



## ***Environmental Planning Commission***

***Agenda Number: 3  
Project #: PR-2020-003814  
Case #: RZ-2020-00041  
Hearing Date: December 10, 2020***

### ***Staff Report***

<b><i>Agent</i></b>	WT Group
<b><i>Applicant</i></b>	Western Refining Retail, LLC
<b><i>Request</i></b>	<b>Zoning Map Amendment (zone change)</b>
<b><i>Legal Description</i></b>	Lots 1P through 6P and Lots 1C through 6C and the northerly 9.66 feet of Lots 7C and 7P, Block 101, Brentwood Hills
<b><i>Location</i></b>	between Candelaria Rd. NE and Lexington Ave. NE/the SW corner of the Candelaria Rd. NE-Juan Tabo Blvd. NE intersection (2932 Juan Tabo Blvd. NE)
<b><i>Size</i></b>	Approximately 0.5 acre
<b><i>Existing Zoning</i></b>	MX-L
<b><i>Proposed Zoning</i></b>	MX-M

### ***Staff Recommendation***

***APPROVAL of RZ-2020-00041, based on the Findings beginning on Page 19.***

***Staff Planner  
Catalina Lehner, AICP-Senior Planner***

### ***Summary of Analysis***

The request is for a zoning map amendment for an approximately 0.5 acre site on the SE corner of the intersection of Candelaria Rd. NE and Juan Tabo Blvd. NE. The applicant owns the subject site, which contains a light vehicle fueling station, and wants to change the zoning from MX-L to MX-M and purchase the MX-M zoned lot adjacent to the south, in order to develop a new light vehicle fueling station and convenience store. The subject site is in an Area of Change.

The applicant has adequately justified the request pursuant to the IDO zone change criteria. The request would generally further a preponderance of Comprehensive Plan Goals and policies and would not be harmful to adjacent property, the neighborhood, or the community in this location.

The affected neighborhood organizations are the Enchanted Park Neighborhood Association (NA), the Holiday Park NA, and the District 8 Coalition, which were notified as required. Property owners within 100 feet of the subject site were also notified as required. A pre-application meeting was not held. Staff is unaware of any opposition and has not been contacted. Staff recommends approval.



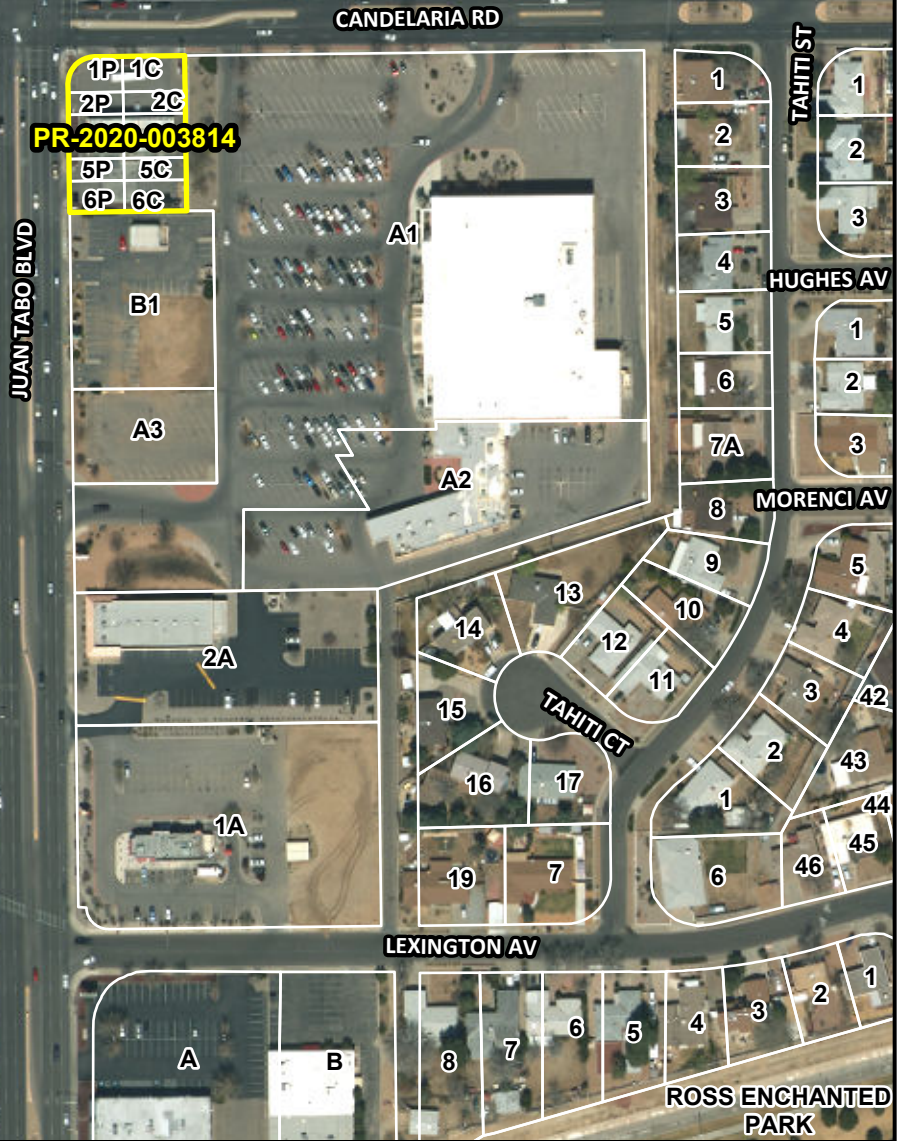
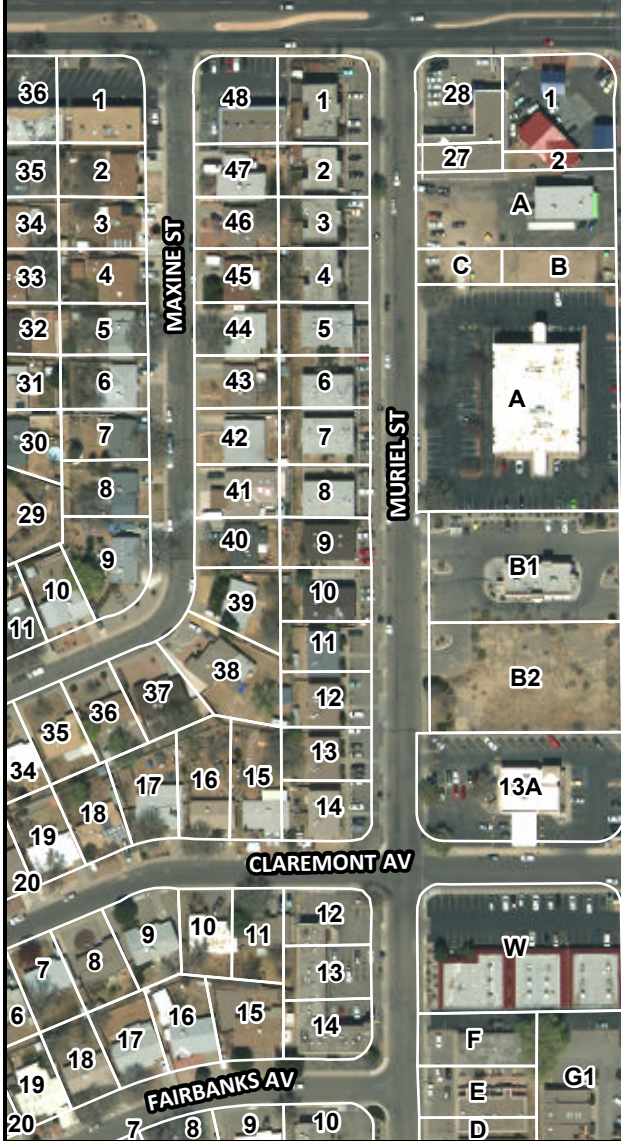
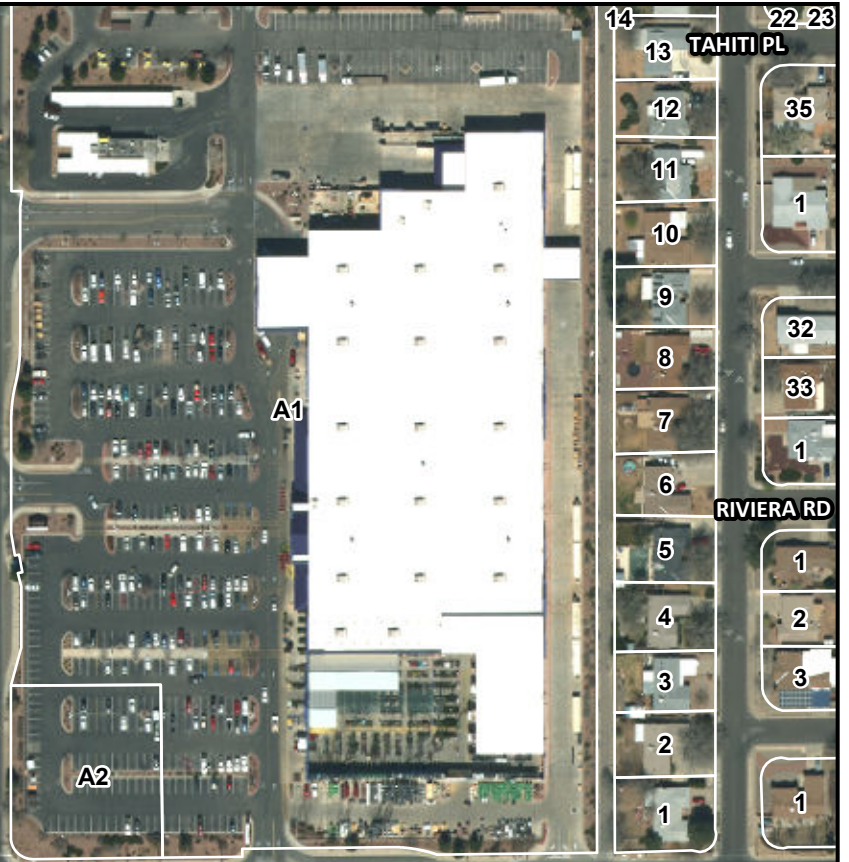
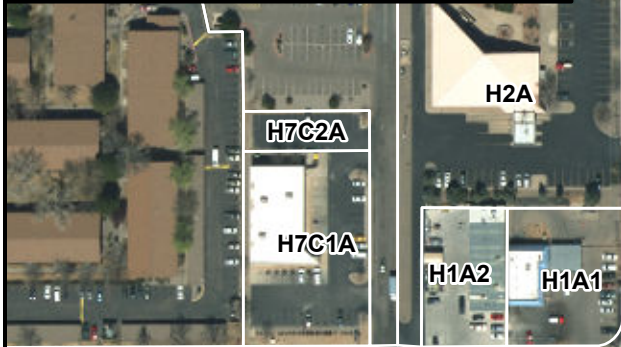


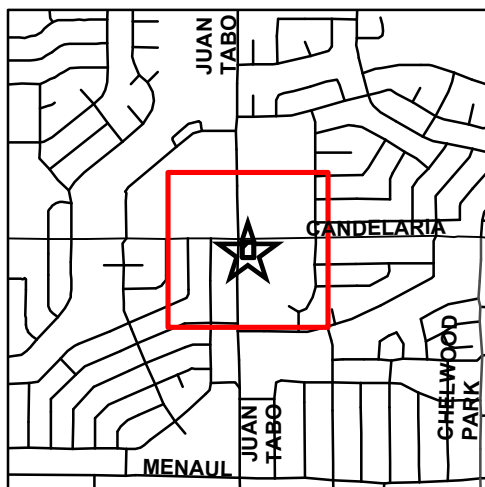
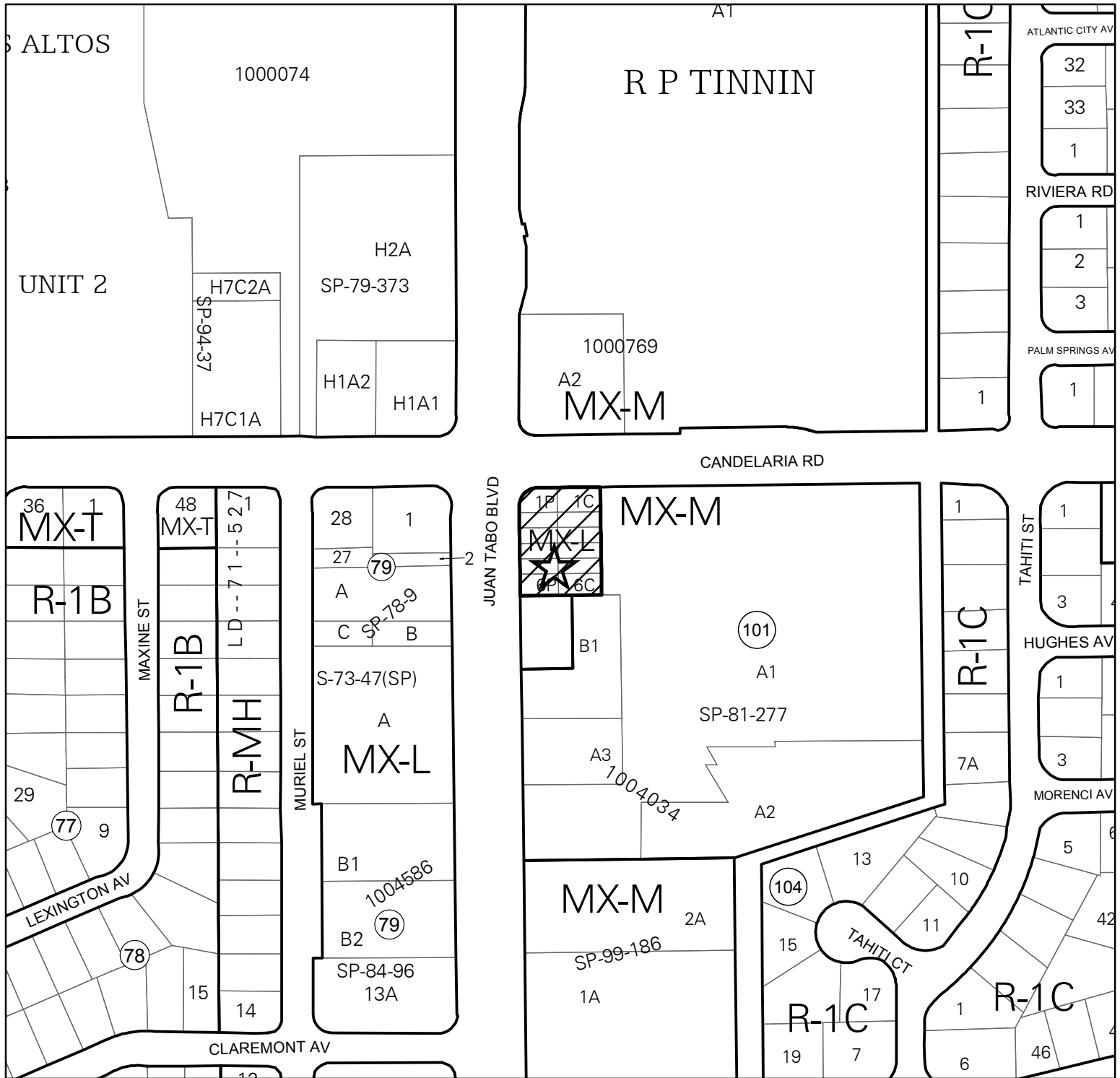
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0 200 400 Feet





## IDO ZONING MAP

Note: Gray shading  
indicates County.



1 inch = 225 feet

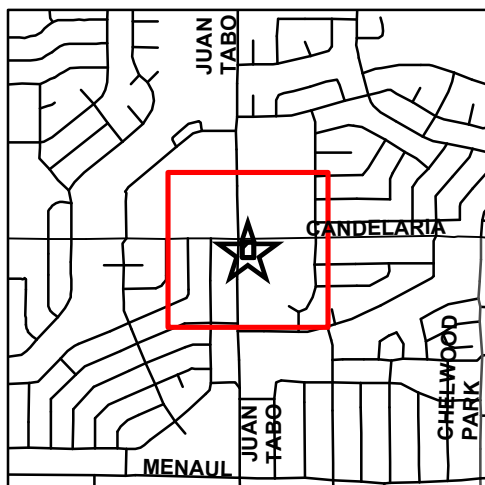
Hearing Date:  
12/10/2020

Project Number:  
PR-2020-003814

Case Numbers:  
RZ-2020-00041

Zone Atlas Page:  
H-21





## LAND USE MAP

Note: Gray shading indicates County.

