



Environmental Planning Commission

Staff Report

Agenda Number: 7
Project #: PR-2024-009944
Case #: RZ-2024-00011
Hearing Date: March 21, 2024

Agent	Tierra West, LLC
Applicant	Fazal Development Network, Inc
Request	Zoning Map Amendment (zone change)
Legal Description	for all or a portion of Tract G-1, Plat of South Barelás Industrial Park, Unit #2
Location	310 Avenida Cesar Chavez, between 3rd St SW, and 4th St SW
Size	Approximately 1 acre
Existing Zoning	MX-H and NR-GM
Proposed Zoning	MX-M

Staff Recommendation

APPROVAL of RZ-2024-00011, based on the Findings beginning on Page 23.

**Staff Planner
William Steele**

Summary of Analysis

The request is for a zoning map amendment for an approximately 1-acre site from MX-H and NR-GM to MX-M to remove the floating zone line.

The subject site is in an Area of Change and within 660' of the 4th St and Bridge / Tower Blvd Major Transit Corridors. It is also within 660' of the 4th St and Bridge Blvd Main Street Corridors and within the Bridge/4th St Activity Center.

The applicant has adequately justified the request pursuant to the IDO zone change criteria in 14-16-6-7(G)(3). The proposed zoning would be more advantageous to the community because it furthers a preponderance of applicable Comprehensive Plan Goals and policies.

The affected neighborhood organization is the Barelás Neighborhood Association (NA), which was notified as required. Property owners within 100 feet of the subject site were also notified as required. As of this writing, Staff is unaware of any opposition.

Staff recommends approval.



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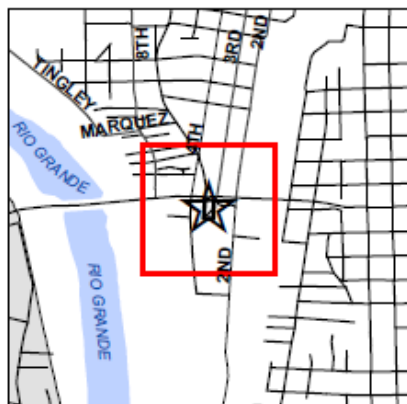
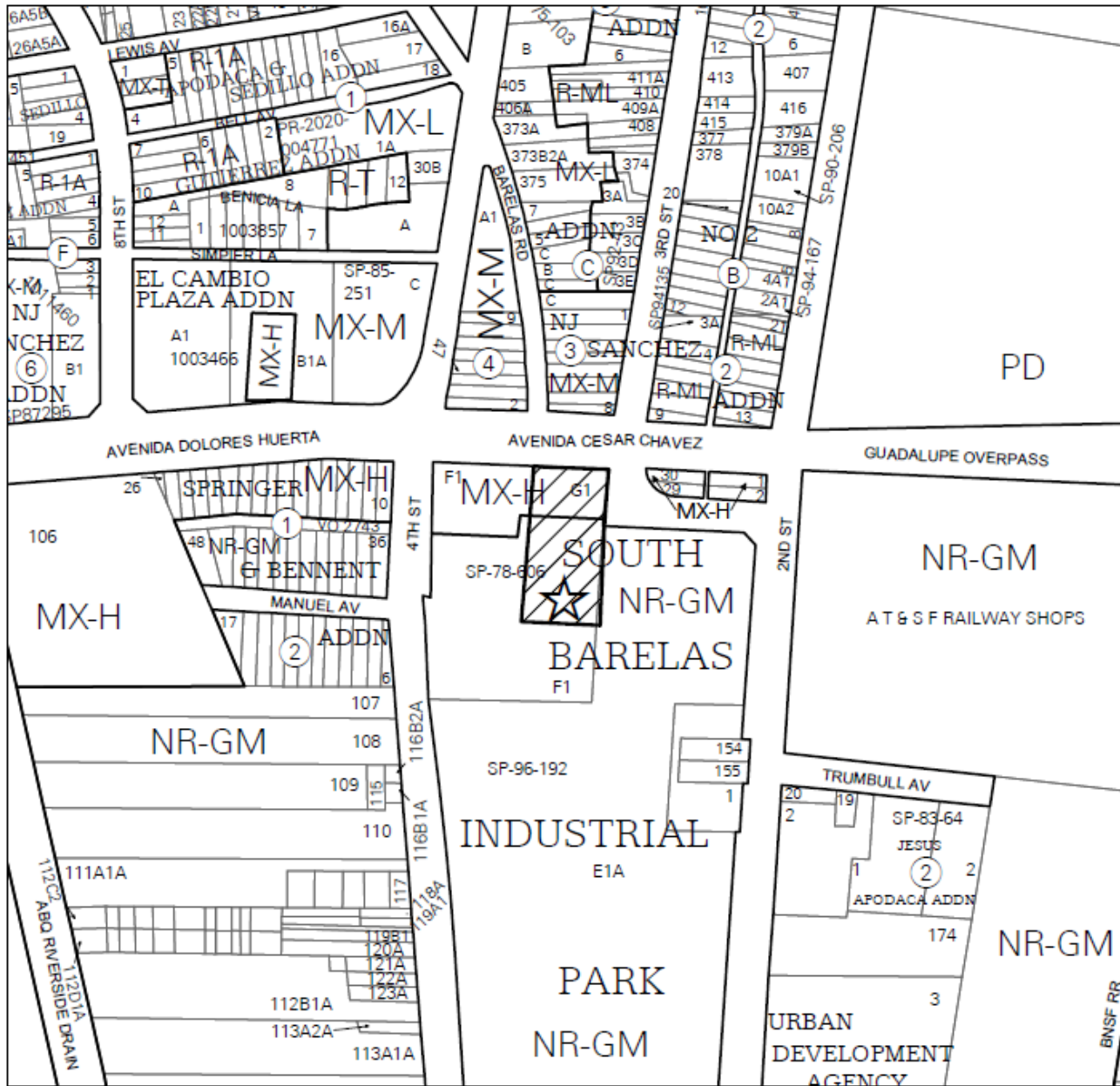
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IDO ZONING MAP

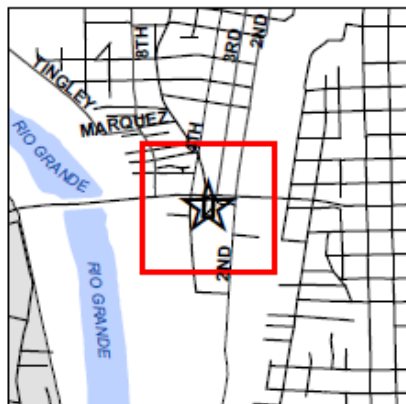
Note: Gray shading indicates County.



1 inch = 250 feet

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LAND USE MAP

Note: Gray shading
Indicates County.

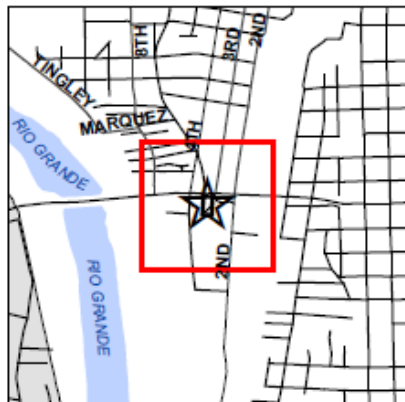
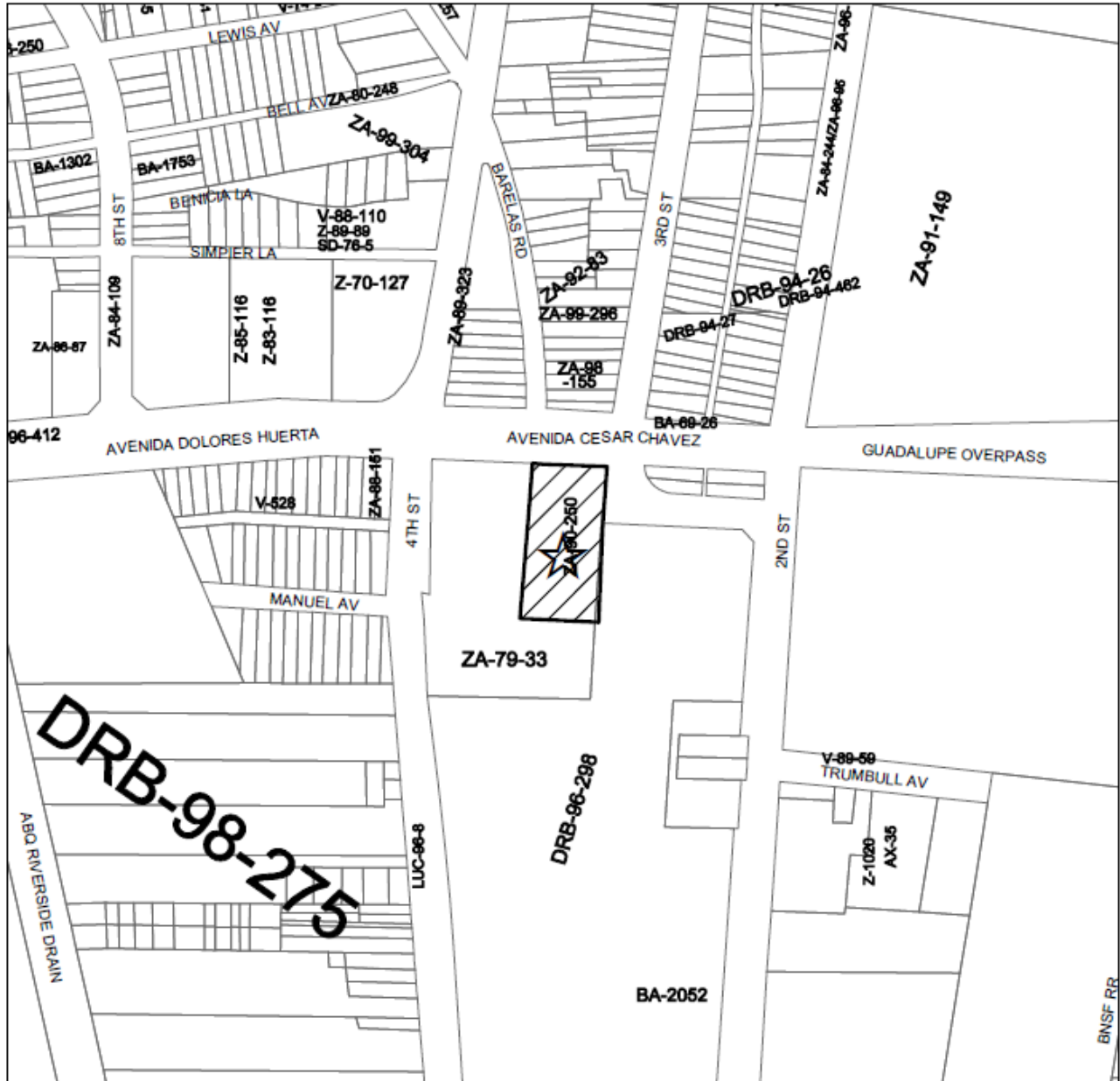
Key to Land Use Abbreviations	APRT Airport
LDRES Low-density Residential	TRANS Transportation
MULT Multi-family	AGRI Agriculture
COMM Commercial Retail	PARK Parks and Open Space
CMSV Commercial Services	DRNG Drainage
OFC Office	VAC Vacant
IND Industrial	UTIL Utilities
INSMED Institutional / Medical	CMTY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



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HISTORY MAP

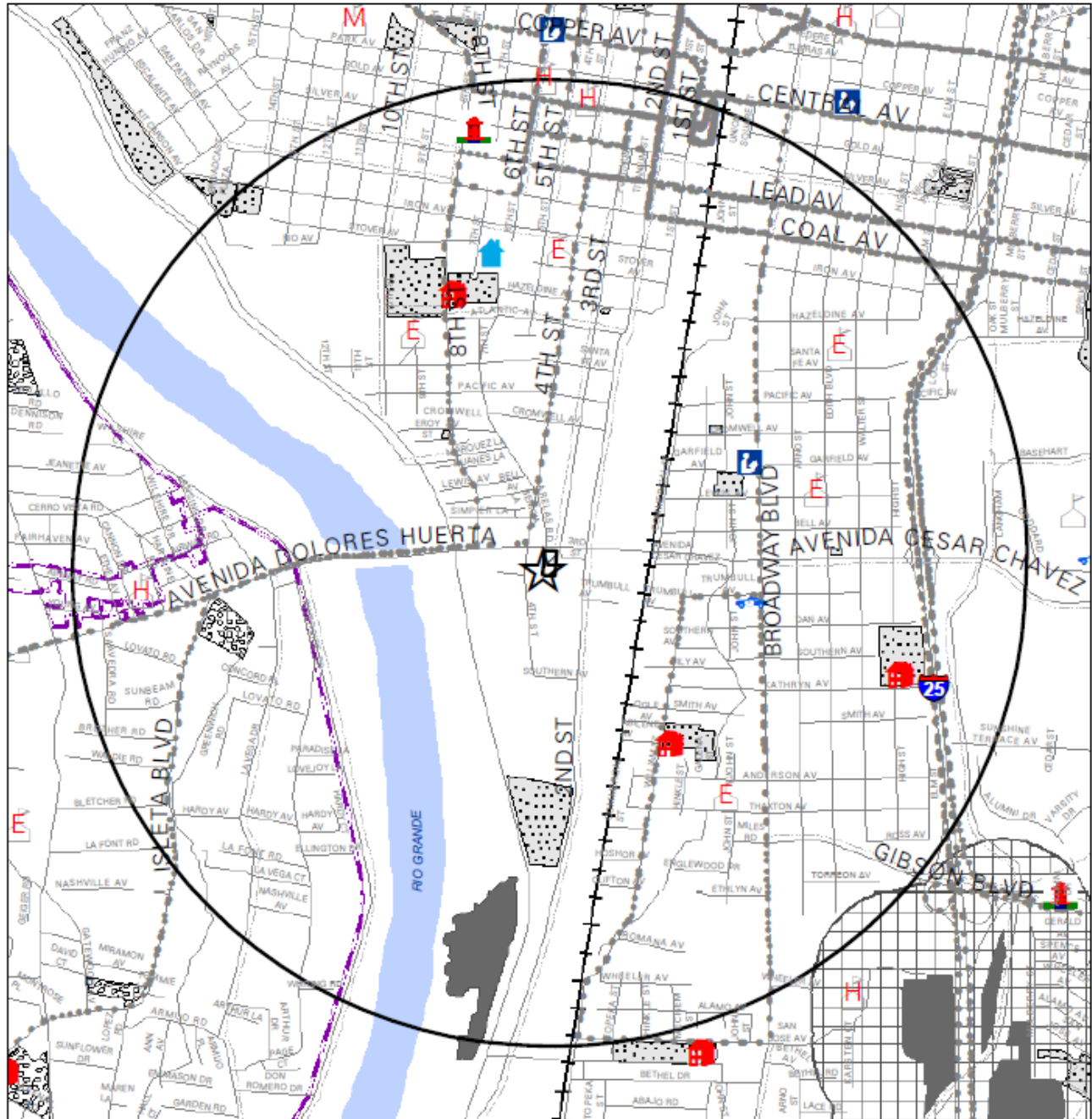
Note: Gray shading
 Indicates County.



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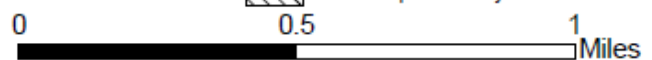
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Public Facilities Map with One-Mile Buffer

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



I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area</i>	<i>Land Use</i>
Site	MX-H/NR-GM	Area of Change	Industrial
North	MX-M, RM-L, MX-L	Area of Change	Commercial Retail, Transportation (Parking), Vacant, Low-density residential
South	NR-GM	Area of Change	Industrial
East	MX-H, NR-GM	Area of Change	Industrial, Vacant
West	MX-H, NR-GM	Area of Change	Industrial, Community

Request

The request is for a zoning map amendment (zone change) for an approximately 1-acre site legally described as all or a portion of Tract G-1, Plat of South Barelvas Industrial Park, Unit #2, between 3rd Street SW and 4th Street SW (the “subject site”).

The applicant is requesting a zone change from MX-H (Mixed-Use - High Intensity) and NR-GM (Non-Residential - General Manufacturing) to MX-M (Mixed-Use - Moderate Intensity) to remedy a floating zone line and facilitate future development of the subject site.

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 request is a quasi-judicial matter.

Context

The subject site contains vehicles and trailers within a fenced in area on the subject site. The subject site is located in an area surrounded by a variety of land uses including low-density residential, commercial, and industrial uses. There are MX-M zoned parcels north across Avenida Cesar Chavez consisting of a mix of residential uses, commercial uses and vacant lots. The lot to the west and adjacent to the subject site is an industrial warehouse. Bordering the east and to south the subject site is an industrial wholesaling and distribution center. East of the parcel and across 3rd street are two small vacant parcels.

History

The subject site was annexed into the City in 1966 and most likely the original zoning was established at this time. The former zoning prior to the 2018 IDO was C-3 for Heavy Commercial in the northern section of the parcel along Avenida Cesar Chavez SW and M-2 General Manufacturing in the southern portion of the parcel. There was a Zoning Hearing Examiner (ZHE) request in 1990 by The Mustang Corral for a conditional use to allow for automotive dismantler use and a variance to the 6' solid wall requirement. This request was denied by the ZHE in September, 12, 1990 (See Decision Number: ZA-90-250).

There is no additional case history known for the subject site.

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. Avenida Cesar Chavez SW is an Existing Community Principal Arterial. North of Avenida Cesar Chavez SW on 4th St SW is delineated as an Existing Minor Arterial. North of Avenida Cesar Chavez SW on 3rd St SW is identified as an Existing Major Collector.

Comprehensive Plan Designations

The subject site is in an Area of Change including all surrounding parcels and is within the Bridge/4th St Activity Center. Activity Centers provide convenient, day-to-day services at a neighborhood scale to serve the surrounding area within a 20-minute walk or a short bike ride. They are intended to provide a mix of neighborhood commercial and residential uses at a slightly higher density than the surrounding single-family homes. These smaller centers should incorporate good pedestrian friendly design and are appropriate for mixed-use and multi-family housing.

The subject site is located in the Central Albuquerque Community Planning Area (CPA). The Central Albuquerque CPA is characterized by its concentration of urban development Downtown Street level retail/commercial activity, downtown building fronts at sidewalk along Central Avenue and public transit connections between downtown and Old Town. The Albuquerque Botanical Gardens, Zoo, the South Broadway Cultural Center, and other ABQ Centers are places that are distinctive to the area. The proximity of residential and non-residential uses with mature trees and grass predominant in landscaping are characteristics of the area as well.

