

***Environmental  
Planning  
Commission  
Staff Report***

***Agenda Number: 1***  
***Project #: PR 2020-004595***  
***Case #: RZ 2021-00002***  
***Hearing Date: February 18, 2021***

<b>Agent</b>	JAG Planning & Zoning
<b>Applicant</b>	505 Solutions LLC
<b>Request</b>	<b>Zoning Map Amendment (Zone Change)</b>
<b>Legal Description</b>	All or a portion of Parcels A & B and Parcels 1 & 3, Lands of Albuquerque Ranch Estates and Lands of Albuquerque Academy
<b>Location</b>	Located west of Tramway Blvd. NE, between Spain Rd. NE and Academy Rd. NE
<b>Size</b>	Approximately 4.7 acres
<b>Existing Zoning</b>	PD
<b>Proposed Zoning</b>	R-1D

### Staff Recommendation

***APPROVAL of RZ 2021-00002, based on the Findings within this report.***

**Staff Planner**  
**Linda Rumpf**

### Summary of Analysis

The request is for a zoning map amendment (zone change) for an approximately 4.7-acre site known as Parcels A & B and Parcels 1 & 3, Lands of Albuquerque Ranch Estates and Lands of Albuquerque Academy, located west of Tramway Blvd. NE, between Spain Rd. NE and Academy Rd. NE. The subject site currently is vacant.

The subject site is zoned PD (Planned Development) and the applicant is requesting R-1D (Residential – Single Family) zoning. The zone change will allow the site to develop as single-family housing. The current zone is intended to provide “small and medium scale projects that cannot be accommodated within the existing zone district. This zone change will allow the subject site to develop with large residential lots that the PD zone currently does not allow.

The zone map amendment has been adequately justified pursuant to the IDO Review and Decision criteria for zone changes 14-16-6-7(G)(3) based on the proposed zoning which being more advantageous to the community.

Neighborhood Associations were notified along with property owners within 100 feet of the subject site as required. There is no known opposition. Staff recommends approval.





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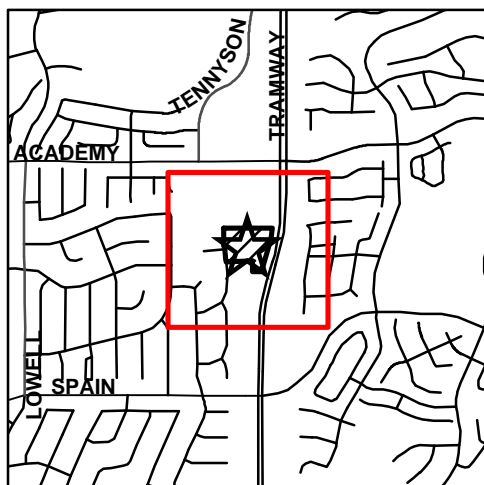
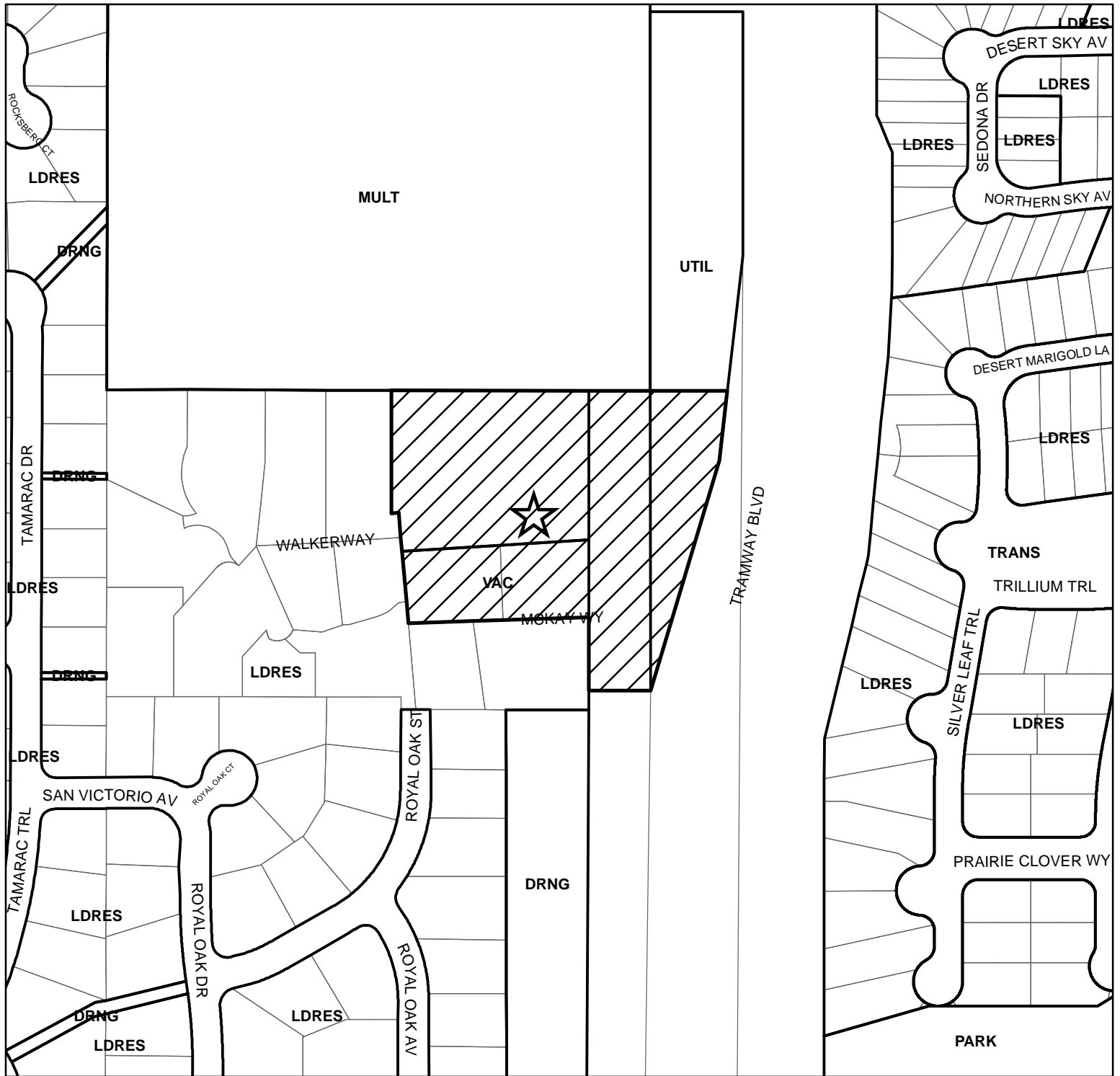
Case Numbers:  
RZ-2021-00002

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## LAND USE MAP

Note: Gray shading  
indicates County.

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



1 inch = 225 feet

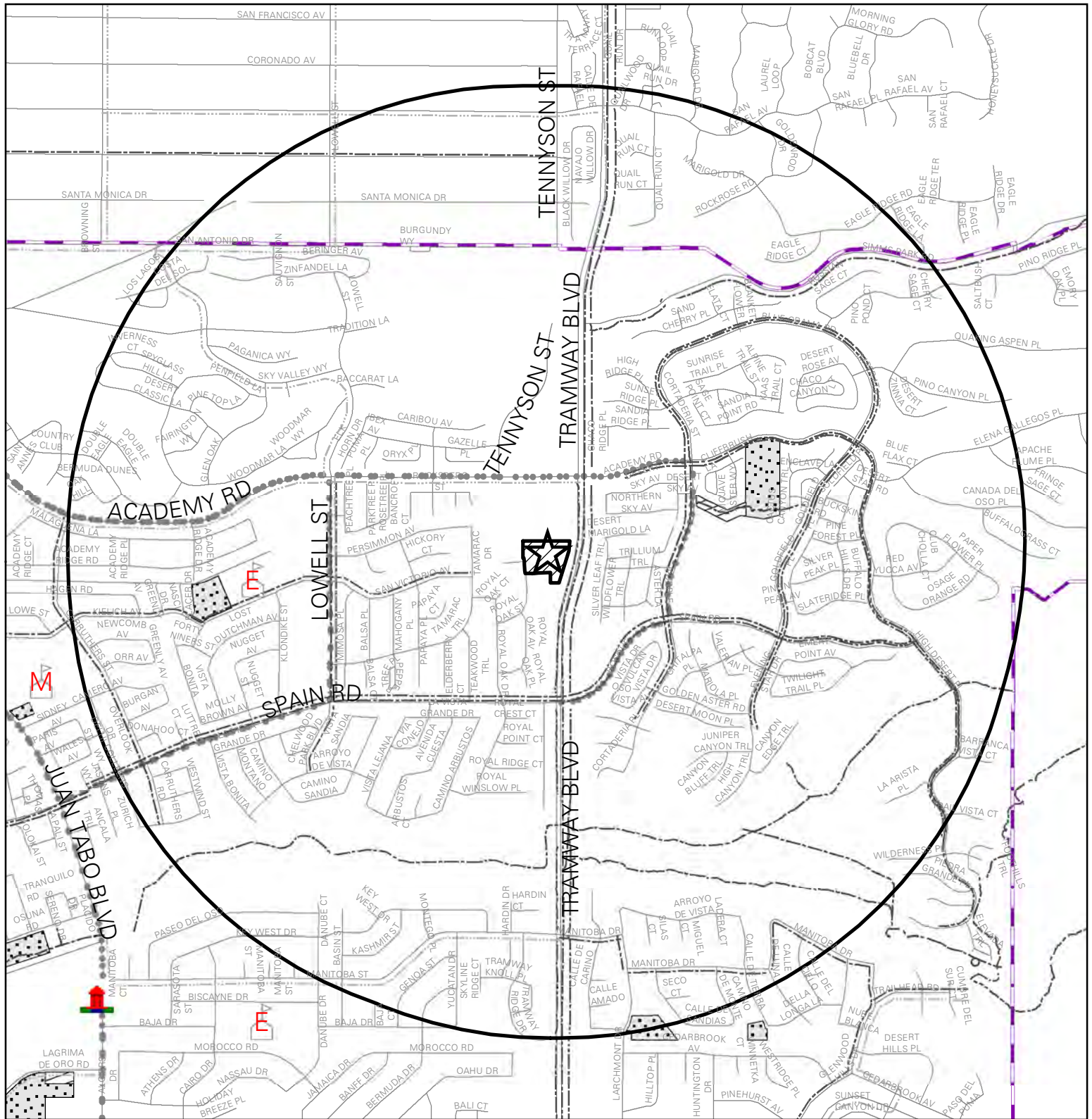
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RZ-2021-00002

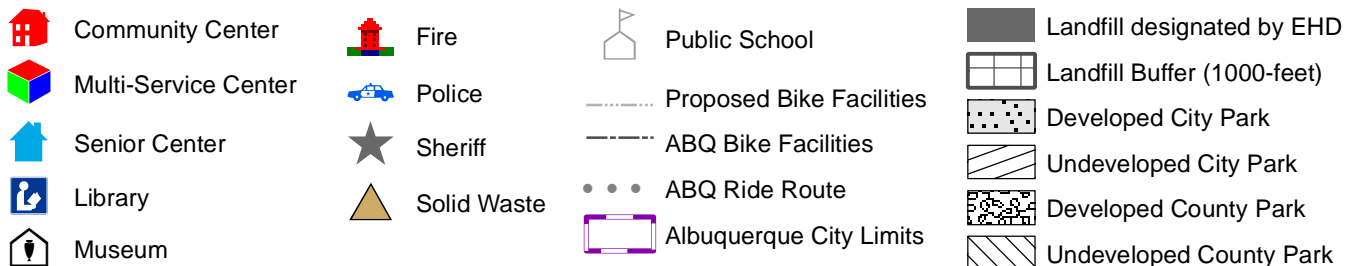
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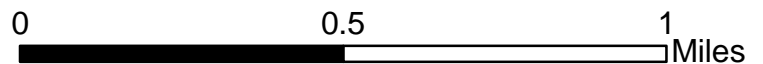




## Public Facilities Map with One-Mile Buffer



Project Number: PR-2020-004595





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## **I. OVERVIEW**

### ***Surrounding zoning, plan designations, and land uses:***

	<b><i>Zoning</i></b>	<b><i>Comprehensive Plan Area</i></b>	<b><i>Land Use</i></b>
<b><i>Site</i></b>	PD	Area of Consistency	Vacant
<b><i>North</i></b>	MX-L	Area of Consistency	Commercial Retail
<b><i>South</i></b>	R-1D	Area of Consistency	Low-density Residential
<b><i>East</i></b>	PD	Area of Consistency	Utilities / PNM
<b><i>West</i></b>	R-1C	Area of Consistency	Low-density Residential

### ***Request***

The request is for a zoning map amendment (zone change) for an approximately 4.7-acre site known as: all or a portion of Parcels A & B and Parcels 1 & 3, Lands of Albuquerque Ranch Estates and Lands of Albuquerque Academy, located west of Tramway Blvd. NE, between Spain Rd. NE and Academy Rd. NE. The subject site currently is vacant.

The subject site is currently zoned PD (Planned Development) and the applicant is requesting R-1D (Residential – Single Family) zoning for the site. The zone change request to R-1D will enable the applicant to build single family dwelling units on individual lots. The current zone is intended to provide “small and medium scale innovated projects that cannot be accommodated through the use of base zone districts.

The applicant states that the R-1D zone district is more in line with developing this vacant property than what is currently allowed and that the proposed zoning would be more advantageous to the community than the current zoning.

### ***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. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would then make the final decision. The subject request is a quasi-judicial matter.

### ***Context***

The subject site is within the Foothills Community Planning Area and is designated as an “Area of Consistency” in the 2017 Albuquerque/Bernalillo County Comprehensive Plan.

The subject site is currently undeveloped. The land use is currently classified as vacant land. The surrounding area is comprised of mostly single-family dwellings with multi-family immediately north of the site. Also, immediately east and within the subject site, is a large Public Service of New Mexico (PNM) 115kv Transmission Structure, which are typically 72’ in height, as determined by the most recently adopted Electric Facility Plan (2010-2020). Located across Tramway, east of the subject site are more single-family residential developments.



### ***History***

The subject site is currently vacant with asphalt paving since the site had been previously used as a construction office area for the single-family residential development to the west. These parcels are part of a gated single-family residential development that were intended to be developed as single-family residential years ago.

Prior to the adoption of the Integrated Development Ordinance (IDO), the subject property was zoned RD. However, since the site was not developed, the property was zoned PD during the IDO conversion process to retain pre-existing entitlements of the multiple uses allowed under the former RD zone. There is a case number identified with the subject site (DRB-92-342), but the applicant states that no case file could be found by the Planning Department.

Prior to the adoption of the IDO and with the previous RD zone category, the applicant would have been able to build single-family dwelling units by right and without a Site Plan.

### ***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.

- Tramway is functionally classified as an Existing Principal Arterial in the project area.
- Tramway is an NMDOT limited access facility. Please refer to the State Access Management Manual (SAMM) for information.
- Tramway is listed as an Intelligent System (ITS) Corridor beyond 2040.

### ***Comprehensive Plan Corridor Designation***

The subject site is not located on a Comprehensive Plan Corridor, nor is it located in a designated Activity Center.

### ***Transit***

The site is nominally on the Tramway Multi-modal Corridor, but no service on Tramway extends north of Montgomery. The fixed routes 5 and 8 both use Tramway, but they turn around at the Spanish Bit Park-and-Ride just east of Tramway on Montgomery. The fixed route 93 runs east-west on Academy and Spain and turns around on a loop inside High Desert. But no bus actually passes by this site. Anyone living here in the future could use the trails on Tramway to access transit service.

### ***Public Facilities/Community Services***

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

## ***II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES***

### ***Integrated Development Ordinance (IDO)***

#### ***Definitions***

Area of Consistency - An area designated as an Area of Consistency in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended, where development must reinforce the character and intensity of existing development.

Residential Development - Development of any allowable land use from the Residential category in Table 4-2-1 (i.e. any allowable combination of Household Living uses and Group Living uses) that occurs on properties with no land use from another category, with the following exceptions:

1. Property with both Household Living uses and parks and open space are still considered residential development for the purposes of this IDO.
2. Properties that include other uses accessory to residential primary uses allowed per Table 4-2-1 are still considered residential development for the purposes of this IDO.
3. A property that has an approved non-residential Temporary Use but that otherwise meets this definition is still considered residential development for the purposes of this IDO. See also *Development Definitions for Low-density Residential Development, Mixed-use Development, and Non-residential Development and Other Uses Accessory to Residential Primary Uses*.

Easement - A legal right to use another's land for a specific, limited purpose, typically within private ways. The purpose may include, but is not limited to, installing and maintaining stormwater drainage, water and sanitary sewer lines, fire hydrants, landscaping, and other infrastructure improvements. Easements may also be granted for open space, view protection, or other specific uses. See also *Private Way*.

Electric Utility - A facility used or designed to provide electricity services to the city or part of the city that is regulated as a public utility by the New Mexico Public Regulation Commission and that is included in the Facility Plan for Electric System Transmission and Generation, as amended. See also *Major Utility*.

#### *Current Zoning*

The subject site is currently zoned a PD (Planned Development) Zone District, IDO 14-16-2-6(A), which was assigned upon adoption of the IDO. The purpose of the PD zone district is to accommodate small- and medium-scale innovative projects that cannot be accommodated through the use of other zone districts, provided that those projects are consistent with the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended and include standards that would not otherwise be required of the applicant in order to provide significant public, civic, or natural resource benefits. This zone district is applied on a case-by-case basis to reflect a negotiated agreement for uses and standards with the applicant. Allowable uses are negotiated on a case-by-case basis but may not include any use that is not included in Table 4-2-1.

#### *Proposed Zoning*

The proposed zoning is R-1D (Residential – Single-Family) Zone District., IDO 14-16-2-3(B). The purpose of the R-1D zone district is to provide for neighborhoods of single-family homes with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood. Primary land uses include sing-family detached homes on individual lots, with



limited civic and institutional uses to serve the surround residential area. Allowable uses are shown in Table 4-2-1: Allowable Uses.