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

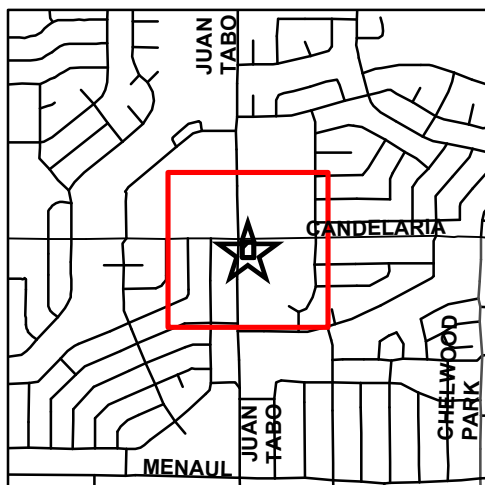
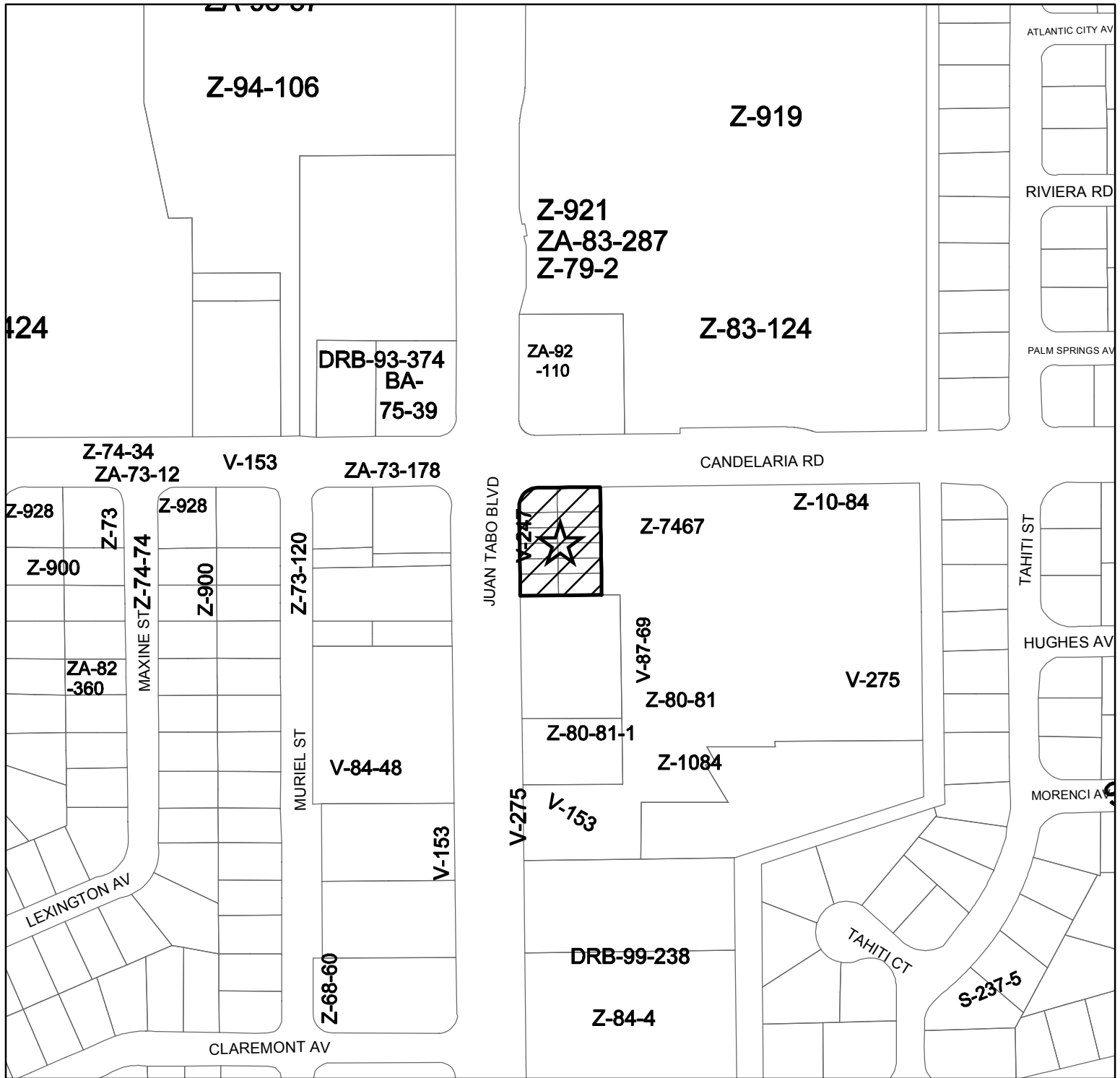


1 inch = 225 feet

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Project Number:  
PR-2020-003814  
Case Numbers:  
RZ-2020-00041

Zone Atlas Page:  
H-21



## HISTORY MAP

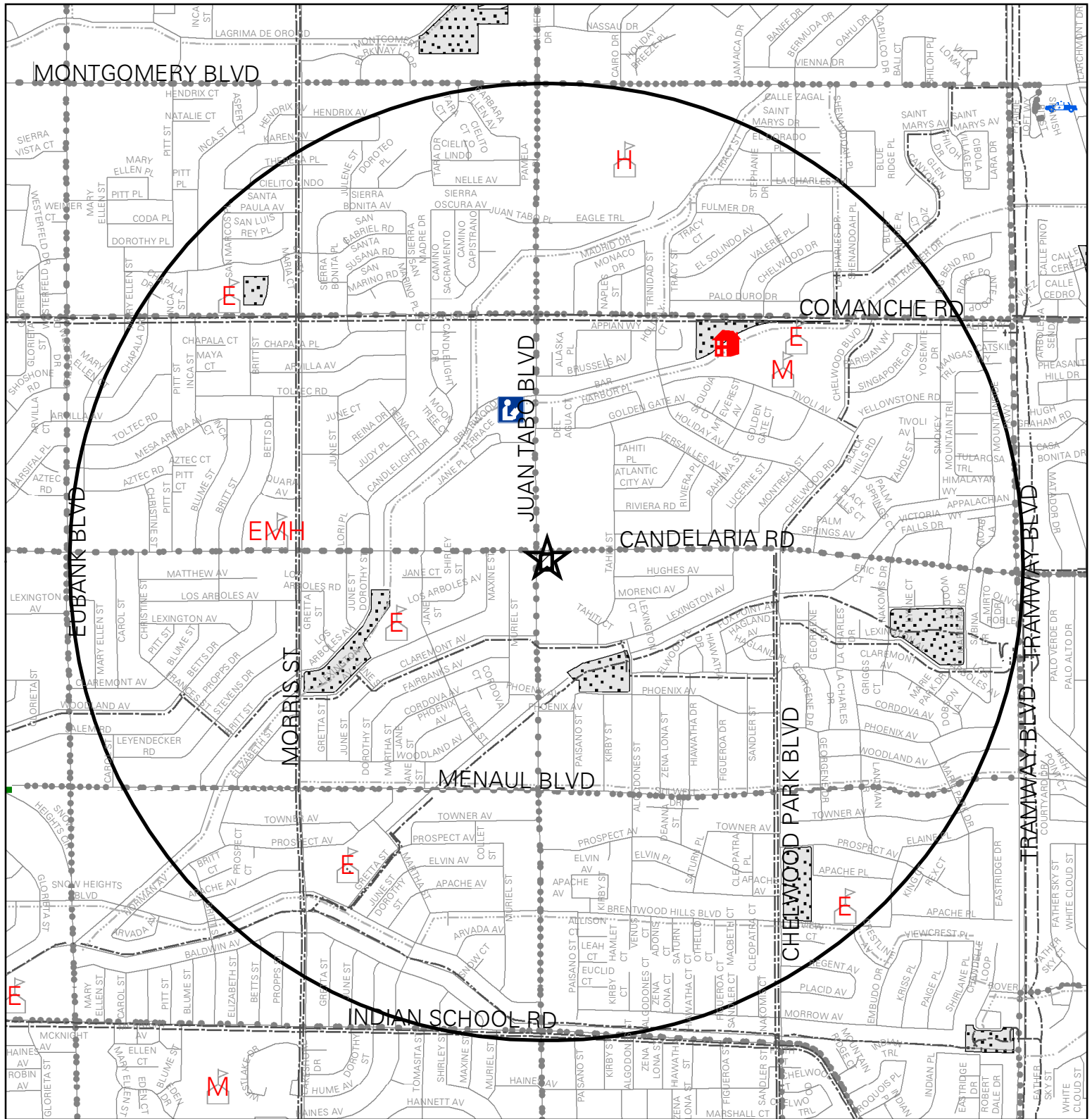
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

















1 inch = 225 feet

Hearing Date:  
12/10/2020  
Project Number:  
PR-2020-003814  
Case Numbers:  
RZ-2020-00041

Zone Atlas Page:  
H-21



## 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 Bike Facilities      |  | Developed City Park         |
|  | Library              |  | Solid Waste             |    | ABQ Ride Route           |  | Undeveloped City Park       |
|  | Museum               |  | Albuquerque City Limits |  | Developed County Park    |  | Undeveloped County Park     |

Project Number: PR-2020-003814

0 0.5 1 Miles

***Table of Contents***

I. Introduction.....	2
II. Analysis of Applicable Ordinances, Plans, and Policies.....	4
III. Agency and Neighborhood Concerns.....	17
IV. Conclusion.....	18
Findings and Recommendation.....	19
Agency Comments.....	24

Attachments

## **I. INTRODUCTION**

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

	<b>Zoning</b>	<b>Comprehensive Plan Area</b>	<b>Land Use</b>
<b>Site</b>	MX-L	Area of Change	Light vehicle fueling station
<b>North</b>	MX-M	Area of Change	Large box home improvement store
<b>South</b>	MX-M	Area of Change	Vacant building (former restaurant), small loan business
<b>East</b>	MX-M	Area of Change	Grocery store
<b>West</b>	MX-L	Area of Change	Auto repair, donation center

### ***Request***

The request is for a zoning map amendment (zone change) for an approximately 0.5 acre site legally described as Lots 1P through 6P and Lots 1C through 6C and the northerly 9.66 feet of Lots 7C and 7P, Block 101, Brentwood Hills (the “subject site”).

The subject site is located at the southeast corner of the intersection of Candelaria Rd. NE and Juan Tabo Blvd. NE, between Candelaria Rd. NE and Lexington Ave. NE, and contains an existing light vehicle fueling station. The subject site is zoned MX-L (Mixed-Use Low Intensity Zone District). The applicant owns the subject site and wants to acquire the property adjacent to the south, which is zoned MX-M.

The applicant is requesting that the subject site’s zoning be changed to MX-M (Mixed Use-Medium Intensity Zone District) to facilitate future re-development of a new light vehicle fueling station and a super convenience store and allow for lot consolidation, which requires that the lots have the same zoning. Also, liquor retail associated with the convenience store use is first permissive in the MX-M zone district. The application was submitted on September 23, 2020 and is being reviewed using the May 2018 version of the Integrated Development Ordinance (IDO).

### ***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 is located in a developed area in the Northeast Heights characterized by a variety of commercial land uses along the major roadways, such as Juan Tabo Blvd. NE. North of the subject site is a large-box home improvement store, a drive-in restaurant, and recycling drop off. To the south is a tract that formerly contained a sit-down restaurant and a small loan business; the small loan



business building is still standing but the restaurant building has been demolished. To the east is a large parking lot and the grocery store associated with it. A subdivision is east of that. To the west, across Juan Tabo Blvd. NE, is a car wash, an auto repair business, a donation collection center.

The subject site is located in an Area of Change as designated by the Comprehensive Plan, but is not in a designated Activity Center. The subject site is not within the boundaries of an overlay zone or a Metropolitan Redevelopment Area.

### ***History***

The subject site was part of a large annexation of land in the Northeast Heights of Albuquerque that occurred in November 1949 (Source: AGIS annexation layer). It appears that the subject site was given the default zoning of R-1, as evidenced by the subject site's existing platting of 12 residential lots (and a portion of two more).

In April 2005, the Zoning Hearing Examiner (ZHE) approved a conditional use to allow alcohol sales within 600 feet of a residential zone for the lot adjacent south of the subject site and the lots east of the subject site (Project #1004034). This was for a Raley's grocery store, which was later acquired by Albertson's and remains today.

Records indicate that there was a sketch plat review of the subject site in May 2011 and a plat at the Development Review Board (DRB) in January 2012, for approximately 7.4 acres at the SE corner of Juan Tabo Blvd. and Candelaria Rd. It appears that the proposed project was not developed.

In September 2020, the ZHE approved a variance of 8 feet to the 15 foot rear yard setback for the lot adjacent south of the subject site (PR-2020-004156/VA-2020-00238). This will allow the rear of the future building to be closer to the internal lot line with the grocery store parking lot adjacent to the east.

Upon adoption of the Integrated Development Ordinance (IDO) in May 2018, which replaced the City's zoning code, the subject site's zoning converted to its current zoning of MX-L using the City Council's zoning conversion rules. The MX-L zone was the closest approximation to the subject site's former C-1 zoning.

### ***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. Juan Tabo Blvd. NE is a Community Principal Arterial and Candelaria Rd. NE is a Minor Arterial.

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

The subject site is located at the southeastern corner of the intersection of Candelaria Rd. NE and Juan Tabo Blvd. NE. Juan Tabo Blvd. NE is a designated Multi-Modal Corridor. Candelaria Rd. NE does not have a corridor designation. Note that this analysis uses corridor designations from the Comprehensive Plan, not the corridor designations the (Mid-Region Metropolitan Planning Organization) (MRMPO) uses for its transportation work.

Juan Tabo Blvd. NE is a designated Multi-Modal Corridor. Multi-Modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development to a more mixed-use, pedestrian-oriented environment and focus heavily on providing safe, multi-modal transportation options. The subject site is an aging auto-oriented commercial development.

***Trails/Bikeways***

Though designated a Multi-Modal Corridor, Juan Tabo Blvd. NE does not have a bicycle path or a bicycle lane at this location.

***Transit***

ABQ Ride Route 1- Juan Tabo, runs north-south along Juan Tabo Blvd. from Four Hills on the south to Academy Rd. on the north and offers service weekdays and Saturdays, though service hours are lessened right now. ABQ Ride Route 7, Candelaria, is a commuter route that runs from the NE Heights to Downtown twice a day during weekdays, but is not currently running. Bus stops are found on the northern and western sides of the subject site.

***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***

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

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

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

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

Light Vehicle Fueling Station: An establishment primarily engaged in the retail dispensing or sale of vehicle fuels, including but not limited to gasoline, gas/oil mixtures, diesel fuel, compressed natural

gas, electricity, and hydrogen through fixed, approved dispensing equipment. Incidental uses include, but are not limited to, car washes; minor services or repairs including battery charging, tire repairs, and oil and fluid changes; the sale of convenience items, food, beverages, household necessities, lubricants, and batteries; and similar incidental uses. This definition shall not include any facility meeting the definition of light vehicle repair (except those incidental services listed above), light vehicle sales and rental, outdoor vehicle storage, or liquor retail.

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

### *Zoning*

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

The request is to change the subject site's zoning to MX-M (Mixed Use, Medium Intensity Zone District, IDO 14-16-2-4(C)). The purpose of the MX-M zone is to provide 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 of the IDO.

There are some noteworthy differences between the MX-L and the MX-M zones. Uses not allowed in the MX-L zone, which become permissive in the MX-M zone, are catering service, nightclub, and hospital (20 beds max, no ambulances). Regarding General Retail, the MX-L zone allows General Retail, Small (up to 10,000 sf), but does not allow General Retail, Medium (10,000 sf to 50,000 sf). General Retail, Small and General Retail, Medium are both permissive in the MX-M zone.

Some uses that are conditional in the MX-L zone become permissive in the MX-M zone, such as Bar and Taproom. Another conditional in the MX-L zone is Light Vehicle Fueling Station. The existing light vehicle fueling station on the subject site is a legal, non-conforming use; it was allowed under the former zoning of C-1 Neighborhood Commercial Zone, but became conditional when the zoning was converted to the IDO zone of MX-L. Liquor Retail is prohibited in the MX-L zone except for in Downtown, East Downtown (EDO), and the La Cueva area [see maps in 14-16-4-3-(D)(36)(e)], but is permissive in the MX-M zone.

Both the MX-L and MX-M zones allow the same permissive residential uses: live-work, multi-family, and townhouses.

### ***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. Applicable Goals and policies are listed below. Staff analysis follows in plain text.

- \* indicates a Goal or policy chosen by the applicant in their response to zone change criterion 16-16-6-7(F)(3)(a). When a Goal or policy is listed and is not applicable, it's because the applicant included it in the zone change justification letter.

#### *Chapter 4: Community Identity*

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

The area of the City near the subject site contains a mixture of arterial roadways, commercial uses at intersections and along the roadways, and subdivisions built in the late 1950s and 1960s. Staff does not find this to be a distinct community, since this pattern of development is found throughout the NE Heights. Goal 4.1-Character, does not apply.

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

Future development would be required to follow the design standards and regulations in the Integrated Development Ordinance (IDO), which would encourage quality development. This area of the City contains a mixture of arterial roadways and subdivisions built in the late 1950s and 1960s, and is not considered a distinct community. The request partially 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 request would facilitate future development on the subject site, which comprises approximately 0.5 acre of land at the SE corner of an intersection and not near an established neighborhood. Future development under the MX-M zone would be subject to IDO requirements such as the mixed use zone dimensional standards (Table 5-1-2) and building design standards (14-16-4-11), which would help ensure appropriate scale and location of development and character of building design. The request generally furthers Policy 4.1.4- Identity and Design.

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

The request would facilitate development at the SE corner of an intersection surrounded by other commercial uses, which would buffer it from the neighborhood further east. Future development under the MX-M zone would be subject to applicable IDO standards that serve to protect and preserve neighborhoods, even though the nearest neighborhood is approximately 500 feet east of the subject site. The request generally furthers Policy 4.1.4- Neighborhoods.

#### *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 not in a designated Activity Center, though it is located along Juan Tabo Blvd. NE, which the Comprehensive Plan designates a Multi-Modal Corridor. The request for MX-M zoning would allow a greater range of commercial uses along the corridor which would generally foster more growth and intensity. However, in this case the request would facilitate lot



consolidation and a larger light vehicle fueling station use, which would support the existing auto-oriented uses nearby and would generally not promote multi-modal transportation. The request partially furthers Goal 5.1-Centers & Corridors.

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

The Comprehensive Plan designates Juan Tabo Blvd. NE as a Multi-Modal Corridor, not a Commuter Corridor as indicated by the maps on p. 5-17 of the Plan. Therefore, this policy does not apply.

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

The request would facilitate redevelopment of the subject site, which would provide additional opportunities for residents to work and shop in the area, although the subject site's small size limits the extent to which it could provide opportunities to live, learn, and play together. The request partially furthers Goal 5.2-Complete Communities.

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

The request would be for a zoning district (MX-M) that is prevalent in the area, so the mix of possible uses wouldn't change much, especially given the subject site's small size. Though the subject site is generally accessible from the neighborhood to the east, it's unlikely that the request would contribute to creating a healthy, sustainable, and distinct community. The request partially 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 developed and served by existing infrastructure and public facilities, so the redevelopment made possible by the request would generally promote efficient development patterns and use of land. The request furthers Goal 5.3-Efficient Development Patterns.

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

The subject site is in an established urban area that is already served by existing infrastructure and public facilities; the request would support additional growth and redevelopment in an infill location. The request 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 request would facilitate redevelopment of the subject site and the lot adjacent south of it, and thereby would encourage and direct growth to this Area of Change where growth is expected and desired. 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 request would serve to direct growth and more intense development to an Area of Change, at the intersection of a designated Major Transit Corridor (Juan Tabo Blvd. NE) and a major road (Candelaria Rd. NE), where change is encouraged. The request generally furthers Policy 5.6.2- Areas of Change.