The subject site is within 660-feet of the 4th St and Bridge/Tower Blvd Major Transit Corridors as designated by the Comprehensive Plan. Major Transit Corridors are to be served by high frequency and local transit (e.g., Rapid Ride, local, and commuter buses). These Corridors prioritize transit above other modes to ensure a convenient and efficient transit system. The subject site is within 660' of the 4th St and Bridge Blvd Main Street Corridors. Main Street Corridors are intended to be lively, highly walkable streets lined with local-serving businesses, modeled after the American tradition of Main Street as a place for living, working, and shopping. A Main Street will often also have other Corridor designations that primarily relate to road design.

Trails/Bikeways

Currently there is an existing bike lane along Avenida Cesar Chavez SW. North of Avenida Cesar Chaves SW there is a proposed buffered bike lane on 3rd St SW and an existing bike lane on 4th St SW.

Transit

There is a bus stop for Route 54 near the intersection of Avenida Cesar Chavez SW that runs north on 4th St SW. Approximately 500 ft away from that location is a bus stop on the corner of Barelmas St SW and 4th St SW that runs south towards Avenida Cesar Chavez SW. Route 54 goes as far west as the Westgate Library and Westgate Community Center. Then the routes heads north to the Central and Unser Transit Center Park and Ride before making its way east toward the Alvarado Transportation Center at the intersection of Gold St SW and 1st Street SW.

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

Zone District

One of the zone districts established by the IDO and the boundaries of such zone districts shown on the Official Zoning Map. Zoning regulations include the Use Regulations, Development Standards, and Administration and Enforcement provisions of the IDO.

Area of Change: An area designated as an Area of Change in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended, where growth and development are encouraged, primarily in Centers other than Old Town, Corridors other than Commuter Corridors, Master Development Plan areas, planned communities, and Metropolitan Redevelopment Areas.

Corridor: A street and adjoining land designation in the ABC Comp Plan, as amended, as one of 5 Corridor types designated based on travel modes and development intensity, excluding Commuter Corridors.

Mixed-Use Zone District: Any zone district categorized as Mixed-Use in Part 14-16-2-4 of the IDO.

Non-Residential Zone District: Any zone district categorized as Non-Residential in Part 14-16-2-5 of the IDO.

Zone District

One of the zone districts established by the IDO and the boundaries of such zone districts shown on the Official Zoning Map. Zoning regulations include the Use Regulations, Development Standards, and Administration and Enforcement provisions of the IDO.

Zoning

The subject site is zoned MX-H [Mixed-Use - High Intensity, IDO 14-16-2-4(D)] and NR-GM [Non-Residential - General Manufacturing, IDO 14-16-2-5(D)], which was assigned upon adoption of the IDO in 2018 as a conversion from the former C-3 (Commercial) and M-2 (Industrial/Wholesale/Manufacturing) zoning.

The purpose of the MX-H zone district is to provide for large-scale destination retail and high-intensity commercial, residential, light industrial, and institutional uses, as well as high-density residential uses, particularly along Transit Corridors and in Urban Centers. The MX-H zone district is intended to allow higher-density infill development in appropriate locations.

The purpose of the NR-GM zone district is to accommodate a wide variety of industrial, manufacturing, and heavy commercial uses, particularly those with noise, glare, or heavy traffic impacts, in areas separated from Residential and Mixed-use areas and less intense, lighter impact businesses.

The request is to change the subject site's zoning to MX-M (Mixed-Use - Moderate Intensity Zone District, IDO 14-16-2-4(C)). The purpose of the MX-M zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors. Specific permissive uses are listed in Table 4-2-1: Allowable Uses, IDO pg. 151.

For a discussion of specific uses that would become permissive if the request is approved, please refer to the discussion of zone change criterion 14-16-6-7(G)(3)(d) in this report.

ALBUQUERQUE / BERNALILLO COUNTY COMPREHENSIVE PLAN

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Change. Areas of Change allow for a mix of uses and development of higher density and intensity in areas where growth is desired and can be supported by multi-modal transportation. The intent is to make Areas of Change the focus of new urban-scale development that benefit job creation and expanded housing options. By focusing growth in Areas of Change, additional residents, services, and jobs can be accommodated in locations ready for new development

Applicable Goals and policies are listed below. Staff analysis follows in ***bold italics***.

In this case, the Goals and policies below were included by the applicant in the justification letter. Staff found most applicable, and added a policy denoted with an * in the analysis.

Chapter 4: Character

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

The request to downzone from MX-H and NR-GM to MX-M could enhance, protect and preserve the surrounding community. The requested zoning could facilitate future development, enhancing the surrounding community by offering many permissible uses of

moderate intensity that could align with the character of the area. This request furthers Goal 4.1 Character.

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

The request could encourage quality development that would be consistent with the distinct character of neighboring communities. The neighborhood across from the subject site has many parcels zoned MX-M with commercial, retail and residential uses. This request furthers Policy 4.1.1 Distinct Communities.

Chapter 5: Land Use

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

The subject site is located within the Bridge/4th Street Activity Center and is connected by the 4th St and Bridge/Tower Blvd Major Transit Corridors and the 4th St and Bridge Blvd Main Street Corridors. The request could facilitate the development that would be accessible to the surrounding area within a 20-minute walk or short bike ride. The zone change could provide the opportunity for growth as a community of strong Centers connected by a multi-modal network of Corridors. This request furthers Goal 5.1 Centers & Corridors.

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

The proposed zoning map amendment could facilitate development of the subject site along Major Transit and Main Street Corridors with uses that are similar to those north of Avenida Cesar Chavez. Because the subject site is located in an Activity Center and is a downzone, the proposed zone change could contribute to establishing and maintaining appropriate density and scale of development within areas that should be more stable and where similar developments exist. This request generally furthers Policy 5.1.2-Development Areas.

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

The proposed zoning map amendment could further this policy by facilitating the development of the subject site. The MX-M zone district could facilitate the development moderate-intensity retail, commercial, and moderate-density residential uses. The zone change has the potential to contribute to locating quality redevelopment in a community and provide employment opportunities near housing with goods and services within walking distance where residents can live, learn, shop and play together. This request partially furthers Policy 5.2-Complete Communities.

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

The zone change could encourage more productive use of an under-utilized lot with a split zoning designation by changing the zoning to MX-M and correcting the floating zone line. It could contribute in creating healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods along a major transit and main street corridor. This request furthers Policy 5.2.1-Land Uses.

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

The subject site is already served by existing infrastructure and public facilities such as being located near the intersection of Principal Arterials Central Ave SW and 98th St SW., so development made possible by the request would generally promote efficient development patterns and use of land. The request generally furthers Goal 5.3-Efficient Development Patterns.

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

The subject site is an infill site located in an area already served by existing infrastructure and public facilities. The subject site has access to water, sewer, transit services, a major transit road and electric infrastructure systems. The request would support additional growth in this area, and therefore furthers Policy 5.3.1-Infill Development.

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

The subject site is designated as and in surrounded by Areas of Change. The request could encourage and direct growth to the area where it is expected and desired. Because the subject site is less than 400 ft away from Areas of Consistency the proposed zone change would promote uses that would reinforce the character and intensity of the surrounding area. The request generally furthers Goal 5.6-City Development Areas.

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

The proposed zone change could direct growth and more intense development to an Area of Change within 660-feet of a Major Transit and Main Street Corridor, although future development is not included with this request. The request could promote development in the area where change is encouraged. This request furthers Policy 5.6.2 Areas of Change.

Integrated Development Ordinance (IDO) 14-16-6-7(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 burden is on the applicant to show why a change should be made.

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

Justification & Analysis

The zone change justification letter analyzed here, received on February 28, 2024 is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned MX-H (Mixed Use – High Intensity Zone) and NR-GM (Non-Residential – General Manufacturing Zone). The applicant is requesting to rezone the parcel to MX-M (Mixed Use – Moderate Intensity Zone). The reason for the request is to facilitate the future construction of a restaurant with drive-through.

The applicant believes that the proposed zoning map amendment (zone change) meets the zone change decision criteria in IDO §14-16-6-7(G)(3) as elaborated in the justification letter. The citation is from the IDO. The applicant's arguments are in *italics*. Staff analysis follows in plain text.

- A. 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, as amended, and other applicable plans adopted by the City.

Applicant: The As discussed above, the requested zone map amendment from MX-H and NR-GM to MX-M will benefit the surrounding neighborhood by furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the previous analysis. The proposed redevelopment of this lot is consistent and not in conflict with the health, safety, and general welfare of the City. The analysis describes how the proposed Zone Map Amendment furthers Goals and Polices regarding Character, Centers and Corridors, Complete Communities, City Development Areas, and Placemaking. These Goals and policies are supported because the request will provide for an array of moderate-intensity retail, commercial, or institutional uses as described in the definition of MX-M in the IDO, cited earlier within this letter.

Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request generally furthers applicable Comprehensive Plan Goals and policies and does not significantly conflict with them.

Applicable citations: Goal 4.1-Character, 4.1.1-Distinct Communities, Goal 5.1-Centers & Corridors, Policy 5.1.1-Desired Growth, Policy 5.1.2-Development Areas, Policy 5.2.1-Land Uses, Goal 5.3-Efficient Development Patterns, Policy 5.3.1-Infill Development, Goal 5.6-City Development Areas, Policy 5.6.2-Areas of Change.

The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding land use, centers and corridors, infill and efficient development patterns, and economic development and thereby does not present any significant conflicts with the Comprehensive Plan. Thus, the request is consistent

with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.

- 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 Comprehensive 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 Comprehensive Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant: The subject site is located wholly within an Area of Change, so the above criterion does not apply.

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

- C. 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 any of the following criteria:
1. There was a 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: The subject property is located wholly within an Area of Change as shown in the ABC Comp Plan and meets criteria 1, 2, and 3. The request meets criteria 1 because with the adoption of the IDO, zone boundaries must coincide with lot lines, yet the lot is currently split by a floating zone line. The request meets criteria 2 because the original industrial uses

of the site are used less by the community. As Barelás has changed and grown as a community, the need for a diverse array of commercial and retail uses in the area has risen.

The request also meets criteria 3, as described above: the requested zone map amendment from MX-H and NR-GM to MX-M will benefit the surrounding neighborhood by furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the analysis above. The analysis describes how the proposed Zone Map Amendment furthers Goals and Policies regarding Character, Centers and Corridors, Complete Communities, City Development Areas, and Placemaking. These Goals and policies are supported because the request will facilitate redevelopment of a site to contribute to an array of moderate-intensity commercial, retail, and institutional uses, as described in the definition of MX-M in the IDO, cited earlier within this letter. Further, the subject site is within 600-feet of two different Major Transit Corridors – Bridge/Tower Blvd. and 4th St. SW and is partially within the Bridge/4th Center, and the MX-M zone and resulting development would be more advantageous to the communities that frequent this center and its respective transit corridors.

Staff: The subject site is located wholly in an Area of Change.

According to Criterion 1 The subject site existing zoning is currently split with a floating zone line which was an error when the existing boundary of the zone district was applied, most likely with the conversion of zoning when the IDO was established in 2018. Zone district boundaries are usually lot lines.

Based on Criterion 3, the applicant’s policy-based analysis demonstrates that the request would further a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning. The applicant also provided responses to the analysis based on the character, land use and economic development goals and policies of the Comprehensive Plan, based on the request. The uses associated with the zone change could be more advantageous to the community. The response to Criterion C is sufficient.

D. 6-7(G)(3)(d) The requested zoning does not include permissive uses that would be harmful to the neighborhood or the community unless the Use-specific Standards in Section 14-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Change In Uses From MX-H and NR-GM To MX-M – Adapted from IDO Table 4-2			
Residential Uses			
Use	NR-GM	MX-H	MX-M
Dwelling, townhouse		P	P
Dwelling, live-work		P	P
Dwelling, multi-family		P	P
Assisted living facility or nursing home		P	P
Community residential facility, small		P	P
Community residential facility, large		P	P
Dormitory		P	P
Group home, small			P

Group home, medium		P	P
Group home, large		C	C
Civic and Institutional Uses			
Adult or child day care facility	A	P	P
Community center or library	C	P	P
Elementary or middle school		P	P
High school		P	P
Hospital		P	P
Parks and open space	C	P	P
Religious institution	CV	P	P
Sports field	C	P	P
University or college	CV	P	P
Commercial Uses			
Community garden	C	P	P
General agriculture	P		
Kennel	P		C
Nursery	P		A
Adult entertainment	P		
Health club or gym	A	P	P
Mobile food court truck	C	P	P
Nightclub		P	P
Residential community amenity, indoor		P	P
Campground or recreational vehicle park			C
Heavy vehicle and equipment sales, rental, fueling and repair	P		
Outdoor vehicle storage	P		
Paid parking lot	P	A	P
Bank	CV	P	P
Blood services facility	P	C	C
Club or event facility	CV	P	P
Construction contractor facility and yard	P	C	
Mortuary		P	P
Self-storage	P	P	C
Amphitheater	C	C	
Drive-in theater		C	C
Residential community amenity, outdoor		P	P
Adult retail	P	P	
Art gallery	A	P	P
Cannabis retail	A	P	P
Farmers' market	CV	P	P
General retail, medium		P	P
General retail, large		C	C
Freight terminal or dispatch center	P		
Helipad	P	CA	CA
Park-and-ride lot	C	C	P
Railroad Yard	P		

Industrial Uses			
Light manufacturing	P	A	
Heavy manufacturing	P		
Special manufacturing	C		
Geothermal energy generation	P	A	A
Wind energy generation	C	A	A
Recycling drop-off bin facility	P	A	A
Salvage yard	P		
Above-ground storage of fuels or feed	P		
Outdoor storage	P	C	C
Warehousing	P	C	C
Wholesaling and distribution center	P	C	C
Accessory and Temporary Uses			
Agriculture sales stand	CA	A	A
Clean Room	A		
Drive-through or drive-up facility		CA	A
Dwelling unit, accessory	A		
Family care facility		A	A
Garden		A	A
Home occupation		A	A
Independent living facility		A	A
Outdoor animal run	A		CA
Other use accessory to residential primary use		A	A
Circus			T
Fair, festival, or theatrical performance		T	T
Open air market		T	T
Safe outdoor space	T	CT	CT

Applicant: Due to the consolidation of two zoning designations into one new zoning designation, all resulting use changes are listed above, since MX-M uses will be allowed on the lot, which currently is zoned both NRGM and MX-H due to the floating zone line. A significant number of the use changes are due to the loss of the general manufacturing zoning designation, such as heavy manufacturing and special manufacturing. Some listed use changes are consistent between MX-H (current) and MX-M (proposed) zones and are only listed since they will be newly allowed uses in the portion of the lot currently zoned NR-GM.

Notable uses that are newly permissible to at least one portion of the lot include Nightclub, Club or event facility, and Park-and-Ride lot. While currently permissible in MX-H, a nightclub would be permitted in the portion of this lot currently zoned NR-GM if this zone map amendment were approved. At a nightclub, alcohol sales for on-site premises consumption are controlled by New Mexico State law, ensuring that any nightclub developed would be required to follow all New Mexico State law requirements, including required spacing from other uses and facilities. A club and event facility would likewise be permitted in the portion of the lot currently zoned NR-GM; no use-specific standards apply in the MX M zone for this use, but the size of events and resulting traffic generation would be limited by the lot's relatively small size. A Park-and-Ride lot would be permissible in the entire lot if

this zone change were to be approved and would be required to comply with all standards in IDO Section 14-16-5-5 (Parking and Loading). This use would likewise be limited by the lot's size and configuration.

Some newly introduced uses would be permitted conditionally, requiring a conditional use permit to be approved before being permitted on site. These uses would be subject to conditional use permit approval by the Zoning Hearing Examiner (ZHE). Notable newly introduced conditional uses include Kennel, Campground or RV park, and Self Storage. With regards to the Kennel use, according to Use-Specific Standard 4-3(D)(4), the use must be conducted within fully enclosed portions of a building. The Campground or RV park, while normally conditionally permissible in the MX-M lot, is prohibited on this site according to 4-3(D)(14)(a), which states that the minimum project size for this use is 1 acre, which is a requirement this lot does not meet. Finally, the Self Storage use would require storage to occur only within fully enclosed portions of a building. Internal lighting visible from the property line would be required to be dimmed by 50% between 10PM and 7AM due to this lot's proximity to any Residential zone district. Due to being within an MX-M district, access to individual storage units would be required to be through interior corridors.

The only accessory or temporary use newly allowed by the MX-M zone district would be the Circus use. This use would be prohibited according to 4-3(G)(1)(e) due to the lot's proximity to residential zone districts. Overall, many uses allowed by MX-M are likewise allowed in either NR-GM or MX-H. All these uses are controlled by Use-specific Standards, as outlined above, and many are further limited due to the size and configuration of the subject site. Multiple potentially harmful uses, such as heavy manufacturing and adult entertainment, would become disallowed due to this downzone.

Staff: The requested MX-M zoning is a downzoning from MX-H and NR-GM and does not include many permissive uses that would be potentially harmful to adjacent properties, neighborhoods, or communities. Liquor retail and Nicotine Retail are conditional uses in the current zoning districts on the subject site and would remain conditional in the MX-M zoning district. Helipad would downgrade in zoning from permissible in NR-GM to conditional accessory in the MX-M zone district and would not be permitted on this parcel because of it is within 500 ft of residential zone district. Many of the potentially harmful uses such as adult entertainment and heavy manufacturing would not be permissive because of the downzoning. The response to Criterion D is sufficient.

- 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 any of the following criteria:
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 (IIA).

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 Response: The request meets the criteria above as described by number 3: will have adequate capacity when the applicant fills its obligations under the IDO, the DPM, and/or an IIA. The request will continue through various City application processes where infrastructure capacity will be addressed.

Staff: The City's public improvement and existing infrastructure would have adequate capacity. The applicant would have to meet all requirements under the IDO, DPM and infrastructure agreements (Criterion 3). The response to Criterion E is sufficient.

- 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 on Avenida Cesar Chavez, a major street. Though the location of the subject site is appropriate for the requested Zone Map Amendment, our justification is not based predominantly on that. Rather, the justification is based on the previous thorough ABC Comp Plan analysis and shows that the request furthers a preponderance of Goals and Policies in the categories of Community Identity, Land Use, and Economic Development. These analyses highlight the benefits of the proposed zone change, many of which would apply regardless of the property's location on a major street.

Staff: The subject site is located on Avenida Cesar Chavez which is a major street. Though this location factors into the applicant's policy analysis as being on a Major Street and Major Transit Corridor, the applicant is not completely basing their justification for the request upon the subject site's location on a major street. The justification for the proposed zone change is based on the advantages it could bring to the community, through the zone change. The response to Criterion F is sufficient.

