



**Environmental
Planning
Commission**

**Agenda Number: 7
Project Number: 1007648
Case Numbers: 18EPC-40019 & 40021
Hearing Date: September 13, 2018**

Supplemental Staff Report III

(to be read with the original Staff report and the supplemental Staff reports)

Agent	Stephanie Landry, Landry & Ludewig, L.L.P.
Applicant	Eric Kilmer
Requests	Sector Development Plan Map Amendment (zone change) and Site Development Plan for Building Permit
Legal Description	Lots 22, 23 and 24, Block 20, Albright-Moore Addition
Location	SE corner of 6 th St. & Constitution Ave. (1416 6th. St. NW)
Size	Approximately 0.5 acres
Existing Zoning	SU-2 for S-R (Sawmill Residential)
Proposed Zoning	SU-2/SU-1 for Flower Shop/Plant Nursery, Office

Staff Recommendation

DEFERRAL of 18EPC-40019, based on the Findings below, for 60 days to the November 8, 2018 hearing.

DEFERRAL of 18EPC-40021, based on the Findings below, for 60 days to the November 8, 2018 hearing.

Staff Planner

Catalina Lehner-AICP, Senior Planner

Summary of Analysis

The request is for a sector development plan map amendment (zone change) to the Sawmill/Wells Park Sector Development Plan (SWPSDP) and an associated, as-built site development plan for building permit. The requested zoning has been changed to SU-2/SU-1 for Flower Shop/Plant Nursery, Office.

This request was deferred for 60 days at the May 10, 2018 hearing to allow the applicant time to strengthen the justification. In July, the applicant requested a 30 day deferral. At the August 9, 2018 hearing, the EPC heard from the applicant and decided to accept a request for another 30-day deferral.

The applicant has hired an agent and is requesting a 30-day deferral to the October 11, 2018 hearing. Staff recommends a 60-day deferral to the November 8, 2018 hearing to allow sufficient time to determine what zoning to request and to provide a strengthened justification letter pursuant to R270-1980.

Findings

1. The request is for a sector development plan map amendment (zone change) to the SWPSDP and an associated, as-built site development plan for building permit for an approximately 0.5 acre site at the SE corner of 6th St. & Constitution Ave.
2. At the August 9, 2018 hearing, the EPC heard from the applicant and decided to accept a request for another 30-day deferral.
3. The applicant has hired an agent.
4. A 60-day deferral to the November 8, 2018 hearing is needed to allow sufficient time to determine what zoning to request and to provide a strengthened justification letter pursuant to R270-1980.

ERIC KILMER
1416 6th St. NW
Albuquerque, New Mexico 87102

August 16, 2018

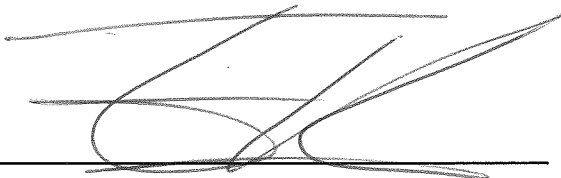
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

Re: Proposed Rezoning: 1416 6th Street NW, Albuquerque, New Mexico 87102
Lots 22, 23 and 24, Block 20, Albright-Moore Addition
SE corner of 6th St. & Constitution Ave.

To the Commission:

This is to give notice to the City that Ms. Stephanie Landry and her law firm Landry & Ludwig, LLP, have my authority to act as my agent in connection with the proposed rezoning of the above-referenced property.

Sincerely,

A handwritten signature in black ink, appearing to be 'EK', written over a horizontal line.

Eric Kilmer

Lehner, Catalina L.

From: Lehner, Catalina L.
Sent: Wednesday, September 05, 2018 12:34 PM
To: Melissa Parra Wilcox (mpwilcox@lanlud.com)
Subject: FW: Eric Kilmer at 1416 6th Street NW - Project #1007648: Follow Up to Meeting on Tuesday and Deferral

Hi Melissa,
I'm checking in regarding timeframes. Would it be possible to get a revised zone change justification letter by noon on September 19? This way, if revisions are needed, we would still have some time before final deadlines.
Thank you.
-Catalina

From: Lehner, Catalina L.
Sent: Thursday, August 30, 2018 2:33 PM
To: 'Melissa Parra Wilcox'
Subject: RE: Eric Kilmer at 1416 6th Street NW - Project #1007648: Follow Up to Meeting on Tuesday and Deferral

Great. Thank you, Melissa.

From: Melissa Parra Wilcox [mailto:mpwilcox@lanlud.com]
Sent: Thursday, August 30, 2018 11:55 AM
To: Lehner, Catalina L.
Subject: RE: Eric Kilmer at 1416 6th Street NW - Project #1007648: Follow Up to Meeting on Tuesday and Deferral

Dear Catalina,

Mr. Kilmer has now paid both deferral fees and has provided a copy of the receipts to your office. Yes, it will be a revised submission.