#### *Chapter 6- Transportation*

\*Goal 6.2-Multi-Modal System: Encourage walking, biking, and transit, especially at peak-hour commuting times, to enhance access and mobility for people of all ages and abilities.

Since the subject site is small and in size and in a very auto-oriented location, it probably wouldn't have a large effect to encourage walking, biking, and transit. The subdivision approximately 500 feet to the east has the closest neighborhood access, but the existing grocery store is closer. Staff finds that Goal 6.2 does not apply.

\*Policy 6.2.8- Auto Network: Prioritize automobile travel on Commuter Corridors and balance it with other travel modes on other streets.

Neither Juan Tabo Blvd. NE nor Candelaria Rd. NE is a designated Commuter Corridor in the Comprehensive Plan, so this policy does not apply.

#### *Chapter 7-Urban Design*

\*Goal 7.3-Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes.

Staff finds that Goal 7.3 does not apply because there is no site plan is being reviewed at this time. Furthermore, the Juan Tabo Blvd. NE/Candelaria Rd. NE intersection is like many in the Northeast Heights and doesn't have a particular sense of place.

\*Policy 7.3.2- Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

Staff also finds that Policy 7.3.2 doesn't apply. No site plan is being reviewed at this time, so design strategies don't enter into the analysis.

### ***Integrated Development Ordinance (IDO) 14-16-6-7(F)(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 September 22, 2020 (revised November 25, 2020), is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned MX-L (Mixed-Use Low Intensity Zone). The requested zoning is MX-M (Mixed Use Medium Intensity Zone). The reason for the request is to obtain zoning that matches the zoning on the parcel adjacent to the south, in order to consolidate that lots for re-development that would expand the existing light vehicle fueling station and convenience store. Liquor retail is first allowed permissively in the MX-M zone.

The applicant believes that the proposed zoning map amendment (zone change) meets the zone change decision criteria in IDO §14-16-6-7(F)(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. A proposed zone change must be found to be consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

*Applicant (summarized): 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. As demonstrated in our policy narrative above, the proposed zone change would further a preponderance of Goals and Policies found in the ABC Comprehensive Plan and would clearly facilitate the desired goals.*

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

Applicable citations: Goal 4.1- Character; Policy 4.1.1- Distinct Communities; Policy 4.1.2- Identity and Design; Policy 4.1.4-Neighborhoods; Goal 5.1-Centers and Corridors; Goal 5.2- Complete Communities; Policy 5.2.1-Land Uses; Goal 5.3-Efficient Development Patterns; Policy 5.3.1-Infill Development; Goal 5.6-City Development Areas; and Policy 5.6.2-Areas of Change.

Non-applicable citations: Goal 4.1-Character; Policy 5.1.12- Commuter Corridors; Goal 6.2-Multi-Modal System; Policy 6.2.8- Auto Network; Goal 7.3-Sense of Place; Policy 7.3.2- Community Character.

The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding identity and neighborhoods, development areas, and infill. Therefore, the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.

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

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

*The criterion is not applicable because the property in question is located wholly in an Area of Change, as shown in the ABC Comp Plan.*

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

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

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

*Applicant (summarized): The proposed Zone Map Amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended). The existing MX-L zoning is inappropriate because it meets the following criteria:*

*3. A different zone district (MX-M, Mixed Use Medium Intensity Zoning District) is more advantageous to the community because the proposed MX-M Mixed Use Medium Intensity Zoning District zone is consistent with the existing zoning, land uses, development, density and intensity and connectivity. The existing MX-L Zoning District allows for a lower development intensity than the adjacent and abutting land uses. In addition, the Zone Map Amendment of the .5-acre MX-L lot to match the adjacent and abutting MX-M removes an existing "spot zone." The difference zone district is more advantageous to the community as it allows for the expansion of an existing community amenity, Light Vehicular Fueling Station, which is in limited supply in the*



*area and along Juan Tabo Blvd, a designated Commuter Corridor, and a Comprehensive Plan designated Multi-Modal Corridor.*

Staff: The subject site is located wholly in an Area of Change. The applicant's policy-based analysis (see response to Criterion A) 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 idea that the proposed zoning "removes an existing spot zone" is a non-argument because a zone change request focuses on the proposed zoning and its effects, not upon what would have changed. The response to Criterion C is sufficient.

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

*Applicant (summarized): Because the proposed MX-M zone district is the same zone district as the adjacent and abutting properties and the properties to the north across Candelaria Road, it does not introduce any new Permissive Uses that would be harmful to the adjacent property, the neighborhood, or the community because the allowable uses are the same as the allowable uses on the adjacent and abutting properties. New Permissive Uses in the MX-M which are not currently permitted in the MX-L zone consist of the following: The applicant provided a table (see attachment) of the new uses that would become permissive, conditional, accessory, and temporary and discussed harm to adjacent property, the neighborhood, or the community for the future permissive uses, as follows:*

*Hospital. This is a new Permissive Use in the MX-M zone district. The IDO has Use Specific Standards with respect to Hospital in Section 4-3(C)(5) limiting the use to no more than 20 overnight beds and no ambulance transportation. As a result of the Use Specific Standards in the IDO, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.*

*Sports Field. Sports Field in this location would pose limited harm with respect to noise and visual impact, as it is over 900 feet from a residential area. The development of a large Sports Field could have traffic impact which may have a possible effect on the community and adjacent properties, however, it would trigger a Traffic Circulation Plan and a Traffic Impact Study and require the developer to meet DPM Standards to mitigate impact and harm. As a result of the abutting MX-M zoning, which also allows Sports Field use, and the distance separation from residential areas and the development requirements, this new Permissive Use will not bring harm to the adjacent property, the neighborhood, or the community.*

*University or college. A University or college in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the IDO has building articulation standards designed to ensure that new development is appropriate in scale and articulation. The development could generate traffic impact which may have a possible effect on the community and adjacent properties, however, the development would trigger a Traffic Circulation Plan and a Traffic Impact Study and would require the developer to meet DPM Standards designed to mitigate impact and harm on the transportation network and surrounding community and neighborhood. As a result of*

*abutting MX-M zoning and the distance separation from residential areas and the development requirements of the City of Albuquerque, this new Permissive Use will not bring harm to the adjacent property, the neighborhood, or the community.*

*Auditorium or theater. An Auditorium or theater in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the IDO has building articulation standards to ensure that new development is appropriate in scale and articulation. The development of a large Auditorium could generate traffic impact which may have a possible effect on the community and adjacent properties, however, it would trigger a Traffic Circulation Plan and a Traffic Impact Study and would require the developer to meet DPM Standards designs to mitigate impact and harm on the transportation network and surrounding community and neighborhood. As a result of abutting MX-M zoning which also allows Auditorium or theater use and the distance separation from residential areas and the development requirements, this new Permissive Use will not bring harm to the adjacent property, the neighborhood, or the community.*

*Bar. A bar in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 300 feet from a residential area. In addition, the IDO, section 4-3(D)(8) Use Specific Standards require that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities. As a result of the abutting MX-M zoning which also allows Bar use, and that New Mexico State Alcoholic Beverage Control requirements serve to protect other uses or facilities, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.*

*Catering Service. This use would become a new Permissive Use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A Catering Service in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the Integrated Development Ordinance has building articulation standards designed to ensure that new development is appropriate in scale and articulation. The development of a large Catering Service facility could generate traffic impact which may have a possible effect on the community and adjacent properties, however, the development of a large Catering Service facility would trigger a Traffic Circulation Plan and a Traffic Impact Study and would require the developer to meet Development Process Manual Standards designs to mitigate impact and harm on the transportation network and surrounding community and neighborhood. As a result of congruent adjacent and abutting MX-M zoning which also allows Catering Service use and the distance separation from residential areas and the development requirements of the City of Albuquerque, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.*

*Nightclub. This use would be a new use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A Nightclub use in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the Integrated Development Ordinance, section 4-3(D)(8) has Use Specific Standards which requires that the establishment complies with all New Mexico State law requirements, including but not limited*

*to any required spacing from other uses or facilities. As a result of congruent adjacent and abutting MX-M zoning which also allows Nightclub use and that New Mexico State Alcoholic Beverage Control requirements serve to protect other uses or facilities, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.*

*Tap room or tasting room. A Tap room or tasting room use in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the IDO section 4-3(D)(8) has Use Specific Standards which requires that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities. As a result of abutting MX-M zoning which also allows Tap room or tasting room use and that New Mexico State Alcoholic Beverage Control requirements serve to protect, so this use will not bring harm to the area.*

*Light Vehicle Fueling Station. Currently, a Light Vehicular Fueling Station has been in operation on the site for 36 years. An expansion would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. The IDO has Use Specific Standards, section 4-3(D)(17) which require that no inoperable vehicles be stored outside, that if the use is located on a corner lot with access from both streets, it shall have no more than 1 access point per frontage, that access points shall be located no closer than 20 feet from any adjacent property, that under-canopy lighting be recessed so no light projects below the canopy ceiling and that the canopy fascia shall not be internally illuminated. The expansion of the existing Light Vehicular Fueling Station could generate traffic impact which may have a possible effect on the community and adjacent properties, however, the expansion would trigger a Traffic Circulation Plan and a Traffic Impact Study and require the developer to meet DPM designs to mitigate impact and harm on the transportation network and surrounding community. As a result of abutting MX-M zoning which also allows Light Vehicular Fueling Station and the distance separation from residential areas and the development requirements, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.*

*Light Vehicle Sales and Rental. This use is also a Permissive Use in the adjacent properties also zoned MX-M. A new Light Vehicle Sales and Rental in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the IDO Use Specific Standards, section 4-3(D)(19), require that no incidental outdoor vehicle display, storage, or service and maintenance areas must be screened from any residential component of any Mixed-use zone district located abutting, accessory outdoor display, storage, and sales areas are prohibited within 50 feet in any direction of any lot containing a residential use in any Mixed-use zone district and are prohibited within any required front setback area. As a result of abutting MX-M zoning which also allows Light Vehicle Sales and Rental and the distance separation from residential areas and the Use Specific Standards of the IDO, this new Permissive Use will not bring harm to the adjacent property, the neighborhood, or the community.*

*Mortuary. This use would become a new Permissive Use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A*

*Mortuary in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the IDO has building articulation standards designed to ensure that new development is appropriate in scale and articulation. DPM Standards exist to mitigate impact and harm on the transportation network and surrounding community and neighborhood. As a result of adjacent and abutting MX-M zoning which also allows Mortuary, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.*

*Personal and business services, large. This use would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. The IDO has Use Specific Standards with respect to Personal and business services, large in Section 4-3(D)(26) limiting Bail bond businesses to one per lot, and not closer to another bail bond business than 1 mile, and limiting dry cleaning to only nonflammable or noncombustible materials used in the cleaning process, limiting dry cleaning of clothes to a distance of at least 50 feet from residential use in any Mixed-use zone district and limiting. As a result of adjacent and abutting MX-M zoning which also allows Personal and business services, large use and the Use Specific Standards in the IDO, this new Permissive Use will not bring harm to the adjacent property, the neighborhood, or the community.*

*General retail, Medium. A General retail, Medium in this location would pose limited harm, as it is over 900 feet from a residential area. The IDO has Use Specific Standards with respect to General retail, medium in Section 4-3(D)(36). The development of a General retail, Medium use could generate traffic impact which may have a possible effect on the community and adjacent properties, however, the development would trigger a Traffic Circulation Plan and a Traffic Impact Study and would require the developer to meet DPM Standards to mitigate impact and harm on the transportation network and surrounding community and neighborhood. As a result of adjacent and abutting MX-M zoning which also allows General retail, Medium use and the Use Specific Standards in the IDO, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.*

*Park and Ride Lot. A Park and Ride Lot in this location would pose limited harm with respect to noise and visual impact, as it is over 900 feet from a residential area. The development of a Park and Ride Lot could generate traffic impact which may have a possible effect on the community and adjacent properties, however, it would trigger a Traffic Circulation Plan and a Traffic Impact Study and would require the developer to meet DPM Standards to mitigate impact and harm on the transportation network and surrounding community and neighborhood. In addition, the IDO Use Specific Standards, section 4-3(D)(44), require that the use must comply with Section 14-16-5-5 Parking and Loading.*

*Transit Facility. A Transit Facility would pose limited harm with respect to noise and visual impact, as it is over 900 feet from a residential area. The development could generate traffic impact which may have a possible effect on the community and adjacent properties, however, the development would trigger a Traffic Circulation Plan and a Traffic Impact Study and would require the developer to meet DPM Standards to mitigate impact and harm on the transportation network and surrounding community.*



*Liquor retail. This use is currently an Accessory Use in the MX-L zone and would become a new Permissive Use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A Liquor retail in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the Integrated Development Ordinance, section 4-3(D)(8) has Use Specific Standards which requires that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities. As a result of congruent adjacent and abutting MX-M zoning which also allows Liquor retail and that New Mexico State Alcoholic Beverage Control requirements serve to protect other uses or facilities, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.*

Staff: The applicant compared the existing MX-L zoning and the proposed MX-M zoning, noting which uses would become permissive in the new zone and explaining that much of the surrounding zoning is already MX-M. Notable uses that would become permissive under the MX-M zone, which are not currently allowed, are catering service, nightclub, and personal and business services-large. Liquor retail is not allowed in the MX-L zone except for in the Downtown, EDO, and La Cueva areas and in conjunction with a grocery store, but would become permissive in the MX-M zone. Light vehicle fueling station, bar, and tap room, currently Conditional Uses, would become permissive.

The applicant explained that the new permissive uses would be subject to the IDO's Use Specific Standards, the DPM regulations, and applicable State Laws, which would serve to mitigate potential harm to surrounding properties, the neighborhood, or the community. Staff generally agrees with the discussion, especially given the existing light vehicle fueling station and the surrounding land use context. The response to Criterion D is sufficient.

- E. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:
1. Have adequate capacity to serve the development made possible by the change of zone.
  2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
  3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.
  4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.

*Applicant (summarized): Because the site is located in a developed area of Albuquerque, it meets number 1 "Have adequate capacity to serve the development made possible by the change of zone." The proposed development is an expansion of the existing Light Vehicular Fueling Station. The existing infrastructure has adequate capacity to serve the development*

*made possible by the change of zone. Any on site infrastructure costs will be borne by the developer.*

Staff: Staff agrees that the subject site is adequately served by existing infrastructure (requirement 1) and acknowledges that the applicant would bear any costs of additional infrastructure if needed (requirement 3). The response to Criterion E is sufficient.

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

*Applicant: Because the proposed Zone Map Amendment is necessary to expand, modernize and increase the safety of the existing Light Vehicular Fueling Station, and because the request is based on the desire to change the zone to a zone congruent with adjacent and abutting zoning, and more compatible with the existing development pattern and intensity, and because the request removes a .5 acre "spot zone," and because the zone change is necessary for the lot consolidation required to expand and existing community amenity, the requested zone change is not completely based on the property's location on a major street.*

Staff: The subject site is located on Juan Tabo Blvd. NE, a Community Principal Arterial, which is a major street. Staff agrees that a primary reason for the proposed zoning change is to obtain the same zoning as the lot to the south, in order to consolidate the lots. The other reason is that Liquor Retail is first allowed permissively in the MX-M zone. Therefore, the justification is not completely based on the subject site's location on a major street. The response to Criterion F is sufficient.

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

*Applicant: Because the proposed zone request to MX-M is based on the intention to align the existing zoning to the zoning of the adjacent and abutting zoning category and because the proposed zone change is necessary for the lot consolidation of the subject property with the property at 2912 Juan Tabo Blvd for the purposes of the expansion, modernization and safety improvement of the existing Light Vehicle Fueling Station, and because the existing Light Vehicle Fueling Station use is a Conditional Use under the current MX-L zoning district, the applicant's justification is not based completely or predominantly on the cost of land or economic considerations.*

Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them. Nor is the justification based completely or predominantly upon the cost of land since the applicant already owns the subject site. Rather, the applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and would allow for the subject site to be consolidated with the lot to the south. The response to Criterion G is sufficient.

- H. The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:
1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
  2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
  3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

*Applicant: Because the zone change request is for a zone that is the same as abutting and adjacent zones, the proposed zone change does not create a "spot zone" or strip zone. The zoning on the site is MX-L. The adjacent and abutting properties are zoned MX-M. The proposed Zone Map amendment from MX-L to MX-M is a request for the site to be made consistent with surrounding zone districts.*

Staff: The request would not result in a spot zone because it would not apply a zone different from surrounding zone districts. MX-M zoning exists in the immediate area to the north, northwest, and east. That is enough to fulfill the requirement. The response to Criterion H is sufficient.

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

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

City departments and other interested agencies reviewed this application. Few agency comments were received.

Long Range Planning staff noted that the request would allow light fueling station and liquor retail as permissive uses. The subject site has an existing fueling station, which is an approved conditional use. The existing use could be expanded or reconfigured without a zone change. The zone change would allow liquor retail permissively, instead of requiring a ZHE hearing for a Conditional Use. The application as submitted did not provide an analysis of how the request is consistent with Comprehensive Plan Goals and policies. Long Range does not see any issues with the establishment of MX-M at three of the four corners of this intersection. The MX-M zone is appropriate at the intersection of two principal arterial roads.

The Water Utility Authority notes that the subject site is receiving service, and that an availability statement will be needed for future (re)development.

Albuquerque Public Schools (APS) noted that the case presents no adverse impacts and that currently there is a gas station on-site. The trend to zoning from MX-L to MX-M zoning in areas around schools could potentially increase higher density residential development, which could impact schools.

PNM commented that the applicant should contact the New Service Delivery Department as soon as possible to coordinate electric service regarding any future projects. Agency comments begin on p.24.

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

The affected neighborhood organizations are the Enchanted Park Neighborhood Association (NA), the Holiday Park NA, and the District 8 Coalition, which the applicant notified as required (see attachments). Property owners within 100 feet of the subject site were also notified as required (see attachments). Staff requested that the applicant re-notify the affected neighborhood organizations and property owners because the initial notification letters included a Zoom link for the November 12, 2020 EPC hearing that needed to be updated to the December 2020 hearing (see attachments).

