Areas and Policy 5.6.3-Areas of Consistency.

Non-applicable citations: Policy 4.1.4- Distinct Communities; Goal 5.1-Centers and Corridors and Policy 5.1.1-Desired Growth; Policy 5.3.3- Compact Development; Policy 5.6.2-Areas of Change; Policy 5.6.4- Appropriate Transitions; Policy 5.7.2- Regulatory Alignment.

Some of the applicant's citations do not apply. The subject site is not in an Area of Change (Policy 5.6.2) and is not part of a traditional community (Policy 4.1.4). Nor is it in a

designated Center or along a Corridor (Goal 5.1 and Policy 5.1.1). A site development plan is not included with the request, so specific site design considerations should not be used as justification (Policy 5.3.3 and Policy 5.6.4). Regulatory alignment regarding the SU-1 zone is a task for the City (Policy 5.7.2).

Staff finds that the response to Section C is a start, but the concepts in the key arguments used to support the proposed change have not been adequately developed as they relate to the request. For example, the idea that the O-1 zone is generally considered to be compatible with residential zones needs to be integrated into the discussion of how certain Goals and policies apply to the request.

Also, linkages between the request and the cited Goals and policies need to be better elaborated. For example, regarding Goal 4.1-Character, the applicant does not establish that the community is distinct, or explaining what makes it distinct, and then follow-through by discussing how the request would contribute to protecting and preserving it.

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

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

Applicant (summarized): The existing zoning is inappropriate because the area has developed into more O-1 uses such as nursing home and assisted living. These uses are more compatible with O-1 than residential. We feel that a different use category is more advantageous to the community as articulated in the Comprehensive Plan and in the future, upcoming IDO. The neighborhood has changed from primarily residential to medical and related uses. The new zoning is advantageous because it puts necessary medical and office services close to health care facilities and the neighborhood.

Staff: Generally, the request would be more advantageous to the community because it would facilitate development of a use that is compatible with nearby uses. However, at this time, the applicant has not adequately demonstrated in the response to Section C that the request would further applicable Goals and policies in the Comprehensive Plan and not significantly conflict with it. Therefore, the response to Section D is insufficient.

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

Applicant (summarized): The zone change is not be harmful to the adjacent property, the neighborhood, or the community. To the north is a large assisted living facility and to the west is a nursing home. The lots to the south became Barstow Park, which serves as a buffer between the subject site and the residential uses to the south. The O-1 zone allows dwelling units and most O-1 uses are low-density. The site is not large enough for parking lots, park and

rides, or parking structures. As such, there are no harmful uses in the O-1 zone that affect the site. O-1 is a good abutting zone for residential uses.

Staff: *The applicant intends to develop the subject site with an office complex. The request would not be harmful to adjacent property, the neighborhood or the community because the O-1 zone is generally considered to be compatible with residential areas. This includes the relatively more intense permissive uses in the zone, such as parking lot, parking structure, and community residential program. The response to Section E is sufficient.*

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

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

Applicant (summarized): This development will not require any un-programmed capital expenditures by the City. The zone change is located within the City limits and all infrastructure is established.

Staff: *The request would not require major or unprogrammed capital expenditures by the City and the subject site is already served by existing infrastructure. The response to Section F is sufficient.*

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

Applicant: The cost of land or other economic considerations pertaining to the applicant are not a determining factor for a change of zone. The location and proximity of facilities are a major consideration. The applicant believes that the request furthers specific City policies and asks for no specific consideration regarding any economic issue.

Staff: *Economic considerations are a factor, but they are not the determining factor for the request. The location and proximity to related facilities are the determining factors. The response to Section G is sufficient.*

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

Applicant: Palomas is a collector street that serves many mixed uses adequately. However, location on the collector street is not justification or important for this use. We will not be required to do any improvements. A trip generation report was completed.

Staff: *The applicant is not using location on a collector or major street as justification for the request. However, Palomas Ave. NE is not a collector or major street and there are no*

mixed use developments in the area near the subject site. Minor revision of the response to Section H is needed.

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

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

Applicant (summarized): The zone change to O-1 does not create a "spot zone". It will clearly facilitate realization of the Comprehensive Plan as related to mixed use and proximity to services, for this area. This property will function as a transition between the park and the extensive R-1 uses to the south. The lots north of this site are zoned SU-2/O-1 and to the west is SU-1 for Nursing home.

Staff: The request would result not in a spot zone because it would not give a zone different (O-1) from surrounding zoning to one small area, and more than one premises is involved. However, the applicant has not chosen either reason 1 or reason 2. Regarding reason 1, it has not been demonstrated that the request will clearly facilitate realization of the Comprehensive Plan (see the response to Section C). If reason 2 is claimed, additional discussion is needed. The response to Section I is insufficient.

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

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

Applicant (summarized): The zone change does not create a strip zone for the reasons listed in I and there are existing O-1 uses on both sides of Palomas. The zone change is consistent with the Comprehensive Plan and would not adversely affect the character of the area.

Staff: The subject site can be considered a "strip of land along a street", so the applicant is required to choose either reason 1 or reason 2 and explain. The language used in Section J (and Section I) is "clearly facilitates" realization of the Comprehensive Plan. Regarding reason 1, it has not been demonstrated that the request will clearly facilitate realization of the

Comprehensive Plan (see the response to Section C). If reason 2 is claimed, additional discussion is needed. The response to Section J is insufficient.

Staff Conclusion

Staff finds that the applicant has not adequately justified the zone map amendment (zone change) pursuant to R270-1980 at this time. All tests are required to be met. The response to Section C does not contain sufficient discussion of relevant Goals and policies, and the concepts as they relate to the request need to be more thought out. This is necessary to demonstrate that the request meets the requirement of not resulting in a significant conflict.

Regarding Section D, the applicant did not adequately make the case that a different zone category would be more advantageous to the community as articulated in applicable plans, which is demonstrated in the response to Section C. The response to Section A is adequate in itself, but it refers to furthering Goals and policies and this demonstration was not made adequately in the response to Section C. The responses to Section I and Section J need to be more precise and relate better to the request. For these reasons, Staff recommends denial of the zone map amendment (zone change) request.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City departments and other interested agencies reviewed this application from 1/29/2018 to 2/14/2018. Few agency comments were received regarding the zone change request. Other comments, such as those from the New Mexico Department of Transportation (NMDOT), the Water Utility Authority (WUA), and PNM pertain to the illustrative site development plan for building permit, which is not reviewed in this report. Agency comments begin on p.17.

Neighborhood/Public

The North Wyoming Neighborhood association (NA), the Countrywood Area NA, and the District 4 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).

As of this writing, Staff has received two comments. An adjacent property owner is concerned about buffering because the back of her house is very close to the subject site (see attachments). Another adjacent property owner is concerned that the proposed zoning would allow any type of office, including those with early morning and evening hours, and is opposed to the request (see attachment).

Facilitated Meeting

A facilitated meeting was held on February 22, 2018 (see attachment). Meeting participants expressed concerns about traffic generated by the future development, cumulative traffic impacts in the area, the need for landscape and buffering, the effect on property values, the general appropriateness of a zone change, and the noise and disturbance from construction activities.

Most of the concerns expressed at the meeting are site development plan issues. A site development plan is not proposed through the EPC process because it is not required for a change to a straight zone, such as O-1.

Some concerns can be addressed by knowing that the Zoning Code contains requirements regarding landscaping and buffering when a non-residential zone is developed and it abuts a residential zone (see §14-16-3-10(E)(8)). These will apply to the future development. A minimum 10 foot landscape strip with trees capable of reaching a height of at least 25 feet, and spaced at 75% the diameter of the tree at maturity (overlapping on the site plan), and a minimum 6 foot opaque wall, are required.

IV. CONCLUSION

The request is for a zone map amendment (zone change) for an \approx 2.8 acre, vacant site located on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE.

The subject site is zoned SU-1 PUD (Planned Unit Development). The applicant is requesting a zone change to O-1 in order to develop a medical office complex. A site development plan is not required at this time and is not evaluated here.

The North Wyoming Neighborhood association (NA), the Countrywood Area NA, the District 4 Coalition, and property owners within 100 feet of the subject site were notified as required. A facilitated meeting was held on February 22, 2018. Participants expressed concern about traffic, parking, effect on property values, buffering, and noise. As of this writing, Staff has received two comments from adjacent property owners. One is opposed based upon concern about traffic, noise, pollution, and hours of the offices. The other is concerned about buffering.

At this time, the applicant has not adequately justified the zone change pursuant to R270-1980. All tests are required to be met. The response to Section C does not contain sufficient discussion of relevant Goals and policies, and the concepts as they relate to the request need to be more thought out to demonstrate that the request would not result in a significant conflict. The responses to Section A and Section D are insufficient because they relate to the policy-based demonstration required in Section C. More explanation is needed for the responses to Section I and Section J. Staff recommends denial of the request.

FINDINGS - 18EPC-40005, March 08, 2018- Zone Map Amendment (Zone Change)

1. The request is for a zone map amendment (zone change) for an approximately (\approx) 2.8 acre, vacant site consisting of three lots and located on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE, and south of Paseo del Norte Blvd. NE (the "subject site"). The subject site is zoned SU-1 PUD (Planned Unit Development) (not to exceed 6 du/ac).
2. The applicant is requesting a zone change to the O-1 Office and Institution zone in order to develop a medical office complex. Because the request is to a straight zone (not an SU-1 zone), a site development plan is not required and is not a part of the request.
3. The subject site is in an area that the Comprehensive Plan has designated an Area of Consistency. No area or sector development plans apply.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The applicant has not adequately justified the zone map amendment (zone change) request pursuant to Resolution 270-1980 as follows:
 - A. Section A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The response to Section A is sufficient in itself, but the demonstration has not been adequately made in the response to Section C.
 - B. Section B: The applicant has demonstrated that the proposed zone change would not adversely affect stability of land use or zoning in the area because the future office use would be compatible with other, existing uses nearby (such as nursing homes, single-family residential, townhomes, and commercial services).

However, the burden is on the applicant to demonstrate, in the responses to Section C, that the proposed change furthers applicable Goals and policies of the Comprehensive Plan and does not significantly conflict with them. The response to Section B is sufficient, but the demonstration required in Section C has not been made.
 - C. Section C: The concepts in the key arguments used to support the proposed change have not been adequately developed as they relate to the request, and linkages between the request and the cited Goals and policies need to be better elaborated to demonstrate that the request would not create a significant conflict with the Comprehensive Plan.
 - D. Section D: Generally, the request would be more advantageous to the community because it would facilitate development of a use that is compatible with nearby uses. However, at this

time, the applicant has not adequately demonstrated in the response to Section C that the request would further applicable Goals and policies in the Comprehensive Plan.