- 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 request is not based on the cost of land nor economic considerations, rather, the request is based on the policy analysis above. This request furthers a preponderance of the ABC Comp Plan Goals and policies and would enhance the community by facilitating a downzone on a suitable plot of land, potentially facilitating development that would serve the nearby community with moderate-intensity uses.

Staff: Economic considerations or cost of land are not factors, and the applicant's justification is not based upon them. Rather, the applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them. The request to downzone could facilitate the development of the subject site with a moderate-intensity use that could serve the community. The response to Criterion G is sufficient.

- 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 premise (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 Comprehensive Plan, as amended, and at least one of the following applies:
1. The subject property is different from the 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: As shown in figure 1 at the beginning of this letter, this Zoning Map Amendment would not apply a spot zone. Rather, the MX-M zoning would match that of the properties across Avenida Cesar Chavez that are adjacent to the subject site.

Staff: This Zoning Map Amendment from MX-H and NR-GM to MX-M does not create a “spot zone” that on a small site that is different from surrounding zone districts. The subject site is adjacent to MX-M zoning directly across Avenida Cesar Chavez. The response to Criterion H is sufficient.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City departments and other agencies reviewed this application. Agency comments begin on p.29.

Neighborhood/Public

The affected neighborhood organization is the Barelás Neighborhood Association (NA) which was notified as required. Property owners within 100 feet of the subject site were also notified as required (see attachments).

A pre-application facilitated meeting was not requested. As of this writing, Staff has not been contacted and is not aware of any opposition to the request.

IV. CONCLUSION

The request is for a zoning map amendment (zone change) for an approximately 1-acre site legally described as all or a portion of Tract G-1, Plat of South Barelás Industrial Park, Unit #2, located at 310 Avenida Cesar Chavez, between 3rd St SW, and 4th St SW, (the “subject site”).

The subject site is in an Area of Change and within 660’ of the 4th St Major Transit and Bridge / Tower Blvd Major Transit Corridors. It is also within 660’ of the 4th St and Bridge Blvd Main Street Corridors as designated by the Comprehensive Plan and is within the Bridge/4th St Activity Center. This location is included in the Central Albuquerque CPA area.

The applicant wants to change the subject site's zoning to MX-M (Mixed-Use – Moderate Intensity Zone District) to remedy a floating zone line and facilitate future development of the subject site.

The applicant has adequately justified the request based upon the proposed zoning being more advantageous to the community than the current zoning and furthers a preponderance of applicable Goals and Policies.

Staff is not aware of any opposition as of this writing. **Staff recommends approval.**

FINDINGS - RZ-2024-00011, March 21, 2024- Zoning Map Amendment (Zone Change)

1. The request is for a zoning map amendment (zone change) for an approximately 1-acre site legally described as all for all or a portion of Tract G-1, Plat of South Barelás Industrial Park, Unit #2, located at 310 Avenida Cesar Chavez, between 3rd St SW, and 4th St SW, the “subject site”).
2. The applicant is requesting a zone change from MX-H (Mixed-Use - High Intensity) and NR-GM (Non-Residential - General Manufacturing) to MX-M (Mixed-Use - Moderate Intensity) to remedy a floating zone line and facilitate future development of the subject site.
3. The subject site is in an area that the Comprehensive Plan designated an Area of Change.
4. The subject site is within the Bridge/4th St Activity Center, within 660-feet of the 4th St and Bridge/Tower Blvd Major Transit Corridors, and within 660-feet of the 4th St and Bridge Blvd Main Street Corridors as designated by the Comprehensive Plan. It is within the
5. The City of Albuquerque Integrated Development Ordinance (IDO) and the Albuquerque/Bernalillo County Comprehensive Plan are incorporated herein by reference and made part of the record for all purposes.
6. The request furthers the following Goals and Policies from Comprehensive Plan Chapter 4-Community Identity:

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

The request to downzone from MX-H and NR-GM to MX-M could enhance, protect and preserve the surrounding community. The requested zoning could facilitate future development, enhancing the surrounding community by offering many permissible uses of moderate intensity that could align with the character of the area.

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

The request could encourage quality development that would be consistent with the distinct character of neighboring communities. The neighborhood across from the subject site has many parcels zoned MX-M with commercial, retail and residential uses.

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

The zone change could encourage more productive use of an under-utilized lot with a split zoning designation by changing the zoning to MX-M and correcting the floating zone line. It could contribute in creating healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods along a major transit and main street corridor.

7. The request furthers the following, applicable Goal and Policies regarding communities and efficient development patterns from Comprehensive Plan Chapter 5: Land Use:

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

The proposed zoning map amendment could facilitate development of the subject site along Major Transit and Main Street Corridors with uses that are similar to those north of Avenida Cesar Chavez. Because the subject site is located in an Activity Center and is a downzone the proposed zone change could contribute to establishing and maintaining appropriate density and scale of development within areas that should be more stable and where similar developments exist.

- 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.

The subject site is already served by existing infrastructure and public facilities such as being located near the intersection of Principal Arterials Central Ave SW and 98th St SW., so development made possible by the request would generally promote efficient development patterns and use of land.

8. The request furthers the following, additional Goals and Policies regarding Centers and Corridors from Comprehensive Plan Chapter 5: Land Use

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

The subject site is located within the Bridge/4th Street Activity Center and is connected by the 4th St and Bridge/Tower Blvd Major Transit Corridors and the 4th St and Bridge Blvd Main Street Corridors. The request could facilitate the development that would be accessible to the surrounding area within a 20-minute walk or short bike ride. The zone change could provide the opportunity for growth as a community of strong Centers connected by a multi-modal network of Corridors.

9. The request furthers the following, additional Policy regarding City Development Areas from Comprehensive Plan Chapter 5: Land Use:

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

The subject site is an infill site located in an area already served by existing infrastructure and public facilities. The subject site has access to water, sewer, transit services, a major transit road and electric infrastructure systems. The request would support additional growth in this area.

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

The subject site is designated as and is surrounded by Areas of Change. The request could encourage and direct growth to the area where it is expected and desired. Because the subject site is less than 400 ft away from Areas of Consistency the proposed zone change would promote uses that would reinforce the character and intensity of the surrounding area.

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

The proposed zone change could direct growth and more intense development to an Area of Change within 660-feet of a Major Transit and Main Street Corridor, although future development is not included with this request. The request could promote development in the area where change is encouraged.

10. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

- A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request generally furthers applicable Comprehensive Plan Goals and policies and does not significantly conflict with them.

Applicable citations: Goal 4.1-Character, 4.1.1-Distinct Communities, Goal 5.1-Centers & Corridors, Policy 5.1.1-Desired Growth, Policy 5.1.2-Development Areas, Policy 5.2.1-Land Uses, Goal 5.3-Efficient Development Patterns, Policy 5.3.1-Infill Development, Goal 5.6-City Development Areas, Policy 5.6.2-Areas of Change.

The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding land use, centers and corridors, infill and efficient development patterns, and economic development and thereby does not present any significant conflicts with the Comprehensive Plan. Thus, the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.

- B. Criterion B: The subject site is located wholly in an Area of Change, so this criterion does not apply.
- C. Criterion C: The subject site is located wholly in an Area of Change. According to Criterion 1 The subject site existing zoning is currently split with a floating zone line which was an error when the existing boundary of the zone district was applied, most likely with the conversion of zoning when the IDO was established in 2018. Zone district boundaries are usually lot lines. Based on Criterion 3, the applicant's policy-based analysis demonstrates

that the request would further a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning. The applicant also provided responses to the analysis based on the character, land use and economic development goals and policies of the Comprehensive Plan, based on the request. The uses associated with the zone change could be more advantageous to the community.

- D. Criterion D: The requested MX-M zoning is a downzoning from MX-H and NR-GM and does not include many permissive uses that would be potentially harmful to adjacent properties, neighborhoods, or communities. Liquor retail and Nicotine Retail are conditional uses in the current zoning districts on the subject site and would remain conditional in the MX-M zoning district. Helipad would downgrade in zoning from permissible in NR-GM to conditional accessory in the MX-M zone district and would not be permitted on this parcel because of it is within 500 ft of residential zone district. Many of the potentially harmful uses such as adult entertainment and heavy manufacturing would not be permissive because of the downzoning.
- E. Criterion E: The City's public improvement and existing infrastructure would have adequate capacity. The applicant would have to meet all requirements under the IDO, DPM and infrastructure agreements (Criterion 3).
- F. Criterion F: The subject site is located on Avenida Cesar Chavez which is a major street. Though this location factors into the applicant's policy analysis as being on a Major Street and Major Transit Corridor, the applicant is not completely basing their justification for the request upon the subject site's location on a major street. The justification for the proposed zone change is based on the advantages it could bring to the community, through the zone change.
- G. Criterion G: Economic considerations or cost of land are not factors, and the applicant's justification is not based upon them. Rather, the applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them. The request to downzone could facilitate the development of the subject site with a moderate-intensity use that could serve the community.
- H. Criterion H: This Zoning Map Amendment from MX-H and NR-GM to MX-M does not create a "spot zone" that on a small site that is different from surrounding zone districts. The subject site is adjacent to MX-M zoning directly across Avenida Cesar Chavez.
- 11. The applicant's policy-based response adequately demonstrates that the request clearly does not facilitate a "spot zone" and furthers a preponderance of applicable Goals and policies regarding land use, centers and corridors, infill and efficient development patterns and economic development; and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals, and general welfare.

12. The affected neighborhood organization is the Barelás Neighborhood Association (NA), which was notified as required. Property owners within 100 feet of the subject site were also notified as required. Staff is not aware of any opposition as of this writing.
13. A pre-application facilitated meeting was not requested.
14. As of this writing, Staff has not been contacted and is unaware of any opposition.

RECOMMENDATION - RZ-2024-00011, March 21, 2024

APPROVAL of Project #: 2024-009944, Case #: 2024-000011, a zone change from MX-H and NR-GM to MX-M, for all or a portion of Tract G-1, Plat of South Barelás Industrial Park, Unit #2, located at 310 Avenida Cesar Chavez, between 3rd St SW, and 4th St SW, (the “subject site”), an approximately 1-acre site, based on the preceding Findings.

William Steele

**William Steele
Planner**

Notice of Decision cc list:

Tierra West LLC, Adam Johnstone, ajohnstone@tierrawestllc.com
Barelás Neighborhood Association, George Franco, gcolts@msn.com
Barelás Neighborhood Association, Sean Potter, bnas@seanpotter.com
Legal, dking@cabq.gov
EPC file

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning / Code Enforcement

No comment received as of 03-06-24

Long Range Planning

Metropolitan Redevelopment

No comment received as of 03-06-24

Hydrology

No comment received as of 03-06-24

Transportation Development Review Services

Transportation has no objection to the Zoning Map Amendment for this item.

PUBLIC WORKS DEPARTMENT

No comment received as of 03-06-24

MUNICIPAL DEVELOPMENT DEPARTMENT (DMD) TRANSPORTATION

No comment received as of 03-06-24

POLICE DEPARTMENT/PLANNING

No comment received as of 03-06-24

SOLID WASTE MANAGEMENT DEPARTMENT

If the Zone Map Amendment is approved, the trash enclosure will have to meet City of Albuquerque minimum requirements. These minimum requirements can be found using the following link: <https://www.cabq.gov/solidwaste/documents/enclosurespecificationswordsfont14.pdf>. Any alterations to the approved trash enclosure location, will require a site plan to scale that will have to be approved for access by the Solid Waste Department. The site plan can be sent to hgallegos@cabq.gov for review.

TRANSIT DEPARTMENT

ABQ RIDE has no substantive comment.

PARKS AND RECREATION

No comment received as of 03-06-24

ABC WATER UTILITY AUTHORITY (ABCWUA)

1. No objections to Zoning Map Amendment.
2. For informational purposes only:
 - 2a. Conditions of service are being analyzed in Availability Statement 240123.
 - 2b. There is an abandoned, left in place 36-inch sanitary sewer interceptor along the western property boundary of the subject site.

ALBUQUERQUE PUBLIC SCHOOLS

No comment received as of 03-06-24

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL (AMAFCA)

No adverse comments to the zone map change.

COUNTY OF BERNALILLO

No comment received as of 03-06-24

MID-REGION COUNCIL OF GOVERNMENTS (MRCOG)

No comment received as of 03-06-24

MID-REGION METROPOLITAN PLANNING ORGANIZATION(MRMPO)

MRMPO has no adverse comments.

PUBLIC SERVICE COMPANY OF NEW MEXICO

There are PNM facilities and/or easements along the west side of the site and along the southern side of the site.

It is the applicant's obligation to determine if existing utility easements or rights-of-way are located within the property and to abide by any conditions or terms of those easements.

Any existing easements may have to be revisited and/or new easements may need to be created for any electric facilities as determined by PNM.

Any existing and/or new PNM easements and facilities need to be reflected on any future Site Plan and any future Plat.

Structures, especially those made of metal like restrooms, storage buildings, and canopies, should not be within or near PNM easements without close coordination with and agreement from PNM.

Perimeter and interior landscape design should abide by any easement restrictions and not impact PNM facilities.

The applicant should contact PNM's New Service Delivery Department as soon as possible to coordinate electric service regarding any proposed project. Submit a service application at

<https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.

If existing electric lines or facilities need to be moved, then that is at the applicant's expense. Please contact PNM as soon as possible at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.

NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)

No comment received as of 03-06-24

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comment received as of 03-06-24

PETROGLYPH NATIONAL MONUMENT

No comment received as of 03-06-24

AVIATION DEPARTMENT

No comment received as of 03-06-24

KIRTLAND AIR FORCE BASE

No comment received as of 03-06-24

PHOTOGRAPHS
EXISTING CONDITIONS

Pictures Taken:
March 12, 2024

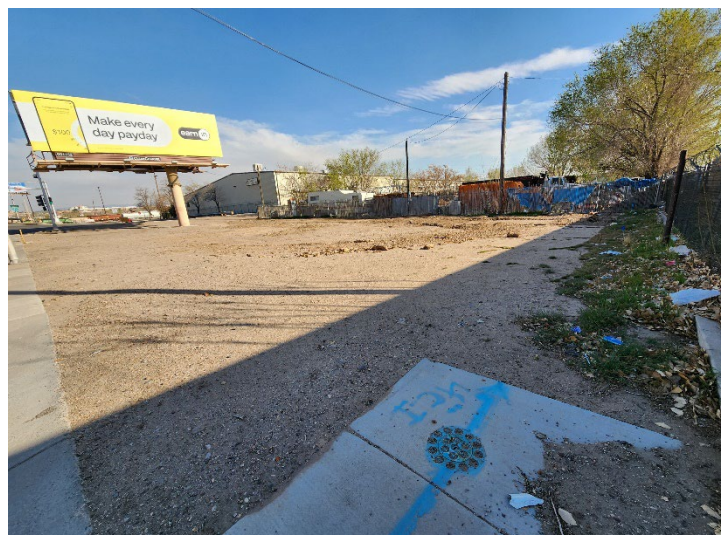


Viewing the subject site from across Avenida Cesar Chavez. A sign posting can be seen in this view and a fence with vehicles can be seen on the NR-GM zone of the site.



Viewing west at the intersection of Avenida Cesar Chavez and 3rd St. A sign posting can be seen in this view as well as a fence.

Looking east at the subject site along Avenida Cesar Chavez.





Looking west at the subject site along Avenida Cesar Chavez.



Looking at the southern portion (NR-GM zone) of the site. Stationary vehicles can be seen in this view beyond the fence.

Looking at the southern portion (NR-GM zone) of the site. Stationary vehicles can be seen in this view beyond the fence.



ZONING

Please refer to IDO Section 14-16-2-4(D) for the MX-H Zone District and
IDO Section 14-16-2-5(D) for the NR-GM Zone District

Please refer to IDO Section 14-16-2-4(C) for the MX-M Zone District

HISTORY

DECISION ON A REQUESTED SPECIAL EXCERPTION
AS PROVIDED BY THE COMPREHENSIVE CITY ZONING CODE
CHAPTER 7, ARTICLE XIV, REVISED ORDINANCES OF ALBUQUERQUE, NM 1974

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PLANNING DIVISION
PO BOX 1293, ALBUQUERQUE, NM 87103

The Mustang Corral Requests a conditional use to allow an automobile dismantler and a variance to the 6' high solid wall requirement on Tract G-1, and South Barelas Industrial Park #2, zoned C-3/M-2, and located at 310 Bridge, SW. (L-14)

Decision No: ZA-90-250
Hearing Date: 09-12-90
Decision Date: 09-19-90

FINDINGS: The Mustang Corral requests a conditional use to allow an automobile dismantler and a variance to the 6' high solid wall requirement on Tract G-1, and South Barelas Industrial Park #2, zoned C-3/M-2, and located at 310 Bridge, SW.

The applicant testified that the conditional use would not be injurious to the adjacent property, the community, or the neighborhood and that they will endeavor to engage all of their activity within the enclosed wall. The applicant restores Mustangs and dismantles automobiles for that purpose. The requirement that a 6' solid wall surround the establishment is not realistic in that the applicant's property is presently surrounded by other solid structures and not visible to the public with the exception of the side walls which are approximately (36' on the east and 25 on the west side). Accordingly, the applicant will be required to put at least a 6' wall on both of these areas but a wall surrounding the entire premises will not be required. There are sufficient exceptional circumstances which would warrant a variance from the 6' high solid wall surrounding the entire area. This conditional use will be approved for a one year period so we can review the area to determine whether or not any injury has been caused with the maintenance of this property. The enforcement people will be directed to inspect it periodically so that we are assured that there is no injury to the adjacent property, the neighborhood, or the community.

DECISION: Denied.

If you wish to appeal this decision you may do so by October 4, 1990 in the manner described below.

Appeal is to the Environmental Planning Commission within 15 days of the decision.

A filing fee of \$50.00 shall accompany each appeal application. When an application is withdrawn, the fee shall not be refunded.

An appeal shall be heard by the Environmental Planning Commission within 60 days of its filing. The Planning Division shall give written notice of an appeal, together with a notice of the date, time and place of the hearing to the applicant, a representative of the opponents, if any are known, and the appellant.

Official Notification

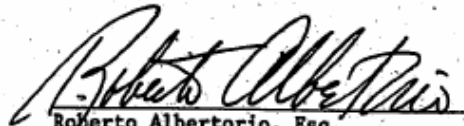
September 19, 1990

Page 2

You will receive notice if any other person files an appeal. If there is no appeal, you can receive building permits any time after the appeal deadline quoted above provided all conditions imposed at the time of approval have been met. However, the Zoning Hearing Examiner may allow issuance of building permits if the public hearing produces no objection of any kind to approval of an application. To receive this approval the applicant agrees in writing to return building permit or occupation tax number.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception is secured. This decision does not constitute approval of plans for a building permit. If your application is approved, bring this decision with you when you apply for any related building permit or occupation tax number.