*Comparison of PD and R-1D*

The existing PD zone poses challenges for the applicant in terms of development standards. The current zone is intended to provide “small and medium scale innovated projects that cannot be accommodated through the use of base zone districts.”

The proposed zoning of the subject properties is R-1D (Residential — Single Family). This is the zoning of most of the adjacent properties. The "D" in the R-1D refers to largest minimum lot size, lot width and setback standards in the R-1 zone as summarized in Table 2-3-3.

**R-1D Dimensional Standards**

Lot size, minimum: 10,000 square feet

Lot width, minimum: 70 feet

Front setback, minimum: 20 feet

Side setback, minimum: 10 feet

Building height, maximum: 26 feet

There are major differences between the current PD zone and the proposed R-1D zone. The allowable uses in the R-1D and any use specific standards are established in the IDO. The request is in an Area of Consistency, the R-1D zone would be consistent with surrounding zoning and is appropriate at this location.

***Albuquerque / Bernalillo County Comprehensive Plan (Rank I)***

Applicable Goals and policies that would be furthered by this request are listed below. Staff analysis follows.

**CHAPTER 4: COMMUNITY IDENTITY**

\*Goal 4.1 - Character: Enhance, Protect and preserve distinct communities.

By changing the zoning and developing this vacant site, this request would enhance, protect and preserve a distinct community. This community is distinct because of its unique relationship to the mountains and impressive view of the valleys, as identified in the Foothills CPA. This request furthers Goal 4.1.

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

The proposed zone change furthers Policy 4.1.1 because this request will encourage quality development that is consistent with the distinct character of this community. The request will not divert from the intended characteristic, rather contribute to it. Future development will follow the IDO and DPM standards. The request furthers Policy 4.1.1.

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

This request furthers Policy 4.1.2 because future development under the R-1D zone would generally protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, and character of building design. The request furthers Policy 4.1.2.

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

This request furthers Policy 4.1.4 because the proposed development will generally enhance, protect and preserve this neighborhood with additional single-family residential development. This request furthers Policy 4.1.4.

\*Goal 4.3 - City Community Planning Area: Protect and enhance the natural and cultural characteristics and features that contribute to distinct identity and prioritize projects and programs to meet the needs of communities, neighborhoods, and sub-areas.

This request for a Zone Map Amendment furthers Goal 4.3 because it will protect and enhance the natural and cultural characteristics and features that contribute to distinct identity to meet the needs of communities, neighborhoods, and sub-areas. This project will allow for uses to emerge that will meet the needs of the community and nearby neighborhoods. The request furthers Goal 4.3.

## **CHAPTER 5: LAND USE**

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

This request furthers Policy 5.2.1 because the proposed zone change would allow for residential uses that could help create a healthy, sustainable and distinct community in an Area of Consistency. This request would not provide a mix of uses that are conveniently accessible from surrounding neighborhoods. This request partially furthers Policy 5.2.1.

\*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.

This request furthers Goal 5.3 because it will promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good because infrastructure is already partially available. However, if the use change would cause the need for infrastructure improvements, the applicant would be responsible for providing them. This request partially furthers Goal 5.3.

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

This request furthers Policy 5.3.1 because the proposed zone change will support additional growth in an Area of Consistency with existing infrastructure and public facilities. The property is well serviced by existing infrastructure and other public facilities. This request furthers Policy 5.3.1.



\*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.

This request furthers Policy 5.6.3 because the subject site is located in an Area of Consistency and the proposed zone change would protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. The requested zone would allow residential uses that are considered compatible with existing residential uses. This request furthers Policy 5.6.3.

## CHAPTER 9: HOUSING

\*Policy 9.2.1 Compatibility: Encourage housing development that enhances neighborhood character, maintain compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design and relationship to the street.

The request furthers Policy 9.2.1 because the propose zone change would encourage housing development that enhances neighborhood character, maintain compatibility with surrounding residential land uses, and responds to its development context, with appropriate densities, site design and relationship to the street. This request furthers Policy 9.2.1.

The Applicant has demonstrated that the proposed zone map amendment would further a preponderance of applicable Goals and Policies found in the ABC Comprehensive Plan and would facilitate the desired goals of the Comp Plan.

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

#### ***Requirements***

The review and decision criteria outline policies and requirements for deciding zone change applications. The Applicant must provide sound justification for the proposed change and demonstrate that several tests have been met.

The Applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone district was applied to the property; or 2) there has been a significant change in neighborhood or community conditions affecting the site; or 3) a different zone district is more advantageous to the community as articulated by the Comprehensive Plan.

#### ***Justification & Analysis***

The subject site is currently zoned PD (Planned Development). The proposed zoning is R-1D (Residential – Single Family). The Applicant is requesting R-1D zoning for the site to allow the site to develop as a single-family housing development.

The original Applicant's justification letter, analyzed here, was dated January 7, 2021. An updated justification letter was dated January 28, 2021. Pursuant to the IDO Subsection 6-7(G)(3), the Applicant bears the burden of providing a sound justification for the request, based on substantial evidence.

The applicant believes that the proposed zone map amendment (zone change) meets the zone change decision criteria [14-16-6-7(G)(3)] as elaborated in the justification letter. The citations are from the IDO. The applicant's responses are in *italics*. Staff analysis follows in bold italics with the heading "***Staff response***".

**A. Criterion A:**

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

*Applicant:*

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

**Staff Response:**

***Criterion A is an important component of a zone change justification, though all criteria are required to be fulfilled adequately. 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 conflict with them. See the section entitled "Albuquerque / Bernalillo County Comprehensive Plan (Rank I)" which precedes this section for further policy analysis. The response to Criterion A is sufficient.***

**Applicable citations:** Goal 4.1 Character; Policy 4.1.1: Distinct communities; Policy 4.1.2: Identity and Design; Policy 4.1.4: Neighborhoods; Goal 4.3 City Community Planning Area; Policy 5.2.1. Land Uses; Goal 5.3 Efficient Development Patterns; Policy 5.3.1 Infill Development; Policy 5.6.3 Areas of Consistency; Policy 9.2.1 Compatibility.

**B. Criterion B:**

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

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

*Applicant:*

*Applicant's Response: The proposed amendment is located in the Area of Consistency. The proposed zone change would not permit development that is significantly different from the character of the area; therefore, criteria number 3 applies in that this zone map amendment would be more advantageous to the community patterns of land use, development density and intensity as articulated by the ABC Comp Plan as amended. The proposed zone will be consistent with surrounding lots. The development of the site will protect the character and security of the neighborhood. The requested R-1D zone will implement consistent and predictable development density and intensity on properties similar in size which in turn will strengthen the established character of the area.*

*The existing zone potentially allows for incompatible uses with development that could be significantly different from existing character or it could simply remain vacant and undeveloped as a result of development standards of the existing PD zone. The requested R-1D zone is more advantageous to the community as articulated by the ABC Comp Plan as articulated in the policy analysis in response to Criterion A.*

**Staff response:**

*The subject site is located in an Area of Consistency. The proposed zone change would not permit development that is significantly different from the character of the area and would be more advantageous to the community because a different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s). Criterion B applies.*

**C. Criterion C:**

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

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

*Applicant:*

*This criterion is not applicable because the proposed amendment is located wholly in an Area of Consistency, as shown in the ABC Comp Plan.*

**Staff response:**

*The subject site is located in an Area of Consistency. Criterion C does not apply.*



**D. Criterion D:**

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

*Applicant:*

*The requested R-1D zone includes fewer permissive uses than the existing PD zone, which could be potentially be harmful to adjacent properties. The proposed R-1D zone exists on adjacent and abutting properties, which would not be harmful to these properties, the neighborhood or community in that the request will allow for identical permissive uses and development standards. None of the allowed uses within the requested zone will be a harmful effect, because the R-1D is identical to those that exist on adjacent properties. The requested R-1D zone will be developed in accordance with dimensional standards with IDO Table 5-1-1.*

*Permissive uses in the R-1D including single-family dwellings, community residential facility (small), community center or library, parks and open spaces, religious institution, community garden, residential community amenity (outdoor), drainage facility, solar energy generation, utility electric and utility major. Aside from single family dwelling, all other permissive uses would likely be attracted to properties much larger than the subject properties as dimensional standards are applied.*

*Under the PD zone, any uses, use-specific standards, and development standards would remain unknown until an applicant submits a site-specific proposal to the City with all those details for review and decision by the EPC.*

*The requested R-1D zone would adequately mitigate any potential harmful impact to adjacent property, the neighborhood or community through this down zone request. The zone change will also remove possible harmful uses adjacent to existing single family uses.*

**Staff response:**

*The applicant provided a thorough discussion of the uses that would become permissive in the R-1D zone and addressed the issue of potential harm to adjacent property, the neighborhood, or the community. The applicant points out that possible uses that could be considered harmful to adjacent property owners have been mitigated by specific use standards and regulations identified in the Integrated Development Ordinance. Uses are also controlled by Specific-Use Standards found in the IDO to mitigate potential harmful effects on the surrounding area. The response to Criterion D is sufficient.*

*Permissive uses in the PD zone district, according to IDO Section 2-6(A)(4) Allowable Uses:*

*A PD zone district may contain any combination of uses listed in Table 4-2-1, except those that require NR-SU zoning, for all or part of the PD zone district, provided that those uses do not create significant adverse impacts on nearby existing neighborhoods, City parks or trails, or Major Public Open Space.*

*All allowable uses are subject to the Use-specific Standards listed for that use in Section 14-16-4-3 unless modified by the Site Plan-EPC associated with the PD zone district approval.*

**2-6(A)(5) Single-family Development**

*For PD zone districts that show a clear pattern of single-family residential platting or land use based on a pre-IDO approval, the property owner may apply for a Site Plan - Administrative pursuant to Subsection 14-16-6-5(G) for low-density residential development that maintains the pattern of development in the surrounding subdivision.*

*Permissive uses that would be allowable under the R-ID zone district are as follows:*

- *Dwelling, single-family detached*
- *Dwelling, cluster development*
- *Dwelling, cottage development*
- *Dwelling, two-family detached (duplex)*
- *Community residential facility, small*
- *Community center or library*
- *Parks and open space*
- *Religious institution*
- *Community garden*
- *Residential community amenity, indoor*
- *Residential community amenity, outdoor*
- *Drainage facility*
- *Electric utility*
- *Major utility, other*
- *Solar energy generation*

*The EPC will need to consider whether the additional allowable uses in R-ID are appropriate in this location and serve to capture and promote the appropriate scale and type of development.*

**E. Criterion E:**

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

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

4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City-approved Development Agreement between the City and the applicant.

*Applicant:*

*The site falls within an area that has City infrastructure and public improvements that will have adequate capacity to serve the development made possible by the zone change meeting the requirements of sub-criterion 1. The site is also adjacent to existing sidewalk and Trail systems that are typical of the Foothills area. The requested R-1D zone, which will reflect single-family residential uses will maintain and support the character of the immediate area, which falls within an existing developed area. The established urban area has sufficient infrastructure to support uses for the properties within the zone change application.*

**Staff response:**

***Criterion E, Requirement 1 applies. The applicant states that existing infrastructure and public improvements would have adequate capacity to serve development made possible by the proposed zone change. However, if the use change would cause the need for infrastructure improvements, the applicant would be responsible for providing them. The response to Criterion E is sufficient.***

#### **F. Criterion F**

- 6-7(G)(3)(f) The applicant's justification for the Zoning Map Amendment is not completely based on the property's location on a major street.

*Applicant:*

*The subject site is located along local roads and a portion of the properties abut an arterial (Tramway Blvd) but this fact is not being used as justification for the zone change request. Justification is based on furthering a preponderance of applicable Comprehensive Plan policies as demonstrated in response to Criterion A.*

**Staff response:**

***While the subject site is located on adjacent to a major arterial street, Tramway Blvd., the site's location is not being used as the primary justification for the request. The applicant has demonstrated that the request furthers a preponderance of applicable, Comprehensive Plan Goals and policies and does not conflict with them. The response to Criterion F is sufficient.***

#### **G. Criterion G**

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

*Applicant:*

*The subject application is not based on economic considerations rather the interest lies in developing the property with single-family residential development and removing the development standards and requirements of the existing PD zone. The*



*subject application for the requested zone change is not based on the property's cost of land or economic consideration.*

*The zone change request is based on the intention to build single-family residences, which would have been allowed prior to the adoption of the IDO. As a result, the proposed zone change is necessary to enable development on the individual properties. The current PD zone limits development due to lot size compliance requirements. The cost of the land is not the primary determining factor in pursuit of the appropriate zoning.*

**Staff response:**

***The applicant has adequately demonstrated that the request for the requested zone change is not based on the property's cost of land or economic consideration. In addition, the request furthers a preponderance of applicable Comprehensive Plan policies (Criterion A) and does not conflict significantly with them. The response to Criterion G is sufficient.***

**H. Criterion H**

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

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

**Applicant:**

*Because the zone change request is for a zone that is identical to adjacent properties, the proposed zone change does not create a "spot" or "strip zone". The zoning of the site prior to the IDO adoption in 2018 was R-D as were most of the parcels in the immediate area. When the PD zoning was assigned to these parcels, because they were vacant, it created a distinction with adjacent properties that were assigned R-1D because they were developed with single-family dwellings. As a result, use regulations and development standards were different. The request will stabilize both land use and zoning. The Policy analysis demonstrates the zone change will clearly facilitate implementation of the Comprehensive Plan.*

**Staff response:**

***The Zoning Map Amendment does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") because the request is for the PD zone and there is PD zoning abutting the subject site. The response to Criterion H is sufficient.***

### ***III. AGENCY & NEIGHBORHOOD CONCERNS***

#### ***Reviewing Agencies***

City departments and other interested agencies reviewed this application prior to the EPC Hearing. Few agency comments were received and none were averse to the request. Please refer to the agency comments at the end of the staff report.

#### ***Neighborhood/Public***

The Peppertree Royal Oak Residents Association and District 8 Coalition of Neighborhood Associations and property owners within 100 feet of the site were notified of this request (see attachments). No meetings were requested by the neighborhood associations.

The applicant met informally with a few property owners who reside near the subject site. They expressed support for the request.

There is no known opposition to this request.

### ***IV. CONCLUSION***

The request is for a zoning map amendment (zone change) for an approximately 4.7-acre site known as: all or a portion of Parcels A & B and Parcels 1 & 3, Lands of Albuquerque Ranch Estates and Lands of Albuquerque Academy, located west of Tramway Blvd. NE, between Spain Rd. NE and Academy Rd. NE. The subject site currently is vacant.

The subject site is currently zoned PD (Planned Development) and the applicant is requesting R-1D (Residential – Single Family) zoning for the site. The zone change will allow the site to develop as a single-family housing development.

The zone map amendment has been adequately justified pursuant to the IDO Review and Decision criteria for zone changes 14-16-6-7(G)(3).

The Peppertree Royal Oak Residents Association and District 8 Coalition of Neighborhood Associations and property owners within 100 feet of the site were notified of this request. No meetings were requested by the neighborhood associations. The applicant met informally with a few property owners near the site who expressed support for the request. There is no known opposition to this request. Staff recommends approval.

### ***FINDINGS - RZ-2021-00002, February 18, 2021 - Zoning Map Amendment (Zone Change)***

1. The request is for a zoning map amendment (zone change) for an approximately 4.7-acre site known as: all or a portion of Parcels A & B and Parcels 1 & 3, Lands of Albuquerque Ranch Estates and Lands of Albuquerque Academy, located west of Tramway Blvd. NE, between Spain Rd. NE and Academy Rd. NE. The subject site currently is vacant.
2. The subject site is currently zoned PD (Planned Development) and the applicant is requesting R-1D (Residential – Single Family) zoning for the site. The zone change will allow the site to develop as a single-family housing development.
3. The subject site is in an area that the Comprehensive Plan has designated an Area of Consistency.

4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
5. The request furthers the following, applicable Goal and policies from Chapter 4 - Community Identity:

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

By changing the zoning and developing this vacant site, this request would enhance, protect and preserve a distinct community. This community is distinct because of its unique relationship to the mountains and impressive view of the valleys, as identified in the Foothills CPA.

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

The proposed zone change furthers Policy 4.1.1 because this request will encourage quality development that is consistent with the distinct character of this community. The request will not divert from the intended characteristic, rather contribute to it. Future development will follow the IDO and DPM standards.

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

This request furthers Policy 4.1.2 because future development under the R-1D zone would protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, and character of building design.

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

This request furthers Policy 4.1.4 because the proposed development will enhance, protect and preserve this neighborhood with additional single-family residential development.

E. Goal 4.3 - City Community Planning Area: Protect and enhance the natural and cultural characteristics and features that contribute to distinct identity and prioritize projects and programs to meet the needs of communities, neighborhoods, and sub-areas.

This request for a Zone Map Amendment furthers Goal 4.3 because it will protect and enhance the natural and cultural characteristics and features that contribute to distinct identity and prioritize projects and programs to meet the needs of communities, neighborhoods, and sub-areas. This project will allow for uses to emerge that will meet the needs of the community and nearby neighborhoods.



6. The request furthers the following, applicable Goal and policies from Chapter 6 - Land Use:

- 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.

This request furthers Policy 5.2.1 because the proposed zone change would allow for residential uses that could help create a healthy, sustainable and distinct community in an Area of Consistency. This request would not provide a mix of uses that are conveniently accessible from surrounding neighborhoods.

- B. 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.

This request furthers Goal 5.3 because it will promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good because infrastructure is already partially available. However, if the use change would cause the need for infrastructure improvements, the applicant would be responsible for providing them.

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

This request furthers Policy 5.3.1 because the proposed zone change will support additional growth in an Area of Consistency with existing infrastructure and public facilities. The property is well serviced by existing infrastructure and other public facilities.

- D. 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.

This request furthers Policy 5.6.3 because the subject site is located in an Area of Consistency and the proposed zone change would protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. The requested zone would allow residential uses that are considered compatible with existing residential uses.

7. The request furthers the following, applicable Goal and policies from Chapter 9 - Housing:

- A. Policy 9.2.1 - Compatibility: Encourage housing development that enhances neighborhood character, maintain compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design and relationship to the street.