- E. Section E: The request would not be harmful to adjacent property, the neighborhood or the community because the O-1 zone is generally considered to be compatible with residential areas and the permissive uses in the zone would not be harmful.
 - F. Section F: The request would not require major or unprogrammed capital expenditures by the City and the subject site is already served by existing infrastructure.
 - G. Section G: Economic considerations are a factor, but they are not the determining factor for the request. The location and proximity to related facilities are the determining factors.
 - H. Section H: Palomas Ave. is not a collector or major street and the applicant is not using location on a collector or major street as justification for the request.
 - I. Section I: The request would result not in a spot zone because it would not give a zone different (O-1) from surrounding zoning to one small area, and more than one premises is involved. However, the applicant needs to specify either reason 1 or reason 2 and provide an explanation. Regarding reason 1, it has not been demonstrated that the request will clearly facilitate realization of the Comprehensive Plan (see the response to Section C). If reason 2 is claimed, additional discussion is needed.
 - J. Section J: The subject site can be considered a “strip of land along a street”, so the applicant needs to specify either reason 1 or reason 2 and provide an explanation. Regarding reason 1, it has not been demonstrated that the request will clearly facilitate realization of the Comprehensive Plan (see the response to Section C). If reason 2 is claimed, additional discussion is needed.
6. At this time, the applicant has not adequately justified the zone change pursuant to R270-1980. All tests are required to be met. The response to Section C does not contain sufficient discussion of relevant Goals and policies, and the concepts as they relate to the request need to be more thought out to demonstrate that the request would not result in a significant conflict. The responses to Section A and Section D are insufficient because they relate to the policy-based demonstration required in Section C. The responses to Section I and Section J need to be more precise and relate better to the request.
7. The North Wyoming Neighborhood association (NA), the Countrywood Area NA, and the District 4 Coalition were required to be notified, which the applicant did. Property owners within 100 feet of the subject site were also notified, as required. As of this writing, Staff has received two comments from adjacent property owners. One is opposed based upon concern about traffic, noise, pollution, and hours of the offices. The other is concerned about buffering.
8. A facilitated meeting was held on February 22, 2018. Participants expressed concerns about traffic generated by the future development, cumulative traffic impacts in the area, the need for

landscaping and buffering, the effect on property values, the general appropriateness of a zone change, and the noise and disturbance from construction activities.

RECOMMENDATION - 18EPC-40005, March 08, 2018

DENIAL of 18EPC-40005, a zone change from SU-1 PUD to O-1 (not to exceed 6 du/ac), for Lots 12, 13 & 14, Tract A, Unit A, North Albuquerque Acres, an approximately 2.8 acre site located on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE and south of Paseo del Norte Blvd. NE, based on the preceding Findings.

Catalina Lehner

**Catalina Lehner, AICP
Senior Planner**

cc: Todd J. Kruger, Rio Grande Realty & Investments, LLC, 3701 Corrales Rd., Corrales, NM 87048
RBA Architecture PC, 1104 Park Ave. SW, ABQ, NM 87102
North Wyoming NA, Tracy Guidry, 8330 Krim Dr. NE, ABQ, NM 87109
North Wyoming NA, Nanci Carriveau, 8309 Krim Dr. NE, ABQ, NM 87109
Countrywood Area NA, Christine Messersmith, 7904 Woodrige Dr. NE, ABQ, NM 87109
Countrywood Area NA, Paul Phelan, 8201 Countrywood Dr. NE, ABQ, NM 87109
Nor Este NA, Jim Griffee, P.O. Box 94115, ABQ, NM 87199
Nor Este NA, Bob Smith, P.O. Box 94115, ABQ, NM 87199
Dist. 4 Coalition of Neigh. Assoc. Michael Pridham, 3901 Georgia St. NE, Bldg F, ABQ, NM, 87110
Dist. 4 Coalition of Neigh. Assoc. Breanna Bloomquist, 1844 Man O War St. SE, ABQ, NM, 87123

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Office of Neighborhood Coordination

Long Range Planning

No comment.

CITY ENGINEER

Transportation Development

No objection to the request.

Hydrology Development

New Mexico Department of Transportation (NMDOT)

It appears that this commercial property will be utilizing NM 423 (PDN) as one of its major east/west route. The NMDOT is requiring the owner complete the State Access Management Manuel's Site Threshold Assessment (STH) and schedule an appointment with Nancy Perea or Margaret Haynes to discuss this development's potential impacts on NM 423. NMDOT is requesting that due to the proximity of signalized intersections of Barstow St. & NM 423 and Wyoming & NM 423, future signals at the intersections of Palomas Ave & Barstow and Palomas & Wyoming are not recommended in the future.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

No comment.

Traffic Engineering Operations (Department of Municipal Development):

Street Maintenance (Department of Municipal Development):

RECOMMENDED CONDITIONS FROM CITY ENGINEER, DMD and NMDOT:

WATER UTILITY AUTHORITY

Utility Services

- a. No adverse comment to the proposed Zone Map Amendment.
- b. Once service is desired please request an Availability Statement for the new development. 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.

- c. The following comments pertain to the proposed "Overall Site Plan"
 - i. Every service connection requires its own service line to the distribution main along Palomas Ave. A single service connection feeding two meters is prohibited.
 - ii. Every service line will need to have a backflow prevention device downstream of the meter for domestic service or the private valve for fire lines. For more information pertaining to Cross Connections please contact Gilbert Paris 505.873.7058.
 - iii. The hydrants located interior to the site are to be considered private and painted safety orange. Additionally, the lines feeding these hydrants are to be treated as fire lines which require a private valve within the property line and a public valve just downstream of the connection made.
- d. Please note that Pro Rata has been assessed to each lot. The following is the summary of the Pro Rata charges:
 - i. Project #7967.81 assessed Pro Rata to lot * 012 022TR A UNIT A N ALBU AC in the amount of \$4615.56 for water and \$1640.10 for sewer for a total balance of \$6255.66.
 - ii. Project #7967.81 assessed Pro Rata to lot * 013 022TR A UNIT A N ALBU AC in the amount of \$4615.56 for water and \$1640.10 for sewer for a total balance of \$6255.66.
 - iii. Project #7967.81 assessed Pro Rata to lot * 014 022TR A UNIT A N ALBU AC in the amount of \$4615.56 for water and \$1640.10 for sewer for a total balance of \$6255.66.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No Comment on Zone Change. All new/proposed refuse enclosures built to COA minimum requirements, must include a minimum 4" sanitary drain for any food services. The double refuse indicated on site plan, needs to be centered with drive lane for safe refuse truck access.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Not on a corridor. Fixed Route 31 runs north-south on Wyoming between KAFB and a turnaround at La Cueva High School. Commuter Route 98 follows the same route but extends all the way to the Northwest Transit Center. The nearest stop pair for both these routes are on either side of the

Palomas/Wyoming intersection 2200 feet walking distance from the site. There is no transit service on Paseo Del Norte and none is planned. No comment.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed. No objections.

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impacts to the APS district.

MID-REGION METROPOLITAN PLANNING ORGANIZATION

MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

1. An existing electric underground distribution line is located along the northern boundary of the subject property. It is the applicant's obligation to abide by any conditions or terms of these easements. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact:

Andrew Gurule

PNM Service Center- 4201 Edith Boulevard NE, Albuquerque, NM 87107

Phone: (505) 241-0589

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

HISTORY

CITY OF ALBUQUERQUE



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

OFFICIAL NOTIFICATION OF DECISION

March 8, 2018

Todd J. Kruger
Rio Grande Realty &
Investments, LLC
3701 Corrales Rd.
Corrales, NM 87048

Project# 1011513
18EPC-40005 Zone Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for Lots 12, 13 & 14, Tract A, Unit A, North Albuquerque Acres, zoned SU-1 PUD (not to exceed 6 du/ac), to O-1, located on Palomas Ave. NE, between Wyoming Blvd. NE and Barstow St. NE, containing approximately 2.8 acres.
(D-19) Staff Planner: Catalina Lehner

PO Box 1293

Albuquerque, NM 87103
On March 8, 2018 the Environmental Planning Commission (EPC) voted to DEFER Project 1011513/18EPC-40005, a Zone Map Amendment (Zone Change), for 30 days based on the following Findings:

NM 87103 FINDINGS:

1. The request is for a zone map amendment (zone change) from SU-1 PUD to O-1. The applicant intends to develop an office complex.
2. Since the request is for a change to a straight zone (O-1), a site development plan is not required at this time.
3. The applicant is requesting a 30-day deferral to the April 12, 2018 EPC hearing to strengthen the zone change justification and address any other concerns.

www.cabq.gov

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MARCH 23, 2018**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

OFFICIAL NOTICE OF DECISION

Project #1011513

March 8, 2018

Page 2 of 2

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

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

Sincerely,


For David Campbell
Planning Director

DC/CL

cc: Todd J. Kruger, Rio Grande Realty & Investments, LLC, 3701 Corrales Rd., Corrales, NM 87048
RBA Architecture PC, 1104 Park Ave. SW, ABQ, NM 87102
North Wyoming NA, Tracy Guidry, 8330 Krim Dr. NE, ABQ, NM 87109
North Wyoming NA, Nanci Carriveau, 8309 Krim Dr. NE, ABQ, NM 87109
Countrywood Area NA, Christine Messersmith, 7904 Woodrige Dr. NE, ABQ, NM 87109
Countrywood Area NA, Paul Phelan, 8201 Countrywood Dr. NE, ABQ, NM 87109
Nor Este NA, Jim Griffee, P.O. Box 94115, ABQ, NM 87199
Nor Este NA, Bob Smith, P.O. Box 94115, ABQ, NM 87199
Dist. 4 Coalition of Neigh. Assoc. Michael Pridham, 3901 Georgia St. NE, Bldg F, ABQ, NM 87110
Dist. 4 Coalition of Neigh. Assoc. Breanna Bloomquist, 1844 Man O War St. SE, ABQ, NM 87123

CITY of ALBUQUERQUE
FOURTH COUNCIL

484

81 54751

COUNCIL BILL NO. 0-209 ENACTMENT NO. 92-1981

SPONSORED BY:

Thomas W. Hascup Z-81-97
AX-81-19

ORDINANCE

1
2 ANNEXING LOTS 12 THROUGH 21, BLOCK 22, TRACT A, UNIT A,
3 NORTH ALBUQUERQUE ACRES, LOCATED AT THE SOUTHWEST CORNER
4 OF THE INTERSECTION OF PALOMAS AND BARSTOW STREET, N.E.,
5 CONTAINING APPROXIMATELY 10 ACRES TO INCLUDE THE RIGHT OF
6 WAY OF SAN BERNARDINO AVENUE FROM THE WEST LOT LINE OF LOT
7 21, BLOCK 22 THENCE EAST TO THE CENTER LINE OF BARSTOW
8 STREET AND THE WEST HALF OF THE RIGHT OF WAY OF BARSTOW
9 FROM THE SOUTH RIGHT OF WAY OF SAN BERNARDINO NORTH TO THE
10 SOUTH RIGHT OF WAY OF PALOMAS AVENUE N.E.; TO THE CITY OF
11 ALBUQUERQUE, NEW MEXICO; AND AMENDING THE ZONE MAP OF THE
12 CITY OF ALBUQUERQUE.

13 WHEREAS, the owner of the area to be annexed and
14 hereinbelow described in this ordinance, which land is
15 contiguous to the boundaries of the City of Albuquerque,
16 New Mexico, has heretofore presented a petition properly
17 signed, accompanied by a map of said contiguous territory,
18 petitioning the Governing Body of the City of Albuquerque,
19 New Mexico, to pass and adopt an ordinance annexing said
20 land to the City.