Melissa Parra Wilcox

Paralegal to Stephanie Landry, Margaret Ludewig
and Glenn R. Smith
Landry & Ludewig, L.L.P.
300 10th Street SW
Albuquerque, New Mexico 87102
505/243-6100
mpwilcox@lanlud.com

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From: Lehner, Catalina L. [mailto:CLEhner@cabq.gov]
Sent: Thursday, August 23, 2018 4:04 PM

To: Melissa Parra Wilcox

Subject: RE: Eric Kilmer at 1416 6th Street NW - Project #1007648: Follow Up to Meeting on Tuesday and Deferral

Hi Melissa,

You're welcome. Thank you for meeting with me regarding this case. The EPC deferral procedures are to get the deferral request in writing and ensure that the deferral fees have been paid. I will write a brief report for deferral for the September hearing.

The deferral fee is \$110 for each deferral request. Fees need to be paid for the deferral from August to September and for the deferral from September to October. I attached the invoices here.

Please let me know when you have a draft revised zone change justification (so we're on the same page, the document should be a re-do and not a supplement). Thank you.

-Catalina

From: Melissa Parra Wilcox [mailto:mpwilcox@lanlud.com]

Sent: Thursday, August 23, 2018 2:28 PM

To: Lehner, Catalina L.

Subject: Eric Kilmer at 1416 6th Street NW - Project #1007648: Follow Up to Meeting on Tuesday and Deferral

Dear Catalina,

Thank you for meeting with us on Tuesday. It was a pleasure meeting you and we believe that it was a fruitful first meeting. Near the end of our meeting you had indicated that it might be a good idea to defer Mr. Kilmer's application until the October EPC meeting and we agreed. Please take the necessary steps to obtain the deferral and please let us know if you need anything further from us in order to do that.

Among other things, we would also like to meet with you again once we have a draft supplemental submittal to see if we can work through any issues prior to final submittal.

Thank you in advance for your assistance and should you have any question please contact us.

Melissa Parra Wilcox

Paralegal to Stephanie Landry, Margaret Ludewig

and Glenn R. Smith

Landry & Ludewig, L.L.P.

300 10th Street SW

Albuquerque, New Mexico 87102

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mpwilcox@lanlud.com

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From: Melissa Parra Wilcox [mailto:mpwilcox@lanlud.com]
Sent: Monday, August 20, 2018 10:09 AM
To: 'Lehner, Catalina L.'
Subject: Eric Kilmer at 1416 6th Street NW - Meeting Tomorrow at 11:00

Dear Catalina,

Tomorrow at 11:00 a.m. would be perfect. We will see you then.

Melissa Parra Wilcox

Paralegal to Stephanie Landry, Margaret Ludewig
and Glenn R. Smith
Landry & Ludewig, L.L.P.
300 10th Street SW
Albuquerque, New Mexico 87102
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From: Lehner, Catalina L. [mailto:CLEhner@cabq.gov]
Sent: Monday, August 20, 2018 9:47 AM
To: Melissa Parra Wilcox
Subject: RE: Eric Kilmer at 1416 6th Street NW - Letter of Authorization of Agent

Good Morning, Melissa.

I received the letter and will place it with the case file. Thank you.

My suggestion is for a meeting in person, which is standard practice with all agents. Also, this will allow us to review the materials in the file.

I am available today from 10 am to 1:30 pm, and after 3 pm. Tomorrow (Tuesday), I am available 10 am to 1:30 pm and after 3:30 pm.

Please let me know how you would like to proceed.

-Catalina

From: Melissa Parra Wilcox [mailto:mpwilcox@lanlud.com]
Sent: Friday, August 17, 2018 3:15 PM
To: Lehner, Catalina L.
Subject: Eric Kilmer at 1416 6th Street NW - Letter of Authorization of Agent

Dear Catalina,

We have attached a letter from Mr. Eric Kilmer, our client, authorizing our firm to act as agent on his behalf in the above referenced matter. We understand from me speaking with Dora, from the planning department, today that you should receive the letter and will provide it to the EPC board.

Ms. Stephanie Landry would also like to speak with you regarding Mr. Kilmer's property located at 1416 6th Street. Would you be available to have a telephone conference on either Monday or Tuesday of next week, anytime between the hours of 10:00 a.m. or 2:00 p.m.? Please let us know what time is convenient for you.

Thank you in advance for your assistance. We look forward to hearing from you.

Melissa Parna Wilcox

Paralegal to Stephanie Landry, Margaret Ludewig
and Glenn R. Smith
Landry & Ludewig, L.L.P.
300 10th Street SW
Albuquerque, New Mexico 87102
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