Approval of a conditional use or variance application is void after one year from date of approval if the rights and privileges granted thereby have not been executed or utilized.



Roberto Albertorio, Esq.
Zoning Hearing Examiner

tc:WPPPLN411700

cc: Robert E. Romero, Zoning Enforcement Officer

APPLICANT INFORMATION



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

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<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 Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> Alternative Landscaping Plan (Form P3)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input type="checkbox"/> Decision by EPC, DHO, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant:		Phone:
Address:		Email:
City:	State:	Zip:
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:	List <u>all</u> owners:	

BRIEF DESCRIPTION OF REQUEST

Zone change from MX-H / NR-GM to MX-M


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

Lot or Tract No.:	Block:	Unit:
Subdivision/Addition:	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s):	Existing Zoning:	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres):

LOCATION OF PROPERTY BY STREETS

Site Address/Street:	Between:	and:
----------------------	----------	------

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

Signature: 	Date:
Printed Name:	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	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 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? 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

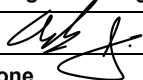
- Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- Required notices with content per IDO Section 14-16-6-4(K)(6)
 - Office of Neighborhood 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:



Date: 2/1/2024

Printed Name: Adam Johnstone

Applicant or Agent

FOR OFFICIAL USE ONLY

Project Number:

Case Numbers

-

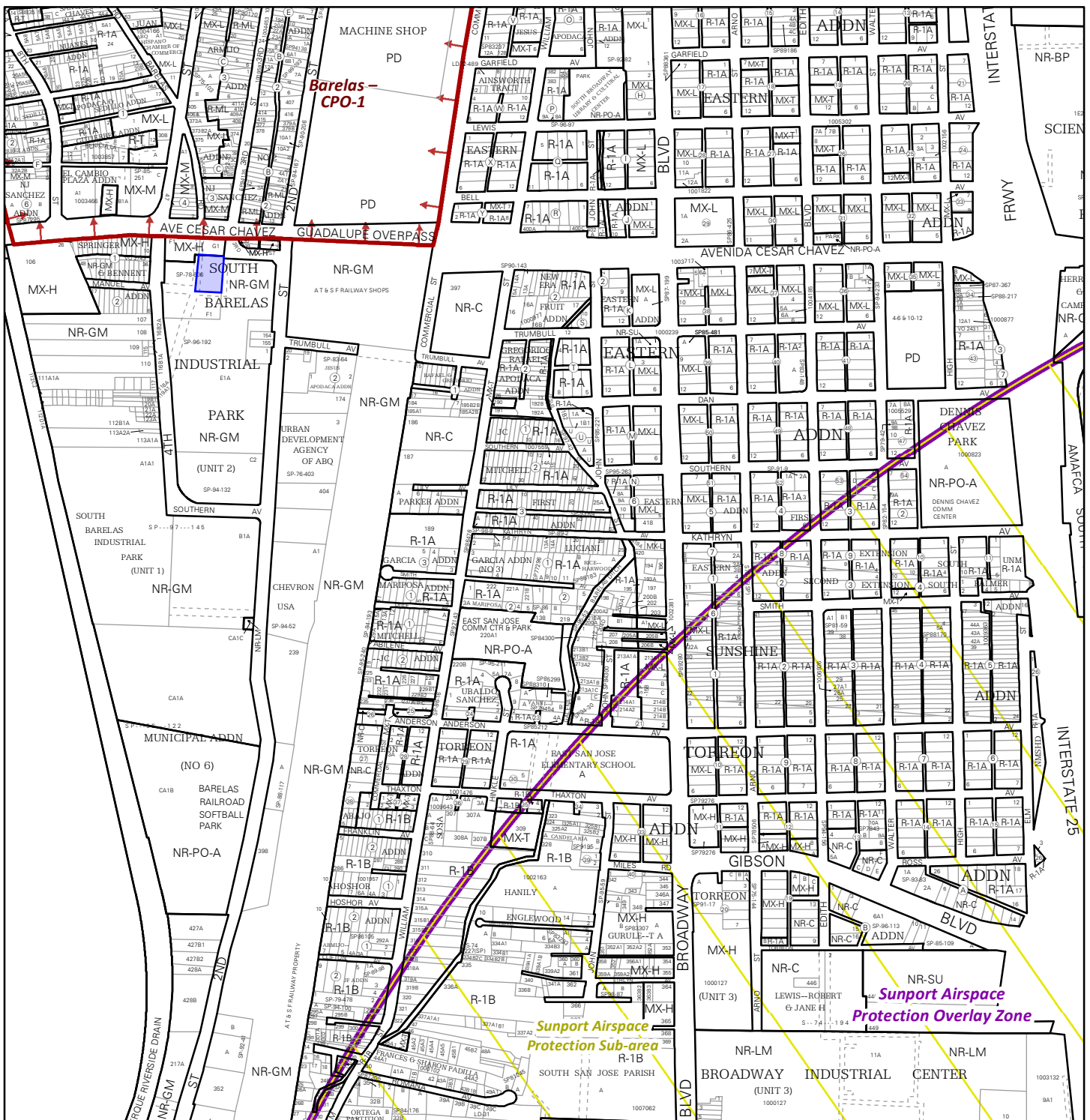
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-

Staff Signature:

Date:





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:
L-14-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

Gray Shading
Represents Area Outside
of the City Limits

N

0 250 500 1,000
Feet



January 22, 2024

Mr. Jonathan R. Hollinger, Chair
Environmental Planning Commission
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: Letter of Authorization for Entitlement and Permit Applications for proposed Zone Map Amendment and associated project Fazal Development Network, Inc. on lands owned by NMR-Avenida RE LLC C/O Murad Fazal, legally described as Tract G-1 Plat of South Barelvas Industrial Park Unit #2 Cont 0.8394 AC.

Fazal Development Network, Inc. hereby authorizes Tierra West, LLC to obtain information and submit entitlement and permit applications for a Zone Map Amendment at the above referenced Property, and act as Fazal Development Network, Inc.'s agent for the limited purpose of entitling, permitting, and subdividing the above referenced Property owned by NMR-Avenida RE LLC C/O Murad Fazal.

Sincerely,

Fazal Development Network, Inc.

Murad Fazal

Print Name

Signature

President

Title

01/22/24

Date

When recorded return to:
Fidelity National Title Ins. Co. of N.M.
Attn: Michele Sharif, Escrow Officer
8220 San Pedro Dr. NE Suite 160
Albuquerque NM 87113

Return To: SP000148422
FIDELITY NATIONAL TITLE INSURANCE CO.

SPECIAL WARRANTY DEED

Jolene Herrera, a married person dealing in her sole and separate property;
Anthony C. Garcia, a married person dealing in his sole and separate property;
Robert Anthony Garcia, (who acquired title as 'Robert C. Garcia'), an unmarried person; and,
Christina Orozco, a married person dealing in her sole and separate property, (collectively termed "Grantor"), for consideration paid, grant to:

NMR-Avenida RE, LLC, a New Mexico limited liability company (termed "Grantee"), whose address is: Attn: Murad Fazal, Manager
1 South 376 Summit Ave.
Court - A, Suite 2B
Oakbrook Terrace, IL 60181

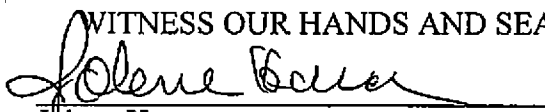
the following described unimproved real estate in Bernalillo County, New Mexico:

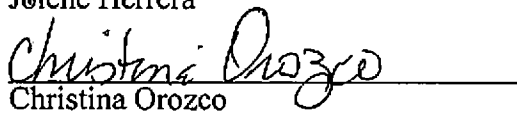
Tract G-One (G-1), of the Plat of SOUTH BARELAS INDUSTRIAL PARK UNIT TWO, in the City of Albuquerque, New Mexico, as the same is shown and designated on the said Plat thereof, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on November 7, 1978, in Book C-14, Folio 45.

SUBJECT TO taxes for the year 2023 and subsequent years, patent reservations, restrictions and easements of record; as well as the Exceptions contained in Exhibit "A", hereto.

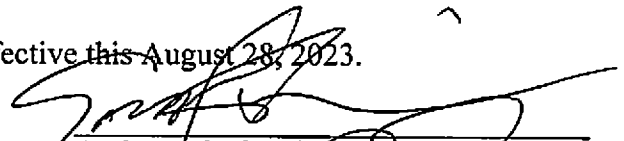
with statutory special warranty covenants.


WITNESS OUR HANDS AND SEALS effective this August 28, 2023.



Jolene Herrera


Christina Orozco



Anthony C. Garcia


Robert Anthony Garcia a/k/a Robert C. Garcia

Acknowledgment for Natural Person

State of New Mexico)
County of Bernalillo)ss.

This instrument was acknowledged before me on August 28, 2023, by Jolene Herrera.

STATE OF NEW MEXICO
NOTARY PUBLIC
Michele Sharif
Commission No. 1099551
December 22, 2023



Notary Public/Notarial Officer

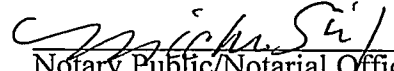
Special Warranty Deed- page two

Acknowledgment for Natural Person

State of New Mexico)
)ss.
County of Bernalillo)

This instrument was acknowledged before me on August 20, 2023, by Anthony C. Garcia.

STATE OF NEW MEXICO
NOTARY PUBLIC
Michele Sharif
Commission No. 1099551
December 22, 2023



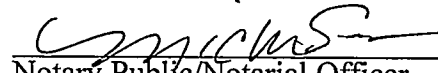
Notary Public/Notarial Officer

Acknowledgment for Natural Person

State of New Mexico)
)ss.
County of Bernalillo)

This instrument was acknowledged before me on August 25, 2023, by Christina Orozco.

STATE OF NEW MEXICO
NOTARY PUBLIC
Michele Sharif
Commission No. 1099551
December 22, 2023



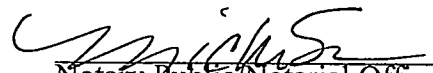
Notary Public/Notarial Officer

Acknowledgment for Natural Person

State of New Mexico)
)ss.
County of Bernalillo)

This instrument was acknowledged before me on August 28, 2023, by Robert Anthony Garcia
a/k/a Robert C. Garcia.

STATE OF NEW MEXICO
NOTARY PUBLIC
Michele Sharif
Commission No. 1099551
December 22, 2023



Notary Public/Notarial Officer

Exhibit "A"

Exceptions

1. Rights or claims of parties in possession not shown by the Public Records.
2. Easements, or claims of easements, not shown by the Public Records.
3. Encroachments, overlaps, conflicts in boundary lines, shortages in area, or other matters which would be disclosed by an accurate survey and inspection of the premises.
4. Any lien, claim or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. n/a
6. Water rights, claims or title to water.
7. n/a
8. n/a
9. Easements, covenants and other matters shown on the recorded map of said subdivision.
10. Memorandum of Lease recorded May 05, 1999 in Document No. 1999060082, records of Bernalillo County, New Mexico.
11. Any possible assessments for paving or sewer and water extensions which are or might be a lien by law, but have not yet been recorded.

SCOPE OF TRAFFIC IMPACT STUDY (TIS)

TO: Brendan May, PE, PTOE
KLOA, Inc.
9575 W. Higgins Road, Suite 400
Rosemont, Illinois 60018

MEETING DATE: Wednesday, April 26, 2023 – Was a virtual meeting held

ATTENDEES: Matthew Grush, P.E. (City of Albuquerque), Brendan May, PE, PTOE (KLOA, Inc.), Luay Aboona, PE, PTOE (KLOA, Inc.) , Jeff Wooten, PE, LEED AP (Wooten Engineering, LLC)

PROJECT: Dunkin Donuts (310 Avenida Cesar Chavez)

REQUESTED CITY ACTION: ___ Zone Change Site Development Plan
___ Subdivision ___ Building Permit ___ Sector Plan ___ Sector Plan Amendment
___ Curb Cut Permit ___ Conditional Use ___ Annexation ___ Site Plan Amendment

ASSOCIATED APPLICATION: Coffee Shop with Drive-Through Window (1,700 s.f.)

SCOPE OF REPORT:

The Traffic Impact Study should follow the standard report format, which is outlined in the DPM. The following supplemental information is provided for the preparation of this specific study.

1. Trip Generation - Use Trip Generation Manual, 11th Edition.
2. Appropriate study area:
 - Signalized Intersections;
 - a. Avenida Cesar Chavez with 3rd Street SW
 - b. Avenida Cesar Chavez with 4th Street SW
 - Unsignalized Intersections;
 - a. Avenida Cesar Chavez with 2nd Street SW
 - Driveway Intersections: all site drives.- confirmed
3. Intersection turning movement counts
 - Study Time – 7-9 a.m. peak hour, 4-6 p.m. peak hour
 - Consultant to provide for all intersections listed above.
4. Type of intersection progression and factors to be used.
 - Information to be determined from the results of the traffic counts
5. Boundaries of area to be used for trip distribution.
 - 2 mile radius – commercial;

6. Basis for trip distribution.

Commercial - Use relationship based upon population. Use population data from 2040 Socioeconomic Forecasts, MRCOG – See MRCOG website for most current data.

Commercial -

$$Ts = (Tt) (Sp) / (Sp)$$

Ts = Development to Individual Subarea Trips

Tt = Total Trips

Sp = Subarea Population

7. Traffic Assignment. Logical routing on the major street system.

8. Proposed developments which have been approved but not constructed that are to be Included in the analyses. Projects in the area include: N/A

9. Method of intersection capacity analysis - planning or operational (see “2016 Highway Capacity Manual” or equivalent [i.e. HCS, Synchro, Teapac, etc.] as approved by staff). Must use latest version of design software and/or current edition of design manual.
Implementation Year: 2024

10. Traffic conditions for analysis:

- a. Existing analysis yes no - year (2023);
- b. Phase implementation year(s) without proposed development – N/A
- c. Phase implementation year(s) with proposed development – N/A
- d. Project completion year without proposed development – 2025
- e. Project completion year with proposed development – 2025
- f. Other –

11. Background traffic growth.

Method: use 10-year historical growth based on standard data from the MRCOG Traffic Flow Maps. Minimum growth rate to be used is 1/2%.

12. Planned (programmed) traffic improvements.

List planned CIP improvements in study area and projected project implementation year:
a. N/A

13. Items to be included in the study:

- a. Intersection analysis. Yes
- b. Signal progression - An analysis is required if the driveway analysis indicates a traffic signal is possibly warranted. Analysis Method: N/A
- c. Arterial LOS analysis; No
- d. Recommended street, intersection and signal improvements. Yes
- e. Site design features such as turning lanes, median cuts, queuing requirements and site circulation, including driveway signalization and visibility. Yes
- f. Transportation system impacts.
- g. Other mitigating measures. Yes
- h. Accident analyses yes no; Location(s): Avenida Cesar Chavez with 2nd Street, 3rd Street, 4th Street (5 years)
- i. Weaving analyses yes no; Location(s): N/A

14. Other: N/A

SUBMITTAL REQUIREMENTS:

1. Number of copies of report required
 - a. 1 digital copy
2. Submittal Fee – \$1300 for up to 3 reviews plus technology fee

The Traffic Impact Study for this development proposal, project name, shall be performed in accordance with the above criteria. If there are any questions regarding the above items, please contact me at 505-924-3362.

M. Grush P.E.

6/13/2023

Matt Grush, P.E.
Senior Engineer
City of Albuquerque, Planning
Transportation Development Section

Date

via: email

C: TIS Task Force Attendees, file

February 28, 2024

Mr. Jonathan R. Hollinger, Chair
Environmental Planning Commission
600 Second NW
Albuquerque, NM 87102

**RE: ZONING MAP AMENDMENT – MX-H / NR-GM TO MX-M
TRACT G-1 SOUTH BARELAS INDUSTRIAL PARK UNIT 2 CONT 0.8394 AC
310 AVENIDA CESAR CHAVEZ
IDO ZONE ATLAS PAGE L-14-Z**

Dear Mr. Hollinger:

Tierra West LLC, on behalf of Fazal Development Network, Inc., respectfully requests a zone map amendment from MX-H and NR-GM to MX-M for a subject site located at 310 Avenida Cesar Chavez, between 2nd St SW and 4th St SW. The legal description of the subject site is Tract G-1 Plat of South Barelmas Industrial Park Unit #2 containing 0.8394 acres. The current zoning of this parcel is both Mixed-Use – High Intensity (MX-H) and Non-residential - General Manufacturing (NR-GM). This mixed zoning created a floating zone line, or a parcel with two zoning classifications. We are requesting a zone map amendment to Mixed-Use – Medium Intensity (MX-M) per IDO provision 14-16-6-7(G)(1)(a) 2. This is generally referred to as a downzone from the current zoning designation.

Notification Requirements and Facilitated Meeting Request

As required by the IDO, neighborhood association representatives and neighbors within 100 feet of the site were contacted. The Barelmas neighborhood association, the only association within range of the subject site, requested a facilitated meeting on February 14th. A facilitated meeting is scheduled for March 7th, 2024, at 5PM over Zoom.

Proposed Development

Fazal Development Network, Inc. intends to develop this property as a Dunkin' Donuts with a drive-through facility. The proposed use would fall within the MX-M use for restaurants with drive up facilities, though all uses will be considered for the purposes of this justification.

Planning Context

The Applicant requests a zone change from MX-H and NR-GM to MX-M. Currently, the lot contains an industrial use. It is located within the Central ABQ Community Planning Area and is located within an Area of Change, as designated by the ABC Comp Plan. Furthermore, it is just outside of the Barelmas Character Protection Overlay Zone, CPO-1. The subject site abuts the Major Transit Corridor Bridge/Tower Blvd. and is within 660 feet of the 4th St. Major Transit Corridor. Both are also Main Street Corridors.

The overall area is characterized by a variety of uses. Abutting the subject property to the west is an industrial warehouse that shares the MX-H/NR-GM split zoning. To the southwest of the property is the Hispanic Cultural Center, zoned NR-GM. East of the property, across a small section of 3rd St., lies a small section of vacant land. Directly north of the property, across Avenida Cesar Chavez, is land that alternates between residential uses and vacancy, with their zones being MX-M, MX-L, and R-ML.

See Figure 1 below for zoning information, and Figure 2 for land uses surrounding the subject site.