The request furthers Policy 9.2.1 because the proposed zone change would encourage housing development that enhances neighborhood character, maintain compatibility with

surrounding residential land uses, and responds to its development context, with appropriate densities, site design and relationship to the street.

8. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(G)(3)-Review and Decision Criteria for Zone Map Amendments, as follows:
- A. Criterion A: Criterion A is an important component of a zone change justification, though all criteria are required to be fulfilled adequately. 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 conflict with them. See the section entitled "Albuquerque / Bernalillo County Comprehensive Plan (Rank I)" which precedes this section for further policy analysis.
  - B. Criterion B: The subject site is located in an Area of Consistency. The proposed zone change would not permit development that is significantly different from the character of the area; therefore, criteria number 3 applies.
  - C. Criterion C: The subject site is located in an Area of Consistency. Criterion C does not apply.
  - D. Criterion D: The applicant provided a thorough discussion of the uses that would become permissive in the R-1D zone and addressed the issue of potential harm to adjacent property, the neighborhood, or the community. The applicant points out that possible uses that could be considered harmful to adjacent property owners have been mitigated by specific use standards and regulations identified in the Integrated Development Ordinance. Uses are also controlled by Specific-Use Standards found in the IDO to mitigate potential harmful effects on the surrounding area.
  - E. Criterion E: Requirement 1 applies. The applicant states that existing infrastructure and public improvements would have adequate capacity to serve development made possible by the proposed zone change. However, if the use change would cause the need for infrastructure improvements, the applicant would be responsible for providing them.
  - F. Criterion F: While the subject site is located on adjacent to a major arterial street, Tramway Blvd., the site's location is not being used as the primary justification for the request. The applicant has demonstrated that the request furthers a preponderance of applicable, Comprehensive Plan Goals and policies and does not conflict with them.
  - G. Criterion G: The applicant has adequately demonstrated that the request for the requested zone change is not based on the property's cost of land or economic consideration. In addition, the request furthers a preponderance of applicable Comprehensive Plan policies (Criterion A) and does not conflict significantly with them.
  - H. Criterion H: The Zoning Map Amendment does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to

a strip of land along a street (i.e. create a “strip zone”) because the request is for the PD zone and there is PD zoning abutting the subject site.

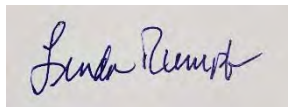
9. The zone map amendment is adequately justified pursuant to the IDO Review and Decision criteria for zone changes in 14-16-6-7(G)(3). The policy analysis demonstrates that the request furthers a preponderance of applicable Goals and policies and does not conflict with them.
10. The Peppertree Royal Oak Residents Association and District 8 Coalition of Neighborhood Associations and property owners within 100 feet of the site were notified of this request. No meetings were requested by the neighborhood associations. The applicant did meet with a few property owners that reside near the site who expressed support for the request. There is no known opposition to this request.

***RECOMMENDATION - RZ-2021-00002, February 18, 2021 - Zoning Map Amendment (Zone Change)***

**APPROVAL of Project #: 2020-004595 Case #: 2021-00002 a zoning map amendment from PD to R-1D, for an approximately 4.7-acre site known as: all or a portion of Parcels A & B and Parcels 1 & 3, Lands of Albuquerque Ranch Estates and Lands of Albuquerque Academy, located west of Tramway Blvd. NE, between Spain Rd. NE and Academy Rd. NE, based on the preceding Findings.**

---

**Linda Rumpf**



***Staff Planner***

Notice of Decision cc list:

505 Solutions LLC, Rachel Bevans, [rachelbevans06@gmail.com](mailto:rachelbevans06@gmail.com)

JAG Planning & Zoning, Juanita Garcia, [Jag@jagpandz.com](mailto:Jag@jagpandz.com)

Peppertree Royal Oak Residents Association, Art Verardo, [a.verardo@comcast.net](mailto:a.verardo@comcast.net)

Peppertree Royal Oak Residents Association, Cheri Schlagel, [cmschlagel@outlook.com](mailto:cmschlagel@outlook.com)

District 8 Coalition of Neighborhood Associations, Donald Couchman, [dhc@zianet.com](mailto:dhc@zianet.com)

District 8 Coalition of Neighborhood Associations, Mary Ann Dix, [dix.mary.ann@gmail.com](mailto:dix.mary.ann@gmail.com)

EPC file

[avarela@cabq.gov](mailto:avarela@cabq.gov)



***APPENDIX***

***Agency Comments***

***Agency Comments***

PLANNING DEPARTMENT

*Long Range Planning*

No comments available.

*Metropolitan Redevelopment*

*Hydrology*

*Neighborhood Coordination*

*Transportation Development Services*

No objection to the request.

*Zoning / Code Enforcement*

MUNICIPAL DEVELOPMENT DEPARTMENT (DMD) TRANSPORTATION

No comments

PARKS AND RECREATION DEPARTMENT

POLICE DEPARTMENT/PLANNING

SOLID WASTE MANAGEMENT DEPARTMENT

If the zone change is granted, a site plan to scale will be required. It will have to be signed and approved by the Solid Waste Department.

TRANSIT DEPARTMENT

ABC WATER UTILITY AUTHORITY (ABCWUA)

No adverse comment to the proposed zone change.

ALBUQUERQUE PUBLIC SCHOOLS

- a. Case Comments: Site is located approximately one-half mile from Georgia O’Keeffe Elementary School. Residential construction at this location will impact Georgia O’Keeffe Elementary School, Eisenhower Middle School, and Eldorado High School. Enrollment at Georgia O’Keeffe Elementary School is nearing capacity and development will be a strain on the school.
  - i. Residential Units: **11**
  - ii. Est. Elementary School Students: **3**
  - iii. Est. Middle School Students: **2**
  - iv. Est. High School Students: **2**
  - v. Est. Total # of Students from Project: **7**

\*The estimated number of students from the proposed project is based on an average student generation rate for the entire APS district.

School Capacity

School	2019-2020 Enrollment	Facility Capacity	Space Available
Georgia O’Keeffe Elementary School	646	655	9
Eisenhower Middle School	889	1,074	185
Eldorado High School	1,782	1,950	168

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

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

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

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL (AMAFCA)

No adverse comments.

COUNTY OF BERNALILLO

No adverse comments.

MID-REGION COUNCIL OF GOVERNMENTS (MRCOG)

- Tramway is functionally classified as an Existing Principal Arterial in the project area.
- Tramway is an NMDOT limited access facility. Please refer to the State Access Management Manual (SAMM) or contact Acting District 3 Engineer Rick Padilla at 505-934-0354 or [Rick.Padilla@state.nm.us](mailto:Rick.Padilla@state.nm.us) with any questions about access control.
- Tramway is listed as an Intelligent Transportation System (ITS) Corridor beyond 2040. Please consult the reviewing agency's Traffic Engineering and/or ITS Department with any questions regarding ITS infrastructure.



PUBLIC SERVICE COMPANY OF NEW MEXICO (PNM)

No comments.

NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

NM GAS COMPANY

PETROGLYPH NATIONAL MONUMENT

AVIATION DEPARTMENT

KIRTLAND AIR FORCE BASE

## PHOTOS

***SITE PHOTOS***  
***PR-2020-004595, RZ-2021-00002***  
***Photos taken: February 4, 2021***



*Gated entrance into the site looking north*



*Site looking north*



***SITE PHOTOS***

***PR-2020-004595, RZ-2021-00002***

***Photos taken: February 4, 2021***



*Site looking northeast*



*Apartments to the north of the site*



***SITE PHOTOS***

***PR-2020-004595, RZ-2021-00002***

***Photos taken: February 4, 2021***



*Northwest corner of site looking south*



*Neighborhood to the west of the site*

***SITE PHOTOS***  
***PR-2020-004595, RZ-2021-00002***  
***Photos taken: February 4, 2021***



*Site, view from Tramway looking west*

## ZONING

Please refer to §14-16-2-6(A) of the IDO for the PD zone and §14-16-2-3(B) for the R-1D zone.

## APPLICATION INFORMATION





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

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

### APPLICATION INFORMATION

Applicant: <u>505 Solutions, LLC</u>	<u>Rachel Bevans</u>	Phone: <u>505-948-4115</u>
Address: <u>46 Road 4275</u>		Email: <u>rachelbevans06@gmail.com</u>
City: <u>Navajo Dam</u>	State: <u>NM</u>	Zip: <u>87059</u>
Professional/Agent (if any): <u>JAG Planning &amp; Zoning</u>	<u>Juanita Garcia</u>	Phone: <u>505-362-8903</u>
Address: <u>P.O. Box 7857</u>		Email: <u>jag.jagpandz.com</u>
City: <u>Albuquerque</u>	State: <u>NM</u>	Zip: <u>87194</u>
Proprietary Interest in Site: <u>Property Owner</u>	List all owners: <u>505 Solutions</u>	

### BRIEF DESCRIPTION OF REQUEST

Zone Map Amendment from PD to R-1D

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

Lot or Tract No.: <u>Parcels A &amp; B and Parcels (1 &amp; 3) See Attached</u>	Block:	Unit:
Subdivision/Addition: <u>Lands of Albuquerque Ranch Estates and Lands of Albuquerque Academy</u>	MRGCD Map No.:	UPC Code: <u>See List</u>
Zone Atlas Page(s): <u>E-22</u>	Existing Zoning: <u>PD</u>	Proposed Zoning: <u>R-1D</u>
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres): <u>≈ 4.650</u>

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: <u>12408 Walker Way NE / at or around</u>	Between: <u>Spain Rd NE.</u>	and: <u>Academy Rd NE</u>
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### CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

DRB -92-342      PS-2020-00101      PA# 20-187

Signature: <u>Juanita Garcia</u>	Date: <u>1/07/2021</u>
Printed Name: <u>Juanita Garcia</u>	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

### FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees
-		
-		
-		

Meeting/Hearing Date:	Fee Total:
Staff Signature:	Date:
	Project #



## Form Z: Policy Decisions

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

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

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

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

### ☐ ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN

### ☐ ADOPTION OR AMENDMENT OF FACILITY PLAN

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

### ☐ AMENDMENT TO IDO TEXT

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


### ☒ ZONING MAP AMENDMENT – EPC

### ☐ ZONING MAP AMENDMENT – COUNCIL

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

### ☐ ANNEXATION OF LAND

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

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.	
Signature: <u>Tuanita Garcia</u>	Date: <u>1/07/2021</u>
Printed Name: <u>Tuanita Garcia</u>	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Project Number:	Case Numbers
	-
	-
	-
Staff Signature:	
Date:	



## LETTER OF AUTHORIZATION

**Subject Property: Parcels A & B and Parcels 1 & 3, Lands of Albuquerque Ranch Estates and Lands of Albuquerque, containing approximately 4.650 acres**

I, the undersigned owner of subject property, hereby designate JAG Planning & Zoning, LLC to be my authorized representative for all Planning & Zoning matters associated with this property.

Rachel Bevan, RN

11/11/20

505 Solutions, LLC – Rachel Bevan

Date



## **OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

505 Solutions LLC, a New Mexico limited liability company  
10910 San Francisco Rd NE  
Albuquerque, NM 87122

RE: Order No.: 2006101  
Buyer/Borrower(s): 505 Solutions LLC, a New Mexico limited liability company  
Sellers(s): HFM and CKM LLC, a New Mexico limited liability company  
Property Address: 6012 Royal Oak Street NE, Albuquerque, NM 87111

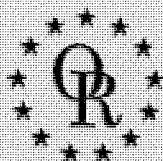
In connection with the above transaction, enclosed is your Owner's Policy of Title Insurance and the original Warranty Deed, which has been recorded in the County Clerk's office.

As a property owner, it is your responsibility to contact the County Assessor's Office in your County to have the property assessed in your name and to apply for any special tax treatment to which you may be entitled. A copy of the enclosed document provides the necessary property information you will need for this process.

It has been a pleasure to serve you. If we can be of further assistance to you in the future, please do not hesitate to contact us.

Jeanne McGavick  
Senior Escrow Officer  
5501 Jefferson Street NE, Suite 100  
Albuquerque, New Mexico 87109  
Phone: (505) 994-6700





## OWNER'S POLICY OF TITLE INSURANCE

Policy Number **OXNM08021074**

Issued by Old Republic National Title Insurance Company

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

### COVERED RISKS



SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, a Florida corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from:
  - (a) A defect in the Title caused by:
    - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
    - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
    - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
    - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
    - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
    - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
    - (vii) a defective judicial or administrative proceeding.
  - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
  - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to:
  - (a) the occupancy, use, or enjoyment of the Land;
  - (b) the character, dimensions, or location of any improvement erected on the Land;
  - (c) the subdivision of land; or
  - (d) environmental protectionif a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.

Issued through the Office of:  
Old Republic National Title Insurance Company  
5501 Jefferson Street NE, Suite 100  
Albuquerque, NM 87109

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**  
A Stock Company  
400 Second Avenue South, Minneapolis, Minnesota 55401  
(612) 371-1111

  
Authorized Signatory

By  President  
Attest  Secretary

## Order No. 2006101

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6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.
7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
  - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
  - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
    - (i) to be timely, or
    - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

### EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

## CONDITIONS

### 1. DEFINITION OF TERMS

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
  - (i) The term "Insured" also includes
    - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
    - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
    - (C) successors to an Insured by its conversion to another kind of Entity;
    - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
      - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
      - (2) if the grantee wholly owns the named Insured,
      - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
      - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
  - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.
- (j) "Title": The estate or interest described in Schedule A.
- (k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.-

### 2. CONTINUATION OF INSURANCE

- (a) The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either
  - (i) an estate or interest in the Land, or
  - (ii) an obligation secured by a purchase money Mortgage given to the Insured.

### 3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

### 4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state,

to the extent possible, the basis of calculating the amount of the loss or damage.

**5. DEFENSE AND PROSECUTION OF ACTIONS**

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.
- (b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.
- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

**6. DUTY OF INSURED CLAIMANT TO COOPERATE**

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

**7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY**

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Insurance.  
To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.  
Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
- (b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.
  - (i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
  - (ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the



Company up to the time of payment and that the Company is obligated to pay.  
Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

**8. DETERMINATION AND EXTENT OF LIABILITY**

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
  - (i) the Amount of Insurance; or
  - (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
  - (i) the Amount of Insurance shall be increased by 10%, and
  - (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

**9. LIMITATION OF LIABILITY**

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

**10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY**

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

**11. LIABILITY NONCUMULATIVE**

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

**12. PAYMENT OF LOSS**

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

**13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT**

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.  
If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.
- (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

**14. ARBITRATION**

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant

to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

**15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT**

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.
- (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

**16. SEVERABILITY**

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

**17. CHOICE OF LAW; FORUM**

- (a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.  
Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.
- (b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

**18. NOTICES, WHERE SENT**

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at 400 Second Avenue South, Minneapolis, Minnesota 55401-2499.

***"Pursuant to the New Mexico Title Insurance Law §59A-30-4 NMSA 1978, Control and supervision by superintendent and Title Insurance Regulation §13.14.18.10, NMAC, no part of any title insurance commitment, policy or endorsement form may be added to, altered, inserted in or typed upon, deleted or otherwise changed from the title insurance form promulgated by the New Mexico Superintendent of Insurance, nor issued by a person or company not licensed with regard to the business of title insurance by the New Mexico Superintendent of Insurance, nor issued by a person or company who does not own, operate or control an approved title abstract plant as defined by New Mexico law and regulations for the county wherein the property is located."***

## **OWNER'S POLICY**

### **SCHEDULE A**

File No. 2006101

Owner's Policy No. OXNM08021074

Amount of Insurance: \$1,000,000.00

Premium: \$4,290.00

Date of Policy: October 28, 2020 at 03:29 pm

1. Name of Insured:

505 Solutions LLC, a New Mexico limited liability company

2. The estate or interest in the land which is covered by this policy is:

Fee Simple

3. Title to the estate or interest in the land is vested in:

505 Solutions, LLC, a New Mexico limited liability company

4. The land referred to in this policy is described as follows:

See Exhibit A Attached Legal Description

Issued through the Office of:

**Old Republic National Title Insurance Company**  
5501 Jefferson Street NE, Suite 100  
Albuquerque, NM 87109

#### **OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

*A Stock Company*  
400 Second Avenue South, Minneapolis, Minnesota 55401  
(612) 371-1111

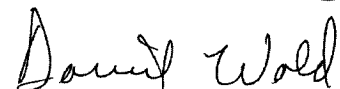
  
Authorized Signatory

By



President

Attest



Secretary

## OWNER'S POLICY

### SCHEDULE B

Date of Policy: October 28, 2020

Policy No. OXNM08021074

File No. 2006101

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. Item 1, Schedule B is hereby deleted.
2. Item 2, Schedule B is hereby deleted.
3. Item 3, Schedule B is hereby deleted.
4. Item 4, Schedule B is hereby deleted.
5. Item 5, Schedule B is hereby deleted.
6. Water rights, claims or title to water.
7. Taxes for the year 2020 and thereafter.
8. Reservations contained in Patent from United States of America, recorded in Book 80, Page 353, records of Bernalillo County, New Mexico.
9. Grant of Right of Way to Public Service Company of New Mexico, recorded August 10, 1956 in Book D357, Page 275, records of Bernalillo County, New Mexico.
10. Easement in favor of Public Service Company of New Mexico and The Mountain States Telephone and Telegraph Company, and rights incident thereto, recorded February 21, 1981, in Book Misc. 754, Page 613, as Document No. 80 10931; as affected by Quitclaim Deed recorded June 4, 1991 in Book 919, Page 5815 as Document No. 91043697, records of Bernalillo County, New Mexico.
11. Restrictive covenants recorded in Book 9322, Page 6872 as Document No. 93090888, records of Bernalillo County, New Mexico. NOTE: This exception omits any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status or national origin as provided in 42 U.S.C. Sec. 3604, unless and only to the extent that the covenant (a) is not in violation of state or federal law, (b) is exempt under 42 U.S.C. Sec. 3607, or (c) relates to a handicap, but does not discriminate against handicapped people.
12. Easements and notes as shown, noted and provided for on the plat recorded in Plat Book C24, Page 133; in Plat Book 93C, Page 90; in Plat Book 93C, Page 325; in Plat Book 94C, Page 230 and in Plat Book 94C, Page 392, records of Bernalillo County, New Mexico.
13. Private Access Easement, recorded July 7, 1997 in Book 9718, Page 2986 as Document No. 97068285, records of Bernalillo County, New Mexico.
14. Private Access Easement, recorded July 7, 1997 in Book 9718, Page 2988 as Document No. 97068286, records of Bernalillo County, New Mexico.