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

23 Section 1. The following described territory is
24 hereby annexed to and made a part of the City of
25 Albuquerque for all purposes upon filing a copy of this
26 ordinance and map of the territory so annexed in the

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[Strikethrough Material] - Deletion

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Office of the County Clerk of Bernalillo County, New Mexico, and publication of this ordinance according to law:

A. Lots 12-21, Block 22, Tract A, Unit A, North Albuquerque Acres, as filed in the Office of the County Clerk of Bernalillo County, New Mexico on March 17, 1937.

B. The right-of-way of San Bernardino Avenue from the west lot line of Lot 21, Block 22, thence east to the center line of Barstow Street and the west half of the right-of-way of Barstow from the south right-of-way of San Bernardino north to the south right-of-way of Palomas Avenue.

Section 2. The zone map adopted by Section 7-14-46.C R.O. 1974 is hereby amended as follows:

A. Establishment of SU-1 for Planned Unit Development (not to exceed 6 du/ac) zoning for the area described in Section 1-A above.

Section 3. Effective Date and Publication. This ordinance shall become effective five days after publication in full.

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1 PASSED AND ADOPTED this 5th day of October, 1981.

2 BY A VOTE OF 9 FOR AND 0 AGAINST.

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Marion M. Cottrell
Marion M. Cottrell, President

6 APPROVED this 14th day of October, 1981.

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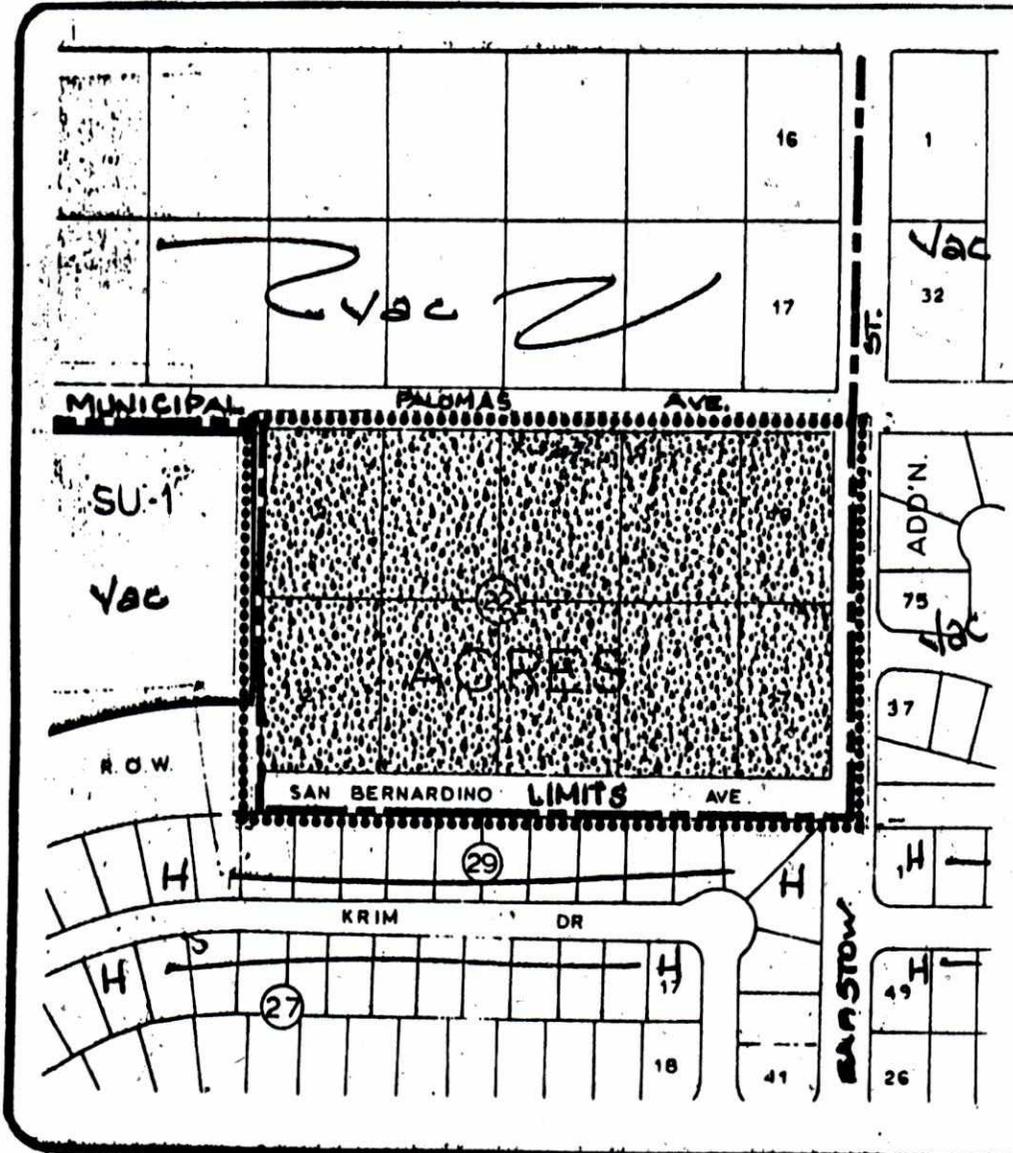
David Rusk
David Rusk, Mayor
City of Albuquerque

10
11 ATTEST:

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13 *Cynthia L. Ludi*
City Clerk *Deputy*

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**CITY OF
ALBUQUERQUE
MUNICIPAL DEVELOPMENT
DEPARTMENT
PLANNING DIVISION**

- STUDY AREA**
- ANNEXATION
 - ZONING

Execu-Systems, agent for Manuel Solano, requests annexation and simultaneous establishment of RT zoning for Lots 12 through 21, Block 22, Tract A, Unit A, North Albuquerque Acres, located at the southwest corner of the intersection of Palomas and Barstow Street, N.E., containing approximately 10 acres. The Planning Division expands the request to include the right of way of San Bernardino Avenue from the west lot line of Lot 21, Block 22 thence east to the center line of Barstow Street and the west half of the right of way of Barstow from the south right of way of San Bernardino north to the south right of way of Palomas Avenue NE. (U-19)

HEARING 1	FILE NUMBER
SCALE: 1" = 200'	3-81-97
CHECKED: RT	MAP: D-19
	AX-81-19

ZONING

Please refer to §14-16-2-22 for the SU-1 zone
and to §14-16-2-15 for the O-1 zone

APPLICATION INFORMATION



SUBDIVISION

- Major subdivision action
- Minor subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision for Building Permit
- Administrative Amendment (AA)
- Administrative Approval (DRT, URT, etc.)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

Supplemental Form (SF)

S Z ZONING & PLANNING

- Annexation
- V Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- P Adoption of Rank 2 or 3 Plan or similar
- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- D Street Name Change (Local & Collector)
- L A **APPEAL / PROTEST of...**
- Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

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

APPLICATION INFORMATION:

Professional/Agent (if any): RBA ARCHITECTURE PC PHONE: 505.242.1859
 ADDRESS: 1104 PAUL AVENUE SW FAX: 505.242.6630
 CITY: ALBUQ STATE NM ZIP 87102 E-MAIL: RICK@RBA81.COM
 APPLICANT: TODD J. KRUGER PHONE: 505.250.8135
 ADDRESS: 3701 CORALES RD FAX: 505.899.8774
 CITY: CORALES STATE NM ZIP 87048 E-MAIL: TKRUGER@RCRI.NET
 Proprietary interest in site: OWNER List all owners: _____

DESCRIPTION OF REQUEST: ZONE MAP AMENDMENT & SITE DEVELOPMENT PLAN FOR BUILDING PERMIT.

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

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

Lot or Tract No. LOT 12, 13 & 14 TRACT A Block: _____ Unit: A
 Subdiv/Addn/TBKA: NORTH ALBUQUERQUE ACRES
 Existing Zoning: SV-1-PUD Proposed zoning: O-1 MRGCD Map No _____
 Zone Atlas page(s): D-19-2 UPC Code: LOT 12 - 101906345446610321
LOT 13 - 101906347046610320
LOT 14 - 101906348646610319

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.):
2-81-97 010/92-1981 2-95-75

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: 3 No. of proposed lots: 3 Total site area (acres): 3 LOTS @ 38.6105F = 2.66 ACRES
 LOCATION OF PROPERTY BY STREETS: On or Near: PAONAS
 Between: WYOMING and BARSTOW
 Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team (PRT) Review Date: 10.24.17

SIGNATURE

[Signature] DATE 1/25/18
 (Print Name) RICK BENNETT RBA Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 11/2014

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>18EPC - 40005</u>	<u>AZM</u>	_____	\$ <u>350.00</u>
<input type="checkbox"/> All fees have been collected	_____	<u>CMF</u>	_____	\$ <u>50.00</u>
<input type="checkbox"/> All case #s are assigned	_____	<u>ADV</u>	_____	\$ <u>75.00</u>
<input type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ _____
	Hearing date <u>March 8, 2018</u>			Total
	<u>1-25-18</u>			\$ <u>475.00</u>

[Signature] Staff signature & Date 1-25-18 Project # 1011513

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

ANNEXATION (EPC08)

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

- SDP PHASE I - DRB CONCEPTUAL PLAN REVIEW (DRBPH1)** (Unadvertised)
 - SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14)** (Public Hearing)
 - SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2)** (Unadvertised)
 - Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
 - Proposed Sector Plan (30 copies for EPC, 6 copies for DRB)
 - Zone Atlas map with the entire plan area clearly outlined and indicated
 - Letter describing, explaining, and justifying the request
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for EPC public hearing only)
 - Traffic Impact Study (TIS) form (for EPC public hearing only)
 - Fee for EPC final approval only (see schedule)
 - List any original and/or related file numbers on the cover application
- Refer to the schedules for the dates, times and places of DRB and EPC hearings.* Your attendance is required.

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

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

AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)
 AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)

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

AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)

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

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

 Rick Bennett
 Applicant name (print)

 Rick Bennett
 Applicant signature & Date



- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
 18EPC - 40005

 Revised: June 2011

 Staff signature & Date
 Project # 1011513



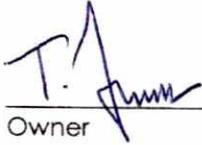
January 24, 2018

City of Albuquerque
Planning Department
600 Second Street NW
Albuquerque, NM 87102

RE: AGENT AUTHORIZATION

Please allow this letter to serve as authorization for RBA Architecture, PC the right to serve on our behalf as a duly authorized agent. And as such, RBA may obtain building and/or trade permits and conduct business on our behalf and representation in all matters concerning our property and business associated with various departments associated with the permit process.