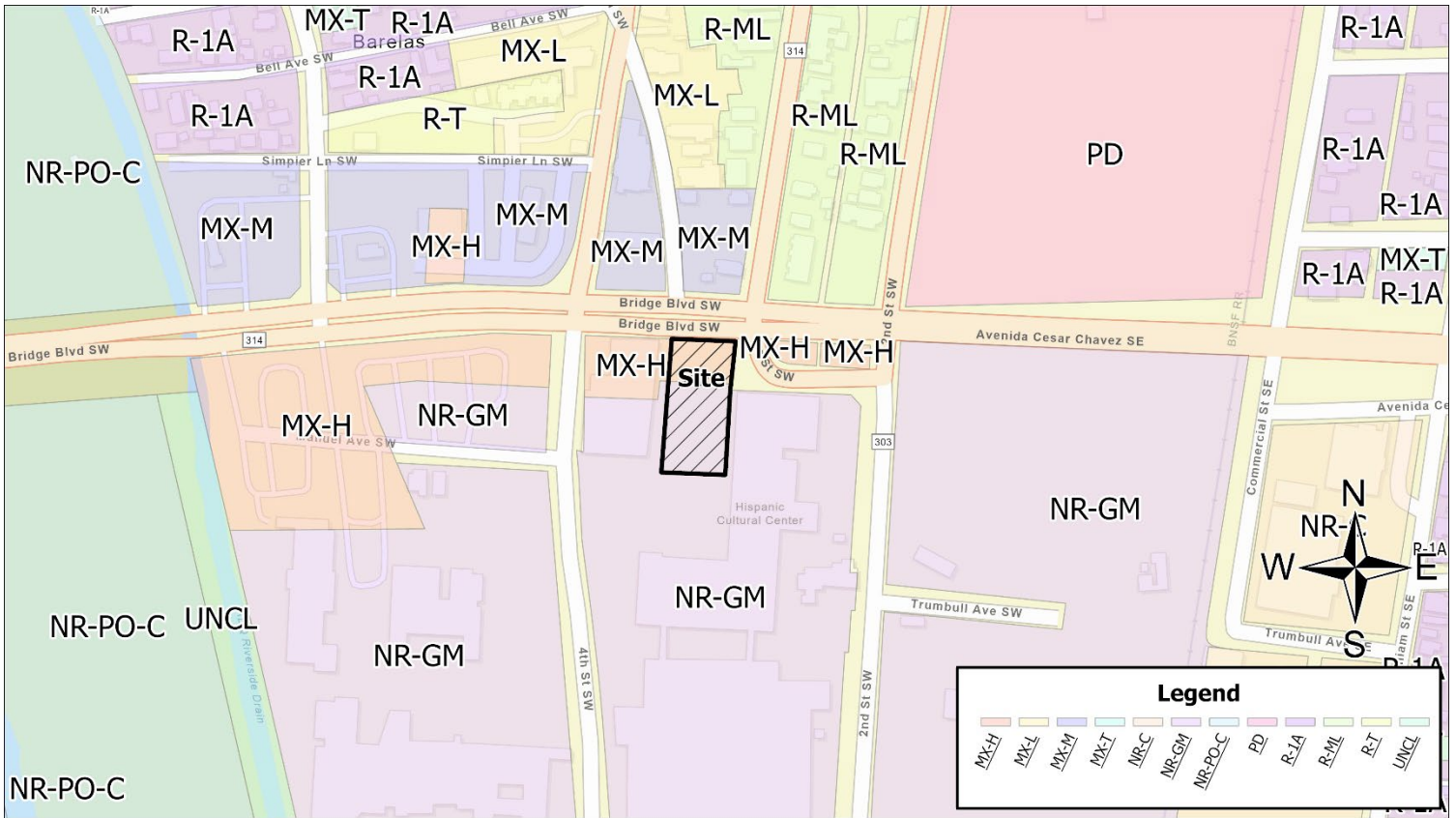


Figure 1: Zoning of subject site and nearby area.

North	MX-M, MX-L R-ML	Mixed-Use, Low and Medium Intensity Residential – Low Density Multi-Family
East	MX-H	Mixed-Use, High Intensity
South	NR-GM	Non-residential – General Manufacturing
West	MX-H NR-GM	Mixed-Use, High Intensity Non-residential – General Manufacturing
Subject Site	MX-H NR-GM	Mixed-Use, High Intensity Non-residential – General Manufacturing

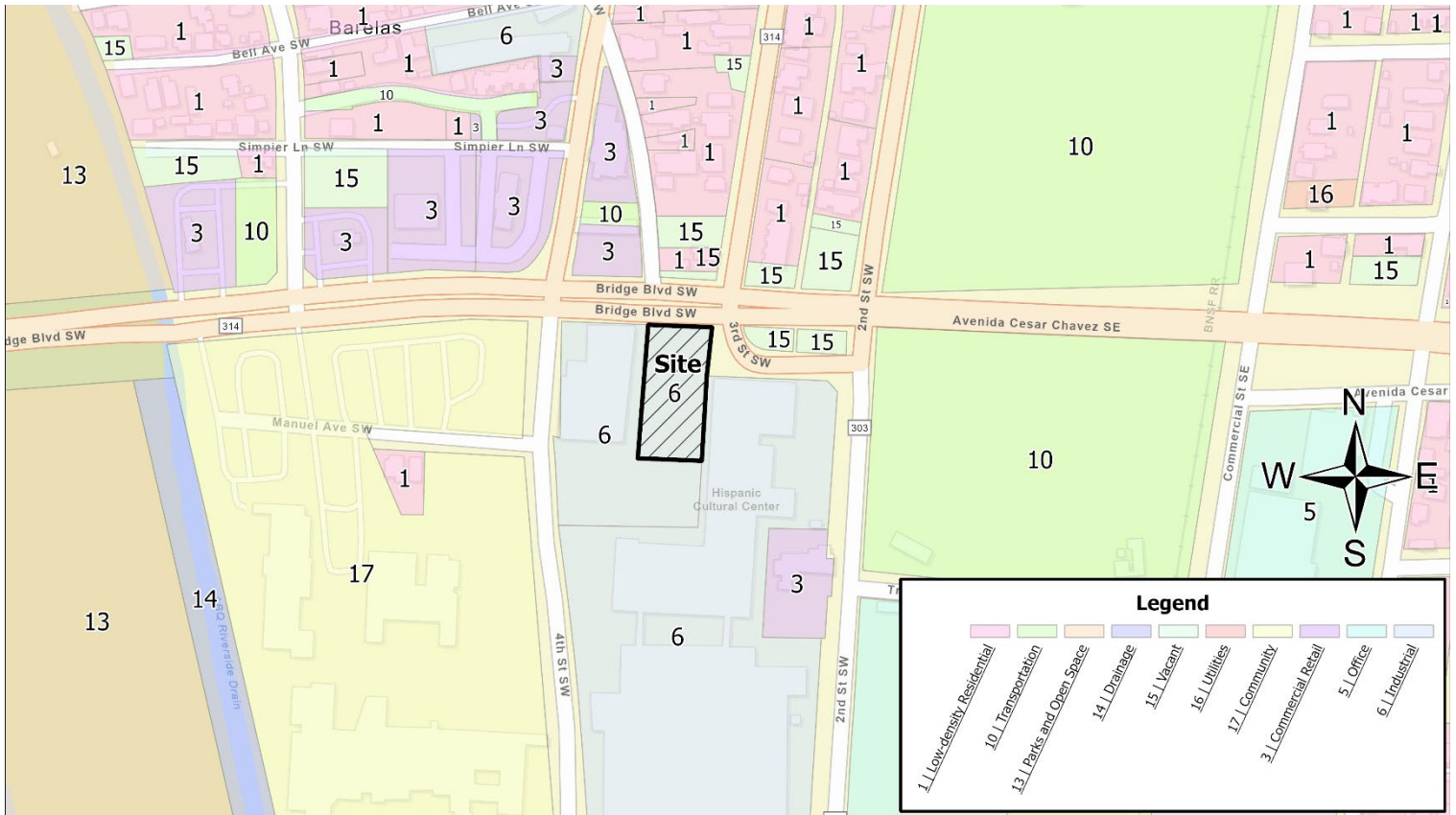


Figure 2: Land use of site and surrounding area.

North	1 Low Density Residential 15 Vacant
East	15 Vacant
South	6 Industrial
West	6 Industrial
Subject Site	6 Industrial

Per the IDO, the purpose of the MX-M zone district is to provide for an array of moderate-intensity retail, commercial, and institutional uses, along with moderate-density residential uses. In addition, the MX-M zone is an appropriate transition zone from the industrial uses to the south to the lighter use zoning to the north of the site.

Should the zoning map amendment be approved, the applicant is proposing to develop a Dunkin' Donuts with a drive-through.

History

Prior to the IDO, the lot was zoned C-3 in the northern portion and M-2 in the southern portion. In 1990, the occupying property, The Mustang Corral, requested a conditional use to allow for an automobile dismantler, alongside a variance to the 6' high solid wall requirement on the property (Case ZA-90-250). These requests were denied. There are no other recorded cases or decisions regarding this property.

Zoning Map Amendment Justification

The proposed zone change from MX-H and NR-GM to MX-M is anticipated to positively impact the neighboring community by advancing a multitude of relevant Goals and Policies outlined in the ABC Comp Plan, as detailed in the subsequent analysis. This analysis delineates how the suggested Zone Map Amendment aligns with Goals and Policies concerning Character, Centers & Corridors, Complete Communities, City Development Areas, and Placemaking. These objectives and policies are bolstered as the request offers the potential for development that maximizes the use of available lot space and delivers essential amenities to nearby residential areas. Moreover, the subject property lies entirely within the Central ABQ Community Planning Area (CPA), is situated within 600 feet of two distinct Major Transit Corridors – Bridge/Tower Blvd. and 4th St. SW, and partially overlaps with the Bridge/4th Comprehensive Plan Activity Center. Additionally, the property is fully located within an Area of Change. Its positioning within these designated zones designates it as a prime candidate for redevelopment to better serve the local community.

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

This downzone would facilitate development of this lot that would alleviate development pressure imposed directly within the neighboring Barelás CPO, thus preserving, enhancing, and protecting the character of all neighboring communities, including Barelás. The proposed zone map amendment supports this goal by improving, safeguarding, and maintaining the unique communities in and around Barelás. It enables the potential development of a parcel near a historic neighborhood, offering essential services to the community while ensuring potential development is appropriate in scale and intensity for the area. Additionally, this request involves a downzone, aligning better with the surrounding area's general character under the MX-M zone district standards. Furthermore, the Bridge/4th Comprehensive Plan Activity Center that this site is in is characterized by various uses of moderate intensity, such as a gas station, car parts shop, and a fast-food restaurant. This zone change to MX-M would therefore enhance, protect, and preserve the distinct moderate-intensity mixed-use character by encouraging development appropriate for the area. This request advances Goal 4.1 – Character.

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

The proposed zone map amendment furthers this goal because it would facilitate the redevelopment of the property and would encourage quality development that is consistent with the distinct character of the neighboring communities. The Barelás area is characterized by residential-focused development, with commercial, retail, and institutional services along major streets. If this lot were designated MX-M, as requested, it would facilitate quality development consistent with the distinct character of the surrounding area. The request furthers Policy 4.1.1 – Distinct Communities.

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

The proposed zone map amendment would protect the identity and cohesiveness of surrounding neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design because MX-M is a lower-intensity zone that is more characteristic of the lots across Avenida Cesar Chavez. Small lot sizes with low- to medium-intensity uses are characteristic of development in the area, and the downzoning of this lot would protect the identity and cohesiveness of the nearby communities by ensuring that the resulting development would be appropriate in scale, location, and use. Furthermore, the character of the resulting building design would be regulated by the IDO, ensuring that it is in line with Albuquerque building and design standards. The request furthers Policy 4.1.1 – Identity and Design.

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

This zone map amendment is for a parcel located within the Bridge/4th Comprehensive Plan Activity Center. The approval of the zone map amendment would facilitate high-quality active development in this center and would encourage the development of a strong Center that is connected to other Centers by a multi-modal network of Corridors. Furthermore, currently, only around half of the lot is being utilized, and it is being utilized in a way which does not provide many services to the communities that frequent the Center. The rezoning of this lot would facilitate development that utilizes the entirety of the lot, allowing the resulting development to better contribute to the communities that have access to the Bridge/4th Center. The access to this Center is facilitated by its proximity within the Bridge/Tower Blvd Major Transit Corridor, which spans from the nearby Bridge/4th intersection to Coors Blvd, providing quick access to the Center for the South Valley. The site is also within the 4th St Major Transit Corridor, which spans from the Bridge/4th intersection to Silver Ave, further increasing ease of access to this site. Finally, if this zone map amendment were approved, the newly allowed uses would be in character not just for the area but for an Activity Center that is connected to multiple Corridors. The request furthers Goal 5.1 – Centers & Corridors.

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

The proposed zone map amendment would capture regional growth in the Bridge/4th Activity Center to help shape the built environment into a sustainable development pattern because it would encourage redevelopment within a Center, a more appropriate area designed to accommodate growth over time. The Bridge/4th Activity Center connects to nearby communities via 4th St. SW, an urban minor arterial road, and Bridge Blvd, an urban principal arterial road. The approval of this zone map amendment would direct desired growth to a Center. Furthermore, the strengthening of the Bridge/4th Activity Center captures the regional growth that has been occurring on the south side of Albuquerque, especially since the Center is served by the Major Transit Corridors Bridge/Tower Blvd and 4th St. SW. The request furthers Policy 5.1.1 – Desired Growth.

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

The proposed zone map amendment would direct more intense growth to the Bridge/4th Activity Center by encouraging redevelopment of the subject site. Furthermore, the site sits within an Area of Change, and the zone change would establish and maintain an appropriate density and scale of development within the Center, which by definition should be more stable. The site is also located within the Major Transit Corridors of Bridge/Tower Blvd and 4th St. SW, where similar developments exist. Therefore, the approval of this zone map amendment would encourage redevelopment with an appropriate density and scale in a Center and Area of Change. The request furthers Policy 5.1.2 - Development Areas.

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

The proposed zone map amendment would support Goal 5.2 through fostering a community where residents can live, work, learn, shop, and play together because it would encourage redevelopment of a lot that currently provides few services to the neighboring community, with appropriate land uses. The rezone of this lot would facilitate development that would bring jobs and services to nearby residents, thereby fostering a community where residents can live, work, learn, shop, and play together. This zone change would reduce the number of lots that allow high-intensity development in the area, creating an environment that is best fit for the community in terms of variety of uses, level of intensity, and ease of access. The request furthers Goal 5.2 – Complete Communities.

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

The proposed zone map amendment would support Policy 5.2.1 by facilitating redevelopment in a healthy, sustainable, distinct community. In particular, the commercial retail use, which is both the proposed use and a common use within MX-M districts, is in character with the Bridge/4th Center, and is a flexible use that can provide a variety of services to the surrounding neighborhoods. Furthermore, the site's location along Major Transit Corridors 4th St and Bridge/Tower Blvd means that resulting development would be conveniently accessible from surrounding neighborhoods.

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

The site of the proposed zone map amendment is fully within an Area of Change and is approximately 350 feet away from the nearest Area of Consistency. The approval of this zone map amendment, by reinforcing the character and intensity of the surrounding area, would encourage and direct growth to an Area of Change, where it is expected and desired. The request furthers Goal 5.6 – City Development Areas.

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

This proposed zone map amendment would direct growth and more intense development to the Bridge/4th Center. The subject site is fully within an Area of Change, and while the zone change would result in a decrease in intensity, the MX-M zone allows for medium-intensity uses. Because of this, redevelopment of the lot will result in development of appropriate intensity within the Bridge/4th Center. This Activity Center is where the 4th St and Bridge/Tower Blvd Major Transit Corridors meet. These Corridors provide easy access to development with appropriate intensity and uses. The request furthers Policy 5.6.2 – Areas of Change.

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

The proposed zone map amendment would assist in creating a place where business and talent will stay and thrive by allowing for consistent zoning within the lot, facilitating the future redevelopment of the lot by the landowner(s). In particular, the MX-M zone allows for various retail and commercial uses, making it very likely that the lot will be redeveloped with the intent of opening a business in the Bridge/4th Center, where other businesses have likewise opened and thrived. The request furthers Goal 8.1 – Placemaking.

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

If approved, this zone map amendment would foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale within the Bridge/4th Center. Particularly, MX-M is a zone that is present directly north of Avenida Cesar Chavez but not on the south side of the street; the introduction of the MX-M would provide unique development opportunities on the southern side of Avenida Cesar Chavez and would overall further Policy 8.1.1 by introducing differing development uses and intensities found in the MX-M zone. This rezone would allow for investment in the Bridge/4th Center, contributing to a variety of employment opportunities for a range of occupational skills and salary levels. The request furthers Policy 8.1.1 – Diverse Places.

Policy 8.1.2, Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

This zone map amendment would encourage economic development efforts to improve quality of life for new and existing residents by facilitating redevelopment of a lot that currently does not provide any public services. The redevelopment of this lot in the MX-M zone would allow for business development that can improve the quality of life for new and existing residents, especially compared to the current utilization of the lot, which appears to be car storage, leaving a significant portion of the lot undeveloped. The resulting business development would then contribute to the local economy, fostering a robust, resilient, and diverse economy. The request furthers Policy 8.1.2 – Resilient Economy.

Zone Map Amendment – Review and Decision Criteria

The request is supported by the Comprehensive Plan Goals and polices and meets the requirements for a Zoning Map Amendment – EPC Per IDO Section 14-16-6-7(G)(3) Review and Decision Criteria a – h as follows:

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 Comp Plan, as amended, and other applicable plans adopted by the City.

As discussed above, the requested zone map amendment from MX-H and NR-GM to MX-M will benefit the surrounding neighborhood by furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the previous analysis. The proposed redevelopment of this lot is consistent and not in conflict with the health, safety, and general welfare of the City. The analysis describes how the proposed Zone Map Amendment furthers Goals and Polices regarding Character, Centers and Corridors, Complete Communities, City Development Areas, and Placemaking. These Goals and policies are supported because the request will provide for an array of moderate-intensity retail, commercial, or institutional uses as described in the definition of MX-M in the IDO, cited earlier within this letter.

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 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 appropriate because it meets any of the following criteria.

1. There was a 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 Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City Plan(s)

The subject site is located wholly within an Area of Change, so the above criterion does not apply.

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 any of the following criteria.

1. There was a 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).

The subject property is located wholly within an Area of Change as shown in the ABC Comp Plan and meets criteria 1, 2, and 3. The request meets criteria 1 because with the adoption of the IDO, zone boundaries must coincide with lot lines, yet the lot is currently split by a floating zone line. The request meets criteria 2 because the original industrial uses of the site are used less by the community. As Barelhas has changed and grown as a community, the need for a diverse array of commercial and retail uses in the area has risen.

The request also meets criteria 3, as described above: the requested zone map amendment from MX-H and NR-GM to MX-M will benefit the surrounding neighborhood by furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the analysis above. The analysis describes how the proposed Zone Map Amendment furthers Goals and Policies regarding Character, Centers and Corridors, Complete Communities, City Development Areas, and Placemaking. These Goals and policies are supported because the request will facilitate redevelopment of a site to contribute to an array of moderate-intensity commercial, retail, and institutional uses, as described in the definition of MX-M in the IDO, cited earlier within this letter. Further, the subject site is within 600-feet of two different Major Transit Corridors – Bridge/Tower Blvd. and 4th St. SW and is partially within the Bridge/4th Center, and the MX-M zone and resulting development would be more advantageous to the communities that frequent this center and its respective transit corridors.