15. Private Access Easement, recorded July 7, 1997 in Book 9718, Page 2990 as Document No. 97068287, records of Bernalillo County, New Mexico.
16. Easement Agreement, recorded March 22, 2001 in Book A17, Page 370 as Document No. 2001031889, records of Bernalillo County, New Mexico.
17. Declaration of Restrictive Covenant, recorded August 25, 2009 as Document No. 2009096401, records of Bernalillo County, New Mexico.
18. Any claim, loss or damage as a consequence of the violation of any laws or ordinances of any governmental body that regulates the subdivision of the Land described herein as Parcel No. 3.

In compliance with Subsection D of 13.14.18.10 NMAC, the Company hereby waives its right to demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Nothing herein prohibits the arbitration of all arbitrable matters when agreed to by both the Company and the insured.

## Exhibit A

**Parcel No. 1:**

Lots numbered One-A (1-A), Two-A (2-A) and Three-A (3-A), as shown and designated on the Plat of Lots 1-A, 2-A, 3-A and 4-A, Tract A-1, ALBUQUERQUE RANCH ESTATES, filed in the office of the County Clerk of Bernalillo County, New Mexico on November 28, 1994 in Plat Book 94C, Folio 392.

**Parcel No. 2:**
**Parcel A:**

That certain parcel of land situate within the Elena Gallegos Grant in projected Section 26, Township 11 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico comprising a portion of the Tramway Boulevard Right of Way as the same is shown and designated on the plat entitled "CORRECTED PLAT, CORRECTION PLAT FOR THE LANDS OF ALBUQUERQUE ACADEMY ALONG WITH EASEMENTS GRANTED TO PUBLIC SERVICE COMPANY OF NEW MEXICO (FILED AUG. 10, 1956) & (FILED OCT. 1, 1964) AND MANITOBA DRIVE RIGHT OF WAY (FILED DEC. 3, 1981) WITHIN THE TRAMWAY BLVD. RIGHT-OF-WAY FROM THE SOUTHERN BOUNDARY OF ELENA GALLEGOS GRANT TO SAN ANTONIO BLVD. SITUATE WITHIN PROJECTED SECTIONS 26, 27, 34, 35, T11N., R4E., N.M.P.M., ALBUQUERQUE, NEW MEXICO, SEPTEMBER 1987" filed in the office of the County Clerk of Bernalillo County, New Mexico on February 29, 1988 in Volume C35, folio 198, being more particularly described by survey performed by Russ P. Hugg, New Mexico Professional Surveyor Number 9750 using New Mexico State Plane Coordinate System, Central Zone (NAD 27) Grid bearings and ground distances as follows:

BEGINNING at the Northwest corner of the parcel herein described, being the Southeast corner of Tract "T", Peppertree Subdivision, (a 5/8" rebar with cap stamped "L.S.8478" found in place), as the same is shown and designated on the plat entitled "PLAT OF TRACT T, A REPLAT OF TRACT C-1-A, PEPPERTREE SUBDIVISION & VACATED DRAINAGE RIGHT OF WAY ALONG ACADEMY RD., ALBUQUERQUE NEW MEXICO, filed in the office of the County Clerk of Bernalillo County, New Mexico on November 13, 1985, in Volume C28, folio 166, and being the Northeast Corner of Tract A-1, Albuquerque Ranch Estates, as the same is shown and designated on the plat of said Addition filed in the office of the County Clerk of Bernalillo County, New Mexico, on April 2, 1993, in Volume 93C, folio 90; Thence,

S 89° 55' 01" E, 82.53 feet to the Northeast corner of the parcel herein described, a point on the line common to projected Sections 26 and 27, Township 11 North, Range 4 East, New Mexico Principal Meridian; Thence,

S 00° 00' 44" W, 519.35 feet along a line common to said projected Sections 26 and 27, Township 11 North, Range 4 East, New Mexico Principal Meridian to the Southeast corner of the parcel herein described; Thence,

N 89° 59' 06" W, 82.53 feet to the Southwest corner of the parcel herein described, being the Southeast corner of said Tract A-1, Albuquerque Ranch Estates (a 5/8" rebar and cap stamped LS 8478 found in place); Thence

N 00° 00' 44" E, 519.43 feet along the Easterly line of said Tract A-1, Albuquerque Ranch Estates to the Northwest corner and point of beginning of the parcel herein described.

**Parcel B:**

That certain parcel of land situate within the Elena Gallegos Grant in projected Section 26, Township 11 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico comprising a portion of the Tramway Boulevard Right of Way as the same is shown and designated on the plat entitled "CORRECTED PLAT, CORRECTION PLAT FOR THE LANDS OF ALBUQUERQUE ACADEMY ALONG WITH EASEMENTS GRANTED TO PUBLIC SERVICE COMPANY OF NEW MEXICO (FILED AUG. 10, 1956) & (FILED OCT. 1, 1964) AND MANITOBA DRIVE RIGHT OF WAY (FILED DEC. 3, 1981) WITHIN THE TRAMWAY BLVD. RIGHT-OF-WAY FROM THE SOUTHERN BOUNDARY OF ELENA GALLEGOS GRANT TO SAN ANTONIO BLVD. SITUATE WITHIN PROJECTED SECTIONS 26, 27, 34, 35, T11N., R4E., N.M.P.M., ALBUQUERQUE, NEW MEXICO" filed in the office of the County Clerk of Bernalillo County, New Mexico on February 29, 1988 in Volume C35, folio 198, being more particularly described by survey performed by Ruse P. Hugg, New Mexico Professional Surveyor Number 9750 using New Mexico State Plane Coordinate System, Central Zone (NAD 27) Grid bearings and ground distances as follows:

BEGINNING at the Northwest corner of the parcel herein described a point on the line common to projected Sections 26 and 27, Township 11 North, Range 4 East, New Mexico Principal Meridian whence the Southeast corner of Tract "T", Peppertree Subdivision, (a 5/8" rebar with cap stamped "L.S.8478" found in place), as the same is shown and designated on the plat entitled "PLAT OF TRACT T, A REPLAT OF TRACT C-1-A, PEPPERTREE SUBDIVISION & VACATED DRAINAGE RIGHT OF WAY ALONG ACADEMY RD., ALBUQUERQUE NEW MEXICO", filed in the office of the County Clerk of Bernalillo County, New Mexico on November 13, 1985, in Volume C28, folio 166, bears N 89° 55' 01" W.. 82.53 feet distant; Thence,

S 89° 55' 01" E , 17.00 feet to the Northeast corner of the parcel herein described, a point on the line common to said Lands of Albuquerque Academy and said Tramway Boulevard N.E.; Thence,

S 00° 00' 44" W , 487.27 feet along a line common to said Lands of Albuquerque Academy and said Tramway Boulevard N.E. to a point on the Northwesterly right of way line of present Tramway Boulevard N.E.; Thence,

S 16° 39' 55" W , 33.46 feet along said Northwesterly right of way line of present Tramway Boulevard N.E. to the Southeast corner of the parcel herein described: Thence,

N 89° 59' 06" W , 7.41 feet to the Southwest corner of the parcel herein described, a point on said line common to said projected Sections 26 and 27; Thence,

N 00° 00' 00" E , 519.35 feet along said line common to projected Sections 26 and 27 to the Northwest corner point of beginning of the parcel herein described.

**Parcel No. 3:**

A tract of land being a portion of "Lands of the Albuquerque Academy Unplatted lands by Quit Claim Deed" filed in the office of the County Clerk of Bernalillo County, New Mexico on August 16, 1967. Said tract of land also being a portion of the lands shown and designated on the plat entitled "CORRECTED PLAT, CORRECTION PLAT FOR THE LANDS OF ALBUQUERQUE ACADEMY ALONG WITH EASEMENTS GRANTED TO PUBLIC SERVICE COMPANY OF NEW MEXICO (FILED AUG. 10, 1956) & (FILED OCT. 1, 1964) AND MANITOBA DRIVE RIGHT OF WAY (FILED DEC. 3, 1981) WITHIN THE TRAMWAY BLVD. RIGHT OF WAY FROM THE SOUTHERN BOUNDARY OF ELENA GALLEGOS GRANT TO SAN ANTONIO BLVD SITUATE WITHIN PROJECTED SECTIONS 26, 27, 34, 35, T11N., R4E., N.M.P.M., ALBUQUERQUE, NEW MEXICO" filed in the office of County Clerk of Bernalillo County, New Mexico on February 29, 1988 in Volume C35, folio 198. Said tract of land also being a portion of the lands shown and designated on the "TRAMWAY BOULEVARD RIGHT OF WAY MAP SP-(M)-4067 (200), SHEET 6 OF 7" dated May 8, 1989 and certified by Santiago Romero, Jr., New Mexico Professional Surveyor No. 7924 and being more particularly described as follows:

BEGINNING at the Northwesterly Corner of the herein described tract of land, said corner being S.89°55'01"E., 99.50 feet from the Northeast Corner of Tract A-1, Albuquerque Ranch Estates, filed in the office of the County Clerk of Bernalillo County, New Mexico on April 02, 1993, in Volume 93C folio 90, said corner being a 5/8" rebar and cap stamped "L.S.8478";

THENCE S.89°55' 1"E., 124.93 feet to the Northeasterly corner of the herein described tract of land, said corner being a point on the westerly right of way line of Tramway Boulevard N.E.;

THENCE along the westerly right of way line of said Tramway Boulevard N.E., S.06° 27' 57" W., 112.46'

**NOTICE OF AVAILABILITY OF FUTURE INCREASE IN COVERAGE**

(To be attached to all policies issued on one to four single-family dwellings)  
(NM Form 49)

Old Republic National Title Insurance Company  
5501 Jefferson Street NE, Suite 100  
Albuquerque, NM 87109  
505-994-6700

**READ THIS NOTICE TO FAMILIARIZE YOURSELF WITH IMPORTANT  
INFORMATION REGARDING YOUR TITLE INSURANCE COVERAGE**

An Owner's Policy may be endorsed to reflect the current value of the estate insured (upon payment of the current basic premium according to the schedule less the amount previously paid for said policy) if the insurer's underwriting standards are met; provided, however, that the effective date of the policy shall remain unchanged and no affirmative coverages or down dates shall be added to the policy.

**PLEASE KEEP THIS TITLE INSURANCE POLICY. IT IS AN IMPORTANT LEGAL DOCUMENT. AS YOU REVIEW IT FROM TIME TO TIME, BE AWARE THAT YOU MAY INCREASE YOUR TITLE POLICY AMOUNT IF YOU ADD IMPROVEMENTS, OR IF THE VALUE OF YOUR PROPERTY INCREASES OVER TIME, BY REQUESTING AN INCREASE IN COVERAGE AND PAYING THE APPLICABLE PREMIUMS. THIS WILL NOT CHANGE THE TERMS OF THE POLICY OTHER THAN THE AMOUNT.**





January 28, 2021

Timothy MacEachen, Chairman  
Environmental Planning Commission  
City of Albuquerque  
600 2<sup>nd</sup> ST NW  
Albuquerque, NM 87102

Re: Zone Map Amendment

Dear Mr. Chairman,

JAG Planning and Zoning, LLC on behalf of 505 Solutions, LLC, are requesting approval of a zone map amendment from PD (Planned Development) to R-1D (Single Family Residential – Extra Large Lot) for all or a portion of Parcels A & B and Parcels 1 & 3, Lands of Albuquerque Ranch Estates and Lands of Albuquerque Academy, located west of Tramway Blvd NE, between Spain Rd NE and Academy Rd NE and containing approximately 4.7 acres (E-22).

#### **Existing Conditions**

The subject site is generally located west of Tramway Blvd NE and North of Spain Road NE and South of Academy Road NE. The surrounding area is comprised of mostly single-family dwellings with multi-family immediately north of the site. Also, immediately east and within the subject site, is a large Public Service of New Mexico (PNM) 115kv Transmission Structure, which are typically 72' in height, as determined by the most recently adopted Electric Facility Plan (2010-2020). Located across Tramway, east of the subject site are more single-family residential developments. The subject site is currently vacant with asphalt paving since the site had been previously used as a construction office area for the single-family residential development to the west. These parcels are part of a gated single-family residential development that were intended to be developed as single-family residential years ago.

#### **History of the property**

Prior to the adoption of the Integrated Development Ordinance (IDO), the subject property was zoned RD. However, since the site was not developed the property was zoned PD during the IDO conversion process to retain pre-existing entitlements of the multiple uses allowed under the former RD zone. There is a case number identified with the subject site (DRB-92-342), but no case file could be found by the Planning Department.

## The Zone Map Amendment Request

The requested zone is an effort to develop the vacant properties with single-family residential uses. The interest is to reflect development and zoning that is mostly surrounding and abutting the subject properties. The R-1D zone will maintain consistency in character and permissive uses of the immediate single-family residential development.

The existing PD zone poses challenges for the applicant in terms of development standards. The current zone is intended to provide "small and medium scale innovated projects that cannot be accommodated through the use of base zone districts...In order to provide significant public, civic or natural resources benefits". The existing PD zone requires that specific uses be identified and a Site Plan reviewed and approved by the EPC.

The zone change request to R-1D will enable the applicant to build single family dwelling units on individual lots. Prior to the adoption of the IDO and with the previous RD zone category, the applicant would have been able to build single-family dwelling units by right and without a Site Plan. As mentioned previously, the surrounding properties located to the west and south are zoned R-1D. All of the adjacent R-1D parcels have been developed as single-family homes, which is the existing development pattern for most of the area.

The proposed zoning of the subject properties is R-1D (Residential — Single Family, Extra Large Lot). This is the zoning of most of the adjacent properties. The purpose of the R-1 zone district, as per IDO Subsection 14-16-2-3(B)(1), is to "provide for neighborhoods of single-family homes on individual lots of variety sizes and dimensions. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to the serve surrounding residential area." The "D" in the R-1D refers to largest minimum lot size, lot width and setback standards in the R1 zone as summarized in Table 2-3-3.

**R-1D Dimensional Standards**  
Lot size minimum: 10,000 square feet  
Lot width minimum: 70 feet  
Front setback minimum: 20 feet  
Side setback minimum: 10 feet  
Building height maximum: 26 feet

There are major differences between the current PD zone and the proposed R-1D zone. Any uses, use-specific standards, and development standards for the existing PD zone district would remain unknown until an applicant submits a site-specific proposal to the City with all those details for review and decision by the EPC. The requested R-1D zone is a base zone district. The allowable uses in the R-1D and any use specific standards are established in the IDO. Future dimensional standards would be governed by dimensional standards specific to R-1 and city-wide standards in Table 2-3-4. Any development would be reviewed administratively. The request is in an Area of Consistency, the R-1D zone would be consistent with surrounding zoning



and is appropriate at this location. It is not in a designated Activity Center or along a designated Corridor. No overlay zones apply.

#### **Response to 14-16-6-7(G)(3) – Review and Decision Criteria**

This request for a Zone Map Amendment meets the Review and Decision Criteria outlined in the IDO, Section 6-7(G)(3) in the following manner: The responses provided below show how the requested zone is consistent with the growth and development patterns desired by the City.

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

Applicant's response: The proposed zone map amendment is consistent with the health, safety, and general welfare of the City by furthering and not in conflict with the ABC Comprehensive Plan with applicable Goals and Policies in the following manner:

#### **Community Identity Goal 4.1 Character: Enhance, Protect and preserve distinct communities.**

Applicant's response: The subject site is located within the Foothills Community Planning Area. The Comprehensive Plan identifies this area as "Foothills Nestled at the base of the Sandia Mountains, this area is distinguished by its unique relationship to the mountains and impressive views of the valley.

Design/Character Considerations: • Topography of the Sandia foothills • Proximity of Open Space and Open Space trail system • Arroyos extending from the foothills of the Sandia Mountains, providing opportunities for recreation trails to link to Open Space • Indigenous landscaping • Views of the mountains to the east and of the city and Northwest Mesa to the west."

This is a request for a Zone Map Amendment from PD Planned Development Zoning to R-1(D) – Single Family Development (Large Lot), which is consistent with most of the properties in this portion of the Foothills Community Planning Area. If approved, the proposed request will further Goal 4.1, by allowing a zone category and the eventual development of a single-family residential that will enhance, protect and preserve the distinct Foothills Community Planning Area.

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

Applicant's Response: This request furthers Policy 4.1.1 because the R-1D requested zone will encourage quality development that is consistent with the distinct character of communities that exists for this particular area, and will allow the applicant to develop single family dwellings on the properties. The intent is to match and reflect existing development patterns of the immediate area which is mostly characterized with dwelling units on single lots. The Contextual



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Residential Development in Areas of Consistency Standards of the IDO will require future single-family residential development to be consistent with the character of the area.

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

Applicant's Response: This request furthers Policy 4.1.2 because the zone change will protect the identity and cohesiveness of the neighborhood in that the proposed zone will provide an appropriate character of building design and density. The site will provide an opportunity for a cohesive addition to the neighborhood with a zoning designation that currently exists on adjoining single family developed lots. The site will be subject to restrictive covenants that pertain to the design of the dwelling units and the overall development of the site. The requested zone will maintain and reinforce the character 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.

Applicant's Response: The request will further Policy 4.1.4 because the requested zone is consistent with the R-1 zone and land uses that exist on adjacent properties which will enhance, protect and preserve the neighborhood. The key to the long-term health and vitality of neighborhoods is to reflect the context of the immediate area with compatible land uses in the appropriate locations. The character of the neighborhood will be maintained and reinforced.

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

Applicant's Response: The request furthers Goal 5.2 by allowing the site to be developed in a manner that will help complete the community. The subject area has been vacant for many years with the expectation of being developed as a residential development to enhance the mixture of uses that are currently exists in the area. The requested R-1D base zone district will facilitate infill development in a form and at a scale appropriate for this neighborhood.