A pre-application meeting was offered as required, but was declined by the Holiday Park NA. It appears that the other organizations did not respond. One neighbor expressed concern, but that was about the request for a variance to the rear yard (eastern) setback on the lot south of the subject site and the neighbor thought the subject site was on the western side of Juan Tabo Blvd. NE.

As of this writing, Staff has not received any correspondence or phone calls.

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

The request is for a zoning map amendment (zone change) for an approximately 0.5 acre site located at the southeast corner of the intersection of Candelaria Rd. NE and Juan Tabo Blvd. NE, and containing an existing light vehicle fueling station. The applicant owns the subject site and wants to acquire the property adjacent to the south (already zoned MX-M).

The subject site is zoned MX-L (Mixed-Use Low Intensity Zone District). The applicant is requesting a zone change to MX-M (Mixed Use-Medium Intensity Zone District) to facilitate re-development of the subject site with a new light vehicle fueling station and a super convenience store and allow for lot consolidation, which requires that the lots have the same zoning. Also, liquor retail associated with the convenience store use is first permissive in the MX-M zone district.

The applicant has adequately justified the zoning map amendment based upon the proposed zoning being more advantageous to the community than the current zoning because it would further a preponderance of applicable Goals and policies in the Comprehensive Plan.

The affected neighborhood organizations are the Enchanted Park Neighborhood Association (NA), the Holiday Park NA, and the District 8 Coalition, which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required. A neighborhood meeting was not held. As of this writing, Staff has not received any correspondence or phone calls and is not aware of any opposition. Staff recommends approval.

***FINDINGS - RZ-2020-00041, December 10, 2020- Zoning Map Amendment (Zone Change)***

1. The request is for a zoning map amendment (zone change) for an approximately 0.5 acre site legally described as Lots 1P through 6P and Lots 1C through 6C and the northerly 9.66 feet of Lots 7C and 7P, Block 101, Brentwood Hills (the “subject site”). The subject site is located at the southeast corner of the intersection of Candelaria Rd. NE and Juan Tabo Blvd. NE.
2. The subject site, which the applicant owns, is zoned MX-L (Mixed-Use Low Intensity Zone District) and contains an existing light vehicle fueling station.
3. The applicant is requesting a zone change to MX-M (Mixed Use-Medium Intensity Zone District) to allow future re-development of the subject site with an expanded light vehicle fueling station and convenience store, and facilitate lot consolidation with the MX-M zoned property adjacent to the south. Also, liquor retail is first permissive in the MX-M zone district.
4. The application was submitted on September 23, 2020 and is being reviewed using the May 2018 version of the Integrated Development Ordinance (IDO).
5. The subject site is in an area the Comprehensive Plan designated an Area of Change, but is not in a designated Activity Center. The subject site is along Juan Tabo Blvd. NE, a designated Multi-Modal Corridor, and is not within the boundaries of an Overlay Zone or a Metropolitan Redevelopment Area (MRA).
6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. The request furthers the following, applicable Comprehensive Plan policies from Chapter 4-Community Identity:
  - A. 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 request would facilitate future development on the subject site, which comprises approximately 0.5 acre of land at the SE corner of an intersection and not near an established neighborhood. Future development under the MX-M zone would be subject to IDO requirements such as the mixed use zone dimensional standards (Table 5-1-2) and building design standards (14-16-4-11), which would help ensure appropriate scale and location of development and character of building design.
  - B. Policy 4.1.4-Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The request would facilitate development at the SE corner of an intersection surrounded by other commercial uses, which would buffer it from the neighborhood further east. Future development under the MX-M zone would be subject to applicable IDO standards that serve to protect and preserve neighborhoods, even though the nearest neighborhood is approximately 500 feet east of the subject site.

8. The request furthers the following Goals and policies from Chapter 5: Land Use, pertaining to Development Areas:

- A. 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 request would facilitate redevelopment of the subject site and the lot adjacent south of it, and thereby would encourage and direct growth to this Area of Change where growth is expected and desired.

- B. 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 request would serve to direct growth and more intense development to an Area of Change, at the intersection of a designated Major Transit Corridor (Juan Tabo Blvd. NE) and a major road (Candelaria Rd. NE), where change is encouraged.

9. The request furthers the following Goal and policy from Chapter 5: Land Use, pertaining to Infill Development:

- A. 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 developed and served by existing infrastructure and public facilities, so the redevelopment made possible by the request would generally promote efficient development patterns and use of land.

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

The subject site is in an established urban area that is already served by existing infrastructure and public facilities; the request would support additional growth and redevelopment in an infill location.

10. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(F)(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 furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant's policy-based response demonstrates that the request generally furthers a preponderance of applicable Goals and policies regarding identity and neighborhoods, development areas, and infill. Therefore, the request is consistent with the City's health, safety, morals and general welfare.
- B. Criterion B: This criterion does not apply because the subject site is not located in an Area of Consistency, either wholly or in part.
- C. Criterion C: The subject site is located wholly in an Area of Change. The applicant's policy-based analysis (see response to Criterion A) 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.
- D. Criterion D: The applicant compared the existing MX-L zoning and the proposed MX-M zoning, noting uses that would become permissive. Much of the surrounding zoning is already MX-M. Notable uses that would become permissive under the MX-M zone, which are not currently allowed, are catering service, nightclub, and personal and business services-large. Liquor retail is not allowed in the MX-L zone except for in the Downtown, EDO, and La Cueva areas and in conjunction with a grocery store, but would become permissive in the MX-M zone. Light vehicle fueling station, bar, and tap room, currently Conditional Uses, would become permissive.

New permissive uses would be subject to the IDO's Use Specific Standards, DPM regulations, and applicable State Laws, which would serve to mitigate potential harm to surrounding properties, the neighborhood, or the community. Staff generally agrees, especially given the existing light vehicle fueling station and the surrounding land use context.

- E. Criterion E: The subject site is adequately served by existing infrastructure (requirement 1) and the applicant would bear any costs of additional infrastructure if needed (requirement 3).
- F. Criterion F: The subject site is located on Juan Tabo Blvd. NE, a Community Principal Arterial, which is a major street. The primary reason for the zone change is to obtain the same zoning as the lot to the south, in order to consolidate the lots. Another reason is that Liquor Retail is first allowed permissively in the MX-M zone. Therefore, the justification is not completely based on the subject site's location on a major street.
- G. Criterion G: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them. Nor is the justification based completely or predominantly upon the cost of land since the applicant already owns the subject site. Rather, the applicant has demonstrated that the request furthers a preponderance of

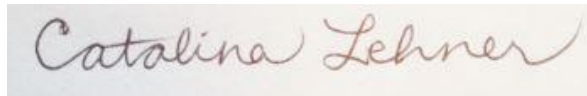
applicable Comprehensive Plan Goals and policies and would allow for the subject site to be consolidated with the lot to the south.

- H. Criterion H: The request would not result in a spot zone because it would not apply a zone different from surrounding zone districts. MX-M zoning exists in the immediate area to the north, south, and east.
11. The applicant's policy analysis adequately demonstrates that the request furthers applicable Goals and policies in the Comprehensive Plan and does not significantly conflict with them. Based on this demonstration, the proposed zone category would be generally more advantageous to the community than the current zoning.
12. The affected neighborhood organizations are the Enchanted Park Neighborhood Association (NA), the Holiday Park NA, and the District 8 Coalition, which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required.
13. A pre-application meeting was offered as required, but was declined by the Holiday Park NA. It appears that the other organizations did not respond. As of this writing, Staff has not received any correspondence or phone calls regarding the zone change request.

***RECOMMENDATION - RZ-2020-00041, December 10, 2020***

**APPROVAL of Project #: 2020-003814, Case #: 2020-00041, a zone change from MX-L to MX-M, for Lots 1P through 6P and Lots 1C through 6C and the northerly 9.66 feet of Lots 7C and 7P, Block 101, Brentwood Hills, an approximately 0.5 acre site comprising the northeast corner of the Candelaria Rd. NE/Juan Tabo Blvd. NE intersection, between Candelaria Rd. NE and Lexington Ave. NE (2932 Juan Tabo Blvd. NE), based on the preceding Findings.**

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

Notice of Decision cc list:

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District 8 Coalition of NAs, Donald Couchman, [dhc@zianet.com](mailto:dhc@zianet.com)  
Holiday Park NA, Jack O'Guinn, [jlosmo@comcast.net](mailto:jlosmo@comcast.net)  
Holiday Park NA, Timothy Engelmann, [resurgenthomesabq@gmail.com](mailto:resurgenthomesabq@gmail.com)  
City Legal, [avarela@cabq.gov](mailto:avarela@cabq.gov)  
EPC file

## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Enforcement***

#### ***Long Range Planning***

The request is for a zone change from MX-L to MX-M to allow a light fueling station and liquor retail as permissive uses at this location. In the existing zone, both of those uses would require a conditional use approval. However, this site has an existing fueling station, which is already an approved conditional use. This existing use could be expanded or reconfigured without requiring a zone change. This zone change request would allow liquor retail permissively instead of requiring a ZHE hearing for a Conditional Use. MX-M also allows larger signs, which is mentioned in the pre-application meeting request.

The application does not provide an analysis of how this request is consistent with adopted goals and policies.

The EPC should consider whether this request would create a spot zone of MX-L just south of the subject site. The justification letter explains that this zone change would resolve a floating zone line, but the site shown on the zone atlas excludes a portion of land that would remain as MX-L. If the request includes all of the land zoned MX-L at the southeast corner of Candelaria and Juan Tabo, Long Range does not see any issues with the establishment of MX-M at three of the four corners of this intersection. The MX-M zone is appropriate to be established at the intersection of two principal arterial roads.

### ***CITY ENGINEER***

#### ***Transportation Development***

No objection to the request.

For further site development of a gas station and convenience store, a Traffic Impact Study is required.

#### ***Hydrology Development***

#### ***New Mexico Department of Transportation (NMDOT)***

### ***DEPARTMENT of MUNICIPAL DEVELOPMENT***

#### ***Transportation Planning***- no comment

#### ***Traffic Engineering Operations (Department of Municipal Development)***

#### ***Street Maintenance (Department of Municipal Development)***

**RECOMMENDED CONDITIONS FROM THE CITY ENGINEER: none**

***WATER UTILITY AUTHORITY***

**Utility Services**

No adverse comments to the proposed zone change. For information only:

The site is currently receiving service. Should the site redevelop or fire flow requirements change an Availability Statement shall be requested. Availability Statements can be made at the following link

[https://hes32-](https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fwww.abcwua.org%2fAvailability%5fStatements.aspx&umid=7166da17-9080-42bd-ad7e-82c0ac18f7e9&auth=c5e193b2792d33bbda0d14ee5f909adbb398f028-4cb9d9f4927d068b86cef4ce6c3b2fc1f9642649)

[ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fwww.abcwua.org%2fAvailability%5fStatements.aspx&umid=7166da17-9080-42bd-ad7e-](https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fwww.abcwua.org%2fAvailability%5fStatements.aspx&umid=7166da17-9080-42bd-ad7e-82c0ac18f7e9&auth=c5e193b2792d33bbda0d14ee5f909adbb398f028-4cb9d9f4927d068b86cef4ce6c3b2fc1f9642649)

[82c0ac18f7e9&auth=c5e193b2792d33bbda0d14ee5f909adbb398f028-](https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fwww.abcwua.org%2fAvailability%5fStatements.aspx&umid=7166da17-9080-42bd-ad7e-82c0ac18f7e9&auth=c5e193b2792d33bbda0d14ee5f909adbb398f028-4cb9d9f4927d068b86cef4ce6c3b2fc1f9642649)

[4cb9d9f4927d068b86cef4ce6c3b2fc1f9642649](https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fwww.abcwua.org%2fAvailability%5fStatements.aspx&umid=7166da17-9080-42bd-ad7e-82c0ac18f7e9&auth=c5e193b2792d33bbda0d14ee5f909adbb398f028-4cb9d9f4927d068b86cef4ce6c3b2fc1f9642649). Request shall include a Fire Marshal approved Fire 1 Plan, zone map showing the site location, and a Utility Plan. Please note that the Site Plan shall show the domestic water, sanitary sewer, and proposed fire protection.

***ENVIRONMENTAL HEALTH DEPARTMENT***

**Air Quality Division**

**Environmental Services Division**

***PARKS AND RECREATION-*** No objection to the proposed zone change.

**Planning and Design**

**Open Space Division**

**City Forester**

***POLICE DEPARTMENT/Planning***

***SOLID WASTE MANAGEMENT DEPARTMENT***

***Refuse Division-*** No comment

***FIRE DEPARTMENT/Planning***

***TRANSIT DEPARTMENT***

***COMMENTS FROM OTHER AGENCIES***

***BERNALILLO COUNTY PUBLIC WORKS***

No adverse comments to zone change.

***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

No adverse comments.

***ALBUQUERQUE PUBLIC SCHOOLS***

Case comments: No adverse impacts. Currently, there is a gas station on-site, under existing zoning MX-L. The trend to zoning from MX-L to MX-M zoning in areas around schools has the potential to increase higher density residential development, which will have impacts on schools that must not be ignored.

***MID-REGION COUNCIL OF GOVERNMENTS***

MRMPO has no adverse comments.

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

***PUBLIC SERVICE COMPANY OF NEW MEXICO***

Information:

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 [www.pnm.com/erequest](http://www.pnm.com/erequest) for PNM to review.





**Figure 1:** Looking east at the subject site from the median of Juan Tabo Blvd. NE.

**Figure 2:** Standing on the subject site, looking east at the north end of the grocery store parking lot.



**Figure 3:** Looking west at Juan Tabo Blvd. NE while standing on the subject site.



Figure 4: Looking NW at the intersection of Juan Tabo Blvd. NE and Candelaria Rd. NE.

Figure 5: Looking north at the subject site while standing on the site to the south.



Figure 6: Looking south at the subject site while standing on Candelaria Rd. NE.

## HISTORY





CITY OF ALBUQUERQUE  
OFFICE OF ADMINISTRATIVE HEARINGS  
ZONING HEARING EXAMINER  
NOTIFICATION OF DECISION

Brian Johnson (WT Group/Speedway, LLC) requests a variance of 8ft to the required 15ft rear setback for Lot B1A, Block 101, Brentwood Hills, located at 2912 Juan Tabo Blvd NE, zoned MX-M [Section 14-16-5-1]

Special Exception No:..... **VA-2020-00238**  
Project No: ..... **Project#2020-004156**  
Hearing Date: ..... 09-15-20  
Closing of Public Record: ..... 09-15-20  
Date of Decision: ..... 09-30-20

On the 15th day of September, 2020, WT Group/Speedway, LLC, agent for property owner Brian Johnson (“Applicant”) appeared before the Zoning Hearing Examiner (“ZHE”) requesting a variance of 8ft to the required 15ft rear setback (“Application”) upon the real property located at 2912 Juan Tabo Blvd NE (“Subject Property”). Below are the ZHE’s finding of fact and decision:

**FINDINGS:**

1. Applicant is requesting a variance of 8ft to the required 15ft rear setback.
2. The City of Albuquerque Integrated Development Ordinance, Section 14-16-6-6(N)(3)(a) (Variance-Review and Decision Criteria) reads: “... an application for a Variance-ZHE shall be approved if it meets all of the following criteria:
  - (1) *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*
  - (2) *The Variance will not be materially contrary to the public safety, health, or welfare.*
  - (3) *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*
  - (4) *The Variance will not materially undermine the intent and purpose of the IDO or the applicable zone district.*
  - (5) *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.”*
3. The Applicant bears the burden of ensuring there is evidence in the record supporting a finding that the above criteria are met under Section 14-16-6-4(N)(1).
4. Applicant and Agent appeared and gave evidence in support of the application.
5. All property owners within 100 feet of the subject property and the affected neighborhood association were notified.

6. The subject property is currently zoned MX-M.
7. Based on evidence submitted by or on behalf of Applicant, there are special circumstances applicable to the Subject Property that are not self-imposed and that do not apply generally to other property in the same zone and vicinity such as size, shape, topography, location, surroundings, or physical characteristics created by natural forces or government action for which no compensation was paid, as required by Section 14-16-6-6(N)(3)(a)(1). Specifically, the surroundings and location characteristics of the site, are unique. No evidence to the contrary was presented.
8. Based on evidence submitted by or on behalf of Applicant, the variance will not be contrary to the public safety, health and welfare of the community as required by Section 14-16-6-6(N)(3)(a)(2). Specifically, evidence was submitted supporting that, if granted approval, the Applicant intends to use the property in a manner that is consistent with the IDO and the Development Process Manual (DPM). No evidence to the contrary was presented.
9. Based on evidence submitted by or on behalf of Applicant, the variance will not cause significant adverse material impacts on surrounding properties or infrastructure improvements in the vicinity as required by Section 14-16-6-6(N)(3)(a)(3). Specifically, the Agent submitted evidence that there would be no adverse material impacts on surrounding properties or infrastructure improvements, because the requested variance is minimal and consistent with existing and surrounding uses. No evidence to the contrary was presented.
10. Based on evidence submitted by or on behalf of Applicant, the variance will not materially undermine the intent and purpose of the IDO or applicable zone district as required by Section 14-16-6-6(N)(3)(a)(4). Specifically, Applicant presented evidence that the intent of IDO will still be met in that the subject site will continue the existing use and the proposed variance would merely add to the functionality of the site. No evidence to the contrary was presented.
11. Based on evidence submitted by or on behalf of Applicant, the variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties as required by Section 14-16-6-6(N)(3)(a)(5). Specifically, Applicant testified that any lower level of variance would be ineffective. Thus, the applicant is not requesting more than what is minimally necessary for a variance. No evidence to the contrary was presented.
12. City Transportation submitted a report stating no objection.
13. The proper "Notice of Hearing" signage was posted for the required time period as required by Section 14-16-6-4(K)(3).
14. The Applicant has authority to pursue this Application.

#### DECISION:

APPROVAL of a variance of 8ft to the required 15ft rear setback.

#### APPEAL:

If you wish to appeal this decision, you must do so by October 15, 2020 pursuant to Section 14-16-6-4(U), of the Integrated Development Ordinance, you must demonstrate that you have legal standing to file an appeal as defined.

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

A handwritten signature in dark ink, appearing to read "Robert Lucero". The signature is fluid and cursive, with the first name "Robert" and last name "Lucero" clearly distinguishable.