Sincerely,


Owner

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: RBA ARCHITECTURE DATE OF REQUEST: 1/23/18 ZONE ATLAS PAGE(S): D-19-8

CURRENT:

ZONING SU-1 PUD
PARCEL SIZE (AC/SQ. FT.) 115830 SF

LEGAL DESCRIPTION:

LOT OR TRACT # 12,13,14 BLOCK # _____
SUBDIVISION NAME NORTH ALBU ACRES

REQUESTED CITY ACTION(S):

ANNEXATION []
ZONE CHANGE : From SU-1 PUD To O-1
SECTOR, AREA, FAC, COMP PLAN []
AMENDMENT (Map/Text) []

SITE DEVELOPMENT PLAN:

SUBDIVISION* [] AMENDMENT []
BUILDING PERMIT ACCESS PERMIT []
BUILDING PURPOSES [] OTHER []

*includes platting actions

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT []
NEW CONSTRUCTION
EXPANSION OF EXISTING DEVELOPMENT []

GENERAL DESCRIPTION OF ACTION:

OF UNITS: 3
BUILDING SIZE: 10,000 EA (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 1/24/18

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

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

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

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

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

[Signature]
TRAFFIC ENGINEER

1/25/18
DATE

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

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



February 26, 2018
Revised February 27, 2018

City of Albuquerque
Planning Department
600 Second Street NW
Albuquerque, NM 87102

**Re: PALOMAS MEDICAL OFFICE BUILDINGS
8300 / 8310 / 8320 Palomas Ave NE
Albuquerque, NM 87109**

INTRODUCTION:

This application is submitted for Lots 12, 13 & 14, Tract A, Unit A of the North Albuquerque Acres subdivision located on Palomas NE due north of the Barstow Park. The Owner is requesting a zone change from the existing SU-1PUD which allows 8 dwelling units per acre to O-1 zone which allows medical and other offices. Because of the proximity to Nursing Home and Assisted Living which are adjacent to this property, the applicant would like to develop a medical office complex. The hours of operation would be 9-5 Monday through Friday. Even though we are requesting straight O-1 zoning, we are including the site plan because it shows the projects proximity to the adjacent developments and shows the orientation to achieve maximum mountain views. We will provide information to the EPC on a one page informational exhibit rather than a full site plan.

We attended a facilitated meeting on February 22nd and the meeting went well. The concerns and comments are listed in the summary performed by the facilitator. The major concerns were landscaping, buffers to the residential on the east, traffic and the relationship to the park. We agreed to do extensive landscaping on the east and south. We also agreed to not wall in the property from the park but rather leave it open. This would allow pedestrian access to the park for all the neighbors to the north. We will have a 6' wall between this property and the residential property to the east. We had a traffic count performed and it did not meet the threshold for a traffic study.

We are requesting a Zone Map amendment for a Zone Change and no Sector Plan is involved.

Zone Map Amendment Zone Change Section by Section

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

The proposed zone change as requested, is consistent with the Health, Safety, Morals and general welfare of the city because this project proposes high quality professional offices including Medical, Dental and other healthcare uses. This property is adjacent to a Nursing Home unit to the west and an Assisted Living unit to the north. We are requesting straight O-1 zoning.

As will be demonstrated in Sections C & D of this request, the allowed uses for O-1 zoning will not conflict with adopted relevant plans and policies and will, in fact, further the appropriate land use policies and goals of the City because the O-1 zoning includes significant landscaping requirements which will upgrade the site and a use which provides for market based neighborhood office. As such, applicant

believes that this proposed zone map amendment promotes mixed use and is consistent with the health, safety, morals and general welfare of the City of Albuquerque.

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

Approval of this O-1 zone change does not affect the stability of land use and zoning. The property to the north is zoned SU-2/O-1 the property to the west is zoned SU-1 Nursing Home. O-1 uses are compatible and are already in place.

As the surrounding area is developed today, O-1 zoning will not affect the stability of land use and will not adversely affect any surrounding zones.

The O-1 zoning is constant because by definition, O-1 does allow residential, low density offices and it also requires more extensive landscaping than residential zones. O-1 requires 10' landscape buffer with trees abutting any residential lot and a 6' buffer wall.

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

As mentioned in item B, this change is not in conflict with any of the elements of the comprehensive plan. The subject site is in an area of consistency. The requested zoning is similar to the development around it which are O-1 and C-1 uses. Because of the current zoning in place, this zone change will not affect the consistency of the developed area.

Plan Element 4 - Community Identity

Goal 4.1 Character - Enhance, protect and preserve distinct communities.

Policy 4.1.4 - Neighborhood: *Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.*

c. Support improvements that protect stable thriving residential neighborhood and enhance their attractiveness.

Small to medium office uses which allow pedestrian connections to retail or office located adjacent to townhomes and multi-family assisted living centers creates the opportunity for a more neighborhood oriented service use. The residents of the adjoining assisted living as well the townhouses to the east will benefit from neighborhood medical services. This development will have pedestrian connections from the park to the south.

Current regulations regarding parking, design and landscaping would enhance the attractiveness of the neighborhood.

As such, this request furthers Goal 4.1 and Policy 4.1.4 of the *Comprehensive Plan*.

Plan Element 5 - Land Use

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

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

a. *Create walkable places that provide opportunities to live, work, learn, shop and play.*

If developed as expected, this neighborhood office complex will be within walking distance of many users. The large Assisted Living across the street will be a likely client and all of the residential lots south of the park will be able to access this development by walking through the park. This area is a mix of older people and young neighborhoods and a diverse group of medical uses will help in keeping the neighborhood diverse.

As an infill development that is well served by access while a walkable place to work, schools and shopping, Policy 5.1.1 is furthered by this request. The access to the park and the walking trails is part of the reason for choosing this lot for O-1 uses.

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.

This is an infill development that proposes three office buildings. The area is served existing infrastructure and roadways. It introduces the office use into the residential area. These 3 lots are the last 3 empty lots on Palomas and introducing medical will be consistent with the development of the area. This development will not require any new infrastructure or roadways.

Policy 5.3.3. Compact Development: Encourage development that clusters buildings and uses in order to provide landscaped open space and/or plazas and courtyards. O-1 zoning requires extensive landscaping.

The proposed building clusters will have several doctors which will share waiting room, conference rooms and restrooms. This will serve various medical needs at one stop. This cluster development will make use of the adjoining park as open space, walking trails and access to this complex from residential areas.

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

The existing area has assisted living, has a nursing home and medical office uses will reinforce the consistency and character of the area.

Policy 5.6.3. Areas of Consistency: *Protect and enhance the character of existing single family neighborhoods, areas outside Centers and Corridors, parks, and Major Public Open Space.*

- b. *Ensure that development reinforces the scale, intensity and setbacks of the immediately surrounding area.*

O-1 height regulations are generally the same as R-1, though buildings may be taller if they meet certain solar access requirements. The applicant has no plans to build higher than 26' and is committed to a single story in height. The setbacks required in O-1 as it abuts in R-1 are greater than setbacks when R-1 abuts R-1.

- c. *In areas with predominately single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.*

The area to the south of this request is predominately single family, the existing use of this zone was 6 dwelling units per acre the proposed O-1 zoning will act as a buffer between the multi-story assisted living and the residences south of the park.

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

- a. *Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.*

This proposed development is one story, low scale, has adequate setbacks in all directions.

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

This office development will follow all lighting requirements and will operate daily Mon-Fri from 9-5 which will greatly reduce traffic in the evening hours thus limiting the effect on traffic in the residential development. This use does not produce any pollution or other effects that will negatively impact the neighborhood.

Policy 5.7.2. Regulatory Alignment: *Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.*

- c. *Avoid the use of SU-1 as a tool to negotiate design or use standards between stakeholders and limit its application to uses specified in the SU-1 zone.*

We avoided the use of SU-1 for O-1. The intention of the applicant is to build medical offices. We are requesting straight O-1 zoning to eliminate the SU and the upcoming IDO plan will encourage a mix of residential and offices allowed on this site.

Applicant can demonstrate that stability of land use will not be compromised by this request for O-1 zoning, and this map amendment will be consistent with the adopted plans and policies of the *Comprehensive Plan*. Approval of this request will allow new office buildings that include significant landscaped areas.

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

The existing zoning is inappropriate because the area has developed into more O-1 uses such as Nursing Home and Assisted Living. These uses are more compatible with O-1 than residential. We are requesting this zone change because we feel a different use category is more advantageous to the community as articulated in the comprehensive plan and the future upcoming IDO. The neighborhood changed in the past from primarily residential to medical and related uses and the residential uses were greatly changed by the development of Paseo del Norte, Wyoming Blvd and Barstow. This new zoning is advantageous as it puts necessary medical and office services close to health care facilities and the neighborhood.

Based upon the three criteria listed above, applicant states the following:

1. Applicant makes no argument that there is an error regarding the existing map pattern.
2. Although there have been changed neighborhood conditions, they are not significant to justify this request.

3. Based upon the justifications addressed in Section C, this request facilitates goals and policies and sub-policies of the *Comprehensive Plan* and will be advantageous to the community as articulated in that plan.

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

This zone change request is not harmful to the adjacent property, the neighborhood or the community. Across the property to the north is a large Assisted Living facility and to the west is a nursing home and to the south is a former R-1 property which has now become Barstow Park. This park creates a natural buffer between the O-1 uses and the R-1 uses to the south of the park. To the east is a residential development of 10 townhouse lots and also to the east is property on the corner of Barstow & Palomas is used for Office/Retail zoned SU2-C1.

The O-1 zone provides sites suitable for Office, Service, Institutional and dwelling units. The O-1 zone allows dwelling units up to 25% of the gross area of the site and up to 60% as a conditional use. Most O-1 uses are low density and this site is not large enough for parking lots, park and ride or parking structures. As such there are no

harmful uses in the O-1 zone to affect this site. The O-1 zone is a good abutting zone for residential uses

- F. A proposed zone change which, to be utilized though land development requires major and unplanned capital expenditure by the City may be; 1) denied due to lack of capital funds, or 2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.**

This development will not require any un-programmed capital expenses by the City.

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

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

The cost of land and other economic considerations pertaining to the applicant is not a determining factor for a change of zone. The located and proximity of facilities to this site are major considerations. The cost of the land or other economic considerations are not a factor for the zone change.

Applicant believes that this request furthers specific city policies regarding this request and asks for no specific consideration regarding any economic issue with this zone map amendment. The purpose of this request is to allow a desirable infill office development.

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

Palomas is a collector street with a 60' right-of-way and it currently serves many mixed uses adequately however location on the collector street is not justification or important for this use. The street is adequate and we will not be required to do any improvements other than the customary curb, gutter and sidewalk on the south side of Palomas. A Trip Generation report was completed for this project and it does not exceed the threshold for a complete Traffic Impact Study.

- I. A zone change request which would give a zone different from surrounding zones to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when; (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area plan, or (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for uses allowed in any adjacent zone due to topography, traffic for special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone.**

The zone change to O-1 does not create a spot zone. It will clearly facilitate the realization of the Comprehensive Plan as related to mixed use and proximity to services. We believe that this was the justification used when drafting the future IDO allowing O-1 uses in its future zoning designations of this area. This property will function as a transition between the park and the extensive R-1 uses to the south as

well as a transition from the townhouses to the care facilities to the west. The lots north of this site are zoned SU-2 & O-1 and to the west is S-U for Nursing Home. This is not a spot zone and a zone change will clearly facilitate realization of the Comprehensive Plan for this area.

- J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will only be approved where; (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area plan, and (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.**

This zone change does not create a strip zone. For reasons listed in I there are O-1 existing uses on both sides of Palomas. This zone change is consistent with the Comprehensive Plan. The O-1 use will still serve as a transition to the adjacent R-1 zone.

Conclusions

A positive consideration of this request is appreciated. I look forward to addressing the commission to answer any other questions that may arise.

Thank you for consideration of this matter. We feel that a high quality office complex with emphasis on medical is a natural neighbor to this neighborhood and to the adjoining properties.