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

Applicant's Response: The request furthers Policy 5.2.1 because the zone change from PD to R-1D will facilitate development of larger sized lots for allowable uses in the R-1D. Proposed residential uses on the properties would help foster communities where residents can live and work with land uses that are considered compatible with existing neighborhoods in a way that is consistent with the subject site's surroundings. The requested R-1D base zone district will facilitate infill development in a form and at a scale appropriate for this neighborhood. The site is vacant and undeveloped under the previous RD zone and now with the IDO equivalent PD zoning. The requested zone, R-1D, exists on adjacent properties and this application supports



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and assures the creation and maintenance of a healthy and sustainable community by adding complimentary uses that reflect the immediately surrounding development.

**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.**

Applicant's Response: The request furthers Goal 5.3 by allowing the site to be developed in a manner that will utilize existing infrastructure and the surrounding public facilities, such as trails and open spaces to support the public good. The proposed request will allow for a residential development that will be designed as efficiently as possible given the wide utility easements and the PNM Transmission Structure that exists on the subject site.

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

Applicant's response: The request furthers Policy 5.3.1 because it would facilitate infill development to an area already served by existing infrastructure and public facilities, which generally promotes efficient use of land to support the public good. Because the site in question is in an area with existing infrastructure and does not meet existing minimum lot size requirements for its current zoning designation of PD, down zoning from PD to R-1D allows the site to be developed supporting additional infill development. Adjacent properties with the requested R-1D zone are currently developed because they achieve minimum lot sizes. This type of infill development would be supported with existing infrastructure and public facilities in a form and scale that is compatible with the immediate area.

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

Applicant's response: The request furthers Goal 5.6 because the subject site is expected to be developed in an area that is surrounded areas designated an Area of Consistency and characterized by mostly low-density residential uses along with high density residential and commercial uses nearby.

**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.**

Applicant's response: The request furthers Policy 5.6.3 because the requested R-1D zoning is consistent with the zoning on adjacent properties located to the west and south which will protect the character of the existing neighborhood. The requested zone on the approximately 4.650-acre site would allow residential uses that are generally considered compatible with existing residential uses. Therefore, the request would contribute to protecting and enhancing the character of the surrounding, existing single-family neighborhood in this area outside of a designated Activity Center and not along a designated Corridor.



Sub Policy 5.6.3.b: Ensure that development reinforces the scale, intensity and setbacks to the immediately surrounding context.

Applicant's response: The request is for the same zone as surrounding properties ensures that future development will be subject to the same standards in relation to scale, intensity and setbacks.

Sub Policy 5.6.3.d: In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.

Applicant's Response: The requested zone will bring the zoning of the site into alignment with existing land uses with adjacent properties and in the surrounding residential areas.

**Housing Goal 9.2 Sustainable Design: Promote housing design that is sustainable and compatible with the natural and built environments.**

Applicant's response: The request furthers Goal 9.2 because the proposed zone category will be consistent with most of the properties immediately adjacent to the property. If approved, the site will be subject to the Contextual Residential Development in Areas of Consistency Standards of the IDO and will require future single-family residential development to be compatible with the area.

**Policy 9.2.1 Compatibility:** Encourage housing development that enhances neighborhood character, maintain compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design and relationship to the street.

Applicant's response: The request furthers Policy 9.2.1 because the requested zone enhances neighborhood character, maintains compatibility with surrounding land uses and responds to the development context by matching adjacent densities and site design with appropriate guaranteeing development standards by matching adjacent densities and site design.

**Summary:** Consistency with City's health, safety, morals and general welfare are reflected in the policy analysis and demonstrate that the request furthers applicable Comprehensive Plan Goals and Policies. The requested zone change from PD to R-1D supports and reflects the intentions of the Comprehensive Plan. The R-1D is consistent and compatible with the adjacent and abutting properties and applies similar development patterns regarding uses, setbacks and density. Allowing single-family development reflects and supports the intent of the Areas of Consistency. Removing the PD zone on the subject properties eliminates potential incompatible and unpredictable mixed land uses from the existing character of the neighborhood of single-family residential uses.

**Response to 6-7(G)(3)(b):** If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the

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surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets the following criteria:

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

Applicant's Response: The proposed amendment is located in the Area of Consistency. The proposed zone change would not permit development that is significantly different from the character of the area; therefore, criteria number 3 applies in that this zone map amendment would be more advantageous to the community patterns of land use, development density and intensity as articulated by the ABC Comp Plan as amended. The proposed zone will be consistent with surrounding lots. The development of the site will protect the character and security of the neighborhood. The requested R-1D zone will implement consistent and predictable development density and intensity on properties similar in size which in turn will strengthen the established character of the area.

The existing zone potentially allows for incompatible uses with development that could be significantly different from existing character or it could simply remain vacant and undeveloped as a result of development standards of the existing PD zone. The requested R-1D zone is more advantageous to the community as articulated by the ABC Comp Plan as articulated in the policy analysis in response to Criterion A.

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

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



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Applicant's Response: This criterion is not applicable because the proposed amendment is located wholly in an Area of Consistency, as shown in the ABC Comp Plan.

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

Applicant's Response: The requested R-1D zone includes fewer permissive uses than the existing PD zone, which could be potentially be harmful to adjacent properties. The proposed R-1D zone exists on adjacent and abutting properties, which would not be harmful to these properties, the neighborhood or community in that the request will allow for identical permissive uses and development standards. None of the allowed uses within the requested zone will be a harmful effect, because the R-1D is identical to those that exist on adjacent properties. The requested R-1D zone will be developed in accordance with dimensional standards with IDO Table 5-1-1.

Permissive uses in the R-1D including single-family dwellings, community residential facility (small), community center or library, parks and open spaces, religious institution, community garden, residential community amenity (outdoor), drainage facility, solar energy generation, utility electric and utility major. Aside from single family dwelling, all other permissive uses would likely be attracted to properties much larger than the subject properties as dimensional standards are applied.

Under the PD zone, any uses, use-specific standards, and development standards would remain unknown until an applicant submits a site-specific proposal to the City with all those details for review and decision by the EPC.

The requested R-1D zone would adequately mitigate any potential harmful impact to adjacent property, the neighborhood or community through this down zone request. The zone change will also remove possible harmful uses adjacent to existing single family uses.

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

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

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Applicant's Response: The site falls within an area that has City infrastructure and public improvements that will have adequate capacity to serve the development made possible by the zone change meeting the requirements of sub-criterion 1. The site is also adjacent to existing sidewalk and Trail systems that are typical of the Foothills area. The requested R-1D zone, which will reflect single-family residential uses will maintain and support the character of the immediate area, which falls within an existing developed area. The established urban area has sufficient infrastructure to support uses for the properties within the zone change application.

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

Applicant's Response: The subject site is located along local roads and a portion of the properties abut an arterial (Tramway Blvd) but this fact is not being used as justification for the zone change request. Justification is based on furthering a preponderance of applicable Comprehensive Plan policies as demonstrated in response to Criterion A.

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

Applicant's Response: The subject application is not based on economic considerations rather the interest lies in developing the property with single-family residential development and removing the development standards and requirements of the existing PD zone. The subject application for the requested zone change is not based on the property's cost of land or economic consideration.

The zone change request is based on the intention to build single-family residences, which would have been allowed prior to the adoption of the IDO. As a result, the proposed zone change is necessary to enable development on the individual properties. The current PD zone limits development due to lot size compliance requirements. The cost of the land is not the primary determining factor in pursuit of the appropriate zoning.

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

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



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Applicant's Response: Because the zone change request is for a zone that is identical to adjacent properties, the proposed zone change does not create a "spot" or "strip zone". The zoning of the site prior to the IDO adoption in 2018 was R-D as were most of the parcels in the immediate area. When the PD zoning was assigned to these parcels, because they were vacant, it created a distinction with adjacent properties that were assigned R-1D because they were developed with single-family dwellings. As a result, use regulations and development standards were different. The request will stabilize both land use and zoning. The Policy analysis demonstrates the zone change will clearly facilitate implementation of the Comprehensive Plan.

#### Neighborhood Notification

The Peppertree Royal Oak Residents Association and District 8 Coalition of Neighborhood Associations and property owners within 100 feet of the site were notified of this request. No meetings were requested by the neighborhood associations. The applicant did meet with a few property owners within 100 feet of the site who expressed support for the request.

There are no known opposition to this request.

#### Conclusion

The requested Zone Map Amendment will allow the property owner to develop the site with compatible uses at an appropriate location. The applicant argues that the Policy based analysis illustrates that the request furthers a preponderance of the applicable Goals and Policies of the Comprehensive Plan and does not conflict with them. The request clearly facilitates implementation of the Comprehensive Plan.

Thank you for your consideration on this matter.

Sincerely,



Juanita Garcia

Principal

JAG Planning & Zoning, LLC

ALTA / NSPS LAND TITLE SURVEY

PARCELS A & B and PARCELS 1 & 3

LANDS OF ALBUQUERQUE RANCH ESTATES &  
LANDS OF ALBUQUERQUE ACADEMY

CITY OF ALBUQUERQUE  
BERNALILLO COUNTY, NEW MEXICO  
SEPTEMBER 2020

LEGAL DESCRIPTION

PARCEL 1  
Lots numbered One-A (1-A), Two-A (2-A) and Three-A (3-A), as shown and designated on the Plat of Lots 1-A, 2-A, 3-A and 4-A, Tract A-1, ALBUQUERQUE RANCH ESTATES, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on November 28, 1994 in Plat Book 94C, Folio 392.

PARCEL A  
That certain parcel of land situate within the Elena Gallegos Grant in Projected Section 26, Township 11 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, comprising a portion of the Tramway Boulevard Right of Way as the same is shown and designated on the Plat entitled, "CORRECTED PLAT, CORRECTION PLAT FOR THE LANDS OF THE ALBUQUERQUE ACADEMY ALONG WITH EASEMENTS GRANTED TO PUBLIC SERVICE COMPANY OF NEW MEXICO (FILED AUG. 10, 1956) & (FILED OCT. 1, 1964) AND MANITOBA DRIVE RIGHT OF WAY (FILED DEC. 3, 1981) WITHIN THE TRAMWAY BOULEVARD RIGHT OF WAY FROM THE SOUTHERN BOUNDARY OF ELENA GALLEGOS GRANT TO SAN ANTONIO BLVD., SITUATE WITHIN PROJECTED SECTIONS 26, 27, 34 & 35, T 11 N, R 4 E, N.M.P.M., ALBUQUERQUE, NEW MEXICO, SEPTEMBER 1987" filed in the Office of the County Clerk of Bernalillo County, New Mexico on February 29, 1988 in Volume C35, Folio 198, being more particularly described by survey performed by Russ P. Hugg, New Mexico Professional Surveyor Number 9750 using New Mexico State Plane Coordinate System, Central Zone (NAD 27) Grid Bearings and ground distances as follows:

BEGINNING at the Northwest corner of the parcel herein described, being the Southeast corner of Tract "T", Peppertree Subdivision (a 5/8" rebar with cap stamped "L.S. 8478" found in place), as the same is shown and designated on the plat entitled, "PLAT OF TRACT T, A REPLAT OF TRACT C-1-A, PEPPERTREE SUBDIVISION & VACATED DRAINAGE RIGHT OF WAY ALONG ACADEMY ROAD, ALBUQUERQUE, NEW MEXICO", filed in the Office of the County Clerk of Bernalillo County, New Mexico on November 13, 1985, in Volume C28, Folio 166, and being the Northeast corner of Tract A-1, Albuquerque Ranch Estates, as the same is shown and designated on the Plat of said Addition, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on April 2, 1993, in Volume 93C, Folio 90; Thence,

S 89°55'01" E, 82.53 feet to the Northeast corner of the parcel herein described, a point on the line common to Projected Sections 26 and 27, Township 11 North, Range 4 East, New Mexico Principal Meridian; Thence,

S 00°00'44" W, 519.35 feet along a line common to said Projected Sections 26 and 27, Township 11 North, Range 4 East, New Mexico Principal Meridian to the Southeast corner of the parcel herein described; Thence,

N 89°59'06" W, 82.53 feet to the Southwest corner of the parcel herein described, being the Southeast corner of said Tract A-1, Albuquerque Ranch Estates (a 5/8" rebar and cap stamped LS 8473 found in place); Thence,

N 00°00'44" E, 519.43 feet along the Easterly line of said Tract A-1, Albuquerque Ranch Estates to the Northwest corner and point of beginning of the parcel herein described.

PARCEL B  
That certain parcel of land situate within the Elena Gallegos Grant in Projected Section 26, Township 11 North, Range 4 East, New Mexico Principal Meridian, City of Albuquerque, Bernalillo County, New Mexico, comprising a portion of the Tramway Boulevard Right of Way, as the same is shown and designated on the Plat entitled, "CORRECTED PLAT, CORRECTION PLAT FOR THE LANDS OF THE ALBUQUERQUE ACADEMY ALONG WITH EASEMENTS GRANTED TO PUBLIC SERVICE COMPANY OF NEW MEXICO (FILED AUG. 10, 1956) & (FILED OCT. 1, 1964) AND MANITOBA DRIVE RIGHT OF WAY (FILED DEC. 3, 1981) WITHIN THE TRAMWAY BLVD., RIGHT-OF-WAY FROM THE SOUTHERN BOUNDARY OF ELENA GALLEGOS GRANT TO SAN ANTONIO BLVD., SITUATE WITHIN PROJECTED SECTIONS 26, 27, 34 & 35, T 11 N, R 4 E, N.M.P.M., ALBUQUERQUE, NEW MEXICO", filed in the Office of the County Clerk of Bernalillo County, New Mexico, on February 29, 1988 in Volume C35, Folio 198, being more particularly described by survey performed by Russ P. Hugg, New Mexico Professional Land Surveyor Number 9750 using New Mexico State Plane Coordinate System, Central Zone (NAD 27) Grid Bearings and ground distances as follows:

BEGINNING at the Northwest corner of the parcel herein described, a point on the line common to Projected Sections 26 and 27, Township 11 North, Range 4 East, New Mexico Principal Meridian, whence the Southeast corner of Tract "T", Peppertree Subdivision, (a 5/8" rebar with cap stamped LS 8478 found in place), as the same is shown and designated on the Plat entitled, "PLAT OF TRACT T, A REPLAT OF TRACT C-1-A, PEPPERTREE SUBDIVISION & VACATED DRAINAGE RIGHT OF WAY ALONG ACADEMY ROAD, ALBUQUERQUE, NEW MEXICO", filed in the Office of the County Clerk of Bernalillo County, New Mexico, on November 13, 1985, in Volume C28, Folio 166, bears N 89°55'01" W, 82.53 feet distant; Thence,

S 89°55'01" E, 17.00 feet to the Northeast corner of the parcel herein described, a point on the line common to said Lands of the Albuquerque Academy and said Tramway Boulevard NE; Thence,

S 00°00'44" W, 487.27 feet along a line common to said Lands of the Albuquerque Academy and said Tramway Boulevard NE to a point on the Northwesterly right of way line of present Tramway Boulevard NE; Thence,

S 16°39'55" W, 33.46 feet along said Northwesterly right of way line of present Tramway Boulevard NE to the Southeast corner of the parcel herein described; Thence,

N 89°59'06" W, 7.41 feet to the Southwest corner of the parcel herein described, a point on said line common to said Projected Sections 26 and 27; Thence,

N 00°00'44" E, 519.25 feet along said line common to Projected Sections 26 and 27 to the Northwest corner and point of beginning of the parcel herein described.