---

Robert Lucero, Esq.  
Zoning Hearing Examiner

cc:

ZHE File  
Zoning Enforcement  
WT Group/Speedway, [angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)



## ZONING

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

## 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.

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

### APPLICATION INFORMATION

Applicant: Western Refining Retail LLC		Phone: 480-250-3959
Address: 1250 W Washington Street suite 420		Email: TVYoun@speedway.com
City: Tempe	State: AZ	Zip: 85281
Professional/Agent (if any): WT Group		Phone: 847-284-0626
Address: 2675 Pratum Ave.		Email: ChrisKalischefski@cdg-llc.com
City: Hoffman Estates	State: IL	Zip: 60192
Proprietary Interest in Site: Purchaser of site.	List <u>all</u> owners: Western Refining, LLC & Entrad Contenta Lot 2	

### BRIEF DESCRIPTION OF REQUEST

Zone Map amendment from MX-L to MX-M combine Parcel APN #1-022-059-012534-2-14-36 & 1-022-059-013498-2-14-50-L1

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

Lot or Tract No.: 1-022-059-012534-2-14-36 & 1-022-059-013498-2-14-50`L1	Block: 101	Unit:
Subdivision/Addition: Brentwood Hills	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): H-21-Z	Existing Zoning: MX-L	Proposed Zoning: MX-M
# of Existing Lots: 15	# of Proposed Lots: 1	Total Area of Site (acres): +/- 1.2752 acres

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: 2912,2932 Juan Tabo	Between: Candelaria Rd NE	and: Lexington Ave. NE
--	---------------------------	------------------------

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

Preapplication PRT20-083, Sketch Plat PR-2020-003814

<b>Signature:</b>	<b>Date:</b> 9/23/2020
<b>Printed Name:</b> Christian Kalischefski	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

### FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees
-		
-		
-		
Meeting/Hearing Date:		Fee Total:
Staff Signature:	Date:	Project #

## Form Z: Policy Decisions

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

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

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

- ☐ Interpreter Needed for Hearing? ☐ 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: 9/23/2020

Printed Name: Christian Kalischefski

☐ Applicant or ☒ Agent

**FOR OFFICIAL USE ONLY**

Project Number:

Case Numbers

-

-

-

Staff Signature: \_\_\_\_\_

Date: \_\_\_\_\_



Entrada Contenta Lot 2 LLC  
3535 Princeton Drive NE  
Albuquerque, NM 87107  
(505)884-6234 Fax (505)884-4186

May 19, 2020

City of Albuquerque  
Planning Department  
1 Civic Plaza NW  
Albuquerque, NM 87102

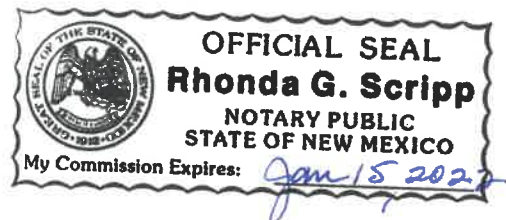
To Whom It May Concern:

I, Torey A Mees, Manager, owner of the property located at 2912 Juan Tabo NE, Albuquerque, NM 87112, give my consent to Speedway LLC, to apply and proceed with any City of Albuquerque zoning proceedings necessary to open up their proposed business. I thank you in advance for your continued assistance in this matter and should you have any questions or need additional information, please do not hesitate to contact me at 505-884-6234.

Sincerely,

  
Torey A Mees, Manager  
Entrada Contenta Lot 2 LLC, Property Owner

  
Notary Public





Date 09/22/2020

To Whom It May Concern:

Please accept this Letter of Authorization on behalf of Western Refining Retail LLC (WRR) regarding proposed Speedway site # 9244 at the known address of 2932 and 2912 Juan Tabo Blvd. NE Albuquerque, NM. WRR would like to permit Christian Kalischefski of WT Group to act as an agent for WRR for all submittals related to this project.

Please contact me if you have any questions regarding this request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T Young'.

Thomas Young  
Senior Manager, Construction & Engineering  
Speedway LLC dba Western Refining Retail LLC  
Cell: 480-250-3959  
Email: [TVYoung@Speedway.com](mailto:TVYoung@Speedway.com)



November 24, 2020

To Whom It May Concern,

This is a request for Lots 1P thru 6P & 1C thru 6C and the northerly 9.66FT of Lots 7C & 7P Tract B-1, Block 101 Brentwood Hills to be considered for a Zoning Map Amendment from MX-L to MX-M for the purpose of lot consolidation with Tract B-1-A, block 101, Brentwood Hills and for the purpose of better aligning the zoning with the current land use, Light Vehicle Fueling Station.

The subject property is located at 2932 Juan Tabo Blvd. NE. Consisting of 14 lots, the property is .5 acres and is zoned MX-L, Mixed Use Low Intensity Zone District. The property is currently used as a Light Vehicle Fueling Station with a convenience store. The property owner, Western Refining Retail Inc., has recently contracted to purchase the abutting .75-acre lot to the south at 2912 Juan Tabo Blvd. NE which is zoned MX-M, Mixed Use Medium Intensity Zone District. The intent is to consolidate both properties in order to expand and modernize the existing light fueling station and convenience store. The Zoning Map Amendment request for 2932 Juan Tabo Blvd. NE is necessary in order for the lot consolidation (lots proposed for consolidation do not currently have congruent zoning) and to expand the existing Light Vehicle Fueling Station use (Light Vehicle Fueling Station is a Conditional Use in the MX-L zone.) The .75-acre lot at 2912 Juan Tabo Blvd, which is under contract, was formerly a restaurant which was demolished in 2018. Presently, the lot at 2912 Juan Tabo is primarily vacant, consisting of an ATM machine.

The current light vehicle fueling station, located at 2932 Juan Tabo Blvd. NE, has been in operation 1984 and consists of 8 fueling spots and a small convenience store of 788 sq. ft. The lot consolidation will allow for the expansion of the business and will include 10 fueling locations and a new 4,600 sq. ft. convenience store. The 10 fueling locations will be in an inline canopy configuration which is considered to be a more modern and safe layout. This expansion will not only support a safe fueling environment, reduce potential queueing conflicts and provide more goods and services to the community, but will also meet the increase demand for fuel in the area. Population growth in the area has seen steady increase. This location provides the only fuel service for a 2-3-mile radius to the east and beyond 3 miles to the north. It is one of only two fuel stations located on Juan Tabo Blvd. between Interstate 40 and Eubank Boulevard, a distance of over 4.5 miles with an average daily traffic volume of 29,193.

The subject property is located at the southeast corner of the intersection of Juan Tabo Blvd and Candelaria Road in the Northeast Heights. This area is a neighborhood and regional retail node. The abutting property directly to the east consists of a large strip mall with an Albertson's Grocery Store and other service and retail businesses. The lot directly to the south, which is under contract by the property owner, consists of an ATM location. Across Candelaria Road to the north is Lowe's Building Supply. Other businesses in the vicinity include a car wash, defined fitness, restaurants, furniture stores and automobile related businesses.

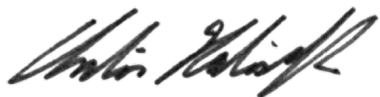
The existing zoning in the area is primarily MX-M. All of the properties on the same block as the subject property are zoned MX-M, including both the abutting properties to the south and east are zoned MX-M. The properties across Candelaria Road to the north, on both sides of Juan Tabo Blvd are also zoned MX-M. As the only MX-L zoned property on the block, the .5-acre lot at 2932 Juan Tabo Blvd NE is considered a spot zone. The Zone Map Amendment request would align the zoning on the property to be consistent with the adjacent and abutting property removing a spot zone.

The consultant team has begun the lot consolidation re-plat process. A Planning Review Team meeting (PRT 20-083) was attended Zoom meeting on April 20, 2020. A DRB Sketch Plat Review occurred on June 3, 2020 (PR-2020-00314). A Conditional Use was applied for the lot at 2932 Juan Tabo NE (VA-2020-00344, PROJECT #PR-2020-003814) and is pending decision December 2, 2020. There were no neighborhood objections to the variance request. The approval of this zone change request is a necessary step prior to DRB approval of Subdivision of Land - Minor.

There is no known objection to this zone change request. Prior to application, as per the Public Notice Requirement, the consultant team reached out via email to the three Neighborhood Association. The neighborhood association declined a meeting. September 10, 2020.

I trust this meets with your needs and if you have any questions please do not hesitate to call.

Regards,



**Christian Kalischefski**

**WT Group** | Design & Program Management | Partner, Practice Leader

September 22, 2020

**Environmental Planning Commission  
City of Albuquerque  
600 2<sup>nd</sup> Street NW  
Plaza Del Sol Building  
Albuquerque, NM 87102**

**RE: Zone Map Amendment – EPC (General Procedures) Justification – 2912, 2932 Juan Tabo  
Blvd. NE Albuquerque, NM 87112**

To whom it may concern,

***Zone Map Amendment (Zone Change) Amendment  
Response to Section 6-7(F)(3) Review and Decision Criteria***

The following narratives will provide evidence that the proposed Zone Map Amendment for Lots 1P thru 6P & 1C thru 6C and the northerly 9.66FT of Lots 7C & 7P Tract B-1, Block 101 Brentwood Hills is considered in accordance with the recently adopted City of Albuquerque Comprehensive Plan. This request is in compliance with Section 6-7(F)(3) of the Integrated Development Ordinance as follows:

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

**Applicant's Response:**

The proposed Zone Map Amendment from MX-L, Mixed Use Low Intensity Zone District to MX-M, Mixed Use Medium Intensity Zone District is consistent with the health, safety, morals, and welfare of the city. The zone change will allow for uses consistent with the visions of the local community, Albuquerque's Comprehensive Plan by:

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

Because the proposed Zone Map Amendment permits by right the existing Light Vehicle Fueling Station and allows for the expansion of the Existing Light Vehicle Fueling Station to provide a more modern, safe and enhanced Light Vehicle Fueling Station and because the character of the development in the community provides access to neighborhood and regional goods and services and because the subject property is located on a Commuter Corridor as indicated on the MRMPO Long Range Roadway System at the corner of a Community Principal Arterial and a Minor Arterial, the requested zone change from the MX-L Mixed Use Low Intensity Zone District to the MX-M Zoning District **further**s Goal 4.1 Character: **Enhance, Protect, and preserve distinct communities.**

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

Because the proposed Zone Map Amendment for MX-M is consistent and congruent with the adjacent and abutting properties which are in the MX-M zone district, it ensures that all future development on the subject property will be of a consistent quality with the characteristics and development of the adjacent and abutting properties and reinforce the distinct characteristics of the community thereby **encouraging quality development that is consistent with the distinct characteristic of the community.**

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

Because the proposed Zone Map Amendment permits by right the existing Light Vehicle Fueling Station use and because the Light Vehicle Fueling Station is located on the corner of the intersection of a Community Principal Arterial and a Minor Arterial, it ensures the appropriate scale and location of development and mix of uses in a regional shopping node while protecting the identity and cohesiveness of the neighborhood. The proposed MX-M zone is congruent with all adjacent and abutting properties on the east side of Juan Tabo Blvd. As a result, the requested Zone Map Amendment to MX-M will protect **the identity and cohesiveness of the neighborhoods by ensuring the appropriate scale and location of all future development on the property will be consistent with the scale and location of development, mix of uses and character of building design** as development on adjacent and abutting properties.

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


Because the proposed Zone Map Amendment enables the expansion, upgrade and improved safety of the existing Light Vehicle Fueling Station and its convenience store and because access to good and services is important to ensuring the stability of neighborhoods and because the access to Light Vehicular Fueling Stations in the Northeast Heights is limited, the requested zoning district change from MX-L Mixed Use Low Intensity Zone District to MX-M, Mixed Use Medium Intensity Zoning District **supports improvements that enhance, protect and preserve neighborhoods and traditional communities as key to a communities long-term health and vitality.**

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

Because the proposed Zone Map Amendment from MX-L to MX-M is for a property located on a Commuter Corridor and a Comprehensive Plan designated Multi-modal Corridor, and because MX-M, Mixed Use Medium Intensity Zoning District allows for the expansion of an existing Light Vehicle Fueling Station, and because Light Fueling Stations support multi-modal transportation systems, it supports **Goal 5.1 Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.**

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

Because the subject property is Classified by the MRMPO Long Range Roadway System as a Commuter Corridor, and because it is located on a Principal Arterial as designated on the Mid-Region Council of Governments Functional Classification in the Albuquerque Metropolitan Planning Area, and because it is located on a Comprehensive Plan designated Multimodal Corridor, and because the Average Daily Traffic volume (ADT) is 29,193, and because the speed limits on Principal Arterials are the highest permitted on surface roads within the city, and because Juan Tabo Blvd is a major connector between the north and northeastern portions of the city to Interstate 40, and because the proposed MX-M, Mixed Use Medium



Intensity Zoning District allows Light Vehicle Fueling Station by right, the proposed Zoning Map Amendment from MX-L, Mixed Use Low Intensity Zoning District, to MX-M, Mixed Use Medium Intensity Zoning District **supports auto-oriented development along Commuter Corridors that are higher-speed and higher-traffic volume routes for people going across town.**

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

Because the Zone Map Amendment from MX-L Mixed Use Low Intensity Zone District to MX-M, Mixed Use Medium Intensity Zoning District allows by right the existing Light Vehicle Fueling Station use, and because Light Vehicle Fueling Stations are an integral part of a multi-modal transit system, and because multi-modal transit systems provide access to residential areas, places of business, schools, places of commerce and recreational areas, **it fosters communities where residents can live, work, learn, shop and play together.**

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

Because the Zoning Map Amendment from MX-L, Mixed Use Low Intensity Zoning District, to MX-M, Mixed Use Medium Intensity Zoning District allows for the expansion of existing Light Vehicle Fueling Station in a neighborhood area that has limited access to Light Vehicular Fueling Stations, and because fuel is essential in supporting choice in transportation modes, and because transportation choice provides to and from work areas, places and business and neighborhood areas, it supports the **creation of healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.** The Speedway gas station is one of two Light Vehicle Fueling Stations located on Juan Tabo Blvd between I-40 and Eubank Blvd, a distance of over 4.5 miles. The Speedway gas station is the closest (within 2 miles) Light Vehicle Fueling Station to the following neighborhoods: Holiday Park, Glenwood Hills South Casa Grande, Cielito Lindo and large portions of El Dorado Heights. The Speedway is one of two gas stations serving the area north of Candelaria Blvd. and north east of Juan Tabo Blvd to the county line. No additional Light Vehicular Fueling Stations currently serve the Far Northeast Heights north of Spain Road.

**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.**

Because the subject site is located in an area with existing infrastructure and public facilities, and because the intent is to consolidate the .5 acre subject property with the .75 acre property to the south for the purposes of expanding the existing Light Vehicle Fueling Station for a more efficient use of land and to provide a more safe and modern facility, the proposes Zone Map Amendment from MX-L, Mixed Use Low Intensity Zone District to MX-M, Mixed Use Medium Intensity Zoning District **promotes development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.**

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

Because the Zoning Map Amendment from MX-L, Mixed Use Low Intensity Zoning District, to MX-M, Mixed Use Medium Intensity Zoning District promotes a higher and more efficient use of the land by allowing for lot consolidation and the expansion of an existing use through the infill of the adjacent underutilized lot, and leveraging the existing infrastructure and public facilities to provide a safer and expanded community amenity that generates increased gross receipts tax for the City, it **supports Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.**

**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.**

Because the Zone Map Amendment from MX-L, Mixed Use Low Intensity Zone District to MX-M, Mixed Use Medium Intensity Zoning District enables the expansion of the existing Light Vehicle Fueling Station and because the subject site is in an area of change, it encourages and directs growth to Areas of Change where it is expected and desired, it supports **Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.**

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

Because the subject property is located in an area of change, and because the subject property is located along a Commuter Corridor, and because the intent for the Zone Map Amendment is to expand the existing use, and because the requested Zone Map amendment aligns the existing MX-L, Mixed Use Low Intensity Zone District with the adjacent and abutting MX-M, Mixed Use Medium Intensity Zoning District, the change from MX-L to MX-M will direct growth and more intense development to a Commuter Corridor where change is encouraged and supports **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.**

**Goal 6.2 Multi-Modal System Encourage walking, biking and transit, especially at peak-hour commuting times, to enhance access and mobility for people of all ages and abilities.**

Because the expansion of the existing Light Vehicular Fueling Station use requires a Zone Map Amendment from MX-L Mixed Use Low Intensity Zone District to MX-M, Mixed Use Medium Intensity Zoning District, and because the subject site is located on a Commuter Corridor and a Multi-modal Transit Corridor, and because Light Vehicular Fueling Stations serve vehicles which provide access to multi-modal systems, the requested Zone Map Amendment **encourages walking, biking and transit, especially at peak-hour commuting times, to enhance access and mobility for people of all ages and abilities.**

**Policy 6.2.8 Auto Network: Prioritize automobile travel on Commuter Corridors and balance it with other travel modes on other streets.**

Because Juan Tabo Blvd is designated on the MRMPO Long Range Roadway System as a Commuter Corridor and is a Comprehensive Plan designated Multi-modal Corridor, and because the proposed MX-M, Mixed Use Medium Intensity Zoning District will allow for the expansion of the existing Light Vehicular Fueling Station use, and because Light Vehicle Fueling Stations are necessary to support automobile travel on Commuter Corridors and because the subject property use is for one of two Light Vehicle Fueling Stations on the designated Commuter Corridor and Multi-Modal Corridor, the Zone Map Amendment **supports the prioritization of automobile travel on Commuter Corridors.**



**Goal 7.3 Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes.**

Because the intent of the property owner is to expand the existing use and because Light Vehicle Fuel Station is first permitted in the MX-M, Mixed Use Medium Intensity Zoning District, and because the expansion of the existing Light Vehicle Fuel Station will require that it meets all the requirements of the Integrated Development Ordinance (IDO) which are consistent with all of the adjacent and abutting MX-M zoning district properties, the Zoning Map Amendment from MX-L, Mixed Use Low Intensity Zone District to MX-M, Mixed Use Medium Intensity Zoning District **will reinforce sense of place through context-sensitive design of development and streetscape.**

**Policy 7.3.2 Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.**

Because the Zoning Map Amendment from MX-L, Mixed Use Low Intensity Zoning District, to MX-M, Mixed Use Medium Intensity Zoning District ensures that all future development on the subject site is consistent in character, streetscape, site design and landscaping as the adjacent and abutting properties, it encourages high quality development that capitalizes on predominant architectural styles, building materials, and landscape elements, and because the Zone Map Amendment allows for the expansion of the Existing Light Vehicular Fueling station in a safer configuration, and because the modernization of the Existing Light Vehicular Fueling station will require the building and site to meet current Integrated Development Ordinance (IDO) requirements for signage, landscaping, and building articulation, **it encourages design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.**


**Summary Conclusion**

This request for a Zone Map Amendment from MX-L, Mixed Use Low Intensity Zoning District, to MX-M, Mixed Use Medium Intensity Zoning District is consistent with the health, safety, and general welfare of the City, furthers (and is 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. The proposed MX-M, Mixed Use Medium Intensity Zoning District is in keeping with the goals and intentions of the Comprehensive Plan which promotes providing safe, multi-modal transportation options development on Multi-Modal Corridors.