We feel that this development will have a positive effect on the surrounding areas and that it will enhance the stability of the land in the vicinity. Quality medical offices will improve the quality of life in the area without compromising the existing properties.

If you have any questions, please feel free to call or e-mail Doug Gallagher at RBA Architecture at doug@rba81.com.

Sincerely,



Rick Bennett
Architect

February 05, 2018

TO: Rick Bennett
FROM: Catalina Lehner, Senior Planner
City of Albuquerque Planning Department
TEL: (505) 924-3935
RE: Project #1011513, Palomas/Barstow Zone Change

I've completed a first review of the proposed zone map amendment (zone change) request. I have a few questions and some suggestions that will help make the justification approvable. I am available to answer questions about the process and requirements. Please provide the following:

⇒ A revised zone change justification letter pursuant to R270-1980 (one copy) by
12 pm on Thursday, February 15, 2018.

Note: If you have trouble 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. Please tell me about the proposed project. What do you want to do?
- C. The subject site consists of three lots. This is what I have for the legal description: Lots 12, 13 & 14, Tract A, Unit A, North Albuquerque Acres.
- D. A different property owner is listed in AGIS. Did the applicant acquire the property recently?
- E. I listed the applicant as Rio Grande Realty and Investments, LLC (Todd Kruger). Is this correct? The computer system says "Kiwger".

2) Zoning & Site Development Plan:

- A. Do you know how and when the subject site received its SU-1 PUD zoning? Is there a site development plan associated with it? I'll look but just wondering if you know anything.
- B. Your request is for a straight zone (O-1). Why are you providing a site development plan at this time? A site development plan is only required with a change to an SU-1 zone.
→ Please note that I have not reviewed the site development plan for this reason.
- C. Here's an idea: if you'd like to provide information to the EPC about the proposed, future buildings, you could do a small, one-page "informational exhibit" rather than a full site development plan.

3) 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 March is the 8th. Final staff reports will be available one week prior, on March 1st.
- C. Please visit the link above to find copies of Staff reports that will serve as examples of zone changes to straight zones. Some recent examples are Project #1011436 and Project #1011395.
- D. Did you attend a pre-application review team (PRT) meeting? If so, please provide a copy of the notes for the file.
- E. Note that, if a zone change request is denied, you cannot reapply again for one year. (ex. car wash case, NW Abq.- 1000936)
- F. Agency comments will be distributed on Wednesday, February 14th. I will email you a copy of the comments and will forward any late comments to you.

4) Notification & Neighborhood Issues:

- A. Have any neighborhood representatives or members of the public contacted you? Are you aware of any concerns? As of this writing, no one has contacted me.
- B. I received an email regarding a facilitated meeting scheduled for February 22, 2018. Do you know who requested it?

5) Project Letter/Overview:

- A. The project letter contains information that belongs in the justification letter. The mentioning of the Comprehensive Plan and the sector plan, on p. 3 and 4, should be moved to the response to Section C of the justification.
- B. The project letter is repetitive. Please consolidate and reorganize. The history and background information, for example, is on p. 7 after the signature block.

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

- A. Please note: I'm happy to assist you as much as I can, although I cannot write the justification or do the thinking part on behalf of a private party.
- B. No sector development plan is involved, so the request is called a "zone map amendment", or a zone change.
- C. A zone change justification is all about the requirements of R270-1980 and how a proposed project can be demonstrated to fulfill them. The merits of the project, no matter how compelling, are not included in R270-1980. Neither is neighborhood support.

The exercise is to choose applicable Goals and policies from the Comprehensive Plan, and the sector development plan (Goal and objectives), and show how your request furthers (makes a reality) the chosen Goals and policies. Citations of text from the body of the documents are not used because the Goals and policies embody the thoughts in the text.

7) Zone Map Amendment (zone change)- Concepts & Research:

- A. Responding the Sections A-J of R270-1980 is more of a legal exercise than anything else. It is critical to “hit the nail on the head” both conceptually and in terms of form. This can be done by:
- i. answering the questions in the customary way (see examples).
 - ii. using conclusory statements such as “because _____”.
 - iii. re-phrasing the requirement itself in the response (ex. Sections F, G, and H), and
 - iv. choosing an option when needed to respond to a requirement (ex. Sections D, I, and J).
- B. Version 1 (v.1) of the zone change justification (dated January 25, 2018) is a good start but is weak on the policy justification and does not demonstrate understanding of key concepts such as changed conditions or a spot zone.
- C. Here are a couple of recent zone change cases that can serve as examples: Project #1011436 (denied) and Project #1011395 (approved).

Please review these cases to see how Sections A-J are responded to. The Staff report explains in detail regarding why the responses are sufficient or insufficient, so please read the analysis and incorporate that into your own justification.

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

Please address and incorporate the following to provide a strengthened, approvable response to R270-1980. Before you do this, please also see sections 6 and 7 of this memo.

- A. Section A (strengthen): Restate the question in the answer, then add a “because” at the end of the first sentence. Please see examples of how this question is properly answered.

The second sentence is not necessary in the Section A response. It goes in your project letter, which I think is the preceding paragraph.

- B. Section B (re-do): Please add a “because” at the end of the first sentence and see examples of how this question is properly answered.

I’m not following why the response seems to be relying on the IDO, a document that is not in effect yet. That’s not a strong argument. Instead, I suggest focusing on stability of land use and zoning and explain why and how the proposed zone change would not adversely affect them now.

- C. Section C (re-do): The task in Section C is to demonstrate that there is no significant conflict between the proposed zone change and applicable Goals and policies in the 2017 Comprehensive Plan.

- Is the subject site in an Area of Consistency or an Area of Change? See the map in the Comp Plan or the layer in AGIS. It’s highly unlikely that it can be in both.
- Is the subject site in a designated Activity Center or along a designated Corridor?
- Choose applicable Goals and policies to make your case. Chapter 5, Land Use, is not the only chapter in which you might find relevant Goals and Policies.

- Tip: do not choose Goals and policies that have to do with site design, because a site development plan is not a part of the request.
- The individual explanations of how each Goal and policies apply to the proposed zone change are not sufficiently elaborated. Please expand in order to demonstrate the zone change would make each one a reality and how.
- Be sure to include a conclusory statement regarding the entirety of Section C.

Please see examples of how this question is properly answered.

- D. Section D (re-do): The response to D is supposed to start out with: “The existing zoning is inappropriate because _____”, followed by an explanation based on 1, 2, or 3.

Choose one reason and make the case for it. There’s no need to respond to all three, as was done on the second page of the response to Section D.

As for what reason would be most appropriate, please see examples and Staff report analysis regarding how this question is properly answered.

- E. Section E (strengthen): Please discuss the permissive uses in the requested zone, and focus on the ones that have the potential to be harmful. Please see examples of how this question is properly answered.

- F. Section F: OK

- G. Section G (strengthen): Please re-phrase the question in your response using the exact wording.

- H. Section H (strengthen): What is the street classification of Palomas? This needs to be mentioned in the response.

- I. Section I (re-do): Please choose either reason i or reason ii, not both, and make the arguments.

Please see examples of how this question is properly answered.

- J. Section J (re-do): This has to do with whether or not the proposed zone change would create a “strip zone”. Does the subject site meet the definition? Why or why not?

Please see examples of how this question is properly answered.

Lehner, Catalina L.

From: Lehner, Catalina L.
Sent: Monday, February 05, 2018 2:54 PM
To: Rick Bennett (rick@rba81.com)
Subject: Zone Change- Palomas/Barstow
Attachments: 1011513 DM 1.docx

Hi Rick,

Attached is the project memo for the proposed zone change for the three lots on Palomas, near Barstow Ave. I am meeting with Doug to go over this on Wednesday at 10 am, but am providing the document in advance. Thank you.

*Catalina Lehner- MCRP, AICP
Senior Planner
City of Albuquerque, NM
(505) 924-3935*

NEIGHBORHOOD INFORMATION

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Project #: 1011513
Property Description/Address: Lots 12, 13, & 14, Tract A, Unit A, North Albuquerque Acres

Date Submitted: February 23, 2018
Submitted By: Jessie Lawrence

Meeting Date/Time: February 22, 2018, 6:00 PM
Meeting Location: North Domingo Baca Multigenerational Center, 7521 Carmel Ave. NE

Facilitator: Jessie Lawrence
Co-facilitator: Leslie Kryder

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

- **Applicant**
 - o Todd J. Kruger
- **Agent**
 - o RBA Architecture PC
- **Affected Neighborhood Associations (per CABQ notification requirements)**
 - o North Wyoming NA
 - o Countrywood Area NA
 - o District 4 Coalition of Neighborhood Associations

Background/Meeting Summary:

Applicant requests a zone map amendment for Lots 12, 13, & 14, Tract A, Unit A, North Albuquerque Acres, located on Palomas NE due north of the Barstow Park, currently zoned SU-1 PUD. The applicant requests a zone change to O-1 and states that he plans to develop a medical office complex.

Meeting participants expressed concerns about traffic generated by the project, especially the ways in which it would impact the cul-de-sac immediately to the east and the ways in which the impacts would combine with other proposed development and the planned traffic signal at Palomas and Wyoming. They also expressed concerns about the need for landscaping, with neighbors particularly noting the need for trees at the south of the site, where they would be seen by the neighbors across the park, and the need for a sizable landscape buffer along the east of the site where it abuts the cul-de-sac. Other concerns include effects on property values, the appropriateness of a zone change generally, and noise and disturbance from construction. All concerns discussed are summarized in the "Meeting Specifics" section.

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As follow-up, Agent agreed to provide the trip generation analysis for the project and the maps and renderings presented at the meeting.

Outcome:

- *Areas of Agreement*
 - o There was partial agreement regarding the type of landscaping. Meeting participants stated that they wanted good-quality landscaping with many trees, and Agent said that he agreed with that and they hoped to work with neighbors to create landscaping that worked for everyone.
- *Unresolved Issues & Concerns*
 - o Related to the landscaping issue, details still need to be determined for landscaping to meet the concerns of the neighbors. The areas of concern are the south property line and the east property line, abutting the residential neighborhood to the east.
 - o Traffic is already a concern in the neighborhood, and meeting participants are particularly concerned about the combined effects of this development, another proposed project, and a planned stoplight at Palomas and Wyoming. Agent stated that he would share this project's trip generation analysis, not yet available at the time of the meeting, as a follow-up item.
- *Other Key Points*
 - o Meeting participants suggested that the City should complete a larger traffic analysis that looks at the combination of factors affecting traffic on Palomas, and also suggested that perhaps the current projects and the neighborhood associations could work together to accomplish a traffic analysis.

Meeting Specifics:

1) Overview of Project

- a) Rick Bennett, Architect at RBA Architecture and Project Agent, stated that the request at issue is a zone change from planned residential to office, and Applicant Todd Kruger plans to develop high-quality offices geared toward medical care.
- b) The property is located on the south side of Palomas and is surrounded by assisted living to the north, a nursing home to the west, Barstow Park and a drainage to the south, and a small residential subdivision to the east.
- c) The medical offices are expected to be open weekdays 9 AM – 5 PM, and are likely to have staggered traffic throughout the day, rather than primarily peak-hour traffic.
- d) The planned buildings are one-story buildings designed on an angle, without set front and back sides.
- e) The zone request is for straight O-1 zoning.
- f) Each of the three units will be on an individual lot, though they will be designed to look like one project.
- g) Parking is designed to be evenly distributed around the buildings.