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 14-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Change In Uses From MX-H and NR-GM To MX-M – Adapted from IDO Table 4-2			
Residential Uses			
Use	NR-GM	MX-H	MX-M
Dwelling, townhouse		P	P
Dwelling, live-work		P	P
Dwelling, multi-family		P	P
Assisted living facility or nursing home		P	P
Community residential facility, small		P	P
Community residential facility, large		P	P
Dormitory		P	P
Group home, small			P
Group home, medium		P	P
Group home, large		C	C
Civic and Institutional Uses			
Adult or child day care facility	A	P	P
Community center or library	C	P	P
Elementary or middle school		P	P
High school		P	P
Hospital		P	P
Parks and open space	C	P	P
Religious institution	CV	P	P
Sports field	C	P	P
University or college	CV	P	P
Commercial Uses			
Community garden	C	P	P
General agriculture	P		
Kennel	P		C
Nursery	P		A

Adult entertainment	P		
Health club or gym	A	P	P
Mobile food court truck	C	P	P
Nightclub		P	P
Residential community amenity, indoor		P	P
Campground or recreational vehicle park			C
Heavy vehicle and equipment sales, rental, fueling and repair	P		
Outdoor vehicle storage	P		
Paid parking lot	P	A	P
Bank	CV	P	P
Blood services facility	P	C	C
Club or event facility	CV	P	P
Construction contractor facility and yard	P	C	
Mortuary		P	P
Self-storage	P	P	C
Amphitheater	C	C	
Drive-in theater		C	C
Residential community amenity, outdoor		P	P
Adult retail	P	P	
Art gallery	A	P	P
Cannabis retail	A	P	P
Farmers' market	CV	P	P
General retail, medium		P	P
General retail, large		C	C
Freight terminal or dispatch center	P		
Helipad	P	CA	CA
Park-and-ride lot	C	C	P
Railroad Yard	P		
Industrial Uses			
Light manufacturing	P	A	
Heavy manufacturing	P		
Special manufacturing	C		
Geothermal energy generation	P	A	A
Wind energy generation	C	A	A
Recycling drop-off bin facility	P	A	A
Salvage yard	P		
Above-ground storage of fuels or feed	P		
Outdoor storage	P	C	C
Warehousing	P	C	C
Wholesaling and distribution center	P	C	C
Accessory and Temporary Uses			
Agriculture sales stand	CA	A	A
Clean Room	A		
Drive-through or drive-up facility		CA	A
Dwelling unit, accessory	A		
Family care facility		A	A
Garden		A	A
Home occupation		A	A

Independent living facility		A	A
Outdoor animal run	A		CA
Other use accessory to residential primary use		A	A
Circus			T
Fair, festival, or theatrical performance		T	T
Open air market		T	T
Safe outdoor space	T	CT	CT

Due to the consolidation of two zoning designations into one new zoning designation, all resulting use changes are listed above, since MX-M uses will be allowed on the lot, which currently is zoned both NR-GM and MX-H due to the floating zone line. A significant number of the use changes are due to the loss of the general manufacturing zoning designation, such as heavy manufacturing and special manufacturing. Some listed use changes are consistent between MX-H (current) and MX-M (proposed) zones and are only listed since they will be newly allowed uses in the portion of the lot currently zoned NR-GM.

*Notable uses that are newly permissible to at least one portion of the lot include Nightclub, Club or event facility, and Park-and-Ride lot. While currently permissive in MX-H, a nightclub would be newly permitted in the portion of this lot currently zoned NR-GM, and therefore across the entire site, if this zone map amendment to MX-M were approved. At a nightclub, alcohol sales for on-site premises consumption are controlled by New Mexico State law, ensuring that any nightclub developed would be required to follow all New Mexico State law requirements, including required spacing from other uses and facilities. A club and event facility would likewise be permitted in the portion of the lot currently zoned NR-GM; no use-specific standards apply in the MX-M zone for this use, but the size of events and resulting traffic generation would be limited by the lot's relatively small size. A Park-and-Ride lot would be permissive in the entire lot if this zone change were to be approved and would be required to comply with all standards in IDO Section **14-16-5-5 (Parking and Loading)**. This use would likewise be limited by the lot's size and configuration.*

*Some newly introduced uses would be permitted conditionally, requiring a conditional use permit to be approved before being permitted on site. These uses would be subject to conditional use permit approval by the Zoning Hearing Examiner (ZHE). Notable newly introduced conditional uses include Kennel, Campground or RV park, and Self Storage. With regards to the Kennel use, according to Use-Specific Standard **4-3(D)(4)**, the use must be conducted within fully enclosed portions of a building. The Campground or RV park, while normally conditionally permissible in the MX-M lot, is prohibited on this site according to **4-3(D)(14)(a)**, which states that the minimum project size for this use is 1 acre, which is a requirement this lot does not meet. Finally, the Self Storage use would require storage to occur only within fully enclosed portions of a building. Internal lighting visible from the property line would be required to be dimmed by 50% between 10PM and 7AM due to this lot's proximity to any Residential zone district. Due to being within an MX-M district, access to individual storage units would be required to be through interior corridors.*

*The only accessory or temporary use newly allowed by the MX-M zone district would be the Circus use. This use would be prohibited according to **4-3(G)(1)(e)** due to the lot's proximity to residential zone districts. Overall, many uses allowed by MX-M are likewise allowed in either NR-GM or MX-H. All these uses are controlled by Use-specific Standards, as outlined above, and many are further limited due to the size and configuration of the subject site. Multiple potentially harmful uses, such as heavy manufacturing and adult entertainment, would become disallowed due to this downzone.*

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 any of the following criteria:

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 (IIA).
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.

The request meets the criteria above as described by number 3: will have adequate capacity when the applicant fills its obligations under the IDO, the DPM, and/or an IIA. The request will continue through various City application processes where infrastructure capacity will be addressed.

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.

The subject site is on Avenida Cesar Chavez, a major street. Though the location of the subject site is appropriate for the requested Zone Map Amendment, our justification is not based predominantly on that. Rather, the justification is based on the previous thorough ABC Comp Plan analysis and shows that the request furthers a preponderance of Goals and Policies in the categories of Community Identity, Land Use, and Economic Development. These analyses highlight the benefits of the proposed zone change, many of which would apply regardless of the property's location on a major street.

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

The request is not based on the cost of land nor economic considerations, rather, the request is based on the policy analysis above. This request furthers a preponderance of the ABC Comp Plan Goals and policies and would enhance the community by facilitating a downzone on a suitable plot of land, potentially facilitating development that would serve the nearby community with moderate-intensity uses.

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 1 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.

As shown in figure 1 at the beginning of this letter, this Zoning Map Amendment would not apply a spot zone. Rather, the MX-M zoning would match that of the properties across Avenida Cesar Chavez that are adjacent to the subject site.

Conclusion

The requested zone map amendment from MX-M to MX-H would benefit the surrounding neighborhood by furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the preceding analysis. The proposed Zone Map Amendment furthers these Goals and Policies regarding Character, Centers and Corridors, Complete Communities, City Development Patterns, and others. This map amendment facilitates the request by promoting development that contributes to an array of moderate-intensity commercial, retail, and institutional uses, as described in the definition of MX-M in the IDO. Further, the subject site is within 600-feet of two different Major Transit Corridors – Bridge/Tower Blvd. and 4th St. SW, is wholly contained within an Area of Change, and is partially within the Bridge/4th Activity Center, all places where this type of development is desired.

Tierra West, on behalf of Fazal Development Network, Inc., respectfully requests a zone map amendment from MX-H and NR-GM to MX-M for the subject site located at 310 Avenida Cesar Chavez. Thank you for taking this zone map amendment into your consideration.

If you have any questions, or need additional information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'AJ', is positioned above the typed name.

Adam Johnstone,
Associate Planner

JN: 2024003
AJ/sl/djb

STAFF INFORMATION

February 21, 2024

TO: Adam Johnstone, Tierra West LLC
FROM: William Steele, Staff Planner
City of Albuquerque Planning Department
TEL: (505) 924-3352
Project # 2024-009944, RZ-2024-00011, 310 Avenida Cesar Chavez ZMA

We've completed a first review of the proposed request for a zone change. We would like to discuss the project revisions. We are available to answer questions about the process and requirements moving forward. Please provide the following:

⇒ Revised Justification letter (electronic) by:

9AM on Wednesday February 21, 2024

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

1) Introduction:

- A. Though we've done our best for this review, additional items may arise as the case progresses. If so, we will inform you immediately.
- B. This is what we have for the legal description: TR G-1 PLAT OF SOUTH BARELAS INDUSTRIAL PARK UNIT #2 CONT 0.8394 ACR-1A to MX-L, approximately .16 acres.
- C. It is our understanding that this is a request is for a zone change from MX-H/NR-GM to MX-M at 310 Avenida Cesar Chavez ZMA to allow for a Zoning Map Amendment – EPC.
 - a. This request is for a zone change and sound justification must be provided. Overall, the justification letter seems sufficient and some of the responses to the goals and polices need to be enhanced.
 - b. Please note the justification letter must be revised to meet the review and decision criteria if staff is to recommend approval for the zoning map amendment.
 - c. Goals and Policies pertaining to future or particular developments are also not relevant.

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 is on March 21, 2024. Final staff reports will be available one week prior, on March 14, 2024.
- C. Note that, if a zone change request is denied, you cannot reapply again for one year.

- D. Agency comments will be distributed after March 6, 2024. We will email you a copy of the comments and forward any late ones to you.

3) Notification & Neighborhood Issues:

Notification requirements for a Zone Change are explained in Section 14-16-6-4(K), Public Notice (IDO, p. 409). The required notification consists of: i) an offer of neighborhood meeting, ii) an emailed letter to neighborhood representatives indicated by the ONC, iii) a mailed letter (first-class) to property owners within 100 feet of the subject site, and iv) yellow sign posting.

- A. A pre-application facilitated meeting was not held, is this correct?
- B. The notification to property owners appears complete. Thank you for providing photos of the certified mail receipts and a list of the neighbors within a 100' buffer.
- C. **The sign posting agreement shall specifies the sign posting period as March 6, 2024 to April 5, 2024.**
- D. Please submit photos of the posted signs on **March 6, 2024**.
- E. Have any neighborhood representatives or members of the public contacted you with any comments?

4) Project Letter:

- A. The justification letter, including the review and decision criteria analysis as written doesn't completely justify the request for a zone change.

5) Zone Change – 6-7(G)(3) Review and Decision Criteria

- A. **6-7(G)(3)(a):** For Criterion a, the word used in the policy analysis is usually “furthers” unless a higher test applies. The test of “furthers or furthering” as stated in Criterion 6-7(G)(3)(a) must be applied to all Criteria a-h. Please go through responses to goals and/or policies and write responses to meet the requirement test of furthering a preponderance of applicable Goals and Polices in the ABC Comp Plan.
- The task in a justification is to choose applicable Goals and policies from the Comprehensive Plan and demonstrate how the request furthers (makes a reality) each applicable Goal and policy. Furthering is shown by providing explanations using “because” statements and tailoring the response to match the wording of the Goal or Policy.
 - Please be as detailed as possible in your responses: Responding to 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:
 1. answering the questions in the customary way (see examples).
 2. using conclusory statements such as “because _____”.
 3. re-phrasing the requirement itself in the response, and
 4. choosing an option when needed to respond to a requirement

- Please think though and expand on responses to goals and policies. Sub-policies are not as important as Goals and Policies. Include more applicable citations.
- This analysis needs more Goals and Policies.
- Note: Redevelopment of parcel (site) is not a guarantee with a zone change.

Examples:

- Goal 4.1 Character – Please elaborate on how the ZMA will enhance, protect and preserve distinct communities. These terms were not used in the response to the goal.
- Goal 5.1 Centers and Corridors – Please expound.
- Goal 5.2 Complete Communities - Redevelopment based on a zone change is not guaranteed.
- Policy 8.1.2 Resilient Economy – More descriptions are needed.

B. 6-7(G)(3)(d): Please clarify the meaning of the following: “While currently permissive in MX-H, a nightclub would be permitted in the portion of this lot currently zoned NR-GM if this zone map amendment were approved.” Wouldn’t it be permitted on the entire parcel?

C. 6-7(G)(3)(f): “The subject site is on Avenida Cesar Chavez, a major street. Though the location of the subject site is appropriate for the requested Zone Map Amendment, our justification is not based predominantly on that. Rather, the justification is based on a thorough ABC Comp Plan analysis and shows that the request furthers a preponderance of Goals and Policies found therein.” Please provide more detail and information.

D. 6-7(G)(3)(g): “The request is not based on the cost of land nor economic considerations, rather, the request is based on the policy analysis above. This request furthers a preponderance of the ABC Comp Plan Goals and policies and would enhance the community by providing an increased variety of commercial and/or retail uses within.” Please elaborate more.

NOTIFICATION

Neighborhood Meeting Inquiry Sheet Submission

webmaster@cabq.gov <webmaster@cabq.gov>

Tue 1/16/2024 4:39 PM

To: Adam Johnstone <AJohnstone@tierrawestllc.com>

Cc: onc@cabq.gov <onc@cabq.gov>

 1 attachments (555 KB)

IDOZoneAtlasPage_L-14-Z.pdf;

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

Adam Johnstone

Telephone Number

(505) 318-1835

Email Address

AJohnstone@tierrawestllc.com

Company Name

Tierra West, LLC

Company Address

5571 Midway Park Pl NE

City

Albuquerque

State

NM

ZIP

87109

Legal description of the subject site for this project:

TR G-1 PLAT OF SOUTH BARELAS INDUSTRIAL PARK UNIT #2 CONT 0.8394 AC

Physical address of subject site:

310 AVENIDA CESAR CHAVEZ SW ALBUQUERQUE NM 87102

Subject site cross streets:

Avenida Cesar Chavez SW

Other subject site identifiers:

2nd St SW

This site is located on the following zone atlas page:

L-14-Z

Captcha

x

310 AVENIDA CESAR CHAVEZ SW _Neighborhood Meeting Inquiry Sheet Submission

Office of Neighborhood Coordination <onc@cabq.gov>

Wed 1/17/2024 9:35 AM

To: Adam Johnstone <AJohnstone@tierrawestllc.com>

📎 1 attachments (555 KB)

IDOZoneAtlasPage_L-14-Z.pdf;

PLEASE NOTE:

The neighborhood association contact information listed below is valid for 30 calendar days after today's date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
Barelas NA	George	Franco	gcolts@msn.com	1312 Barelas SW	Albuquerque	NM	87102	5056204513	5052443907
Barelas NA	Sean	Potter	bna@seanpotter.co	705 Iron AVE SW	Albuquerque	NM	87102		5054801216

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: devhelp@cabq.gov, or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application. <https://www.cabq.gov/planning/urban-design-development/public-notice>.
- The Checklist form you need for notifying neighborhood associations can be found here: https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official_public_notice_form-2019.pdf.
- The Administrative Decision form you need for notifying neighborhood associations can be found here: <https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf>
- Once you have e-mailed the listed contacts 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 application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s):

<http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If your application 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.

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

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you,

Suzie



Suzie Flores

Senior Administrative Assistant

Office of Neighborhood Coordination (ONC) | City Council Department | City of Albuquerque
(505) 768-3334 Office

E-mail: suzannaflores@cabq.gov

Website: www.cabq.gov/neighborhoods

From: webmaster@cabq.gov <webmaster@cabq.gov>
Sent: Tuesday, January 16, 2024 4:40 PM
To: Office of Neighborhood Coordination <AJohnstone@tierrawestllc.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Neighborhood Meeting Inquiry Sheet Submission

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

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

Adam Johnstone

Telephone Number

(505) 318-1835

Email Address

AJohnstone@tierrawestllc.com

Company Name

Tierra West, LLC

Company Address

5571 Midway Park Pl NE

City

Albuquerque

State

NM

ZIP

87109

Legal description of the subject site for this project:

TR G-1 PLAT OF SOUTH BARELAS INDUSTRIAL PARK UNIT #2 CONT 0.8394 AC

Physical address of subject site:

310 AVENIDA CESAR CHAVEZ SW ALBUQUERQUE NM 87102

Subject site cross streets:

Avenida Cesar Chavez SW

Other subject site identifiers:

2nd St SW

This site is located on the following zone atlas page:

L-14-Z

Captcha

x

[#2024003] 310 Avenida Cesar Chavez Dunkin Donuts Notification

Adam Johnstone <AJohnstone@tierrawestllc.com>

Thu 1/25/2024 2:01 PM

To:gcolts@msn.com <gcolts@msn.com>;bna@seanpotter.co <bna@seanpotter.co>

Cc:Sergio Lozoya <SLozoya@tierrawestllc.com>;Ron Bohannon <rrb@tierrawestllc.com>;Donna Bohannon <djb@tierrawestllc.com>

 4 attachments (3 MB)

2024003 Zone Change Explanation - pdf.pdf; IDOZoneAtlasPage_L-14-Z.pdf; George Franco Barelmas NA Notice.pdf; Sean Potter Barelmas NA Notice.pdf;

Good afternoon, Barelmas NA Representatives,

Please find attached the Public Meeting Hearing Notice for the referenced project. Also attached is the zone atlas map page and a short letter explaining the zone change request.

Thank you,

Adam Johnstone

Associate Land Use Planner

AJohnstone@tierrawestllc.com

Tierra West LLC

5571 Midway Park Place NE

Albuquerque, NM 87109

(505) 858-3100



[Note: Items with an asterisk (*) are required.]

Neighborhood Meeting Request for a Proposed Project in the City of Albuquerque

Date of Request*: January 22, 2024

This request for a Neighborhood Meeting for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: Barelas NA

Name of NA Representative*: George Franco

Email Address* or Mailing Address* of NA Representative¹: gcolts@msn.com

The application is not yet submitted. If you would like to have a Neighborhood Meeting about this proposed project, please respond to this request within 15 days.²

Email address to respond yes or no: slozoya@tierrawestllc.com

The applicant may specify a Neighborhood Meeting date that must be at least 15 days from the Date of Request above, unless you agree to an earlier date.

Meeting Date / Time / Location:

Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address*: 310 Avenida Cesar Chavez SW
Location Description: TR G-1 PLAT OF SOUTH BARELAS INDUSTRIAL PARK UNIT #2 CONT 0.8394 AC
2. Property Owner*: NMR-Avenida RE LLC C/O Murad Fazal
3. Agent/Applicant* [if applicable]: Tierra West LLC
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - Conditional Use Approval
 - Permit _____ (Carport or Wall/Fence – Major)
 - Site Plan
 - Subdivision _____ (Minor or Major)

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² If no one replies to this request, the applicant may be submitted to the City to begin the review/decision process.