A Zone Map Amendment from MX-L, Mixed Use Low Intensity Zoning District, to MX-M, Mixed Use Medium Intensity Zoning District is congruent and compatible with adjacent and abutting MX-M, Mixed Use Medium Intensity Zoning District. This Zone Map Amendment makes the subject property, a .5 acre of MX-L, Mixed Use Low Intensity Zoning District consistent with adjacent and abutting MX-M Zoning Districts, allows for new development to be consistent and compatible in height, building placement, density and land use consistent with adjacent and abutting MX-M, Mixed Use Medium Intensity Zoning District properties and enables a safer and expanded neighborhood amenity.

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

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

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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).**

**Applicant's Response:**

This criterion is not applicable because the property in question is located wholly in an Area of Change as shown in the ABC Comp Plan, as amended.

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

1. **There was typographical or clerical error when the existing zone district was applied to the property.**
2. **There has been a significant change in the 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 proposed Zone Map Amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended).

The existing zoning MX-L zoning is inappropriate because it meets the following criteria:

3. A different zone district (MX-M, Mixed Use Medium Intensity Zoning District) is more advantageous to the community as articulated by the ABC Comp Plan, as amended because the proposed MX-M Mixed Use Medium Intensity Zoning District zone is consistent with the existing adjacent and abutting zoning, land uses, development, density and intensity and connectivity. The existing MX-L Mixed Use Low Intensity Zoning District allows for a lower development intensity than the adjacent and abutting land uses. In addition, the Zone Map Amendment of the .5-acre MX-L Mixed Use Low Intensity Zoning District to match the adjacent and abutting MX-M, Mixed Use Medium Intensity Zoning District removes an existing "spot zone." The difference zone district is also more advantageous to the community as it allows for the expansion of an existing community amenity, Light Vehicular Fueling Station, which is in limited supply in the site area and along the Juan Tabo Blvd, a designated Commuter Corridor and a Comprehensive Plan designated Multi-Modal Corridor.

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

Because the proposed MX-M zone district is the same zone district as the adjacent and abutting properties and the properties to the north across Candelaria Road, it does not introduce any new Permissive Uses that would be harmful to the adjacent property, the neighborhood, or the community because the allowable uses are the same as the allowable uses on the adjacent and abutting properties.




New Permissive Uses in the MX-M which are not currently permitted in the MX-L zone consist of the following:

<b>MX-M Zone District New Use Table</b>			
<b>Permissive</b>	<b>Conditional</b>	<b>Accessory</b>	<b>Temporary</b>
Hospital	Group Home- Large	Nursery	Cross
Sports Field (previously Conditional)	Blood Services Facility	Helipad (Conditional)	
University or college (previously Conditional)	Outdoor storage (previously Conditional Accessory)	Drive-through or drive-up facility (previously Conditional Accessory)	
Theater or Auditorium (previously Accessory)	Building and home improvement materials store	Parking for more than 2 truck tractors and 2 semitrailers for more than 2 hours	
Bar (previously Conditional)	General retail, large		
Catering Service	Liquor retail (previously Accessory)		
Nightclub	Drive-in Theater		
Tap room or tasting room (previously Conditional)	Warehousing		
Light Vehicular Fueling Station (previously Conditional)	Wholesaling and distribution		
Light Vehicle sales and rental (previously Conditional)			
Mortuary (previously Conditional)			
Personal and business services, large			
General retail, medium			
Nicotine retail (previously Accessory)			
Pawn shop (previously Conditional)			
Park and ride lot (previously Conditional)			
Transit facility (previously Conditional)			

The following is a discussion of harm to adjacent property, the neighborhood, or the community for each of the uses, a mention of standards and other measures that would help mitigate the harm of the future permissive uses and a conclusory statement:

*Hospital.* This is a new Permissive Use in the MX-M zone district. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. The IDO has Use Specific Standards with respect to Hospital in Section 4-3(C)(5) limiting the use to no more than 20 overnight beds and does not permit ambulance transportation to or from the facility. As a result of congruent adjacent and abutting MX-M zoning which also allows Hospital use and the Use Specific Standards in the Integrated Development Ordinance, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.




*Sports Field.* This use is currently a Conditional Use in the MX-L zone and would become a new Permissive Use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A Sports Field in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. The development of a large Sports Field could have traffic impact which may have a possible effect on the community and adjacent properties, however, the development of a Sports Field would trigger a Traffic Circulation Plan and a Traffic Impact Study and require the developer to meet Development Process Manual Standards designed to mitigate impact and harm on the transportation network and surrounding community and neighborhood. As a result of congruent adjacent and abutting MX-M zoning, which also allows Sports Field use, and the distance separation from residential areas and the development requirements of the City of Albuquerque, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.

*University or college.* This use is currently a Conditional Use in the MX-L zone and would become a new Permissive Use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A University or college in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the Integrated Development Ordinance has building articulation standards designed to ensure that new development is appropriate in scale and articulation. The development of a large University or college could generate traffic impact which may have a possible effect on the community and adjacent properties, however, the development of a large University or college would trigger a Traffic Circulation Plan and a Traffic Impact Study and would require the developer to meet Development Process Manual Standards designed to mitigate impact and harm on the transportation network and surrounding community and neighborhood. As a result of congruent adjacent and abutting MX-M zoning which also allows University or college use and the distance separation from residential areas and the development requirements of the City of Albuquerque, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.

*Auditorium or theater.* This use is currently an Accessory Use in the MX-L zone and would become a new Permissive Use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. An Auditorium or theater in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the Integrated Development Ordinance has building articulation standards designed to ensure that new development is appropriate in scale and articulation. The development of a large Auditorium could generate traffic impact which may have a possible effect on the community and adjacent properties, however, the development of a large University or college would trigger a Traffic Circulation Plan and a Traffic Impact Study and would require the developer to meet Development Process Manual Standards designs to mitigate impact and harm on the transportation network and surrounding community and neighborhood. As a result of congruent adjacent and abutting MX-M zoning which also allows Auditorium or theater use and the distance separation from residential areas and the development requirements of the City of Albuquerque, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.

*Bar.* This use is currently a Conditional use in the MX-L zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A bar in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 300 feet from a residential area. In addition, the Integrated Development Ordinance, section 4-3(D)(8) has Use Specific Standards which requires that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities. As a result of congruent adjacent and abutting MX-M zoning which also allows Bar use, and that New Mexico State Alcoholic Beverage Control requirements serve to protect other uses or facilities, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.




*Catering Service.* This use would become a new Permissive Use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A Catering Service in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the Integrated Development Ordinance has building articulation standards designed to ensure that new development is appropriate in scale and articulation. The development of a large Catering Service facility could generate traffic impact which may have a possible effect on the community and adjacent properties, however, the development of a large Catering Service facility would trigger a Traffic Circulation Plan and a Traffic Impact Study and would require the developer to meet Development Process Manual Standards designs to mitigate impact and harm on the transportation network and surrounding community and neighborhood. As a result of congruent adjacent and abutting MX-M zoning which also allows Catering Service use and the distance separation from residential areas and the development requirements of the City of Albuquerque, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.

*Nightclub.* This use would be a new use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A Nightclub use in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the Integrated Development Ordinance, section 4-3(D)(8) has Use Specific Standards which requires that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities. As a result of congruent adjacent and abutting MX-M zoning which also allows Nightclub use and that New Mexico State Alcoholic Beverage Control requirements serve to protect other uses or facilities, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.

*Tap room or tasting room.* This use is currently a Conditional Use in the MX-L zone would be a new use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A Tap room or tasting room use in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the Integrated Development Ordinance, section 4-3(D)(8) has Use Specific Standards which requires that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities. As a result of congruent adjacent and abutting MX-M zoning which also allows Tap room or tasting room use and that New Mexico State Alcoholic Beverage Control requirements serve to protect other uses or facilities, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.

*Light Vehicular Fueling Station.* This use is currently a Conditional Use in the MX-L zone and would become a new Permissive Use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. Currently, a Light Vehicular Fueling Station has been in operation on the site for 36 years. An expansion of the existing Light Vehicle Fueling Station in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the Integrated Development Ordinance has Use Specific Standards, section 4-3(D)(17) which require that no inoperable vehicles be stored outside a building at any time, that if the use is located on a corner lot with access from both streets, it shall have no more than 1 access point per frontage, that access points shall be located no closer than 20 feet from any adjacent property that is not under common ownership, that all under-canopy lighting shall be recessed so that no light lens projects below the canopy ceiling and that the canopy fascia shall not be internally illuminated. The expansion of the existing Light Vehicular Fueling Station could generate traffic impact which may have a possible effect on the community and adjacent properties, however, the expansion of the existing Light Vehicular Fueling Station would trigger a Traffic Circulation Plan and a Traffic Impact Study and would require the developer to meet Development Process Manual Standards designs to mitigate impact and harm on the transportation network and surrounding community and neighborhood. As a result of congruent adjacent and abutting MX-M zoning which also allows Light Vehicular Fueling Station and the distance separation from residential areas and the development




requirements of the City of Albuquerque, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.

*Light Vehicle Sales and Rental.* This use is currently a Conditional Use in the MX-L zone and would become a new Permissive Use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A new Light Vehicle Sales and Rental in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the Integrated Development Ordinance has Use Specific Standards, section 4-3(D)(19) which require that no incidental outdoor vehicle display, storage, or service and maintenance areas must be screened from any residential component of any Mixed-use zone district located abutting, accessory outdoor display, storage, and sales areas are prohibited within 50 feet in any direction of any lot containing a residential use in any Mixed-use zone district and are prohibited within any required front setback area. As a result of congruent adjacent and abutting MX-M zoning which also allows Light Vehicle Sales and Rental and the distance separation from residential areas and the Use Specific Standards of the IDO, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.

*Mortuary.* This use would become a new Permissive Use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A Mortuary in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the Integrated Development Ordinance has building articulation standards designed to ensure that new development is appropriate in scale and articulation. The development of a large Mortuary facility could generate traffic impact which may have a possible effect on the community and adjacent properties, however, the development of a large Mortuary facility would trigger a Traffic Circulation Plan and a Traffic Impact Study and would require the developer to meet Development Process Manual Standards designs to mitigate impact and harm on the transportation network and surrounding community and neighborhood. As a result of congruent adjacent and abutting MX-M zoning which also allows Mortuary use and the distance separation from residential areas and the development requirements of the City of Albuquerque, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.

*Personal and business services, large.* This is a new Permissive Use in the MX-M zone district. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A Personal and business services, large in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. The IDO has Use Specific Standards with respect to Personal and business services, large in Section 4-3(D)(26) limiting Bail bond businesses to one per lot, and not closer to another bail bond business than 1 mile, and limiting dry cleaning to only nonflammable or noncombustible materials used in the cleaning process, limiting dry cleaning of clothes to a distance of at least 50 feet from residential use in any Mixed-use zone district and limiting massage businesses that comply with all applicable federal, State and City requirements and places the burden of compliance with the owner of the massage business to ensure compliance. As a result of congruent adjacent and abutting MX-M zoning which also allows Personal and business services, large use and the Use Specific Standards in the Integrated Development Ordinance, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.

*General retail, Medium.* This is a new Permissive Use in the MX-M zone district. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A General retail, Medium in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. The IDO has Use Specific Standards with respect to General retail, medium in Section 4-3(D)(36) limiting outdoor display or storage outside of a fully enclosed building without Conditional Use Approval. The development of a General retail, Medium could generate traffic impact which may have a possible effect on the community and adjacent properties, however, the development of a General retail, Medium would trigger a Traffic Circulation Plan and a Traffic Impact Study and would require the developer to meet Development Process Manual Standards designs to mitigate impact and harm on the transportation network and surrounding



community and neighborhood. As a result of congruent adjacent and abutting MX-M zoning which also allows General retail, Medium use and the Use Specific Standards in the Integrated Development Ordinance, use and the distance separation from residential areas and the development requirements of the City of Albuquerque this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.

*Park and Ride Lot.* This use is currently a Conditional Use in the MX-L zone and would become a new Permissive Use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A Park and Ride Lot in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. The development of a Park and Ride Lot could generate traffic impact which may have a possible effect on the community and adjacent properties, however, the development of a Park and Ride Lot would trigger a Traffic Circulation Plan and a Traffic Impact Study and would require the developer to meet Development Process Manual Standards designs to mitigate impact and harm on the transportation network and surrounding community and neighborhood. In addition, the Integrated Development Ordinance has Use Specific Standards, section 4-3(D)(44), which require that the use must comply with all standards in Section 14-16-5-5 Parking and Loading. As a result of congruent adjacent and abutting MX-M zoning which also allows Park and Ride Lots and the distance separation from residential areas and the Use Specific Standards of the IDO, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.

*Transit Facility.* This use is currently a Conditional Use in the MX-L zone and would become a new Permissive Use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A Transit Facility in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. The development of a Transit Facility could generate traffic impact which may have a possible effect on the community and adjacent properties, however, the development of a Park and Ride Lot would trigger a Traffic Circulation Plan and a Traffic Impact Study and would require the developer to meet Development Process Manual Standards designs to mitigate impact and harm on the transportation network and surrounding community and neighborhood. As a result of congruent adjacent and abutting MX-M zoning which also allows Transit Facility Use and the distance separation from residential areas and the Use Specific Standards of the IDO, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.

*Liquor retail.* This use is currently an Accessory Use in the MX-L zone and would become a new Permissive Use in the MX-M zone. This use is also a Permissive Use in the adjacent and abutting properties which are also zoned MX-M. A Liquor retail in this location would pose limited harm with respect to noise and visual impact on the surrounding neighborhood, as it is over 900 feet from a residential area. In addition, the Integrated Development Ordinance, section 4-3(D)(8) has Use Specific Standards which requires that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities. As a result of congruent adjacent and abutting MX-M zoning which also allows Liquor retail and that New Mexico State Alcoholic Beverage Control requirements serve to protect other uses or facilities, this new Permissive Use will not bring additional harm to the adjacent property, the neighborhood, or the community.

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

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

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

Because the site is located in a developed area of Albuquerque, it meets the requirements of the above number 1 **“Have adequate capacity to serve the development made possible by the change of zone.”** The proposed development is an expansion of the existing use, Light Vehicular Fueling Station. The City’s existing infrastructure has adequate capacity to serve the development made possible by the change of zone. Any on site infrastructure costs will be borne by the developer.

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

Because the proposed Zone Map Amendment is necessary to expand, modernize and increase the safety of the existing Light Vehicular Fueling Station, and because the request is based on the desire to change the zone to a zone congruent with adjacent and abutting zoning, and more compatible with the existing development pattern and intensity, and because the request removes a .5 acre “spot zone,” and because the zone change is necessary for the lot consolidation required to expand the existing community amenity, Light Vehicular Fueling Station, the requested zone change is not completely based on the property’s location on a major street.

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

Because the proposed zone request to MX-M is based on the intention to align the existing zoning to the zoning of the adjacent and abutting zoning category and because the proposed zone change is necessary for the lot consolidation of the subject property with the property at 2912 Juan Tabo Blvd for the purposes of the expansion, modernization and safety improvement of the existing Light Vehicle Fueling Station, and because the existing Light Vehicle Fueling Station use is a Conditional Use under the current MX-L zoning district, the applicant’s justification is not based completely or predominantly on the cost of land or economic considerations.

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

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

Because the zone change request is for a zone that is the same as abutting and adjacent zones, the proposed zone change does not create a “spot zone” or strip zone. The zoning on the site is MX-L. The adjacent and abutting properties are zoned MX-M. The proposed Zone Map amendment from MX-L to MX-M is a request for the site to be made consistent with surrounding zone districts.



Respectfully Submitted,



**Christian Kalischefski**  
**The W-T Group, LLC**  
**Partner, Principal in Charge**  
**Design & Program Management**



# City of Albuquerque

Planning Department  
Development Review Services Division

## Traffic Scoping Form (REV 07/2020)

**Project Title:** Speedway 9244 -2912 & 2932 Juan Tabo Blvd. NE

Building Permit #: \_\_\_\_\_ Hydrology File #: \_\_\_\_\_ Zone Atlas Page: H-21-Z

DRB#: \_\_\_\_\_ EPC#: \_\_\_\_\_ Work Order#: \_\_\_\_\_

Legal Description: LTS 1P THRU 6P & 1C THRU 6C & N 9.66FT OF LTS 7C & 7P BLK 10 1 BRENTWOOD HI / (IMPV ONLY BLDG B-1) IN TR B-1-A BLK 101 PLAT OF TR B-1-A BLK 101 BRENTWOOD HILLS

Development Street Address: 2912 & 2932 Juan Tabo Blvd. NE

**Applicant:** Western Refining Retail, LLC Contact: Thomas Young

Address: 1250 W. Washington Street Suite 420 Tempe, AZ 85281

Phone#: 480-250-3959 Fax#: \_\_\_\_\_

E-mail: TVYoung@Speedway.com

### Development Information

Build out/Implementation Year: 2021 Current/Proposed Zoning: MX-L / MX-M

Project Type: New: ( ) Change of Use: ( ) Same Use/Unchanged: ( ) Same Use/Increased Activity: (✓)

Change of Zoning: (X)

Proposed Use (mark all that apply): Residential: ( ) Office: ( ) Retail: (X) Mixed-Use: ( )

Describe development and Uses: Demolition of existing speedway gas station and canopy and convenience store. existing used - Light Fueling station, proposed gas station, canopy and convenience store, proposed use light fueling station.