2) Questions and Concerns about Traffic

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- a) A meeting participant stated that they live in the cul-de-sac to the east and are concerned about the increase in traffic, when there is already more than enough traffic.
 - i) Agent noted that a medical office wouldn't create heavy traffic at peak hours, but would create a steady level of traffic.
 - ii) The meeting participant said that steady volume of traffic throughout the day is what they are concerned about.
 - iii) Another meeting participant stated that increased traffic could decrease property values in the cul-de-sac.
 - (1) Agent stated that he didn't believe property values would be affected either way.
 - b) A meeting participant expressed disappointment that a traffic trip generation analysis was not available for the facilitated meeting, and expressed concern that there is no analysis of the impacts from the combination of this project, the proposed daycare across from the Countrywood subdivision, and the planned traffic signal at Palomas and Wyoming.
 - i) The meeting participant also noted that the trip generation analysis for the proposed daycare did not address the shared access with their neighbor.
 - c) A meeting participant suggested that this project, the other proposed project on the street, and the neighborhood associations might be able to split the cost of a traffic study, which would make the neighbors more comfortable and provide a better understanding of what will happen.
 - d) A meeting participant asked if Agent would provide the trip generation analysis as a follow-up item.
 - i) Agent said that he would.
 - e) A meeting participant asked why the entries to the site are 30 feet wide.
 - i) Agent said that he designed 30-foot entrances so cars can easily pull around and into the parking spaces nearest the street.
 - f) A meeting participant asked who is responsible for the work on the sidewalks and gutter.
 - i) Agent said that the City is responsible, and that work would be coordinated with the building construction.
 - g) A meeting participant asked if on-street parking would be allowed in front of the site.
 - i) Agent said that he believed that on-street parking is permitted by the City, and also said that he expected that there wouldn't be much street parking from this project because of the parking available on the site.
 - ii) A meeting participant noted that cars have been parking along the street and expressed concern about the amount of street parking.
- 3) Questions and Concerns about Site Landscaping**
- a) A meeting participant said that she lives on Krim, on the south side of the park across from the site, and asked if dumpsters or the rear of the building would be seen from those homes.

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- i) Agent said that the buildings are designed to be accessible from all sides, so there would be a visible building access, and there are one or two dumpster areas in 6-foot high walled enclosures.
 - ii) The meeting participant requested more landscaping, specifically more trees, so that neighbors would see green trees rather than walls.
 - iii) The meeting participant noted that the retirement community took away her view, and said that she desired more tall landscaping.
 - iv) The meeting participant said that she recognizes that a medical facility fits in the area and she is not opposed to the project, but she doesn't want to look at the back of a building.
 - v) Agent said that they would meet or exceed the Albuquerque code requirements for landscaping and would be willing to work with neighbors.
 - b) A meeting participant said that she lives in the cul-de-sac to the east with a wall very close to the project site, and expressed concern about cars and noise being located very close to her house.
 - i) Agent stated that the code requires a 10-foot landscape buffer from residential areas and said that they would work with the neighbor to locate landscaping strategically and increase the height of the wall at the property line.
 - ii) The meeting participant requested a larger buffer, more trees, or moving the parking spaces in this area.
 - (1) Another meeting participant noted that more trees mean more leaves to clean up.
 - c) A meeting participant asked for clarification of the planned walls and buffers.
 - i) Agent clarified that there is no wall planned on the south side; on the east side, the code requires a six-foot wall at the property line and a 10-foot landscape buffer.
 - d) A meeting participant expressed concern about a lack of a wall on the south side of the property, stating that there are transients coming through the arroyo that may hide between dark office buildings, and also stating that there could be safety issues from children from the park running into the parking lot.
 - i) Agent stated that they would rather not put up too many walls.
 - ii) Another meeting participant stated that most of the kids in the park are small children with their parents, and stated that she is not very concerned about children running into the parking lot.
 - e) A meeting participant asked if the existing wire and post fence would be removed.
 - i) Agent said it would be removed.
 - f) A meeting participant stated that trees are cheap and would be the easiest way to make the neighbors happy.
 - i) The meeting participant commented that the retirement facility was asked to put up trees, but did not do so; trees would be a cheap fix and would be good for the environment.
- 4) Questions and Concerns about Zoning Issues**
- a) A meeting participant asked what makes this request different from spot zoning.

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- i) Agent said that they have the obligation of showing that the change is not injurious, that it meets the comprehensive plan's intent, and that it isn't a spot zone.
 - ii) Agent said that there are a number of related uses adjacent and nearby, and this is an example of mixed use integration into the neighborhood.
 - b) A meeting participant asked what the nearby commercial lots were zoned.
 - i) Agent gave examples of SU-2 C1, SU-1 Nursing Home, and SU-2 O1.
 - ii) Agent stated that the project will not devalue adjoining properties.
 - c) A meeting participant asked what would happen to the property under the IDO if the zone change is not granted.
 - i) Agent said that the zoning would allow mixed residential and office.
 - ii) Agent said that the Applicant's goal is to get the O-1 zoning in place as soon as possible so development can proceed.
 - d) A meeting participant asked if the O-1 zoning would allow other types of offices.
 - i) Agent said that it could allow any use permitted under the O-1 zone, including other types of offices, but would not allow retail or commercial uses.
 - (1) Agent gave examples of attorney or real estate offices.
 - ii) A meeting participant asked if a school or church would be a possibility.
 - (1) Applicant said those would be permitted under the O-1 zone, but the property is probably too valuable for that to occur.
- 5) Other Questions and Concerns**
- a) A meeting participant asked whether the walking trail along the arroyo would be affected.
 - i) Agent said it would not be affected, and said that Applicant plans to keep access open between the site and the park, rather than building a wall.
 - b) A meeting participant asked how many offices are planned for each building.
 - i) Agent said that each building would have a common core area, then space to be shared by perhaps three doctors.
 - ii) Agent stated that they had considered two-story buildings, but decided against it.
 - (1) A meeting participant asked if they could guarantee that the buildings would be one story.
 - (2) Agent committed to this project being one story.
 - c) A meeting participant asked, if this development increases the value of the properties in the area, would it increase neighbors' property taxes?
 - i) Agent stated that it would probably not affect the tax burden on nearby residential properties because of how properties are valued and the differences between commercial and residential properties.
 - d) A meeting participant asked about the size of each building.
 - i) There are three buildings, each 10,000 square feet.
 - e) A meeting participant asked what kind of doctors would be in the building.
 - i) Applicant stated that the O-1 would allow any kind of medical professional, and he did not yet have buyers lined up.

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- f) A meeting participant said that this seems like a good project and he is in favor of it.
- g) A meeting participant asked about lighting on the property.
 - i) Agent said that they do not have plans for parking lot lighting; there will be wall packs on the building pointed downward and compliant with City of Albuquerque requirements.
- h) A meeting participant asked how long it would take for the property to be built.
 - i) Applicant said the first building is planned for mid-summer, with the shell complete and the inside built to suit.
 - ii) The project will be completed in three phases.
- i) A meeting participant asked what the hours of construction would be, and said that when other construction was done, it started as early as 4 AM with noise and lights into bedrooms.
 - i) Agent said that they believed 7 AM is a standard start time, and they would comply with any ordinances.
 - ii) The meeting participant commented that 7 AM is still too early, especially for neighbors with children.
 - iii) Agent suggested that if the improvements to the wall between the site and the cul-de-sac are completed first, it could reduce the noise and light.
- j) A meeting participant asked if the applicant could share the maps and drawings presented at the meeting with the neighbors.
 - i) Agent agreed to send them via the meeting facilitator.

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 Bohannon, Chair, Council District 5
 - Bill McCoy III, Vice Chair, Council District 9
 - Dan Serrano, Council District 1
 - Vacant, Council District 3
 - Peter Nicholls, Council District 4
 - Maia Mullen, Council District 6
 - David Shaffer, Council District 7
 - Karen Hudson, Chair, Council District 8
2. Hearing Time:
 - i. The hearing is scheduled for March 8, 2018.
 - ii. The Commission will begin hearing applications at 8:30 a.m.
 - iii. The actual time this application will be heard by the Commission will depend on the applicant's position on the Commission's schedule.
 - iv. The agenda is posted on <http://www.cabq.gov/planning/boards-and-commissions/environmental-planning-commission> on the Friday immediately prior to the EPC Hearing.
3. Hearing Process:

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- 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.
4. Comment Submission:
- i. Comments may be sent to:

Catalina Lehner, Staff Planner
600 2nd Street NW, Third Floor
Albuquerque, NM 87102
clehner@cabq.gov
(505) 924-3935

OR

Derek Bohannon, Chair, EPC
Bill McCoy III, Vice Chair, EPC
c/o Planning Department
600 2nd St, NW, Third Floor
Albuquerque, NM 87102

Names & Affiliations of Attendees:

Bob Borgeson	CWFOA
Leona Rubin	
John Rivers	
Richard McInturff	CWFOA
Nanci Carriveau	NWNA
Tracy Guidry	NWNA
Nancy Kazik	CWFOA
Don Reynolds	NWNA
Martha Reynolds	NWNA
Ilona Schwab	CWFOA
Rick Bennett	RBA Architecture
Ben Palmer	CWFOA
Grace Mirretti	
Ann Rose	Palomas Park
Tracy DeMattos	Palomar Ct
Adil Rizvi	Engineer
Shakeel Rizvi	Engineer
Todd Kruger	Applicant

Notification Inquiry_Barstow and Palomas_EPC

1 message

Quevedo, Vicente M. <vquevedo@cabq.gov>
 To: "rick@rba81.com" <rick@rba81.com>

Rick,

See list of affected associations below and attached related to your upcoming EPC submittal. Please also review the attached instruction sheet.

Association Name	First Name	Last Name	Address Line 1	City	State	Zip	Mobile Phone	Phone
North Wyoming NA	Nanci	Carriveau	8309 Krim Drive NE	Albuquerque	NM	87109		5058218673
North Wyoming NA	Tracy	Guidry	8330 Krim Drive NE	Albuquerque	NM	87109	5052637016	5052930898
Countrywood Area NA	Paul	Phelan	8201 Countrywood Drive NE	Albuquerque	NM	87109		5058583148
Countrywood Area NA	Christine	Messersmith	7904 Woodridge Drive NE	Albuquerque	NM	87109		5058219839
District 4 Coalition of Neighborhood Associations	Breanna	Bloomquist	1844 Man O War Street SE	Albuquerque	NM	87123		5059484053
District 4 Coalition of Neighborhood Associations	Michael	Pridham	3901 Georgia Street NE, Building F	Albuquerque	NM	87110	5053212719	5058721900

Respectfully,

Vicente M. Quevedo, MCRP

Neighborhood Liaison, Office of Neighborhood Coordination

City of Albuquerque – City Council

(505) 768-3332

cabq.gov/neighborhoods

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From: webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] On Behalf Of webmaster@cabq.gov

Sent: Monday, January 22, 2018 12:59 PM

To: Office of Neighborhood Coordination <onc@cabq.gov>

Subject: Notification Inquiry Sheet Submission

Notification Inquiry For:

Environmental Planning Commission Submittal

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

Submittal application due Thursday the 25th | Prompt response would be appreciated, Thank you!