PARCEL 3  
A tract of land being a portion of "Lands of the Albuquerque Academy Unplatted Lands by Quit Claim Deed" filed in the Office of the County Clerk of Bernalillo County, New Mexico on August 16, 1967. Said tract of land also being a portion of the lands shown and designated on the Plat entitled, "CORRECTED PLAT, CORRECTION PLAT FOR THE LANDS OF ALBUQUERQUE ACADEMY ALONG WITH EASEMENTS GRANTED TO PUBLIC SERVICE COMPANY OF NEW MEXICO (FILED AUG. 10, 1956) & (FILED OCT. 1, 1964) AND MANITOBA DRIVE RIGHT OF WAY (FILED DEC. 3, 1981) WITHIN THE TRAMWAY BLVD., RIGHT OF WAY FROM THE SOUTHERN BOUNDARY OF ELENA GALLEGOS GRANT TO SAN ANTONIO BLVD., SITUATE WITHIN PROJECTED SECTIONS 26, 27, 34 & 35, T 11 N, R 4 E, N.M.P.M., ALBUQUERQUE, NEW MEXICO", filed in the Office of the County Clerk of Bernalillo County, New Mexico on February 29, 1988 in Volume C35, Folio 198. Said tract of land also being a portion of the lands shown and designated on the "TRAMWAY BOULEVARD RIGHT OF WAY MAP SP-(M)-4067(200), SHEET 6 OF 7" dated May 8, 1989 and certified by Santiago Romero, Jr., New Mexico Professional Land Surveyor No. 7924 and being more particularly described as follows:

BEGINNING at the Northwesterly corner of the herein described tract of land, said corner being S 89°55'01" E, 99.50 feet from the Northeast corner of Tract A-1, Albuquerque Ranch Estates, filed in the Office of the County Clerk of Bernalillo County, New Mexico on April 2, 1993, in Volume 93C, Folio 90, said corner being a 5/8" rebar and cap stamped "LS 8478";

THENCE, S 89°55'01" E, 124.93 feet to the Northeasterly corner of the herein described tract of land, said corner being a point on the westerly right of way line of Tramway Boulevard NE;

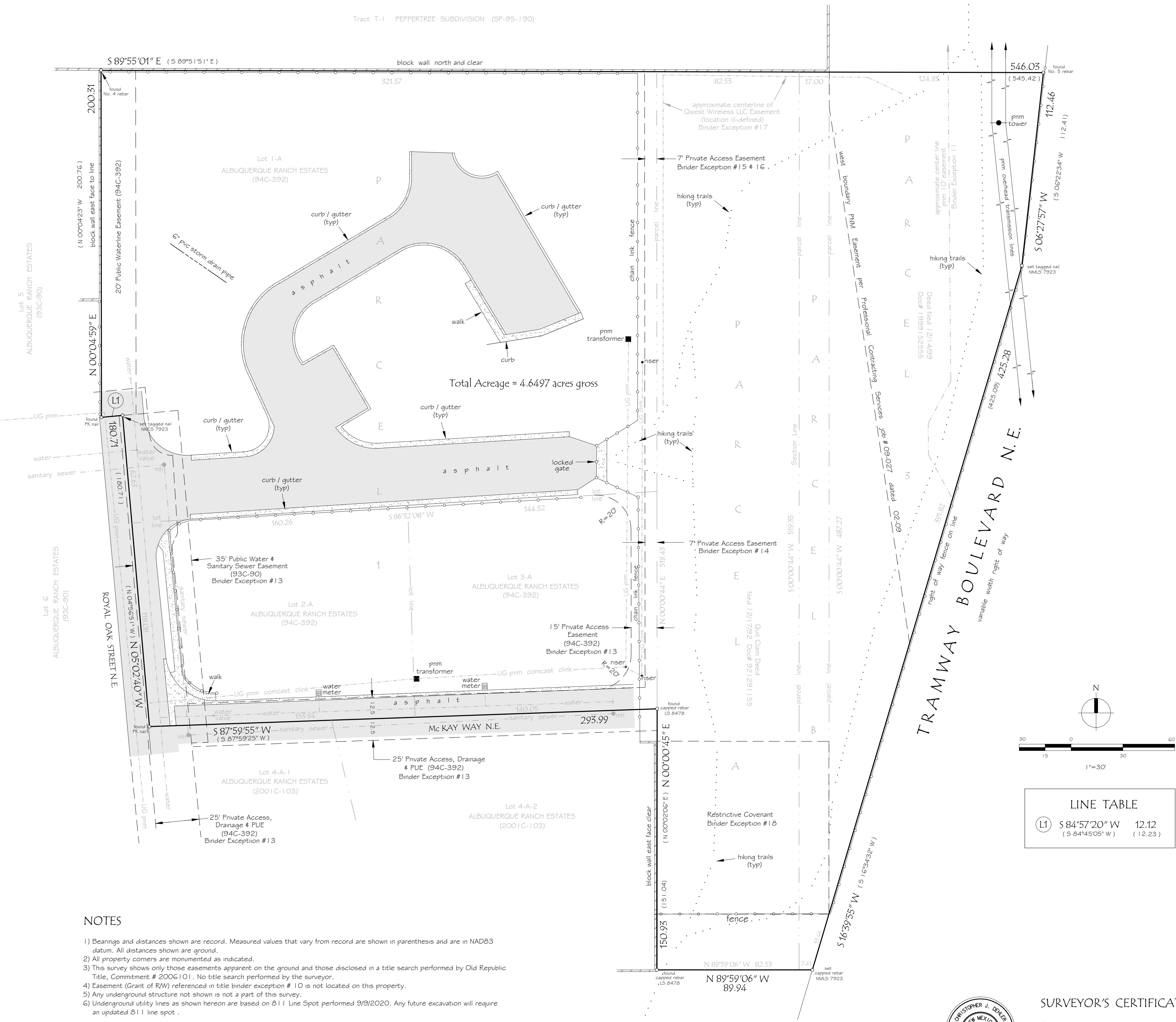
THENCE along the westerly right of way line of said Tramway Boulevard NE, S 06°27'57" W, 112.46 feet to an angle point on said westerly right of way line;

THENCE continuing along said westerly right of way line, S 16°39'55" W, 391.82 feet to the southerly corner of the herein described tract of land;

THENCE, N 00°00'44" E, 487.29 feet, closing to said Northwesterly corner of the herein described tract of land.

NOTES

- 1) Bearings and distances shown are record. Measured values that vary from record are shown in parenthesis and are in NAD83 datum. All distances shown are ground.
- 2) All property corners are monumented as indicated.
- 3) This survey shows only those easements apparent on the ground and those disclosed in a title search performed by Old Republic Title, Commitment # 2006101. No title search performed by the surveyor.
- 4) Easement (Grant of RW) referenced in title binder exception # 10 is not located on this property.
- 5) Any underground structure not shown is not a part of this survey.
- 6) Underground utility lines as shown hereon are based on 811 Line Spot performed 9/9/2020. Any future excavation will require an updated 811 line spot.



LINE TABLE

(L) S 84°57'20" W 12.12  
S 84°45'03" W (12.23)

SURVEYOR'S CERTIFICATION

The undersigned hereby certifies to Pat Melloy and/or Assigns and Old Republic National Title Insurance Co: This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA / NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes items, 1, 2, 3, 4, 7, 8, 11 (observable) and 14 of Table A thereof. The field work was completed on

dated: 9/30/2020  
New Mexico Registered Land Surveyor No. 7923  
Job No. 378620

DEHLER SURVEYING

3827 Palacio Del Rio Grande NW  
Albuquerque, NM 87107  
Ph: 414-8223  
dehlersurveying@gmail.com



## PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-187 Date: 10/21/20 Time: N/A (sent via email to [jag@jagpandz.com](mailto:jag@jagpandz.com))

Address: No address assigned

### AGENCY REPRESENTATIVES

Planning: Linda Rumpf ([lrumpf@cabq.gov](mailto:lrumpf@cabq.gov))

Zoning/Code Enforcement: Marcelo Ibarra ([marceloibarra@cabq.gov](mailto:marceloibarra@cabq.gov))

Fire Marshal: Bob Nevárez ([rnevarez@cabq.gov](mailto:rnevarez@cabq.gov)) or call 505-924-3611 (if needed)

Transportation: Nilo Salgado ([nsalgado-fernandez@cabq.gov](mailto:nsalgado-fernandez@cabq.gov))

### PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!

THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL.

*Additional research may be necessary to determine the exact type of application and/or process needed.  
Factors unknown at this time and/or thought of as minor could become significant as the case progresses.*

**REQUEST:** Eleven Lots are proposed for single family development

### SITE INFORMATION:

Zone: PD

Size: 4.661 acres

Use: Vacant

Overlay zone: x

Comp Plan Area of: Consistency

Comp Plan Corridor: x

Comp Plan Center: x

MPOS or Sensitive Lands: x

Parking: 5-5

MR Area: x

Landscaping: 5-6

Street Trees: 5-6(D)(1)

Use Specific Standards: Allowable Uses, Table 4-2-1

Dimensional Standards: As applicable to the most similar use or district as shown in Section 14-16-Error!

**Reference source not found.**, unless different standards are approved in the PD approval process

\*Neighborhood Organization/s: Peppertree Royal Oak Residents Association, District 8 Coalition of NAs

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

### PROCESS:

Type of Action: \*See Zoning Comments

Review and Approval Body: \* Is this a PRT requirement? \*

## PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-187 Date: 10/21/20 Time: N/A (sent via email)

Address: No address assigned

### NOTES:

See the **Integrated Development Ordinance**

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

No approved site plan on file.

### Records requests

To request a site plan and/or Notice of Decision, please use ABQ Records web page:

<https://www.cabq.gov/clerk/public-records>

Please include the site's address and the Case Tracking #s (see Zoning Comments) in your request.

### Requests to Inspect Public Records

Any person may submit their request to inspect public records to the Office of the City Clerk by clicking on the following link to request records using our ABQ Records portal. <https://cabq.nextrequest.com/>

This enables us to respond to requests in the order in which they are received. Plus, it's a better way to share large files.

- Linda Rumpf, [lrumpf@cabq.gov](mailto:lrumpf@cabq.gov)

### File Submittal

For Administrative Amendments, DRB, EPC, hydrology and traffic submittals, e-mail electronic files to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov). For questions about an application submittal or the submittal process itself, please contact Jay Rodenbeck at [jrodenbeck@cabq.gov](mailto:jrodenbeck@cabq.gov) and/or to Maggie Gould at [mgould@cabq.gov](mailto:mgould@cabq.gov).

For other questions, please contact the Planning representative at the top of the PRT Notes.

For Building Safety Plan Review, contact Building Safety at 924-3963. Website:

<https://www.cabq.gov/planning/building-safety-permits>

### Zoning Comments

Location: 12408 WALKERWAY NE

102206250617640163

ABQ RANCH ESTATES

Current status of replat for development is unknown.

Project – Subdivide and develop 11 lots for Single Family Homes.

Current Zoning – PD

Proposed Zoning—R-1C or R-1D



## PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-187 Date: 10/21/20 Time: N/A (sent via email)

Address: No address assigned

Area of Consistency

Previous Zoning – R-D

No Site Development Plan found.

Original Plat DRB-94-311

Subdivision of Land Major 6-6-J

Sketch Plat 6-6-J-2-b

Variance ZHE 6-6-N

Site Plan DRB 6-6-G

Additional comments from Zoning

-Zone Change or the Zone Change process was not addressed in the notes.

Current zone is PD. Project proposed is for single family development and re-plat. Lot's surrounding this property are also single family and either R-1C or R-1D.

Contextual standards would need to be met for the development of the new subdivision to meet one of those zone districts. Section 5-1

However, as part of the redevelopment would be identifying a zone district. Zone change requests would be EPC.

-Processes were noted, but project would be Site Plan DRB.

Variances process can depend on the specific request. Dimensional standard mentioned in the application would be variance ZHE.

*As always, if the applicant has specific questions pertaining to zoning and/or the development standards they are encouraged to reach out to the zoning counter at 505-924-3857 option 1.*

### Transportation Development comments

For additional information contact Jeanne Wolfenbarger (924-3991)

**\*Contact Jeanne Wolfenbarger for input/discussion/comments for this proposed case.**

**\*\*General comments below if applicable to proposed single family development:**

### Curb Cuts

- Follow DPM guidelines for residential and commercial curb cuts.
- Residential curb cut requirements – (12 feet to 22 feet wide for residential, 30 feet only if there is a 3-car garage or parking for RV)



## PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-187 Date: 10/21/20 Time: N/A (sent via email)

Address: No address assigned

- Location of drive with respect to intersection depends on classification of the street. (See attached table.) Classification of street is according to the Long Range Master Plan developed by MRCOG.

### Clear Sight Triangle at Access Points and Intersections

- Clear sight triangle (See attached hand-outs.) Nothing opaque should be in the triangle.

### Private Site and Parking Lot Design

- Follow DPM and IDO Guidelines for Site and Parking Lot Design. Current ADA standards must be followed including required number of handicapped parking spaces and drive aisles, ADA access to public right-of-way, and ADA access to on-site buildings.
- See the Traffic Circulation Layout (TCL) Checklist. A TCL is required for any change or addition to a building > 500 sq. ft. or if the parking or circulation is changed. (This includes a repaving of parking lot.) Drawing must be stamped by a registered engineer or architect.
- When developing a parking lot layout, include all dimensioning for construction purposes. Also include all curb, curb ramp and signage details.
- Parking Calculations must be provided and per the requirements in the IDO. Number of vehicular spaces, motorcycle spaces, and bicycle spaces shall be specified and follow IDO requirements.
- Demonstrate queuing capacity when needed in situations such as for drive-thru facilities. It is imperative to demonstrate that the queuing will not block accessways to the site or cause vehicles to back into the main roadway. Also, provide necessary one-way signage and pavement markings.
- Shared access/parking agreement is required if access/parking is shared with parking lot adjacent to site. (This can be established on a plat if submittal of a plat is required or by an agreement.)
- Existing driveways that are not being used are required to be removed and replaced with standard curb and sidewalk to match existing.

### Traffic Studies

1. See the Traffic Impact Study (TIS) thresholds. In general, a minimum combination of 100 vehicles entering and exiting in the peak hour warrants a Traffic Impact Study. Visit with Traffic Engineer for determination, and fill out a TIS Form that states whether one is warranted. In some cases, a trip generation may be requested for determination.

### Platting and Public Infrastructure Requirements for Roadways

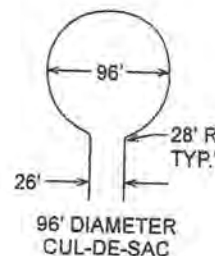
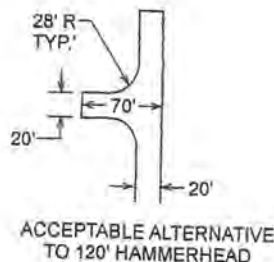
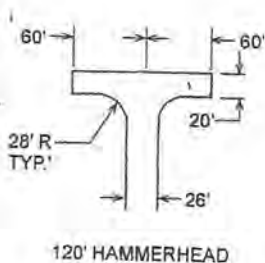
1. When submitting to DRB, all public roadway improvements that are required shall be shown on an infrastructure list. Public improvements must be included on a public work order set of drawings.

# PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-187 Date: 10/21/20 Time: N/A (sent via email)

Address: No address assigned

2. All public roadway facilities must be within public right-of-way including the entire width of the public sidewalk, all public curb ramps, overhead utilities, traffic signals and lighting, etc.
3. Curb and sidewalk is required along entire frontage of property. Follow IDO/DPM for specific width requirements.
4. There is a Bikeway Master Plan that is prepared MRCOG which lays out proposed bicycle facilities including bicycle trails, bike lanes, and bike routes. The site would be required to provide such facilities along the site frontage if they have not been constructed yet. Right-of-way dedication would likely be required.
5. Depending on site's use of an adjacent alleyway and on type of use for proposed site, alleyway improvements are required. This would include paving and/or proper right-of-way dedication to meet current width standards.
6. Follow DPM and MRCOG's Long Range Master Plan for roadway width requirements. Provide roadway cross-section. (New roadway requirements and roadway widening is also coordinated with Department of Municipal Development, depending on what plans or projects they may have on a specific roadway.)
7. If private road is over 150' long, the turnaround shall be per fire code dimensions. Fire Marshall Approval and Solid Waste Approval is required on all site layouts. For dead-ends, see options below for space dedicated to turn-arounds:



8. For any private access easements on plats, all beneficiaries and maintenance responsibilities must be listed.

## PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-187 Date: 10/21/20 Time: N/A (sent via email)

Address: No address assigned

9. Due to sight distance concerns and to construct sufficient curb ramps, right-of-way dedication is required to add curves to corners of properties at intersections if they are not already developed. See Table 23.3 of the DPM.
10. Any private structures that are located within public right-of-way such as fences and walls shall either be removed or else a revocable permit with the City is required in which an annual fee is paid per year, based on square footage of the encroachment.

*If you would have additional questions or would like to schedule a follow-up conference call meeting please contact Linda Rumpf at [lrumpf@cabq.gov](mailto:lrumpf@cabq.gov)*



## PRE-APPLICATION REVIEW TEAM (PRT) MEETING REQUEST

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

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

<i>Official Use only</i>		
PA#: <u>20-187</u>	Received By: <u>Diego Ewell</u>	Date: <u>10/14/2020</u>
APPOINTMENT DATE & TIME: <u>N/A</u>		

Applicant Name: Juanita Garcia - JAG Planning & Zon Phone#: 505 362-8903 Email: jag@jagpandz.com

### PROJECT INFORMATION:

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

Size of Site: 4.661 Acres Existing Zoning: PD ☐ Proposed Zoning: No Change ☐

Previous case number(s) for this site: DRB-92-342

Applicable Overlays or Mapped Areas: None

Residential – Type and No. of Units: Single-Family Development

Non-residential – Estimated building square footage: N/A No. of Employees: N/A

Mixed-use – Project specifics: N/A

### LOCATION OF REQUEST:

Physical Address: No Address Assigned Zone Atlas Page (Please identify subject site on the map and attach) E-22

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

Eleven Lots are proposed for single family development.

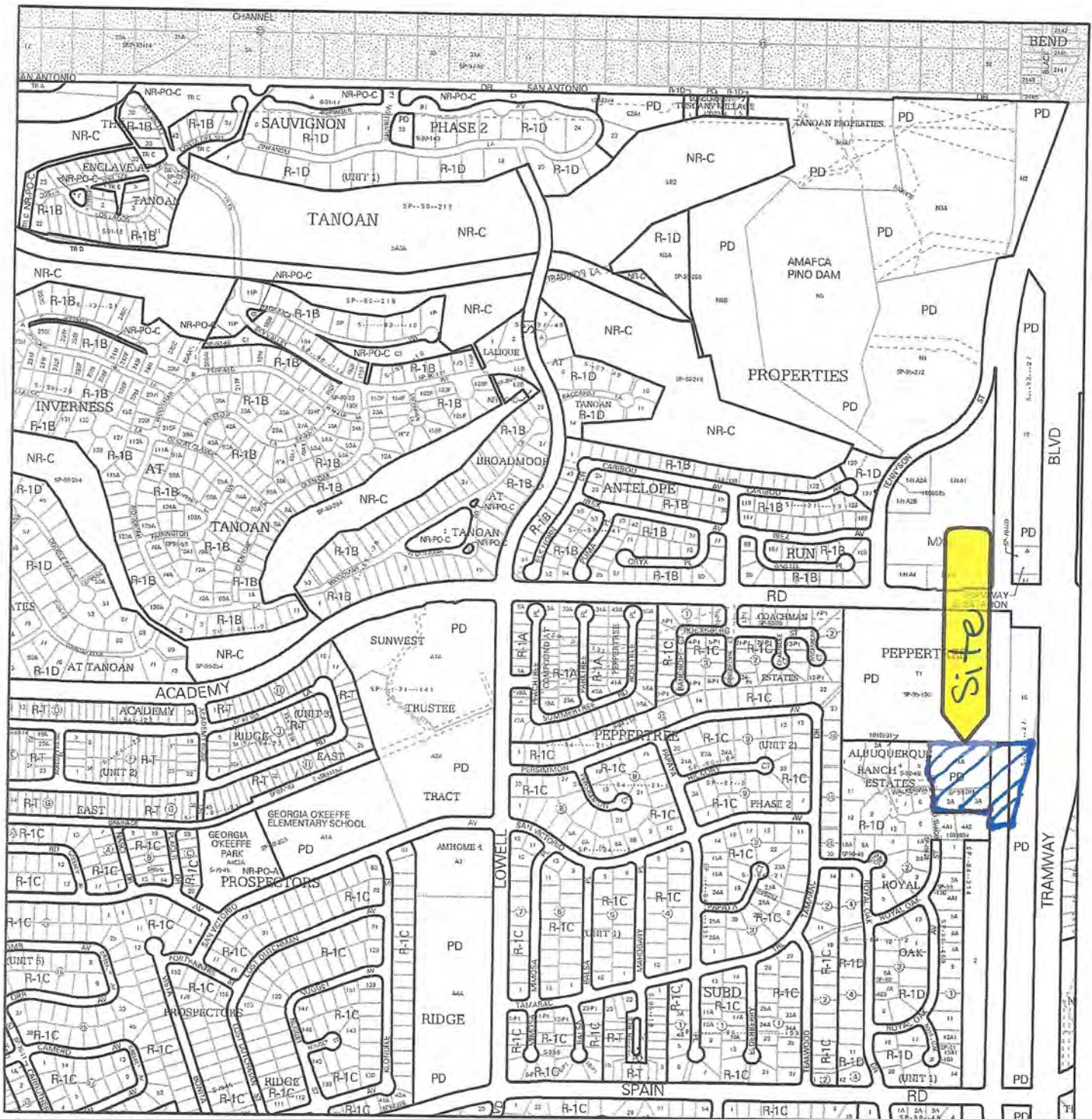
### QUESTIONS OR CONCERNS (Please be specific so that our staff can do the appropriate research)

The site is zoned PD with no approved site plan. What would be the process for obtaining a site plan - EPC or DRB?