Days and Hours of Operation (if known): 24/7

### Facility

Building Size (sq. ft.): 4608 S.F. 16 fueling positions

Number of Residential Units: N/A

Number of Commercial Units: 1

### Traffic Considerations

ITE Trip Generation Land Use Code 960 Super Convenience Market/Gas Station

Expected Number of Daily Visitors/Patrons (if known):\* \_\_\_\_\_

Expected Number of Employees (if known):\* 3

Expected Number of Delivery Trucks/Buses per Day (if known):\* 2/ PER WEEK

Trip Generations during PM/AM Peak Hour (if known):\* AM 450 vph, PM 370 vph based on 16 fuel positions

Driveway(s) Located on: (1) drive on Juan Tabo Blvd. NE & (1) drive on Candelaria Rd. NE



Adjacent Roadway(s) Posted Speed: Juan Tabo Blvd. NE 40 MPH

Candelaria Rd. NE 35 MPH

*\* If these values are not known, assumptions will be made by City staff. Depending on the assumptions, a full TIS may be required.)*

### **Roadway Information (adjacent to site)**

Comprehensive Plan Corridor Designation/Functional Classification: Community principal arterial / Minor arterial  
(arterial, collector, local, main street)

Comprehensive Plan Center Designation: None of the below  
(urban center, employment center, activity center, etc.)

Jurisdiction of roadway (NMDOT, City, County): City

Adjacent Roadway(s) Traffic Volume: 13300/24300 Volume-to-Capacity Ratio (v/c): 0.42 PM Candelaria  
(if applicable) 0.63 PM Juan Tabo

Adjacent Transit Service(s): ALB RIDE Nearest Transit Stop(s): 1/1

Is site within 660 feet of Premium Transit? No

Current/Proposed Bicycle Infrastructure: N/A / None

(bike lanes, trails)

Current/Proposed Sidewalk Infrastructure: Existing to remain / None

### **Relevant Web-sites for Filling out Roadway Information:**

City GIS Information: <http://www.cabq.gov/gis/advanced-map-viewer>

Comprehensive Plan Corridor/Designation: See GIS map.

Road Corridor Classification: <https://www.mrcog-nm.gov/DocumentCenter/View/1920/Long-Range-Roadway-System-LRRS-PDF?bidId=>

Traffic Volume and V/C Ratio: <https://www.mrcog-nm.gov/285/Traffic-Counts> and <https://public.mrcog-nm.gov/taqa/>

Bikeways: [http://documents.cabq.gov/planning/adopted-longrange-plans/BTFP/Final/BTFP%20FINAL\\_Jun25.pdf](http://documents.cabq.gov/planning/adopted-longrange-plans/BTFP/Final/BTFP%20FINAL_Jun25.pdf) (Map Pages 75 to 81)

### **TIS Determination**

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

Traffic Impact Study (TIS) Required: Yes ☒ No ☐

Thresholds Met? Yes ☒ No ☐

Mitigating Reasons for Not Requiring TIS: Previously Studied: ☐

Notes:

 P.E.

9/24/2020

TRAFFIC ENGINEER

DATE

## **Submittal**

The Scoping Form must be submitted as part of a Traffic Circulation Layout submittal, DRB application for site plan approval, or EPC application. See the Development Process Manual Chapter 7.4 for additional information.

Submit by email to [plndrs@cabq.gov](mailto:plndrs@cabq.gov) and to the City Traffic Engineer [mgrush@cabq.gov](mailto:mgrush@cabq.gov). Call 924-3362 for information.

### **Site Plan/Traffic Scoping Checklist**

Site plan, building size in sq. ft. (show new, existing, remodel), to include the following items as applicable:

1. Access -- location and width of driveways
2. Sidewalks (Check DPM and IDO for sidewalk requirements. Also, Centers have wider sidewalk requirements.)
3. Bike Lanes (check for designated bike routes, long range bikeway system) ([\*check MRCOG Bikeways and Trails in the 2040 MTP map\*](#))
4. Location of nearby multi-use trails, if applicable ([\*check MRCOG Bikeways and Trails in the 2040 MTP map\*](#))
5. Location of nearby transit stops, transit stop amenities (eg. bench, shelter). Note if site is within 660 feet of premium transit.
6. Adjacent roadway(s) configuration (number of lanes, lane widths, turn bays, medians, etc.)
7. Distance from access point(s) to nearest adjacent driveways/intersections.
8. Note if site is within a Center and more specifically if it is within an Urban Center.
9. Note if site is adjacent to a Main Street.
10. Identify traffic volumes on adjacent roadway per MRCOG information. If site generates more than 100 vehicles per hour, identify volume to capacity (v/c) ratio on this form.

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

PA# 20-083 Date: Updated 4/22/20 Time: N/A (sent via email)

Address: 2932 Juan Tabo NE

### AGENCY REPRESENTATIVES PRESENT AT MEETING

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

Code Enforcement: Charles Maestas ([cdmaestas@cabq.gov](mailto:cdmaestas@cabq.gov))

Fire Marshall: Bob Nevárez ([rnevarez@cabq.gov](mailto:rnevarez@cabq.gov))

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

### PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!

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

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

**REQUEST:** Propose Speedway convenience store and fueling canopy to replace existing convenient store and fueling canopy.

Speedway to purchase adjoining lot, Demo and rebuild proposed convenience store fueling canopy per site plan attach.

### SITE INFORMATION:

Zone: MX-L

Size: 1.439 acres

Use: Commercial Retail

Overlay zone: x

Comp Plan Area of: Change

Comp Plan Corridor: x

Comp Plan Center: x

MPOS or Sensitive Lands: x

Parking: 5-5, page 225

MR Area: x

Landscaping: 5-6, page 251

Street Trees: 5-6(D)(1), page 258

Use Specific Standards: Allowable Uses, Table 4-2-1, p. 130

Dimensional Standards: Table 5-1-2, p. 194

\*Neighborhood Organization/s: Enchanted Park NA, District 8 Coalition

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

### PROCESS:

Type of Action: Re-plat / Zone Change / Demo Permit

Review and Approval Body: DRB / EPC / Staff

Is this a PRT requirement? Yes/Yes/No

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

PA# 20-083 Date: Updated 4/22/20 Time: N/A (sent via email)

Address: 2932 Juan Tabo NE

### NOTES:

*Is your site the SE Corner of Juan Tabo and Candelaria?*



See the **Integrated Development Ordinance**

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

### PRT Zoning Comments

- 2932 Juan Tabo Blvd NE, Lots 1P thru 6P and 1C thru 6C of Block 101 (12 total lots), zoned MX-L
- 2912 Juan Tabo Blvd NE, Lot B1 of Block 101, zoned MX-M
  - Re-plat needed to combine lots into one lot for development
    - Process: 6-6(I) Subdivision of Land-Minor, pg. 399
  - Zone change to avoid floating zone line on newly created lot
    - Process: 6-7(F) Zone Map Amendment-EPC, pg. 426
  - Demo permit needed from Building Safety permit counter
  - Use Table – Light Vehicle Fueling Station, pg. 131,
    - Definition, pg. 469
    - In MX-L zone this use requires a Conditional Use Approval, Use Table, pg. 131
    - In MX-M zone this use is Permissive, Use Table, pg. 131

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

PA# 20-083 Date: Updated 4/22/20 Time: N/A (sent via email)

Address: 2932 Juan Tabo NE

- Use Specific Standards 4-3(D)(17), pg. 147
  - 4-3(D)(17)(f), pg. 148 – access points shall not be closer than 20 ft from any adjacent property not under common ownership
- Development Standards (review these sections of the IDO)
  - Setbacks in MX zone district, not in UC-MS-PT
    - Front: 5 ft
    - Street side of corner: 5 ft
    - Rear: 15 ft
    - Height:
      - MX-L: 35 ft
      - MX-M: 45 ft
  - 5-3(D)(3) On-site Pedestrian Connections, pg. 210
  - 5-5 Parking and Loading, pg. 225
  - 5-6 Landscape, Buffering and Screening, pg. 251
  - 5-11(E)(2) Façade Design, pg. 292
  - Signs are permitted separately, development standard are located in:
    - 5-12 Signs, pg. 296

### Transportation Development comments

For additional information contact Nilo Salgado (924-3630) or Jeanne Wolfenbarger (924-3991)

### Curb Cuts

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

### Clear Sight Triangle at Access Points and Intersections

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

### Private Site and Parking Lot Design

- Follow DPM and IDO Guidelines for Site and Parking Lot Design. Current ADA standards must be followed including required number of handicapped parking spaces and drive aisles, ADA access to public right-of-way, and ADA access to on-site buildings.
- See the Traffic Circulation Layout (TCL) Checklist. A TCL is required for any change or addition to a building > 500 sq. ft. or if the parking or circulation is changed. (This includes a repaving of parking lot.) Drawing must be stamped by a registered engineer or architect.
- When developing a parking lot layout, include all dimensioning for construction purposes. Also include all curb, curb ramp and signage details.

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

PA# 20-083 Date: Updated 4/22/20 Time: N/A (sent via email)

Address: 2932 Juan Tabo NE

- Parking Calculations must be provided and per the requirements in the IDO. Number of vehicular spaces, motorcycle spaces, and bicycle spaces shall be specified and follow IDO requirements.
- Shared access/parking agreement is required if access/parking is shared with parking lot adjacent to site. (This can be established on a plat if submittal of a plat is required or by an agreement.)
- Existing driveways that are not being used are required to be removed and replaced with standard curb and sidewalk to match existing.

### Traffic Studies

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

### Platting and Public Infrastructure Requirements for Roadways

- Curb and sidewalk are required along entire frontage of property. Follow IDO/DPM for specific width requirements.
- For any private access easements on plats, all beneficiaries and maintenance responsibilities must be listed.
- Due to sight distance concerns and to construct sufficient curb ramps, right-of-way dedication is required to add curves to corners of properties at intersections if they are not already developed. See Table 23.3 of the DPM.
- Any private structures that are located within public right-of-way such as fences and walls shall either be removed or else a revocable permit with the City is required in which an annual fee is paid per year, based on square footage of the encroachment.

### Additional questions / follow up from Zoom meeting:

**City of Albuquerque, NM – Meeting 4/20/20 @ 2:30 PM (MDT) & 3:30 PM (CST)**

**City of Albuquerque Staff Response:**

*Staff comments in italics.*

*Additional Zoning Comments:*

*Technically the zone change is optional but if they don't get a zone change then the re-platted lot would have a floating zone line and would require a Conditional Use Approval for their proposed use of Light Vehicle Fueling Station given the expansion of the use over what is there currently. If the applicant applies for a zone change to the MX-M zone for the re-platted lot they avoid the need to get a Conditional Use Approval. Also, per our phone/zoom conversation yesterday, with the MX-M zone the signage allowances are greater than with the MX-L zone.*

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

PA# 20-083 Date: Updated 4/22/20 Time: N/A (sent via email)

Address: 2932 Juan Tabo NE

### 1. Zoning

#### A. Site allow for

##### ☐ Alcohol Sales?

- Does it need to be sold separately in a tenant space?

##### ☐ Is 24-hour operation allowed?

*Alcohol sales are permissive under MX-M, to be achieved by the Zoning Map amendment. Alcohol sales would be a conditional use under MX-L.*

*Light Fueling station is also permissive under MX-M.*

*24-hour operation is allowed under MX-M. Possible conditional use under MX-L*

##### ☐ Outdoor sales

- Are propane sales allowed for outdoor sales?

*Yes, propane sales are allowed. They would not be classified as outdoor sales as the sales transaction occur within the retail store and the propane would be required to be stored outside.*

### 2. Plats

#### A. Subdivision/Consolidation

##### ☐ What is the process for the plat if required?

***Please do a sketch plat first. Contact Jay for specifics.***

##### ***Re-plat process***

*For re-platting, the first recommended application step is to submit a Sketch Plat application to be reviewed by the Development Review Board (DRB). The DRB would review the Sketch Plat and accompanied documentation and provide the applicant with comments which will help guide them in the later required preliminary/final plat application. The following submittals are required to accompany a Sketch Plat application along with a payment of \$50:*

- 1. Letter describing, explaining, and justifying the request*
- 2. Scale drawing of the proposed subdivision plat*
- 3. Site sketch with measurements showing structures, parking, building setbacks, adjacent rights-of-way and street improvements, if there is any existing land use*

*As of right now, due to the revised protocols as a result of the Coronavirus, we are accepting digital-only submissions.*

*Once we receive and accept the Sketch Plat submittal and payment, the Sketch Plat application will be placed on a DRB agenda to be heard by the DRB.*

***Jay Rodenbeck, Planner***

***o 505.924.3994 e [jrodenbeck@cabq.gov](mailto:jrodenbeck@cabq.gov)***

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

PA# 20-083 Date: Updated 4/22/20 Time: N/A (sent via email)

Address: 2932 Juan Tabo NE

### B. Easements/Vacations

- ☐ Will the City require any Public Utility Easements along the frontages?

*To be determined by DRB sketch plat review.*

### C. ROW Dedications

- ☐ What is the process for ROW dedications if required?

*To be determined by DRB sketch plat review.*

### 3. Variances Process

*Contact Lorena Patten-Quintana, ZHE Planner, at [lpatten-quintana@cabq.gov](mailto:lpatten-quintana@cabq.gov)*

#### A. Fees

*\$210.00 per variance request per city parcel.*

#### B. Schedule (will defer to Lorena in the event that there are any changes to these items on the ZHE Hearing schedule)

*See attached document regarding ZHE process*

- ☐ Pre-application meeting
- ☐ Submit a Variance Application and Fee
- ☐ Public Notification
- Newspaper, notification letter, sign posted on site

### 4. Site

#### A. FAR or Min. Lot Size?

*FAR is not used and there is no minimum lot size. The requirement is to meet setbacks. A variance would have to be approved if not able to meet setbacks.*

#### B. Landscape Ratio ☐

*15% of the net lot area plus street tree requirements*

#### C. Sanitary & Water

- ☐ Is there any history of drainage problems in the area?
- ☐ Existing utility atlas available?
- Where is the sanitary & water / will we need to extend the mains?

*To be determined by DRB sketch plat review.*



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

PA# 20-083 Date: Updated 4/22/20 Time: N/A (sent via email)

Address: 2932 Juan Tabo NE

### 5. Driveway Access

#### A. Requirements for curb cuts.

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

### 6. Signage

#### A. Fueling Canopy

- ☒ Is the canopy counted as a separate building?

*Each side of the fuel canopy is viewed as a separate façade and reviewed per the wall sign standards which is as a percentage of facade.*

- Is the striping counted toward allowable signage?

*??? I didn't see any striping indicated. (Charles, Zoning)*

- Does the 18" height restriction on canopy apply to a fueling canopy?

*The fuel canopy signage will be reviewed as per the wall sign standards therefore the 18" height restriction does not apply. See the definition of Canopy Sign, pg. 489 of the IDO.*

#### B. Signage at dispenser

- ☒ Signage on canopy poles allowed / do they count towards the allowable square footage?

*Signage on canopy poles is allowed and yes, they count towards the allowable façade percentage. If you draw an elevation and count all of the area of the canopy façade and the pole area but exclude the dead space in between the poles and from the bottom edge of the canopy down to the finished grade, this would be the façade area.*

#### C. Directional Signage

- ☒ Is directional signage allowed, if so what are the size and height restrictions?

*Directional signage is not called out in the IDO but to count as directional and not freestanding signage they can't have any logos or emblems indicating that they are a form of commercial advertising for the business. There aren't specific size and height restrictions but be aware of clear sight issues.*

#### D. Freestanding

- ☒ Please provide a contact for the public service company of New Mexico.

*??? I don't have this information. Maybe Building Safety can help with this request. They can be reached at (505)924-3320 option 2. – Charles, Zoning*

### 7. Building

#### A. Screening Panels for Mechanical equipment?

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

PA# 20-083 Date: Updated 4/22/20 Time: N/A (sent via email)

Address: 2932 Juan Tabo NE

☐ Are mechanical louvers acceptable? B. Is type  
V construction allowed?

C. Grease trap requirements

☐ Size

☐ Internal/external

D. Is a Sprinkler System required?

E. Is a Fire Alarm required?

☐ Is a knock box required?

F. Aside from 5-11 building design do this site have design guidelines to follow?

*Contact Building Safety at (505)924-3320 option2. Patricia Ortiz or Land Clark*

### 8. Fees

A. Impact Fees?

*Contact Tony Lloyd, Impact Fee Administrator, [tloyd@cabq.gov](mailto:tloyd@cabq.gov), (505)924-3934 or  
Ron Vonderhaar, Impact Fee Coordinator, [rvonderhaar@cabq.gov](mailto:rvonderhaar@cabq.gov), (505)924-3984*

### 9. Reviews

A. Site Plan Review

☐ Fees

☐ Drawings required

*For Zoning review the following drawings and documents are required:*

- *Copy of the recorded plat w/approval signatures for lot consolidation*
- *Notice of Decision reflecting zone change (if a zone change was sought)*
- *Site Plan w/Parking calculations*
- *Landscape Plan w/calculations including street trees*
- *Elevations including indication of how the Façade Design requirements in 5-11 are being met*
- *Notice of Decision for any approved variances*
- *Sign Posting Agreement for Public Notice*
- *ONC Neighborhood Association electronic mails*

*Signs will be permitted separately and will follow a separate review process*

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

PA# 20-083 Date: Updated 4/22/20 Time: N/A (sent via email)

Address: 2932 Juan Tabo NE

### B. Engineering Review

- ☐ Does the City have an outside consultant?
- ☐ Can we submit civil engineering separate from architectural building review?
- ☐ Who reviews for storm water management design, City, County, we do need a DNR permit?
- ☐ Is there a special sanitary sewer or water district we need to submit to?

Contact Shahab Biazar, P.E., City Engineer, Planning Department at [sbiazar@cabq.gov](mailto:sbiazar@cabq.gov)

### C. Building Review

- ☐ Fee / Timeline

Contact Building Safety at (505)924-3320 option2

### D. Fire Review

- ☐ Fee / Timeline

Contact the Fire Marshall's Office - Bob Nevárez ([rnevarez@cabq.gov](mailto:rnevarez@cabq.gov))

### E. Health Review

- ☐ Fee / Timeline

*Not sure about this – Linda.*

### F. As-builts

- ☐ Are they required?