[Note: Items with an asterisk (*) are required.]

- Vacation _____ (Easement/Private Way or Public Right-of-way)
- Variance
- Waiver
- Zoning Map Amendment
- Other: _____

Summary of project/request^{3*}: Rezone of the lot from MX-H and NR-GM to MX-M

This type of application will be decided by*: City Staff

OR at a public meeting or hearing by:

5. Zoning Hearing Examiner (ZHE) Development Review Board (DRB)
- Landmarks Commission (LC) Environmental Planning Commission (EPC)
- City Council

6. Where more information about the project can be found*⁴:
slozoya@tierrawestllc.com, 505-278-7088

Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁵: L-14-Z
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards will be requested for this project*:

- Deviation(s) Variance(s) Waiver(s)

Explanation: _____

4. An offer of a Pre-submittal Neighborhood Meeting is required by [Table 6-1-1*](#): Yes No

³ Attach additional information, as needed to explain the project/request. Note that information provided in this meeting request is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

5. **For Site Plan Applications only***, attach site plan showing, at a minimum:
- a. Location of proposed buildings and landscape areas.*
 - b. Access and circulation for vehicles and pedestrians.*
 - c. Maximum height of any proposed structures, with building elevations.*
 - d. **For residential development***: Maximum number of proposed dwelling units.
 - e. **For non-residential development***:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

Additional Information:

1. From the IDO Zoning Map⁶:
- a. Area of Property [typically in acres]: 0.8394
 - b. IDO Zone District: MX-H / NR-GM
 - c. Overlay Zone(s) [if applicable]: N/A
 - d. Center or Corridor Area [if applicable]: Partially in Bridge/4th Comprehensive Plan Center and wholly within 660ft of Main Street Corridors 4th St. and Bridge Blvd
2. Current Land Use(s) [vacant, if none]: Industrial (wholesaling and distribution center)

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]


⁶ Available here: <https://tinurl.com/idozoningmap>

Delivered: [#2024003] 310 Avenida Cesar Chavez Dunkin Donuts Notification

postmaster@outlook.com <postmaster@outlook.com>

Thu 1/25/2024 10:54 PM

To: gcolts@msn.com <gcolts@msn.com>

 1 attachments (32 KB)

[#2024003] 310 Avenida Cesar Chavez Dunkin Donuts Notification;

Your message has been delivered to the following recipients:

gcolts@msn.com (gcolts@msn.com)

Subject: [#2024003] 310 Avenida Cesar Chavez Dunkin Donuts Notification

RE: Neighborhood Meeting Inquiry Sheet - Attempts to email given contacts failed, undelivered emails

Office of Neighborhood Coordination <onc@cabq.gov>

Thu 1/25/2024 2:34 PM

To: Adam Johnstone <AJohnstone@tierrawestllc.com>; Office of Neighborhood Coordination <onc@cabq.gov>
Cc: Sergio Lozoya <SLozoya@tierrawestllc.com>; Ron Bohannan <rrb@tierrawestllc.com>; Donna Bohannan <djb@tierrawestllc.com>

Good afternoon,

I spoke with Mr. Potter and confirmed that his email address is bona@seanpotter.co. I was also able to confirm with him that he did receive the notification email. I can also confirm that Mr. Franco's email address is correct.

Thank you,

Suzie

From: Adam Johnstone <AJohnstone@tierrawestllc.com>

Sent: Thursday, January 25, 2024 2:18 PM

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

Cc: Sergio Lozoya <SLozoya@tierrawestllc.com>; Ron Bohannan <rrb@tierrawestllc.com>; Donna Bohannan <djb@tierrawestllc.com>

Subject: Neighborhood Meeting Inquiry Sheet - Attempts to email given contacts failed, undelivered emails

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Hello,

I am working on sending out neighborhood meeting inquiry sheets for an upcoming EPC - Zone Map Amendment request. I received the attached response. When attempting to send the notice over email, however, we encountered two problems.

- 1- We did not receive a delivery receipt from the first contact, George Franco at gcolts@msn.com. Therefore, we are uncertain whether the email made it to the intended individual.
- 2- We received a failed delivery receipt from the second contact, Sean Potter at bona@seanpotter.co. We assumed it may have been a typo and tried the same email but @seanpotter.com instead of .co, and received another failed delivery receipt. Both are attached.

Do you have any updated contact information for these individuals? Please let me know if there is anything else you need from me.

Adam Johnstone

Associate Land Use Planner

AJohnstone@tierrawestllc.com

Tierra West LLC

5571 Midway Park Place NE

Albuquerque, NM 87109

(505) 858-3100



RE: [#2024003] 2024003 310 Avenida Cesar Chavez 100' Buffer Map & Property Owners Request

PLNBufferMaps <plnbuffermaps@cabq.gov>

Wed 1/17/2024 12:04 PM

To: Adam Johnstone <AJohnstone@tierrawestllc.com>

Cc: Sergio Lozoya <SLozoya@tierrawestllc.com>; Donna Bohannan <djb@tierrawestllc.com>

📎 4 attachments (811 KB)

310 Avenida Cesar Chavez.pdf; 310 Avenida Cesar Chavez - Labels.docx; 310 Avenida Cesar Chavez - Labels.csv; 310 Avenida Cesar Chavez - 8.5x11 - Scale in Feet.pdf;

January 17, 2024

Dear Mr. Johnstone:

Good afternoon. Attached is you Buffer Map with all associated documents for the subject matter.

If you have any questions, please let me know. Thank you and have a wonderful day.

Respectfully submitted,



MISA K. BLOOM

(she / hers)

associate planner

urban design & development

o 505.924.3662

e mbloom@cabq.gov

cabq.gov/planning

From: Adam Johnstone <AJohnstone@tierrawestllc.com>

Sent: Tuesday, January 16, 2024 4:52 PM

To: PLNBufferMaps <plnbuffermaps@cabq.gov>

Cc: Sergio Lozoya <SLozoya@tierrawestllc.com>; Donna Bohannan <djb@tierrawestllc.com>

Subject: [#2024003] 2024003 310 Avenida Cesar Chavez 100' Buffer Map & Property Owners Request

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good afternoon,

Can you please provide the 100' buffer map and property owner's list for the attached highlighted property? Below is the legal description and physical address of the subject site. Please let us know if

you have any questions.

Legal Description

TR G-1 PLAT OF SOUTH BARELAS INDUSTRIAL PARK UNIT #2 CONT 0.8394 AC

Physical Address

310 AVENIDA CESAR CHAVEZ SW ALBUQUERQUE NM 87102

Site Cross Streets

Avenida Cesar Chavez SW and 2nd St SW

Zone Atlas Page

L-14-Z

Adam Johnstone

Associate Land Use Planner

AJohnstone@tierrawestllc.com

Tierra West LLC

5571 Midway Park Place NE

Albuquerque, NM 87109

(505) 318-1835



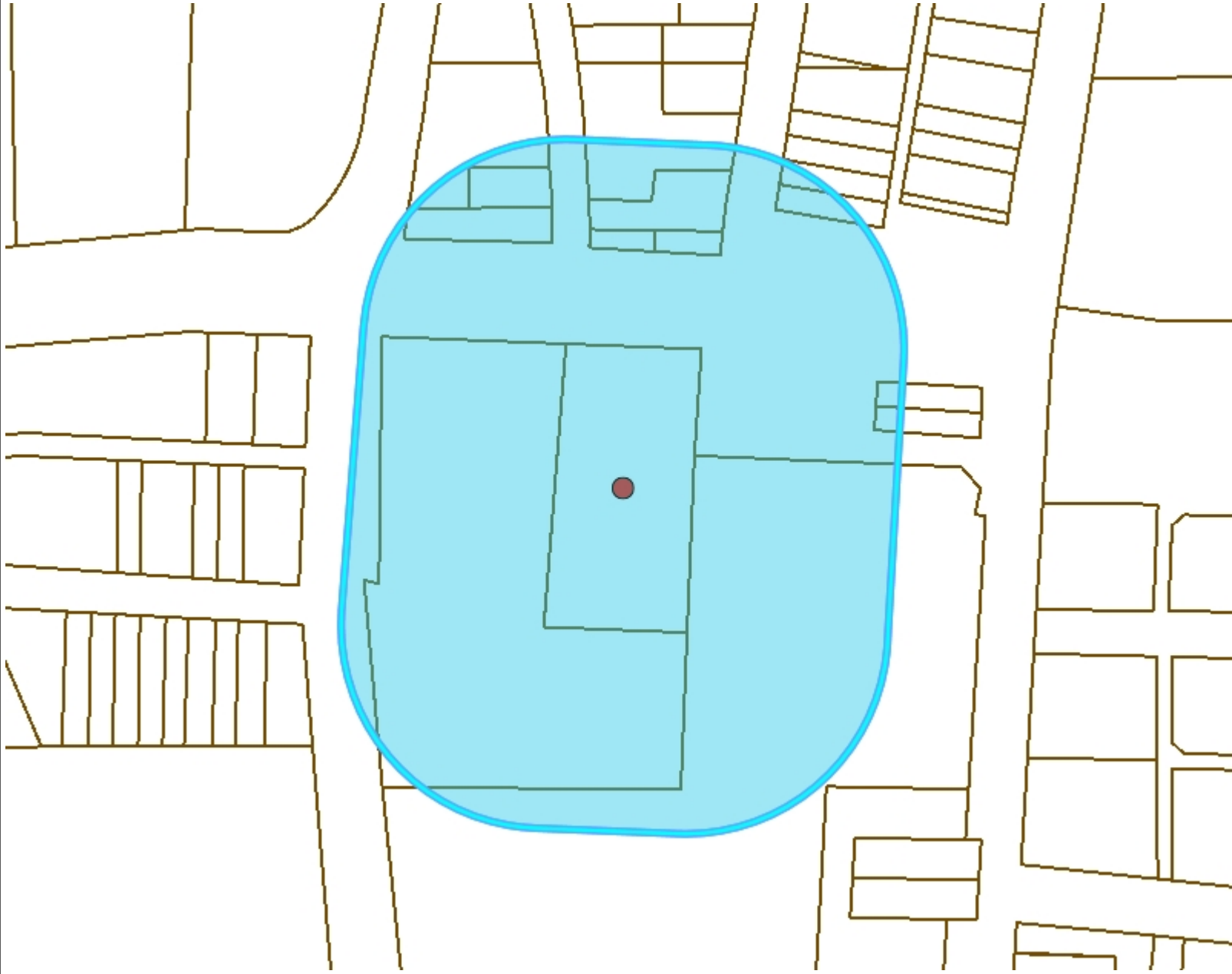


310 Avenida Cesar Chavez



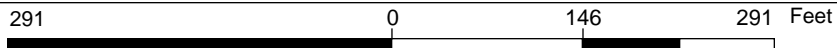
Legend

□ Bernalillo County Parcels



Notes

Buffer: 200 Ft.
ROW: Avenida Cesar Chavez SW; 100 Ft.



WGS_1984_Web_Mercator_Auxiliary_Sphere
1/17/2024 © City of Albuquerque

1: 1,748

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

CITY OF ALBUQUERQUE REAL ESTATE
OFFICE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

SANCHEZ JOSEPH RUDY TR SANCHEZ
TRUST
1512 4TH ST SW
ALBUQUERQUE NM 87102-1421

NATIONAL HISPANIC CULTURAL CENTER
OF NM
1701 4TH ST SW
ALBUQUERQUE NM 87102-4508

VIGIL ALAN A
4300 STANDFIER CT SW
ALBUQUERQUE NM 87105

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

VIGIL ALAN A
4300 STANDFIER CT SW
ALBUQUERQUE NM 87105

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

3RIA INC
1701 2ND ST SW
ALBUQUERQUE NM 87102-4505

OLMI ANTONIO M & ROGER D JONES
1500 ARCHULETA DR NE
ALBUQUERQUE NM 87112

SANCHEZ ELOISA ETAL
1521 DENNISON RD SW
ALBUQUERQUE NM 87105-2815

ABORN AURORA M & SANCHEZ C
1518 BARELAS ST SW
ALBUQUERQUE NM 87102

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

OLMI ANTONIO M & JONES ROGER D
1500 ARCHULETA DR NE
ALBUQUERQUE NM 87112-4891

HERRERA JOLENE & ANTHONY C GARCIA
& ROBERT C GARCIA & CHRISTINA
OROZCO
2323 VIA MADRID DR NW
ALBUQUERQUE NM 87104-3089

[Note: Items with an asterisk (*) are required.]

**Public Notice of a Proposed Project in the City of Albuquerque
for Decisions Requiring a Meeting or Hearing
Mailed to a Property Owner**

Date of Notice*: January 22, 2024

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Property Owner within 100 feet*: 3RIA INC

Mailing Address*: 1701 2nd St SW

Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address*: 310 Avenida Cesar Chavez SW
Location Description: TR G-1 PLAT OF SOUTH BARELAS INDUSTRIAL PARK UNIT #2 CONT 0.8394 AC
2. Property Owner*: NMR-Avenida RE LLC C/O Murad Fazal
3. Agent/Applicant* [if applicable]: Tierra West LLC
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - Conditional Use Approval
 - Permit _____ (Carport or Wall/Fence – Major)
 - Site Plan
 - Subdivision _____ (Minor or Major)
 - Vacation _____ (Easement/Private Way or Public Right-of-way)
 - Variance
 - Waiver
 - Other: Zone Change - See below

Summary of project/request¹*: Rezone of the lot from MX-H/NR-GM to MX-M

5. This application will be decided at a public meeting or hearing by*:
 - Zoning Hearing Examiner (ZHE)
 - Development Review Board (DRB)
 - Landmarks Commission (LC)
 - Environmental Planning Commission (EPC)

¹ Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (*) are required.]

Date/Time*: March 21st, 2024 - 8:40AM

Location*²: Zoom - https://cabq.zoom.us/j/2269592859

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

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

- 6. Where more information about the project can be found*³:
slozoya@tierrawestllc.com, 505-278-7088

Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

- 1. Zone Atlas Page(s)*⁴: L-14-Z
- 2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
- 3. The following exceptions to IDO standards have been requested for this project*:

Deviation(s) Variance(s) Waiver(s)

Explanation*: _____

- 4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): Yes No Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

- 5. **For Site Plan Applications only***, attach site plan showing, at a minimum:

- a. Location of proposed buildings and landscape areas.*
- b. Access and circulation for vehicles and pedestrians.*
- c. Maximum height of any proposed structures, with building elevations.*

² Physical address or Zoom link

³ Address (mailing or email), phone number, or website to be provided by the applicant

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

- d. **For residential development***: Maximum number of proposed dwelling units.
- e. **For non-residential development***:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

Additional Information:

From the IDO Zoning Map⁵:

1. Area of Property [typically in acres]: 0.8394
 2. IDO Zone District: MX-H / NR-GM
 3. Overlay Zone(s) [if applicable]: N/A
 4. Center or Corridor Area [if applicable]: Partially in Bridge/4th Comprehensive Plan Center and wholly within 660ft of Main Street Corridors 4th St. and Bridge Blvd
2. Current Land Use(s): Industrial (wholesaling and distribution center)

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 or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

⁵ Available here: <https://tinurl.com/idozoningmap>

January 25, 2024

Dear Neighbors of 310 Avenida Cesar Chavez:

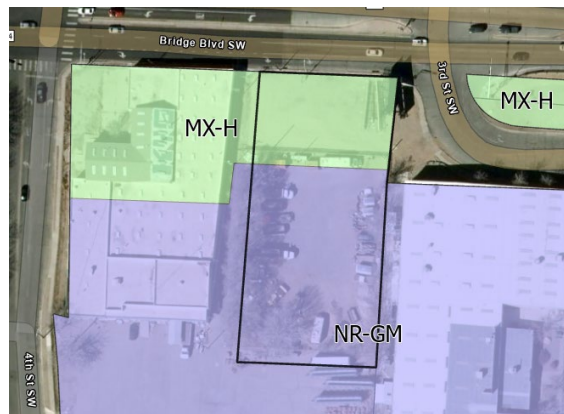
We are writing to you to inform you of a proposed zone change at 310 Avenida Cesar Chavez (pictured and outlined below). This proposed zone change for this property is to change its IDO zoning from MX-H and NR-GM (pictured below) to MX-M. The request will be heard by the Environmental Planning Commission (EPC) for a hearing to approve or deny the requested zone map amendment. The subject property is owned by Fazal Development Network, Inc.



The details are as follows:

Address: 310 Avenida Cesar Chavez

Current Zoning: MX-H (Mixed-Use: High Intensity) / NR-GM (Non-residential: General Manufacturing)



Current Land Use: Industrial

Proposed Zoning: MX-M (Mixed-Use: Medium Intensity)

Proposed Land Use: Commercial

Proposed development: Dunkin' Donuts (1,674 square feet)

The zoning request, if it is approved, would 1) remedy the floating zone line created by the adoption of the IDO (note that the lot pictured above has both MX-H and NR-GM portions) and 2) provide a decrease in intensity of permissive uses for the property. For a Zone Map Amendment, the EPC considers all potential uses and not just the intended use. Notable uses that would be permitted via this zone change

include a plant nursery and a kennel (requires conditional use permit). The intended purpose of this zone change is to allow for a Drive-through Facility, which is a permissive accessory use in the MX-M zone.

The anticipated EPC hearing date for this request is Thursday, March 21 at 8:40AM via Zoom (link: <https://cabq.zoom.us/j/2269592859>). Following staff and agent presentation, the floor will be open for public comment. If you have any questions at all on this project, please do not hesitate to reach out to us, as we would be happy to help answer your questions and clarify any concerns you may have.