January 24, 2018

Various Neighborhood Associations
Various Addresses as provided by CABQ
Albuquerque, NM 87109

**Re: PALOMAS MEDICAL OFFICE BUILDINGS
8300 / 8310 / 8320 Palomas Ave NE
Albuquerque, NM 87109**

This letter of notification is submitted for Lots 12, 13 & 14, Tract A, Unit A of the North Albuquerque Acre subdivision located on Palomas NE due north of the Barstow Park.

The Owner is requesting a zone change from the existing SU-1PUD which allows 6 dwelling units per acre to O-1 zone which allows medical offices. Because of the proximity to Nursing Home and Assisted Living which are adjacent to this property, he would like to develop a medical office complex with the hours of operation from 9-5 Monday through Friday.

The EPC hearing for this application will be held on March 8, 2018 at 8:30 a.m. at the Plaza Del Sol building located at 600 2nd Street NW.

Please note, affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Alternative Dispute Resolution (ADR) Program by email at striplett@cabq.gov, by phone at (505) 768-4712 or (505) 768-4660. A facilitated meeting request must be received by ADR by February 5, 2018.

If you have any questions, please feel free to call or e-mail Doug Gallagher at RBA Architecture at doug@rba81.com.

Sincerely,

A handwritten signature in blue ink that reads 'Rick Bennett'.

Rick Bennett
Architect

7016 0600 0000 8295 2826

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Certified Mail Fee	\$3.45	0101
Extra Services & Fees (check box, add fee as appropriate)	\$2.75	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage \$0.50

Total Postage \$4.95

Sent To: **North Cariveau**
 North Wyoming NA
 8309 Krim Drive NE
 Albuquerque, NM 87109

Postmark Here: **JAN 24 2018**

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

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Extra Services & Fees (check box, add fee as appropriate)	\$2.75	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage \$0.50

Total Postage \$4.95

Sent To: **Tim Guidry**
 North Wyoming NA
 8330 Krim Drive NE
 Albuquerque, NM 87109

Postmark Here: **JAN 24 2018**

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

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Extra Services & Fees (check box, add fee as appropriate)	\$2.75	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage \$0.50

Total Postage \$4.95

Sent To: **Gene Messersmith**
 Countrywood Area NA
 7904 Woodridge Drive NE
 Albuquerque, NM 87109

Postmark Here: **JAN 24 2018**

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

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Extra Services & Fees (check box, add fee as appropriate)	\$2.75	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage \$0.50

Total Postage \$4.95

Sent To: **John Helan**
 Countrywood Area NA
 8201 Countrywood Drive NE
 Albuquerque, NM 87109

Postmark Here: **JAN 24 2018**

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ALBUQUERQUE, NM 87110

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Extra Services & Fees (check box, add fee as appropriate)	\$2.75	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage \$0.50

Total Postage \$4.95

Sent To: **Michael Pridham**
 District 4 Coalition of Neighborhood Assoc.
 3901 Georgia Street NE | Bldg. F
 Albuquerque, NM 87110

Postmark Here: **JAN 24 2018**

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ALBUQUERQUE, NM 87123

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Certified Mail Fee	\$3.45	0101
Extra Services & Fees (check box, add fee as appropriate)	\$2.75	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage \$0.50

Total Postage \$4.95

Sent To: **Barbara Bloomquist**
 District 4 Coalition of Neighborhood Assoc.
 1844 Man O War Street NE
 Albuquerque, NM 87123

Postmark Here: **JAN 24 2018**

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 OLD ALBUQUERQUE
 2016 CENTRAL AVE SW
 ALBUQUERQUE
 NM
 87104-9998
 3401400104
 01/25/2018 (800)275-8777 3:48 PM

Product Description	Sale Qty	Final Price
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First-Class Mail Letter	1	\$0.50
(Domestic) (ALBUQUERQUE, NM 87107) (Weight:0 Lb 0.70 Oz) (Estimated Delivery Date) (Saturday 01/27/2018)		
Certified	1	\$3.45
(@@USPS Certified Mail #) (7016060000082952871)		
Return Receipt	1	\$2.75
(@@USPS Return Receipt #) (9590940225786336325891)		
First-Class Mail Letter	1	\$0.50
(Domestic) (ALBUQUERQUE, NM 87109) (Weight:0 Lb 0.60 Oz) (Estimated Delivery Date) (Saturday 01/27/2018)		
Certified	1	\$3.45
(@@USPS Certified Mail #) (7016060000082952987)		
Return Receipt	1	\$2.75
(@@USPS Return Receipt #) (9590940225776336720390)		
First-Class Mail Letter	1	\$0.50
(Domestic) (VANCOUVER, WA 98662) (Weight:0 Lb 0.70 Oz) (Estimated Delivery Date) (Monday 01/29/2018)		
Certified	1	\$3.45
(@@USPS Certified Mail #) (7016060000082952970)		
Return Receipt	1	\$2.75
(@@USPS Return Receipt #) (9590940225776336720406)		
	1	\$0.50

(Domestic)
 (ALBUQUERQUE, NM 87109)
 (Weight:0 Lb 0.70 Oz)
 (Estimated Delivery Date)
 (Saturday 01/27/2018)

Certified 1 \$3.45
 (@@USPS Certified Mail #)
 (7016060000082952925)

Return Receipt 1 \$2.75
 (@@USPS Return Receipt #)
 (9590940225776336720451)

First-Class Mail Letter 1 \$0.50
 (Domestic)
 (ALBUQUERQUE, NM 87109)
 (Weight:0 Lb 0.60 Oz)
 (Estimated Delivery Date)
 (Saturday 01/27/2018)

Certified 1 \$3.45
 (@@USPS Certified Mail #)
 (7016060000082952918)

Return Receipt 1 \$2.75
 (@@USPS Return Receipt #)
 (9590940225776336720468)

First-Class Mail Letter 1 \$0.50
 (Domestic)
 (ALBUQUERQUE, NM 87109)
 (Weight:0 Lb 0.60 Oz)
 (Estimated Delivery Date)
 (Saturday 01/27/2018)

Certified 1 \$3.45
 (@@USPS Certified Mail #)
 (7016060000082952901)

Return Receipt 1 \$2.75
 (@@USPS Return Receipt #)
 (9590940225776336720475)

First-Class Mail Letter 1 \$0.50
 (Domestic)
 (ALBUQUERQUE, NM 87103)
 (Weight:0 Lb 0.60 Oz)
 (Estimated Delivery Date)
 (Monday 01/29/2018)

Certified 1 \$3.45
 (@@USPS Certified Mail #)
 (7016060000082952895)

Return Receipt 1 \$2.75
 (@@USPS Return Receipt #)
 (9590940225776336720482)

First-Class Mail Letter 1 \$0.50
 (Domestic)
 (ALBUQUERQUE, NM 87109)
 (Weight:0 Lb 0.70 Oz)
 (Estimated Delivery Date)
 (Saturday 01/27/2018)

Certified 1 \$3.45

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ALBUQUERQUE, NM 87199	
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Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as applicable)	\$2.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.50
Total Postage and Fees	\$8.70
Sent To	Hutchinson Lana K PO Box 90745 Albuquerque, NM 87199-0745
Street and Apt. No	
City, State, ZIP+4®	
Postmark Here	0104 01 01/25/2018
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



January 24, 2018

Various Neighborhood Associations
Various Addresses as provided by CABQ
Albuquerque, NM 87109

**Re: PALOMAS MEDICAL OFFICE BUILDINGS
8300 / 8310 / 8320 Palomas Ave NE
Albuquerque, NM 87109**

This letter of notification is submitted for Lots 12, 13 & 14, Tract A, Unit A of the North Albuquerque Acre subdivision located on Palomas NE due north of the Barstow Park.

The Owner is requesting a zone change from the existing SU-1PUD which allows 6 dwelling units per acre to O-1 zone which allows medical offices. Because of the proximity to Nursing Home and Assisted Living which are adjacent to this property, he would like to develop a medical office complex with the hours of operation from 9-5 Monday through Friday.

The EPC hearing for this application will be held on March 8, 2018 at 8:30 a.m. at the Plaza Del Sol building located at 600 2nd Street NW.

Please note, affected Neighborhood Associations and Homeowner Associations may request a Facilitated Meeting regarding this project by contacting the Alternative Dispute Resolution (ADR) Program by email at striplett@cabq.gov, by phone at (505) 768-4712 or (505) 768-4660. A facilitated meeting request must be received by ADR by February 5, 2018.

If you have any questions, please feel free to call or e-mail Doug Gallagher at RBA Architecture at doug@rba81.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Bennett", with a long horizontal flourish extending to the right.