Can you confirm if there is a case file for DRB-92-342? Applicant wants to develop the site similar to R-1(D) but may not

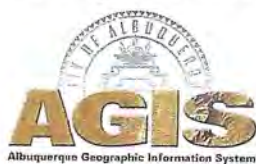
meet the minimum lot width of 70' because of existing utility easements along the eastern portion of the site. What  
would be the process of obtaining an exception, if needed - ZHE, DRB or EPC?





For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

## IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018  
The Zone Districts and Overlay Zones  
are established by the  
Integrated Development Ordinance (IDO).

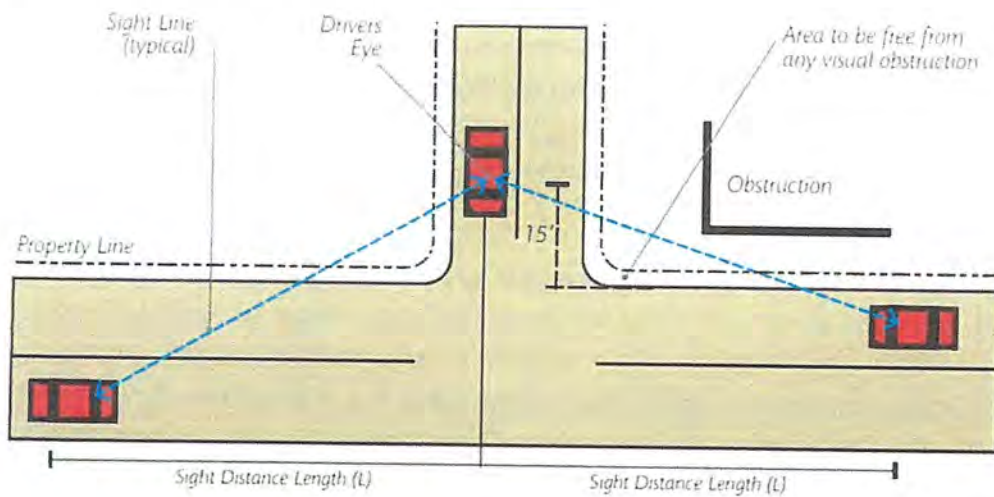


Zone Atlas Page:  
**E-22-Z**

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone

0 250 500 1,000 Feet



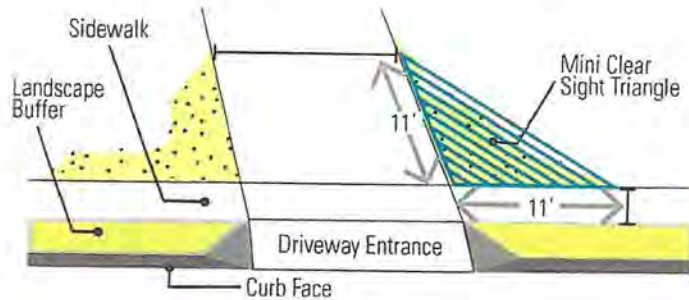
**Figure 3.9.5-2 Intersection Sight Distance****Table 3.9.5-2 Minimum Intersection Sight Distance**

Speed Limit (mph)	Minimum Intersection Sight Distance (ft)					
	2 Lane Undivided		3 Lane Undivided or 2 Lane Divided w/ 12' Median		4 Lane Undivided	
	Left Turn	Right Turn	Left Turn	Right Turn	Left Turn	Right Turn
20	230	200	240	200	250	200
25	280	240	300	240	320	240
30	340	290	360	290	380	290
35	390	340	420	340	440	340
40	450	390	480	390	500	390
45	500	430	530	430	570	430
50	560	480	590	480	630	480

#### 3.9.5.4 Mini Clear Sight Triangle

Driveways need to maintain the mini sight triangle as shown in Figure 3.9.5-3. This triangle starts at the sidewalk and measures 11 feet on a side.

**Figure 3.9.5-3 Mini Clear Sight Triangle**



#### 3.9.5.5 Visibility for Site Entrances and Driveways

Site entrances and driveways shall be designed to preserve the clear sight triangle free of visual obstruction as described in section 3.9.5.3 and 3.9.5.4 above.

#### 3.9.5.6 Sight Distance Note

The following note is required in all site plans: Landscaping, signage, walls, fences, trees, and shrubbery between three (3') and eight feet (8') tall (as measured from the gutter pan) are not allowed within the clear sight triangle.

#### 3.9.5.7 Objects Permitted in the Clear Sight Triangle

Objects, that may be located in the sight triangle, include, but are not limited to, hydrants, utility poles, utility junction boxes, and traffic control devices provided these objects are located to minimize visual obstruction. Objects under eight inches (8") wide may be allowed.

## STAFF INFORMATION





DATE: January 26, 2021  
TO: Juanita Garcia  
FROM: Linda Rumpf, Planner  
City of Albuquerque Planning Department  
TEL: (505) 924-3342  
RE: Project #PR-2020-004595, RZ-2021-00002, 12408 Walkerway St. NE 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 strengthen the justification. I am available to answer questions about the process and requirements. Please provide the following:

⇒ A revised zone change justification letter pursuant to the zone change criteria (one copy) by:  
**12 pm on Thursday, January 28, 2021.**

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. This is what I have for the legal description:

all or a portion of Parcels A & B and Parcels 1 & 3, Lands of Albuquerque Ranch Estates and Lands of Albuquerque Academy, located at and around 12408 Walkerway St. NE, between Spain Rd NE, Academy Rd. NE, approximately 4.7 acres

Is this correct?

C. Please tell me about the project that the proposed zone change will make possible. What is the ultimate plan?

2) Process:

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

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

B. Timelines and EPC calendar: the EPC public hearing will be held on **February 18, 2021**. Final staff reports will be available one week prior, on **February 11th**.

C. Note that, if a zone change request is denied, you cannot reapply again for one year.

D. Agency comments will be distributed on **January 26, 2021**. I will email you a copy of the comments and will forward any late comments to you.

3) Notification & Neighborhood Issues:

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

- A. 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. Proof of notification: I counted 52 mailing labels and only 40 envelopes. I have received your updated photo of the additional envelopes. Those checked out. The proof of notification is complete.
- C. In the future, please organize the envelopes to be in the same order as the mailing labels. I have to cross reference each label with the corresponding envelope. It helps if they are in the same order. Also, in the future, please make the envelopes larger, with less envelopes per page. The font is small and hard to read. 4 envelopes per page is good.

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

*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.*

- A. A zone change justification is all about the requirements of the zone change criteria and how a proposed project can be demonstrated to fulfill them. The merits of the project itself are not included. Neither is neighborhood support.
- B. The task is to choose applicable Goals and policies from the Comprehensive Plan and show how your request furthers (makes a reality) the chosen Goals and policies.
- C. Page 1 – please update the **legal description** in your justification letter, if necessary.

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

- A. Responding to Sections A-H of the zone change criteria 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:
  - answering the questions in the customary way (see examples).
  - using conclusory statements such as “because\_\_\_\_\_”.
  - re-phrasing the requirement itself in the response, and
  - choosing an option when needed to respond to a requirement (ex. Criteria B, E, and H).

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

Please address and incorporate the following to provide a strengthened, approvable response to the zone change criteria.

- A. Criterion A (minor edits):

- a. You might want to add more Goals and policies to your analysis. Please see sample staff Zone Change staff reports and justification letters on this web page.  
<https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>
  - b. 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.
  - c. Pages 3 and 4: please include narrative for each Goal cited and/or break out the narrative that addresses the Goal from the narrative that addresses the policy.
  - d. Page 3: Under Goal 4. Please use this text consistently throughout this section: “This request furthers Goal xx or policy yy because....” Please use this language for all of the Goal and policy analysis.
  - e. Page 3: Goal 4.1 – insert your response as to why the Zone Map Amendment supports this goal. Please separate your Goal and policy response.
  - f. Page 4: same for Goal 5.2 and the rest of the Goals – – insert your response as to why the Zone Map Amendment supports this goal. Please separate your Goal and policy response.
  - g. Page 4: typo on Policy 5.2.1 – **mx** of uses
  - h. Page 4- Goal 5.2 and Policy 5.2.1- Doesn’t building more SF homes in an area already characterized by SF homes create more homogeneity rather than a distinct community with a mix of uses? Please think about these.
  - i. Page 5- Goal 7.3 and Policy 7.3.2- without a site plan, how are you able to address “context sensitive design”? Please think about these.
  - j. Zone Change criteria are 6-7(G) under the 2019 IDO, not 6-7(F).
- B. Criterion B (strengthen): Please say which criteria (1, 2 or 3) applies.
- C. Criterion C: OK
- D. Criterion D: OK
- E. Criterion E: OK
- F. Criterion F: OK
- G. Criterion G: OK
- H. Criterion H: OK

Well done!

## NOTIFICATION





JAG JAG &lt;jag@jagpandz.com&gt;

## Tramway and Academy Neighborhood Meeting Inquiry

1 message

Carmona, Dalaina L. <dcarmona@cabq.gov>  
To: "jag@jagpandz.com" <jag@jagpandz.com>

Tue, Nov 10, 2020 at 12:23 PM

Dear Applicant,

Please find the neighborhood contact information listed below.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
Peppertree Royal Oak Residents Association	Art	Verardo	a.verardo@comcast.net	11901 San Victorio Avenue NE	Albuquerque	NM	87111		5052966602
Peppertree Royal Oak Residents Association	Cheri	Schlagel	cmschlagel@outlook.com	12508 Tamarac Trail NE	Albuquerque	NM	87111	5052355226	5052948696
District 8 Coalition of Neighborhood Associations	Donald	Couchman	dhc@zianet.com	6441 Concordia Road NE	Albuquerque	NM	87111	5052698335	
District 8 Coalition of Neighborhood Associations	Mary Ann	Dix	dix.mary.ann@gmail.com	11312 Manguena Lane NE	Albuquerque	NM	87111	5057159197	5052710548

You will need to e-mail each of the listed contacts and let them know that you are applying for a permit for your project. You can use this online link to find template language if you're not sure what information you need to include in your e-mail. <https://www.cabq.gov/planning/urban-design-development/public-notice>

If your permit application or project requires a neighborhood meeting, you can click on this link to find template language to use in your e-mail notification: <http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

11/11/2020

jagplanningandzoning.com Mail - Tramway and Academy Neighborhood Meeting Inquiry

If you have questions about what type of notification is required for your particular project, please click on the link below to see a table of different types of projects and what notification is required for each:

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17-Part6.pdf>

Once you have e-mailed the contact individuals in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your permit application and submit it to the Planning Department for approval. **PLEASE NOTE:** The ONC does not have any jurisdiction over any other aspect of your permit application beyond the neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, or project plans, so we encourage you to contact the Planning Department at: 505-924-3860 or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

If your permit or project requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

Thanks,



*Dalaina L. Carmona*

Senior Administrative Assistant

Office of Neighborhood Coordination

Council Services Department

1 Civic Plaza NW, Suite 9087, 9<sup>th</sup> Floor

Albuquerque, NM 87102

505-768-3334

[dcarmona@cabq.gov](mailto:dcarmona@cabq.gov) or [ONC@cabq.gov](mailto:ONC@cabq.gov)

Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)





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

**From:** webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** webmaster@cabq.gov  
**Sent:** Tuesday, November 10, 2020 10:40 AM  
**To:** Office of Neighborhood Coordination <jag@jagpandz.com>  
**Cc:** Office of Neighborhood Coordination <onc@cabq.gov>  
**Subject:** Neighborhood Meeting Inquiry Sheet Submission

#### Neighborhood Meeting Inquiry For:

Environmental Planning Commission

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

#### Contact Name

Juanita Garcia

#### Telephone Number

5053628903

#### Email Address

jag@jagpandz.com

#### Company Name

JAG Planning & Zoning, LLC

#### Company Address

P.O. Box 7857

#### City

Albuquerque

#### State

NM

#### ZIP

11/11/2020

jagplanningandzoning.com Mail - Tramway and Academy Neighborhood Meeting Inquiry

87194

Legal description of the subject site for this project:

Parcels A & B and Parcels 1 & 3, Lands of Albuquerque Ranch Estates and Lands of Albuquerque Academy, containing approximately 4.650 acres

Physical address of subject site:

No Assigned Address

Subject site cross streets:

Tramway and Academy

Other subject site identifiers:

West of Tramway and South of Academy

This site is located on the following zone atlas page:

E-22

=====

This message has been analyzed by Deep Discovery Email Inspector.

 ZMA E-22.pdf  
1496K





JAG JAG &lt;jag@jagpandz.com&gt;

## Neighborhood Meeting about Future Environmental Planning Commission Application

1 message

JAG JAG &lt;jag@jagpandz.com&gt;

Mon, Nov 16, 2020 at 9:21 PM

To: a.verardo@comcast.net, cmschlagel@outlook.com, dhc@zianet.com, dix.mary.ann@gmail.com, JAG JAG &lt;jag@jagpandz.com&gt;

**November 16, 2020**

To whom it may concern,

**Re: Request for Zone Map Amendment – EPC, Tramway Blvd Between Academy and Spain, Zone Atlas Map E-22-Z**

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) Subsection 14-16-6-4(C) Neighborhood Meeting, we are providing you an opportunity to discuss the following application we will be making for a project proposed in or near your neighborhood:

### **Approval of a Zone Map Amendment for parcels that are Zoned PD to R-1D**

Application(s) per Table 6-1-1 in the IDO – Approval of a Zone Map Amendment by the Environmental Planning Commission (EPC) requires a neighborhood meeting request. This would be an informal meeting where JAG Planning & Zoning, Agent for 505 Solutions, LLC, would present the proposal and discuss any ideas or concerns you may have.

Prior to the adoption of the IDO, the site was zoned RD and was changed to PD since the site is vacant and no site development plan has been approved for development. The applicant is interested in applying for a zone change instead of seeking a site plat approval. Attached for your information is a copy of Zone Atlas page E-22-Z identifying the location of the proposed project.

Per the IDO, you have **15 days** from the date of this letter to respond, by either 1) requesting a meeting or 2) declining the meeting. If you do not respond within 15 days, you are waiving the opportunity for a Neighborhood Meeting, and we can submit our application anytime thereafter. We would like to submit our application around **December 30, 2020 (City of Albuquerque has not determined the deadline date)**.

We appreciate the opportunity to introduce this request to you and the association. If you or anyone has any questions or clarifications regarding this application, feel free to contact either Juanita Garcia at (505) 362-8903 or Andrew Garcia at (505) 363-5613 or at [jag@jagpandz.com](mailto:jag@jagpandz.com).

Regards,

Juanita and Andrew Garcia  
Principals  
JAG Planning & Zoning, LLC  
P.O. Box 7857, Albuquerque, NM 87129  
(505) 362-8903 and (505) 363-5613



---

 **ZMA E-22.pdf**  
1496K



JAG JAG &lt;jag@jagpandz.com&gt;

**Public Notice of Hearing with Content for Zone Map Amendment at and around 12408 Walkerway NE**

JAG JAG &lt;jag@jagpandz.com&gt;

To: a.verardo@comcast.net, cmschlagel@outlook.com, dhc@zianet.com, dix.mary.ann@gmail.com, JAG JAG &lt;jag@jagpandz.com&gt;

Tue, Jan 5, 2021 at 12:41 PM

January 5, 2021

**PUBLIC NOTICE OF HEARING**

Dear Neighborhood Representative:

JAG Planning & Zoning, LLC, on behalf of property owners 505 Solutions, LLC, will be submitting an application to the City of Albuquerque Planning Department for the Environmental Planning Commission (EPC) to consider the following request:

**Zone Map Amendment from Planned Development (PD) to R-1 (D) Single-Family Dwelling for the area identified within Zone Atlas Page E-22.**





Your Neighborhood Association was initially notified on November 16, 2020 regarding this application to determine if a meeting would be beneficial to your association. We had not heard from your association but are still willing to meet to discuss the application.

### Request

The property is located at and around 12408 Walkerway NE, and is legally described as Parcels A & B and Parcels 1 & 3, Lands of Albuquerque Ranch and Lands of Albuquerque Academy, containing approximately 4.650 Acres and is zoned Planned Development (PD) as described in the Integrated Development Ordinance (IDO). The purpose of this request is to change the zoning of the property to allow for development of these vacant parcels. The surrounding single-family residential development is currently zoned R-1(D) and the applicant is requesting a zone category that will allow the site to be consistent with the surrounding zoning. The applicant will eventually develop a single-family development that will be appropriate in scale and design to the existing development.