Senior Planner **Sergio Lozoya** – slozoya@tierrawestllc.com

Associate Planner **Adam Johnstone** – ajohnstone@tierrawestllc.com

Thank you,
Adam Johnstone
Tierra West, LLC
5571 Midway Park Pl. NE
Albuquerque, NM 87109

TERRA WEST. LLC
5571 MIDWAY PARK PLACE NE
ALBUQUERQUE NM 87109

CERTIFIED MAIL



7022 3330 0001 0711 0800

VIGIL ALAN A
4300 STANDFIER CT SW
ALBUQUERQUE NM 87105



TERRA WEST. LLC
71 MIDWAY PARK PLACE NE
ALBUQUERQUE NM 87109

CERTIFIED MAIL



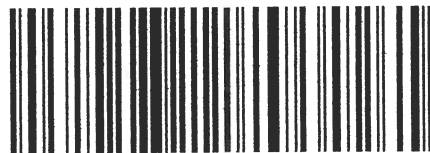
7020 3160 0000 3388 7840

SANCHEZ JOSEPH RUDY TR SANCHEZ
TRUST
1512 4TH ST SW
ALBUQUERQUE NM 87102-1421



TERRA WEST. LLC
571 MIDWAY PARK PLACE NE
ALBUQUERQUE NM 87109

CERTIFIED MAIL



7020 3160 0000 3388 7826

OLMI ANTONIO M & ROGER D JONES
1500 ARCHULETA DR NE
ALBUQUERQUE NM 87112



TERRA WEST, LLC
MIDWAY PARK PLACE NE
BUQUERQUE NM 87109



7020 3160 0000 3388 7833

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248



CERTIFIED MAIL

TERRA WEST, LLC
5571 MIDWAY PARK PLACE NE
ALBUQUERQUE NM 87109



7020 3160 0000 3388 7864

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248



CERTIFIED MAIL

TERRA WEST, LLC
71 MIDWAY PARK PLACE NE
ALBUQUERQUE NM 87109



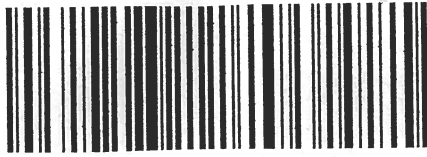
7020 3160 0000 3388 7932

OLMI ANTONIO M & JONES ROGER D
1500 ARCHULETA DR NE
ALBUQUERQUE NM 87112-4891



TERRA WEST, LLC

5571 MIDWAY PARK PLACE NE
ALBUQUERQUE NM 87109



7020 3160 0000 3388 7819



CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

CERTIFIED MAIL



7020 3160 0000 3388 7871



TERRA WEST, LLC

571 MIDWAY PARK PLACE NE
ALBUQUERQUE NM 87109

HERRERA JOLENE & ANTHONY C GARCIA
& ROBERT C GARCIA & CHRISTINA
OROZCO
2323 VIA MADRID DR NW
ALBUQUERQUE NM 87104-3089

CERTIFIED MAIL



7020 3160 0000 3388 7895



TERRA WEST, LLC

1 MIDWAY PARK PLACE NE
ALBUQUERQUE NM 87109

CITY OF ALBUQUERQUE REAL ESTATE
OFFICE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

TERRA WEST.LLC

571 MIDWAY PARK PLACE NE
ALBUQUERQUE NM 87109



7020 3160 0000 3388 7857



3RIA INC
1701 2ND ST SW
ALBUQUERQUE NM 87102-4505

CERTIFIED MAIL



7020 3160 0000 3388 7901



TERRA WEST.LLC

5571 MIDWAY PARK PLACE NE
ALBUQUERQUE NM 87109

VIGIL ALAN A
4300 STANDFIER CT SW
ALBUQUERQUE NM 87105

CERTIFIED MAIL



7020 3160 0000 3388 7925



TERRA WEST.LLC

571 MIDWAY PARK PLACE NE
ALBUQUERQUE NM 87109

SANCHEZ ELOISA ETAL
1521 DENNISON RD SW
ALBUQUERQUE NM 87105-2815

CERTIFIED MAIL

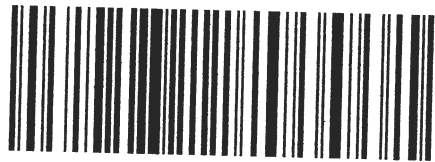


7020 3160 0000 3388 7918



NATIONAL HISPANIC CULTURAL CENTER
OF NM
1701 4TH ST SW
ALBUQUERQUE NM 87102-4508

CERTIFIED MAIL



7020 3160 0000 3388 7888



ABORN AURORA M & SANCHEZ C
1518 BARELAS ST SW
ALBUQUERQUE NM 87102

ST. LLC
PLACE NE
M 87109

ST. LLC
PLACE NE
IM 87109

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the Integrated Development Ordinance are responsible for the posting and maintaining of one or more signs on the property which is subject to the application, as shown in Table 6-1-1. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application for a \$10 fee per sign. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign(s).

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to any public meeting or hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.


4. TIME

Signs must be posted from Wednesday, March 6, 2024 To Friday, April 5th, 2024

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

 _____ Adam Johnstone _____ 2/1/2024 _____
(Applicant or Agent) (Date)

I issued _____ signs for this application, _____, _____
(Date) (Staff Member)

PROJECT NUMBER: _____

Southwest
Papers, Inc.

FDC



REQUEST
Zone Map Amendment for 310 Avenida Cesar Chavez
From MX-H/NR-GM to MX-M

Tierra West, LLC on behalf of Fazal Development Network, Inc.
Zoom- <https://cabq.zoom.us/j/2269592859>

The City of Albuquerque Environmental Planning Commission will hold a public hearing in the Plaza del Sol Building Hearing Room, Basement, 600 2nd St. NW, on March 21st, 2024 at 8:30 AM. All persons have a right to appear at such a hearing. For information on this case or other instructions on filing written comments, call the Planning Department at (505) 924-3860 or contact the applicant.
Required to be posted from Weds, March 6th to Fri, April 5th
by Tierra West, LLC stozoya@tierrawestllc.com (505) 858-3100
applicant agent
REFER TO FILE# PR# 2024-009944, RZ-2024-00011

It is illegal for an unauthorized person to remove or tamper with this sign.

REQUEST
Zone Map Amendment for 310 Avenida Cole Oversee
From MX-H/NR-GM to MX-M
TerraWest LLC on behalf of Fossil Development Network, Inc.
Zoom: <https://city.zoom.us/j/26952884>
The City of Albuquerque Environmental Planning Commission will hold a
public hearing in the City of Albuquerque City of Albuquerque City of Albuquerque
City of Albuquerque City of Albuquerque City of Albuquerque City of Albuquerque
City of Albuquerque City of Albuquerque City of Albuquerque City of Albuquerque
at March 21st 2024 at 8:30 AM. All persons
interested in this case or
other instructions on filing written comments, call the Planning
Department at (505) 924-3860 or contact the applicant.
Required to be posted from March 6th to April 5th
by TerraWest LLC slater@terrawestllc.com (505) 858-2100
applicant agent PR2024-009844 RZ-2024-00011
REFER TO FILE #

FACILITATED MEETING REPORT

CABQ FACILITATED ZOOM MEETING

Dunkin Donuts - EPC Zone Amendment Application

310 Cesar Chavez SW

Project: CABQ Facilitated Meeting - EPC Application for Zone Change

Property Description/Address: 310 Cesar Chavez NW, ABQ NM

Date Submitted: March 10, 2024

Submitted By: Jocelyn M. Torres, Land Use Facilitator

Co Facilitator: Tyson R. Hummell

Meeting Date/Time: March 7, 2024, 5:00 PM- 7:00 PM

Meeting Location: Zoom

Applicants/Owner: Fazal Development

Agents: Adam Johnstone and Sergio Lozoya, Tierra West

Neighborhood Associations/Interested Parties: Barelans NA (BNA).

Please note that this is a summary, not a transcript, of the March 7, 2024 CABQ facilitated meeting.

Background Summary.

Applicant has filed an EPC Application to downzone the parcel to MX-M, from the existing MX-H/NR-GM zone designations.¹ Allowable uses for these zones are found in Integrated Development Ordinance (IDO) Table 4-2-1.² A building permit cannot be issued on a parcel that has a floating zone line (more than one zone). The floating zone line on this parcel resulted from the 2017 passage of the IDO. The MX-M zone will serve the building's purpose of food distribution and will allow for a drive up window. This meeting pertained to the requested zone change. Once the zone change is approved, the developer will submit a site plan. The intended building is a Dunkin Donuts, with a drive up window. The IDO provides notification and meeting options at that development stage.

¹ Part 14-16-2: Zone Districts 2-4(C): **MIXED-USE - MEDIUM INTENSITY ZONE DISTRICT (MX-M)** 2-4(C) (1) The purpose of the MX-M zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors.

2-4(D) **MIXED-USE - HIGH INTENSITY ZONE DISTRICT (MX-H)** 2-4(D) (1) The purpose of the MX-H zone district is to provide for large-scale destination retail and high-intensity commercial, residential, light industrial, and institutional uses, as well as high-density residential uses, particularly along Transit Corridors and in Urban Centers. The MX-H zone district is intended to allow higher-density infill development in appropriate locations.

Part 14-16-2: Zone Districts 2-5(D): **NON-RESIDENTIAL - GENERAL MANUFACTURING ZONE DISTRICT (NR-GM)** 2-5(D) (1) The purpose of the NR-GM zone district is to accommodate a wide variety of industrial, manufacturing, and heavy commercial uses, particularly those with noise, glare, or heavy traffic impacts, in areas separated from Residential and Mixed-use areas and less intense, lighter impact businesses.

² Part 14-16-4: Use Regulations. 4-2-1: Allowable Uses Integrated Development Ordinance 2022 IDO ANNUAL UPDATE - EFFECTIVE DRAFT JULY 2023 City of Albuquerque, New Mexico Page 152.

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The northern portion of the existing site is vacant. The south side includes parked vehicles surrounded by fencing. There is an industrial building on the west side of the property. A paper product factory is located on the east. Most adjacent properties are used for manufacturing and industrial purposes. The north side of the street includes various businesses with retail, commercial, and industrial uses. Residential townhomes and single-family dwellings are also located on the north side of Avenida Cesar Chavez.

Each of the parcel's existing zones allows for more intensive uses and higher structures. NR-GM accommodates industrial, manufacturing, and heavy commercial uses; particularly those with noise, glare or heavy traffic impacts. MX-H provides for large-scale destination retail, as well as high intensity commercial, residential, light industrial and institutional uses.

The lower intensity MX-M provides for a variety of moderate intensity retail, commercial, and institutional uses. This zone does not allow for adult entertainment, the sale and repair of heavy vehicle equipment or heavy manufacturing. The MX-M zone will provide a buffer between the northern commercial/residential area and the more intense manufacturing on the south side of Avenida Cesar Chavez. This reliable food establishment will encourage other infill development and increase employment opportunities. The MX-M zone meets the requirements of the Barelas Community Protection Overlay.

Discussion.

1. Agents provided the PowerPoint and summarized purposes underlying the proposed zone change.
2. Agents addressed participant comments and questions.
3. Traffic, permissive and conditional use matters were discussed.
4. Agents will respond to Action Items.
5. Agents invited participants to submit comments to City Planning and to attend the March 21, 2024 EPC hearing.

Conclusions.

1. Participants voiced traffic concerns regarding the Avenida Cesar Chavez location and the proposed drive through window.
2. While voicing support for a neighborhood Dunkin Donuts, that participant was hesitant to support the MX-M permissive drive through option.
3. Several participants voiced a preference for the MX-H zone, which allows drive through windows as a conditional, rather than a permissive use.
4. Participants were hesitant to support the proposed zone change.

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Meeting Specifics. *Participant Questions and Comments are Italicized.* Others are displayed in regular font. *Q- Question; C-Comment; A-Answer; C- Comment.*

1. **Planned Development and Traffic.**

a. *Q: Once you get the zone change, when will you start building?*

A: That date has not been determined.

Q: Have you done a traffic study?

A: We have submitted a traffic scoping form to the City. The City will decide whether a traffic study is required. I believe the City will not require a complete traffic study but I'll check. *See Action Item 1.*

Q: Will there be a noise pollution study?

A: I don't think that is required at this point but I will check. *See Action Item 2.*

Q: Are you aware of the construction on Bridge Boulevard? They are behind on phase two construction and there are three more phases after that. The second phase should have been completed as of 2022 and is still ongoing. How will this road construction impact your building? Are you worried about the drive up lanes blocking traffic? I'm thinking of the Golden Pride on Lomas.

A: The questions regarding road construction will be answered if a traffic study is required. The building design includes two drive up lanes in order to avoid blocking traffic during the queue. This design meets current IDO standards. The Golden Pride restaurant on Lomas was built prior to the IDO.

b. *Q/C: I have a question about the rail trail also going up in this area. This development is going to be right next to it. I hope the City takes into consideration all the vehicle, pedestrian and bike traffic. There will be a lot of traffic congestion. This will be a significant safety concern. Are you aware of the findings regarding dangerous traffic conditions at this location?*

A: [Redevelopment Project Manager] I'm here to learn more about the proposed project and the location of the drive pads. We are looking at two possible alignments for the rail trail and the south side of Avenida Cesar Chavez is one of them. The other is across the street and would travel next to the bridge to hit second street. A component question is the number of drive pads pedestrians and bikes would cross along the trail. I might also highlight the downzoning from MX-H to MX-M. MX-H does not allow drive through because it is intended to create a more pedestrian friendly environment, with higher density. We're trying to create a more urban scale environment for the rail trail. MXM allows drive through as a permissive use and MXH allows it as a conditional use. The MX-H zone is more consistent with existing zoning on the south side of Avenida Cesar Chavez. MX-M

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makes it a little bit easier for the Dunkin Donuts developer to put in a drive through permissively.

- c. Q/C: Why not align with one of the two existing zones? MX-H will make the drive through a conditional use and the proposed MX-M will allow it as a permissive use. The MX-M zone will not allow the neighborhood to have a voice as to whether the drive through is best for that area.

A: Even though MX-M allows the drive through as a permissive use, it is a downzone and not as intense as the other two options. It also does not allow some of the harmful uses that would be allowed in the other two zones. So if this proposed development were to go through as a Dunkin Donuts, the zone change is permanent unless someone changes it again. This would help prevent these other harmful uses from occurring 10 or 20 years down the line.

C: I like that part but it takes away our leverage. If we have no leverage on development, we can end up with bad businesses in this neighborhood. We also do not have a promise that this developer will be working with us. That is why I've requested a community benefit agreement between the Dunkin Donuts developer and the neighborhood. This would provide certain things like first priority hiring; neighborhood benefits; or a scholarship. The permissive use removes our leverage. It's difficult to allow for the zone change.

Facilitator: At this stage we are only discussing the developer's application for a zone map amendment. The next stage will involve the actual development of Dunkin Donuts. The report will note your hesitation in approving the proposed MX-M zone, primarily because of the permissive drive up window. You prefer that the drive up window be allowed only as a conditional use; as in the MX-H zone. The developer will notify the neighborhood as to the next stage of development. The neighborhood can request another facilitated meeting at that stage.

C: I love Dunkin Donuts and would like to have one in the neighborhood, rather than Starbucks or anything else, but I'm not comfortable supporting the proposed zone change.

Facilitator: The record will reflect that you are not in favor of the drive up.

A: I think the downzone is beneficial to the community. It removes several harmful uses which would be allowed in NR-GM. If there is a written request from the neighborhood, I can pass that on to the developer. You are encouraged to attend the March 21 EPC hearing to state your comments.

Facilitator: The neighborhood's position will be stated in the facilitated meeting report.

C: I don't necessarily oppose the drive through. I oppose losing control over the final decision on the type of business that is built.

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- d. *C: I'm concerned about traffic, the bridge construction and safety. There is an intersection crash study stating that this is the most unsafe area in the City.*

C: I'm concerned about safety for our veterans and residents. I've also noticed that there are no east facing pictures in your presentation. Maybe you should include some in your next presentation.

- e. *C/Q: I think the report they are referencing is from the Fatality and Injury Network.³ I'm representing Main Street which emphasizes walkability. I'm also not understanding why the developer is choosing MX-M over MX-H. Is it just because of the permissive use on the drive through? MX-H allows the drive through as a conditional use.*

A: MX-H also allows other uses like adult retail and light industrial. The MX-M permissive drive through option does benefit the developer. Neighbors will have another opportunity to meet regarding the site plan.

- f. *Q/C: Just to clarify, if the parcel is zoned MX-M, then the drive through would be allowed as a matter of right. Is that correct?*

A: Yes MX-M allows the drive through as of right.

- g. A: [Redevelopment Project Manager] In terms of the high fatality injury network, this is a high crash road. I know that the City is making moves to prioritize improvements for pedestrian safety. I think the rail trail is definitely a part of the effort to provide safer pedestrian and cyclist infrastructure. I'm not entirely sure that a drive through next to a rail trail is a great complementary use. Like I said, we're not sure which side it's going to go on yet. That will definitely be a part of our consideration in terms of pedestrian safety.

- h. *Q: Do conditional uses transfer in the same manner as permissive uses?*

A: We will research that question and get back with you. See Action Item 3.

- i. *Chat Question: How many people will be employed?*

Facilitator: See Action Item 4.

³ Sean Potter Traffic Safety Link:

<https://www.arcgis.com/apps/instant/portfolio/index.html?appid=242e6458e8fa45e99ef6b89428d9ec4b>

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Action Items

1. Will a traffic impact study be conducted?
2. Will there be a noise pollution study?
3. Do conditional use and conditional accessory use entitlements expire or are they permanent?
4. How many people will be employed?

Timelines

EPC Application filed: February 8, 2024

Facilitated Meeting Report submitted: March 10, 2024.

EPC Zoom Hearing: Thursday, March 21, 2024, commencing at 8:40 a.m.

Participants may provide public comment at the hearing. Written comments to the City Planner must be submitted as of March 11, 2024.

Meeting Adjourned.

Agents

Adam Johnstone	Tierra West
Sergio Lozoya	Tierra West

Participants

Ciaran Lithgow	Redevelopment Project Manager
Connie Lee	Hispano Chamber
George Franco	BNA
Elaine Franco	BNA
Sean Potter	BNA
Antonio Aragon de Barelás	BNA
Alicia Romero	BNA
Dorothy Chavez	BNA
Onastine Jaramillo	BNA
JoAnn Garcia	BNA
Keith Romero	Barelás Community Coalition
Elizabeth Arancon	Barelás Community Coalition
Christina Rogers	Barelás Main Street Program
Peter Rice	Downtown News
Chrystal	[No last name, affiliation or email provided]

CABQ Land Use Facilitation

Jocelyn M. Torres	Land Use Facilitator
Tyson R. Hummel	Land Use Coordinator

From: [Adam Johnstone](#)
To: [Sergio Lozoya](#); [Steele, William J.](#)
Cc: [Jocelyn Torres](#)
Subject: Re: [#2024003] Facilitated Meeting Materials
Date: Wednesday, March 13, 2024 9:54:38 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

William,

Attached are our responses to the action items.

1. Is a traffic impact study going to be conducted?

A Scope of TIS form was submitted with the EPC-ZMA application, and a traffic study is required and will be done.

2. Will there be an air pollution and noise study?

We will not be providing an air pollution or noise study because there are no IDO requirements for air pollution or noise studies for an EPC – Zone Map Amendment or any other anticipated permitting process.

3. Do Conditional Use and Conditional Accessory Use entitlements expire in any way or are they permanent?

A conditional use approval is only valid for the location stated in the application and cannot be transferred to a new location.

If the associated use is discontinued for a period of 1 year, it may not be reestablished without a new Conditional Use Approval.

4. Anticipated employment

The developer estimates 25 employees for the proposed development.