Rick Bennett
Architect

✓ NEW MEXICO EDUCATORS FEDERAL
CREDIT UNION
4100 PAN AMERICAN FWY NE BLDG B
ALBUQUERQUE NM 87107-4752

~~DOUGHTY ENTERPRISES INC
7009 PROSPECT PL NE
ALBUQUERQUE NM 87109~~

✓ MARRERO JOSE RAUL & NORA LUZ
6601 GLENDORA DR NE
ALBUQUERQUE NM 87109

✓ HELGESEN DONNA D & RICHARD E
7901 PALOMAR CT NE
ALBUQUERQUE NM 87109-5266

✓ HUTCHISON LANA K
PO BOX 90745
ALBUQUERQUE NM 87199-0745

✓ LAS PALOMAS HEALTH CARE CO
1661 OLD HENDERSON RD
COLUMBUS OH 43220-3644

~~DOUGHTY ENTERPRISES INC
7009 PROSPECT PL NE
ALBUQUERQUE NM 87109~~

~~DOUGHTY ENTERPRISES INC
7009 PROSPECT PL NE
ALBUQUERQUE NM 87109~~

✓ WYCHE BEVERLY H
7900 PALOMAR CT NE
ALBUQUERQUE NM 87109-5266

✓ PALOMA LANDING RETIREMENT
RESIDENCE LLC
PO BOX 847
CARLSBAD CA 92018

✓ DEMATTOS ANDREW J & TRACY A
DALESSANDRO
9517 GIDDINGS AVE NE
ALBUQUERQUE NM 87109-6412

✓ CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

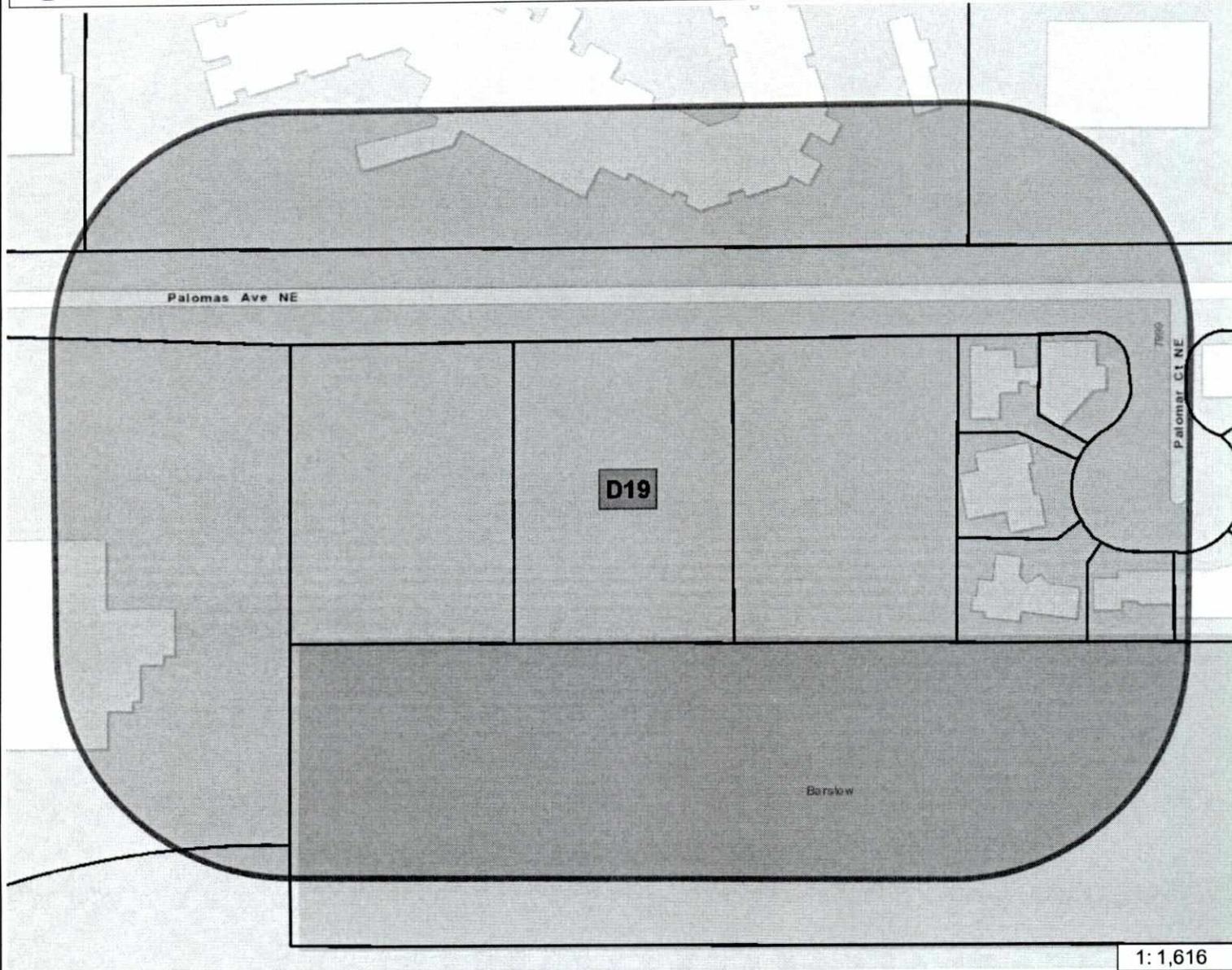
✓ DONLIN TIMOTHY & KATHLEEN
7913 PALOMAR CT NE
ALBUQUERQUE NM 87109

✓ WILLIAMS DAVID F & JULANNE
7904 PALOMAR CT NE
ALBUQUERQUE NM 87109

✓ NORTH RIDGE NM LLC C/O HARBERT
MGT CORP
5101 NE 82ND AVE SUITE 200
VANCOUVER WA 98662-6343



8300, 8312, 8320 Palomas

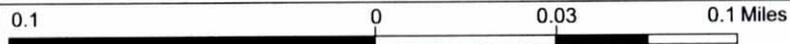


Legend

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

Notes

Buffer: 175ft.
 ROW: Palomas Ave. NE 75ft.



WGS_1984_Web_Mercator_Auxiliary_Sphere
 1/25/2018 © City of Albuquerque

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 1,616

7016 0600 0000 8295 2987

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Extra Services & Fees (check box, add fee as appropriate)	\$2.75	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and	\$8.70	

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01/25/2018

Sent To: Demattos Andrew J &
Tracy A Dalessandro
9517 Giddings Ave NE
Albuquerque, NM 87109-6412

City, State, ZIP+4®

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and	\$8.70	

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Sent To: North Ridge NM LLC
c/o Harbert Mgt Corp
5101 NE 82nd Ave Suite 200
Vancouver, WA 98662-6343

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and	\$8.70	

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01/25/2018

Sent To: Paloma Landing Retirement
Residence, LLC
PO Box 847
Carlsbad, CA 92018

City, State, ZIP+4

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and	\$8.70	

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01/25/2018

Sent To: WAFU
4100 Pan American Fwy NE Bldg B
Albuquerque, NM 87107-4752

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and	\$8.70	

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01/25/2018

Sent To: Romero Jose Raul & Nora Luz
6601 Glendora Dr NE
Albuquerque, NM 87109

City, State, ZIP+4

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ALBUQUERQUE, NM 87103

Certified Mail Fee	\$3.45	
Extra Services & Fees (check box, add fee as appropriate)	\$2.75	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and	\$8.70	

0104 01
Postmark Here

01/25/2018

Sent To: City of Albuquerque
PO Box 1293
Albuquerque, NM 87103-2248

City, State, ZIP+4

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0104
01

Postmark
Here

Postage

\$0.50

Total Postage and

\$8.70

Sent To

Helgesen Donna D & Richard E

7901 Palomar Ct NE

Albuquerque, NM 87109-5266

Street and Apt. No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

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COLUMBUS, OH 43220

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0104
01

Postmark
Here

Postage

\$0.50

Total Postage and

\$8.00

Sent To

Las Palomas Health Care Co.

1661 Old Henderson Rd.

Street and Apt. No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0104
01

Postmark
Here

Postage

\$0.50

Total Postage and

\$6.70

Sent To

Doughty Enterprises, Inc.

7009 Prospect PI NE

Albuquerque, NM 87109

Street and Apt. No.

City, State, ZIP+4®

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0104
01

Postmark
Here

Postage

\$0.50

Total Postage and

\$6.70

Sent To

Donlin Timothy & Kathleen

7913 Palomar Ct NE

Albuquerque, NM 87109

Street and Apt. No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

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01/25/2018

Lehner, Catalina L.

From: Lehner, Catalina L.
Sent: Tuesday, February 27, 2018 11:36 AM
To: 'leona rubin'
Subject: RE: Proposed zone change project #1011513

Hi Leona,

Residents and other interested parties are encouraged to participate in the Environmental Planning Commission (EPC) process through commenting, attending facilitated meetings, and speaking at the hearing. From what has happened historically in the area, I can see why homeowners feel cheated.

As for what will be built on the vacant lot, these questions can be dealt with in these ways:

- 1) by understanding what is allowed and what is not in the proposed O-1 zone; and
- 2) by understanding what the Zoning Code requires regarding parking, landscaping, buffering, etc., and
- 3) through working with the architect regarding design of the site and the buildings, and letting him know you know what is required and expect it to happen.

I can help you with 1 and 2, above and would be glad to discuss requirements with you and any other neighbors via email, phone, or in person.

Please understand that this is not something I am doing to you or anyone else personally. My role is to work as Staff to the EPC and analyze requirements. The EPC is a nine-member citizen body, who will make the decision regarding the zone change. There is no requirement that the proposed site development plan go through the EPC process.

Thank you.

-Catalina Lehner, Senior Planner
924-3935

-----Original Message-----

From: leona rubin [<mailto:leonarubin44@gmail.com>]
Sent: Monday, February 26, 2018 5:43 PM
To: Lehner, Catalina L.
Subject: Proposed zone change project #1011513

Do the residents really have a vote in this matter? Homeowners were told that there would be no three story buildings at the senior living facility. That turned out to be not true. Homeowners were told that the proposed bank would have no ATM. This turned out to be not true. The proposed office complex is to be "medical" type offices opened only 9to 5. I worked at a medical office. I had to be there at 7:30every day. There were at least two or three meetings at 7 A.m. every week. Our office closed at 6 P.M. it seems as though the new zoning will allow any type of office including those with weekend and evening hours. So the homeowners feel very cheated and helpless to do anything about a severe change in the neighborhood including more traffic with additional noise and pollution and a tremendous amount of noise and air pollution as the construction will go on for many months. We spent our hard earned money on a house in a nice quiet neighborhood. We are very upset that you are doing this to us.

Leona Rubin
7916 Palomar Court NE, 87109

Lehner, Catalina L.

From: Tracy D'Alessandro <dalessandro29@hotmail.com>
Sent: Friday, February 23, 2018 1:13 PM
To: Lehner, Catalina L.
Subject: Fw: Facilitated Meeting Scheduled: CABQ Land Use Project #1011513

Hello Catalina,

I am wiring about Land Use Project #1011513. Please see below 2 emails. One is from me to Jessie Eaton Lawrence which includes an image of my home and it's very close proximity to the proposed project. The other is her reply to me. Would you be able to submit my email and image as a comment regarding the application, as Jessie suggested below?

Thank you,

Tracy DeMattos

From: Jessie Lawrence <jessie@lawrencemeetingresources.com>
Date: February 23, 2018 at 9:21:42 AM MST
To: "Tracy D'Alessandro" <dalessandro29@hotmail.com>
Subject: Re: Facilitated Meeting Scheduled: CABQ Land Use Project #1011513

Thank you, Tracy. I will forward this to Rick Bennett, who was the primary presenter and is the project agent.

Because this comes after the meeting, I can't include your message as part of my report. In addition to sharing it with the applicant, I'd encourage you to contact the city staff directly to also submit it as a comment regarding the application. I believe that the staff planner on the project is Catalina Lehner, and you can contact her at clehner@cabq.gov.

Please let me know if I can assist in any other way.

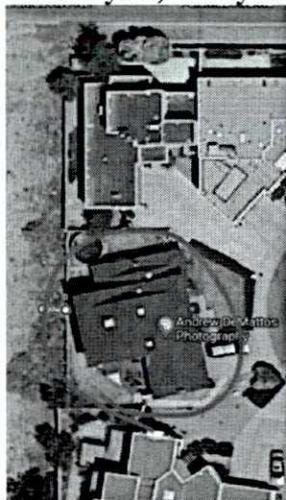
Jessie

Jessie Eaton Lawrence, JD, MUP, AICP
Attorney at Law and Mediator
Lawrence Meeting Resources
Physical Address: 128 Grant #214, Santa Fe, NM 87501
Mailing Address: PO Box 31854, Santa Fe, NM 87594
Phone: 505-603-4351
Website: lawrencemeetingresources.com

On Fri, Feb 23, 2018 at 7:21 AM, Tracy D'Alessandro <dalessandro29@hotmail.com> wrote:

Hello Jessie. Per last nights meeting, please see below an overview of my house that backs up to the proposed project. They talked about a 10 foot buffer. Due to the extreme closeness of my home, I am writing to request a possible larger buffer, more trees, and/or less available parking directly behind my home. Can you please forward this photo to the land owner, the architect and all of the other decision makers that were at the meeting last night. I am hoping if they see the closeness of my home to the project they will better understand my concerns.

Thank you, Tracy D'Alessandro DeMattos.



Sent from my iPhone

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Tracy D'Alessandro <dalessandro29@hotmail.com>
Sent: Friday, February 23, 2018 3:44 PM
To: Lehner, Catalina L.
Subject: Palomar Ct

Thank you very much for your response. Here is another photo (mine is the one with the blue dot). Thought maybe this one should be included as well, if possible



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This message has been analyzed by Deep Discovery Email Inspector.