Purpose of the PD Zone	Purpose of the R-1 Zone
The purpose of the PD zone district is to accommodate small- and medium-scale innovative projects that cannot be accommodated through the use of other zone districts, provided that those projects are consistent with the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended and include standards that	The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established



would not otherwise be required of the applicant in order to provide significant public, civic, or natural resource benefits. This zone district is applied on a case-by-case basis to reflect a negotiated agreement for uses and standards with the applicant. Allowable uses are negotiated on a case-by-case basis but may not include any use that is not included in Table 4-2-1.	character of the existing neighborhood. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area. Allowable uses are shown in Table 4-2-1.
---	--

### Public Hearing Information

**Topic: EPC Hearing, February 18, 2021**

**Time: 08:30 AM Mountain Time (US and Canada)**

Join Zoom Meeting

<https://cabq.zoom.us/j/2269592859>

Meeting ID: 226 959 2859

One tap mobile

+12532158782,,2269592859# US (Tacoma)

+13462487799,,2269592859# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 226 959 2859

Find your local number: <https://cabq.zoom.us/j/9aIDEsva2b>

**NOTE:** Pursuant to IDO Subsection 14-16-6-4(L), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955

We have attached useful links for you to use for further information regarding the zone amendment application, the zone map amendment process and pertinent regulations. We have also attached a full-size Zone Atlas page for your reference.

### Useful Links

#### Integrated Development Ordinance (IDO)

[IDO-2019-Effective-2020-11-02.pdf](#) (cabq.gov)

#### IDO Interactive Map

[IDO Interactive Map](#) (arcgis.com)

#### City of Albuquerque Planning Department

[Planning — City of Albuquerque](#) (cabq.gov)

#### Agenda/Meeting Materials

<http://www.cabq.gov/planning/boards-commissions>

To find out more about the application, please contact City Staff at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or call the Planning Department at (505) 924-3860. Also, please don't hesitate to contact Juanita at (505) 362-8903 or Andrew at (505) 363-5613 or at [jag@jagpandz.com](mailto:jag@jagpandz.com) if you have questions regarding this application.


Sincerely,

Juanita and Andrew Garcia  
Principals  
JAG Planning & Zoning, LLC  
P.O. Box 7857, Albuquerque, NM 87129  
(505) 362-8903 and (505) 363-5613



**Attachment:**

Zone Atlas Map E-22

 **ZMA E-22.pdf**  
1496K



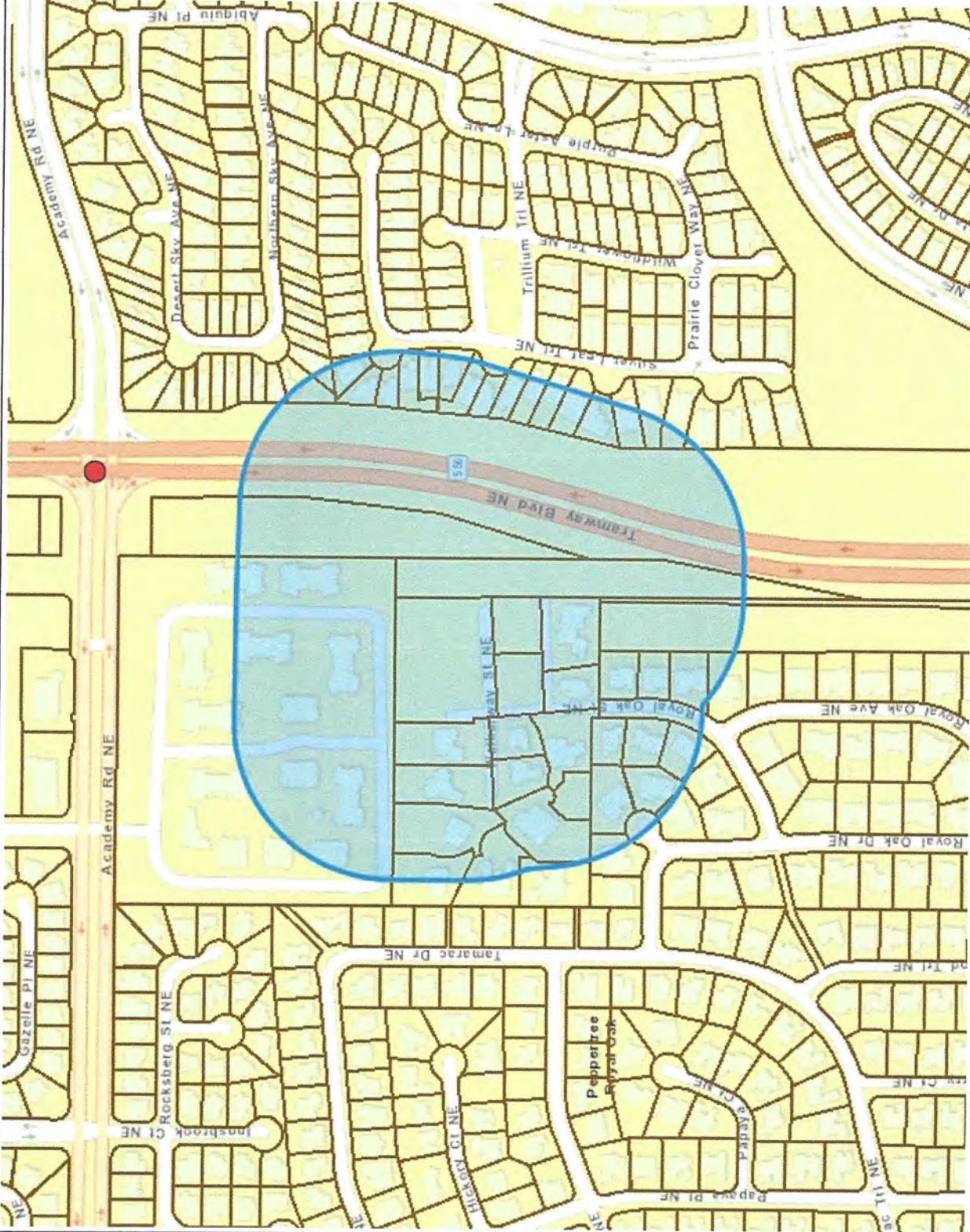


# Academy & Tramway



## Legend

- ☐ Bernalillo County Parcels



## Notes

Buffer: 400 Ft.  
ROW Tramway: 300 Ft.

744 0 372 744 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
11/16/2020 © City of Albuquerque

1: 4,467

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION



WATKINS GEORGE R & EVELYN C  
5908 ROYAL OAK ST NE  
ALBUQUERQUE NM 87111

CLEMENT JOHN J & COLLEEN K  
12408 ROYAL OAK CT NE  
ALBUQUERQUE NM 87111

STABER LISA DEETTE  
6105 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111

AGUIRRE DONALD G & CATHY D  
6027 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8096

NGUYEN HUAN PHUC &  
DUONG MYLINH THI  
6011 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8096

DINSMORE CHUCK & EVE  
6005 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8096

PRIMROSE CAROLYN  
TRUSTEE SURVIVORS TRUST  
6115 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8098

BRENEMAN JOHN A & KATHERINE J  
6119 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8098

SALAZAR LESLEY E  
TRUSTEE SALAZAR RVT  
12412 WALKERWAY ST NE  
ALBUQUERQUE NM 87111-6277

HANKS DIXIE E  
TRUSTEE HANKS LVT  
5917 ROYAL OAK ST NE  
ALBUQUERQUE NM 87111-6236

KRATTIGER THOMAS M & MOLLIE R  
6035 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8096

AMAFCA  
2600 PROSPECT AVE NE  
ALBUQUERQUE NM 87107-1836

DREBING GEORGE & DREBING CARMEN  
TRUSTEES DREBING LVT  
6031 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8096

BISHOP JANET  
6101 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8098

LUTES SAMUEL R & ANDREA L  
12408 WALKERWAY ST NE  
ALBUQUERQUE NM 87111-6277

WEST MICHAEL & KATERI  
TRUSTEES WEST REV FAMILY TRUST  
5919 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8307

KATTENHORN TYLEN & JOAN  
12414 WALKERWAY ST NE  
ALBUQUERQUE NM 87111

MOORE BRIAN R  
12409 ROYAL OAK CT NE  
ALBUQUERQUE NM 87111

GIAHI HOSSEIN & MARYAM D  
TRUSTEES GAIHI RVT  
6123 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8098

CONNOR MICHAEL & SUSAN  
12512 MCKAY WAY NE  
ALBUQUERQUE NM 87111-6203

KHAN IRFAN & TANVEER F  
6104 PURPLE ASTER LN NE  
ALBUQUERQUE NM 87111-8083

BUSTILLO JUAN R & VICKY ESTRADA  
BUSTILLO  
5912 ROYAL OAK ST NE  
ALBUQUERQUE NM 87111

SELBY MICHELLE I  
TRUSTEE SELBY LVT  
6127 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8098

HENNIE MARK & KRISTI  
12404 ROYAL OAK CT NE  
ALBUQUERQUE NM 87111-6237

MCKAY HORACE F JR ETUX ETAL  
PO BOX 14738  
ALBUQUERQUE NM 87191-4738

SECURITY CAPITAL PACIFIC TRUST  
C/O PROPERTY TAX DEPT  
9200 E PANORAMA CIR SUITE 400  
ENGLEWOOD CO 80112-3491

MCKAY HORACE F JR & ELMYRA K  
PO BOX 14738  
ALBUQUERQUE NM 87191-4738

CHAVEZ BRUCE & CECILIA L  
5909 ROYAL OAK ST NE  
ALBUQUERQUE NM 87111-6236

MOORE FLOYD A & PAMELA L  
12419 WALKERWAY ST NE  
ALBUQUERQUE NM 87111-6278

BRANNON JOHNNY  
6201 SEDONA DR NE  
ALBUQUERQUE NM 87111-8148

MOORE RICHARD I & JULIE S  
5915 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8307

KNUDSEN TONY C & LUCYNTHIA L CO-  
TRUSTEES TONY & LUCYNTHIA RESIDENCE  
TRUST  
12405 ROYAL OAK CT NE  
ALBUQUERQUE NM 87111-6238

EGELAND KRISTOFER D  
5916 ROYAL OAK ST NE  
ALBUQUERQUE NM 87111-6245

ESPARZA DAVID A & JANET B  
5913 ROYAL OAK ST NE  
ALBUQUERQUE NM 87111-6236

LICHTMACHER ABRAHAM & POLA  
TRUSTEES LICHTMACHER FAMILY RVT  
6109 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8098

JOHNSON WARNER E & MICHELLE B  
5905 ROYAL OAK ST NE  
ALBUQUERQUE NM 87111-6236

HANKS ANDREA TRUSTEE HANKS RVT  
12600 NORTHERN SKY AVE NE  
ALBUQUERQUE NM 87111-8084

HIGH DESERT RESIDENTIAL OWNERS  
ASSOCIATION INC C/O HOAMCO  
PO BOX 67590  
ALBUQUERQUE NM 87193-7590

HENRY NANETTE M & KYLE L  
6017 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8096

CHAVEZ EDWARD L & SANDRA B  
6021 SILVER LEAF TRL NE  
ALBUQUERQUE NM 87111-8096

COLBERT THOMAS NOBLE & LESLIE ANN  
12415 WALKERWAY ST NE  
ALBUQUERQUE NM 87111-6278

MCCLESKEY TRUST  
12404 WALKERWAY ST NE  
ALBUQUERQUE NM 87111-6277

LA VENTANA SPE LLC  
15 W SOUTH TEMPLE SUITE 640  
SALT LAKE CITY UT 84101-1540

PATTERSON RUSSELL J & MARJORIE J  
PO BOX 706  
CHAMA NM 87520-0706

ATENCIO JOSEPH L & KAREN D  
12604 NORTHERN SKY AVE NE  
ALBUQUERQUE NM 87111

MERRILL RUSSELL A  
TRUSTEE MERRILL TRUST  
12420 WALKERWAY ST NE  
ALBUQUERQUE NM 87111-6277

DIXON K TODD  
TRUSTEE DIXON LVT  
12416 WALKER WAY ST NE  
ALBUQUERQUE NM 87111-6277

OSCHWALD JIM B & KIRSTEN E  
12500 MCKAY WAY NE  
ALBUQUERQUE NM 87111-6203

MCKAY HORACE F JR ETUX ETAL  
PO BOX 14738  
ALBUQUERQUE NM 87191-4738

SJOSTROM ROBIN & DANAN  
TRUSTEES SJOSTROM RVT  
12405 WALKERWAY ST NE  
ALBUQUERQUE NM 87111-6278

KNISKERN MARC W & TRINA Y  
12400 WALKER WAY NE  
ALBUQUERQUE NM 87111

ORTOLANO VINCENT & CLAPP NADINE  
ANNE TRUSTEE ORTOLANO-CLAPP RVT  
12401 WALKER WAY ST NE  
ALBUQUERQUE NM 87111-6278



January 5, 2021

## PUBLIC NOTICE OF HEARING

Dear Property Owner:

JAG Planning & Zoning, LLC, on behalf of property owners 505 Solutions, LLC, will be submitting an application to the City of Albuquerque Planning Department for the Environmental Planning Commission (EPC) to consider the following request:

Zone Map Amendment from Planned Development (PD) to R-1 (D) Single-Family Dwelling for the area identified within Zone Atlas Page E-22.



## Request

The property is located at and around 12408 Walkerway NE, and is legally described as Parcels A & B and Parcels 1 & 3, Lands of Albuquerque Ranch and Lands of Albuquerque Academy, containing approximately 4.650 Acres and is zoned Planned Development (PD) as described in the Integrated Development Ordinance (IDO). The purpose of this request is to change the zoning of the property to allow for development of these vacant parcels. The surrounding single-family residential development is currently zoned R-1(D) and the applicant is requesting a

P.O. BOX 7857, ALBUQUERQUE, NM 87194  
(505) 362-8903 & (505) 363-5613  
JAG@JAGPANDZ.COM



zone category that will allow the site to be consistent with the surrounding zoning. The applicant will eventually develop a single-family development that will be appropriate in scale and design to the existing development.

Purpose of the PD Zone	Purpose of the R-1 Zone
<p>The purpose of the PD zone district is to accommodate small- and medium-scale innovative projects that cannot be accommodated through the use of other zone districts, provided that those projects are consistent with the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended and include standards that would not otherwise be required of the applicant in order to provide significant public, civic, or natural resource benefits. This zone district is applied on a case-by-case basis to reflect a negotiated agreement for uses and standards with the applicant. Allowable uses are negotiated on a case-by-case basis but may not include any use that is not included in Table 4-2-1.</p>	<p>The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area. Allowable uses are shown in Table 4-2-1.</p>

#### Public Hearing Information

**Topic: EPC Hearing, February 18, 2021**

**Time: 08:30 AM Mountain Time (US and Canada)**

Join Zoom Meeting

<https://cabq.zoom.us/j/2269592859>

Meeting ID: 226 959 2859

One tap mobile

+12532158782,,2269592859# US (Tacoma)

+13462487799,,2269592859# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Washington D.C.)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

Meeting ID: 226 959 2859

Find your local number: <https://cabq.zoom.us/j/2269592859>

---

NOTE: Pursuant to IDO Subsection 14-16-6-4(L), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955

We have attached useful links for you to use for further information regarding the zone amendment application, the zone map amendment process and pertinent regulations. We have also attached a full-size Zone Atlas page for your reference.

#### Useful Links

##### Integrated Development Ordinance (IDO)

[IDO-2019-Effective-2020-11-02.pdf \(cabq.gov\)](#)

##### IDO Interactive Map

[IDO Interactive Map \(arcgis.com\)](#)

##### City of Albuquerque Planning Department

[Planning — City of Albuquerque \(cabq.gov\)](#)

##### Agenda/Meeting Materials

<http://www.cabq.gov/planning/boards-commissions>

To find out more about the application, please contact City Staff at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or call the Planning Department at (505) 924-3860. Also, please don't hesitate to contact me at (505) 362-8903 or at [jag@jagpandz.com](mailto:jag@jagpandz.com) if you have questions regarding this application.

Sincerely,



Juanita Garcia  
Principal

#### Attachment:

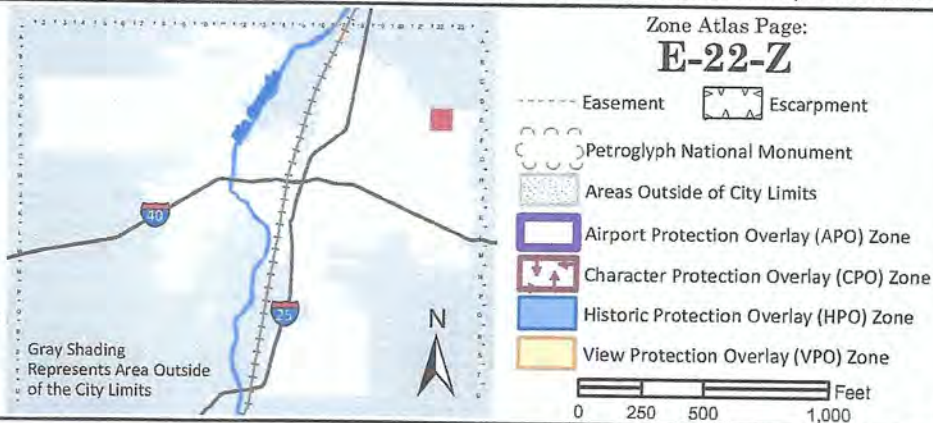
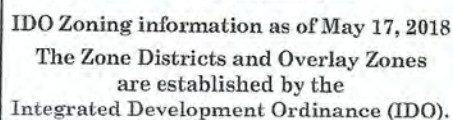
Zone Atlas Map E-22





# IDO Zone Atlas

## May 2018





**JAG** PLANNING & ZONING  
P.O. Box 7857  
Albuquerque, NM 87194

THUSSEN TONY C & LYONTHAL L CO  
TRUSTEE TONY & LYONTHAL RESIDENCE  
TRUST  
12405 ROYAL OAK CT NE  
ALBUQUERQUE NM 87111-6238

**JAG** PLANNING & ZONING  
P.O. Box 7857  
Albuquerque, NM 87194

EGELAND JEROME D  
5916 ROYAL OAK ST NE  
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TRUSTEES WEST RYF FAMILY TRUST  
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