Contact Shahab Biazar, P.E., City Engineer, Planning Department at [sbiazar@cabq.gov](mailto:sbiazar@cabq.gov)

### G. Is there any state required reviews?

*Not sure about this. I would say yes to the liquor license. – Linda.*

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If you would have additional questions please contact Linda Rumpf at [lrumpf@cabq.gov](mailto:lrumpf@cabq.gov)

November 24, 2020

TO: Chris Kalischefski and Angie Garcia, WT Group  
Michelle Negrette, Strata Design

FROM: Catalina Lehner, Senior Planner  
City of Albuquerque Planning Department

TEL: (505) 924-3935

RE: **Project #2020-003814, RZ-2020-00041, Brentwood Hills Zone Change**

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Thank you for providing a project letter and a revised zone change justification letter by today (November 24, 2020) by noon. Now that I have a more standard justification letter, I have reviewed it and have noted a few outstanding items that need to be strengthened.

It would be great if I could get a revised justification letter by noon tomorrow (Wednesday) or on Friday if that doesn't work. Note: If you have difficulty with this deadline, please let me know.

9) Zoning Map Amendment (zone change)- Section by Section:

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

- A. Criterion A (clarify): Generally, the words of the Goal or policy cited need to be incorporated into your responses; otherwise, they are not sufficiently tied together and the link is not strong.
- In your response, please either: use parenthesis in the response to indicate which part is a response to the Goal and which is a response to the policy, OR separate the responses out and place part of the response under the Goal and part under the policy, the way we do in the Staff reports.
  - I thought Juan Tabo Blvd. NE is a designated Multi-Modal Corridor, but I could be mistaken.
  - Please note that the "remove an existing spot zone" argument is a non-argument. The response to the criteria is for the proposed zone, not the existing one.
- B. Criterion B: OK
- C. Criterion C: OK
- D. Criterion D (strengthen): Please provide a small table of the uses that would become permissive, in addition to the narrative already provided. This has become the standard for responding to D under the IDO. Also, please:
- discuss harm to adjacent property, the neighborhood, or the community for each of the uses and make a conclusory statement.
  - mention any standards (or other things) that would help mitigate the harm of the future, permissive uses.
- E. Criterion E: OK

F. Criterion F: OK

G. Criterion G: OK

H. Criterion H (re-do): Please choose 1, 2, or 3 and respond accordingly.

- Do you think the request would create a spot zone?
- What is the definition of a spot zone? If you don't think a spot zone would result, please state why.
- Please note that the "remove an existing spot zone" argument is a non-argument. The response to the criteria is for the proposed zone, not the existing one.

## STAFF INFORMATION

November 13, 2020

TO: Chris Kalischefski and Angie Garcia, WT Group  
FROM: Catalina Lehner, Senior Planner  
City of Albuquerque Planning Department  
TEL: (505) 924-3935  
RE: **Project #2020-003814, RZ-2020-00041, Brentwood Hills Zone Change**

---

I've completed a first review of the proposed zoning map amendment (zone change) application. As we discussed previously on the phone, I will need additional information and a revised justification letter. I have some questions about the request, and would also like to discuss the local requirements for a zone change request and how those are typically responded to. I am available to answer questions you might have. Please provide the following:

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

**12 pm on Tuesday, November 24, 2020.**

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

1) Introduction:

- A. Though I've done my best for this review, additional items may arise as the case progresses. If so, I will inform you immediately.
- B. I'm not sure what the subject site is. Does it consist of two lots, the one owned by the applicant, and the one to the south? I see two letters of authorization.
- C. What is the subject site for the zone change request?
- D. This is what I have for the legal description: Lots 1P thru 6P & 1C thru 6C and the northerly 9.66FT of Lots 7C & 7P Block 101 BRENTWOOD Hills (lots to the north, 0.5 acre), and TractB-1-A, Block 101, Brentwood Hills (lot to the south, approx.. 0.75 acre). Is this correct?

2) Resources:

- A. Note: The City has a publically available GIS based map viewer that you can use to query a variety of land use and zoning topics:  
<http://www.cabq.gov/gis/advanced-map-viewer>
- B. The Albuquerque-Bernalillo County Comprehensive Plan is located online here:  
<http://www.cabq.gov/planning/plans-publications>

3) Information Needed:

- A. Please provide a project letter that describes the request. This is different than the letter that responds to the criteria for a zone change in 14-16-6-7(F)(3) [note: some agents combine them,



and that's also acceptable]. The separate project letter (or introduction) provides an opportunity to talk about things not accounted for in the zone change criteria, such as enhancing the property, branding, being an established business, etc.

- B. The revised zone change justification letter that responds to the criteria in IDO 14-16-6-7(F)(3) in a manner that is consistent with current, established practice. Examples are available online at:

<http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>

#### 4) Topics & Questions:

- A. Please tell me about the development that the proposed zone change would facilitate.
- B. Why are both tracts (the corner one and the one to the south) considered to be a part of the request? It looks like the zoning is MX-L on the corner lot and MX-M on the southern lot.
- C. What do you mean by eliminating a floating zone line? It looks like these are two separately platted parcels, so I don't see the "floating".
- D. If you want to do a replat and consolidate the lots, that's a separate question and process.
- E. What is your understanding of why you're requesting the MX-M zone?
- F. What's the status of the variance request on the subject site and what is it for?

#### 5) Process:

- A. Information regarding the EPC process, including the calendar and current Staff reports, can be found at:  
<http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission>
- B. Timelines and EPC calendar: the EPC public hearing for December is the 10<sup>th</sup>. Final staff reports will be available one week prior, on December 3.
- C. A pre-application review team (PRT) meeting is required. I saw the PRT notes in the file.
- D. Note that, if a zone change request is denied, you cannot reapply again for one year.
- E. Agency comments will be distributed around Wednesday, November 18<sup>th</sup>. I will email you a copy of the comments and will forward any late comments to you.

#### 6) Notification & Neighborhood Issues:

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

- A. The offer of a neighborhood meeting required pursuant to 14-16-6-4(C) appears to be correct and complete. OK.

- B. Regarding the information emailed, it appears that the hearing date, for which the Zoom link was provided, was for the November 12, 2020 hearing. This application is scheduled for the December 10, 2020 hearing, so unfortunately any correspondence with the November Zoom link will need to be updated and re-sent with the December Zoom link (which I can provide).
- C. The neighborhood representatives are required to be both emailed and sent a hard-copy letter. I couldn't find a copy of the hard-copy letter, though I did locate the return receipts. Please provide a copy of the letter for the record. Note: if the letter contains Zoom information for the November hearing instead of the December hearing, it will need to be redone.
- D. Property owners. Is the subject site one or two lots? It appears from the property owners' buffer map that it's two lots. This is fine for notification purposes since it's OK to over notify (larger buffer) rather than under notify. I cross-checked the property owners list with the proof of notification and it appears complete.
- E. It appears that one neighbor (Donald Couchman) expressed concern regarding a variance request, which is a separate process. I didn't see any objection to the zone map amendment request. Has he or another member expressed any concerns about the proposed zone change?

#### 7) Zone Map Amendment (zone change)- General:

*Please note: I'm happy to assist you as much as I can, although I cannot write the justification or do the thinking part on behalf of a private party.*

- A. A zone change justification is all about the requirements of the zone change criteria in IDO 14-16-6-7(F)(3) and how a request can be demonstrated to fulfill them. The merits of the project itself and neighborhood support or opposition are not included in the criteria.
- B. The task is to choose applicable Goals and policies from the Albuquerque-Bernalillo County Comprehensive Plan and show how the request furthers the chosen Goals and policies. How will granting and implementing the request make the Goal or policy a reality? Why? If it doesn't, then that Goal or policy is generally not applicable.
- C. Responding the Criteria A-H of the zone change criteria is both a legal exercise and a planning exercise. It is critical to "hit the nail on the head" conceptually and in terms of form. This can be done by:
  - i. responding to each requirement in the customary way (see examples).
  - ii. using conclusory statements such as "because\_\_\_\_\_".
  - iii. re-phrasing the requirement itself in the response, and
  - iv. choosing an option when needed to respond to a requirement (ex. Criterion B, E, and H).
- D. Please use the GIS map tool previously mentioned to identify if the subject site is an Area of Change or Area of Consistency, and if it is located in a designated Center or along a designated Corridor. This is important for the policy analysis.

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

- A. One way to learn what is expected of zone change applicants is to review zone change cases and see how other applicants have presented their justifications (though of course, each case is

different). Old EPC cases are publically available online at: <http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>

The links are listed by hearing date. Each contains a Staff report and attachments. The applicant's justification essay, which is evaluated in the associated Staff report, is found in the attachments.

- B. Please review a recent zone change case and note how the criteria were responded to. Here is a link to a Staff report of a recent case that I handled: [http://documents.cabq.gov/planning/environmental-planning-commission/Sept2020/Agenda%203\\_2020-004195%20Franklin%20Plaza%20ZC.pdf](http://documents.cabq.gov/planning/environmental-planning-commission/Sept2020/Agenda%203_2020-004195%20Franklin%20Plaza%20ZC.pdf)

The Staff reports explain in detail regarding why the responses are sufficient or insufficient, so please read the analysis section and incorporate this understanding into your own justification.

#### 9) Zoning Map Amendment (zone change)- Section by Section:

Please address and incorporate the following to provide a strengthened, approvable response to the IDO zone change criteria. The two main arguments that I'm picking up from the September 22, 2020 letter (match nearby zoning and eliminate floating zones from the parcel owned by WR) do not adequately respond to the requirements in the criteria.

- A. Criterion A (re-do): Generally, the words of the Goal or policy cited need to be incorporated into your responses; otherwise, they are not sufficiently tied together and the link is not strong.
- Citations of applicable Comprehensive Plan Goals and policies are required.
  - A response by the applicant, explaining how the request furthers/fulfills/makes reality a cited Goal or policy, is required. Furthering a preponderance of applicable Goals and policies is how consistency with health, safety, and welfare is shown.
  - Is the subject site in a designated Activity Center or along a designated Corridor?
  - Devil's advocate: matching the zoning nearby isn't a really strong argument in A, but it can come into play in the responses to C and G.
  - Tip: please do not choose Goals and policies that have to do with site design, because a site plan is not a part of the request, unless you can tie them to IDO requirements in some way.
  - Be sure to include a conclusory statement regarding the entirety of Criterion A.
- B. Criterion B (re-do): Is the subject site in an Area of Change or an Area of Consistency as designated by the Comprehensive Plan? These areas are indicated on the City's publically available map viewer, available here: <http://www.cabq.gov/gis/advanced-map-viewer>
- C. Criterion C (re-do): Is the subject site in an Area of Change or an Area of Consistency as designated by the Comprehensive Plan? (please see above). It cannot be both.

The response to Criterion C.3, that a different zone would be more advantageous to the community than the current zone, as articulated by the Comp Plan, cannot be demonstrated by stating that zoning would be consistent with adjacent parcels. The "as articulated in the Comp Plan" refers to the policy analysis in the response to Criterion A.

- D. Criterion D (re-do): To properly answer this test requires a discussion of the permissive uses in the proposed zone. Please list the uses that would become permissive should the zone change be approved and discuss each one, with emphasis on whether or not they would be harmful to adjacent property, the neighborhood, or the community.
- This response often includes a table of the new permissive uses.
  - The criterion requires a discussion of harm, as stated in the requirement.
  - The test refers to “adjacent property, the neighborhood, and the community”, not to nearby businesses.
- E. Criterion E (re-do): Please answer the question precisely. It’s not asking about compliance with Development Standards, which is required anyway. You’ve chosen #1. Does existing infrastructure have adequate capacity to serve future development that the proposed zone change would make possible? This may have been found out as part of the due diligence for this project.
- F. Criterion F (re-do): Please re-state the requirement in the response to ensure the question is answered. Is the property located on a major street? If it is, is the proposed zoning change based wholly or partially on that location?
- G. Criterion G (clarify): Please re-state the requirement in the response. Otherwise, the question is not answered. I’m confused by the statement “This is simply an attempt to eliminate a floating zone line between the existing and the proposed land to be purchased”. First, this is good information to put in a project letter. It does not fit under any of the criterion as a reason for a response. Second, these are two separate, platted lots.
- H. Criterion H (re-do): Please choose 1, 2, or 3 and respond accordingly. Do you think the request would create a spot zone? Why or why not? What is the definition of a spot zone? If you don’t think a spot zone would result, please state why.

## NOTIFICATION

## Angie Garcia

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**From:** webmaster=cabq.gov@mailgun.org on behalf of webmaster@cabq.gov  
**Sent:** Thursday, September 10, 2020 3:06 PM  
**To:** Angie Garcia  
**Cc:** ONC@cabq.gov  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* Neighborhood Meeting Inquiry Sheet Submission  
**Attachments:** IDOZoneAtlasPage\_H-21-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:

request for NEIGHBORHOOD ASSOICATION meeting

Contact Name

ANGELICA GARCIA

Telephone Number

847-542-6727

Email Address

angelica.garcia@wtengineering.com

Company Name

WT Group

Company Address

2675 Pratum Ave.

City

Hoffman Estates

State

IL

ZIP

60192

Legal description of the subject site for this project:

APN # 1-022-059-012534-2-14-36 AND PIN # 1-022-059-013498-2-14-50-L-I

Physical address of subject site:

2932 JUAN TABO BLVD. NE and 2912 Juan Tabo Blvd. NE

Subject site cross streets:

JUAN TABO BLVD. NE & CANDELARIA RD NE

Other subject site identifiers:

South East Corner of juan tabo & candelaria

This site is located on the following zone atlas page:

h-21-z

## Angie Garcia

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**From:** Carmona, Dalaina L. <dlcarmona@cabq.gov>  
**Sent:** Thursday, September 10, 2020 5:54 PM  
**To:** Angie Garcia  
**Subject:** 2932 JUAN TABO BLVD. NE and 2912 Juan Tabo Blvd. NE Neighborhood Meeting Inquiry  
**Attachments:** IDOZoneAtlasPage\_H-21-Z.PDF

Dear Applicant,

Please find the neighborhood contact information listed below.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip
Enchanted Park NA	Eddie	Plunkett	plunkett5724@outlook.com	2408 Hiawatha Drive NE	Albuquerque	NM	87108
Enchanted Park NA	Gary	Beyer	financialhelp@earthlink.net	11620 Morenci Avenue NE	Albuquerque	NM	87114
District 8 Coalition of Neighborhood Associations	Mary Ann	Dix	dix.mary.ann@gmail.com	11312 Malguena Lane NE	Albuquerque	NM	87111
District 8 Coalition of Neighborhood Associations	Donald	Couchman	dhc@zianet.com	6441 Concordia Road NE	Albuquerque	NM	87110
Holiday Park NA	Jack	O'Guinn	jlosmo@comcast.net	11516 Golden Gate Avenue NE	Albuquerque	NM	87111
Holiday Park NA	Timothy	Engelmann	resurgenthomesabq@gmail.com	11421 Bar Harbor Place NE	Albuquerque	NM	87111

You will need to e-mail each of the listed contacts and let them know that you are applying for a permit for your project. You can use this online link to find template language if you're not sure what information you need to include in your e-mail.

<https://www.cabq.gov/planning/urban-design-development/public-notice>

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

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

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

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

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

Thanks,



*Dalaina L. Carmona*

Senior Administrative Assistant  
Office of Neighborhood Coordination  
Council Services Department  
1 Civic Plaza NW, Suite 9087, 9<sup>th</sup> Floor  
Albuquerque, NM 87102  
505-768-3334  
[dlcarmona@cabq.gov](mailto:dlcarmona@cabq.gov) or [ONC@cabq.gov](mailto:ONC@cabq.gov)  
Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)





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

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**From:** webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** webmaster@cabq.gov  
**Sent:** Thursday, September 10, 2020 2:06 PM  
**To:** Office of Neighborhood Coordination <angelica.garcia@wtengineering.com>  
**Cc:** Office of Neighborhood Coordination <onc@cabq.gov>  
**Subject:** Neighborhood Meeting Inquiry Sheet Submission

Neighborhood Meeting Inquiry For:

Environmental Planning Commission

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

Contact Name

ANGELICA GARCIA

Telephone Number

847-542-6727

Email Address

[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)

Company Name

WT Group

Company Address

2675 Pratum Ave.

City

Hoffman Estates

State

IL

ZIP

60192

Legal description of the subject site for this project:

APN # 1-022-059-012534-2-14-36 AND PIN # 1-022-059-013498-2-14-50-L-I

Physical address of subject site:

2932 JUAN TABO BLVD. NE and 2912 Juan Tabo Blvd. NE

Subject site cross streets:

JUAN TABO BLVD. NE & CANDELARIA RD NE

Other subject site identifiers:

South East Corner of juan tabo & candelaria

This site is located on the following zone atlas page:

h-21-z

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This message has been analyzed by Deep Discovery Email Inspector.

## Angie Garcia

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**From:** Angie Garcia  
**Sent:** Thursday, October 29, 2020 8:46 PM  
**To:** 'Donald H. Couchman'  
**Cc:** 'Mary Ann Dix'  
**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment  
**Attachments:** 6 - 9244 - EPC - JUSTIFICATION LETTER.pdf; 4 - IDOZoneAtlasPage\_H-21-Z.pdf; 0 - Zone Map application development-review-application.pdf

Dear Ms. Mary Ann Dix & Mr. Donald Couchman,

This is a second request to see if you would like to have a neighborhood meeting to discuss a zone map amendment that was originally email to you on September 10,2020.

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) **Subsection 14-16-6-4(C) Neighborhood Meeting**, we are providing you an opportunity to discuss a Zone Map Amendment per Table 6-1-1 proposed in or near your neighborhood before we submit an application. This would be an informal meeting where WT Group and Western Refining Retail, LLC would present their proposal, and we could discuss any ideas or concerns you may have.

We have submitted the following items as a courtesy

- Zone map amendment application
- Zone atlas page
- Justification letter

### Contact Information

Christian Kalischefski 847-284-0626 and/or [chrisKalischefski@cdg-llc.com](mailto:chrisKalischefski@cdg-llc.com)

### Gas station and convenience store

2932 Juan Tabo Blvd. NE

WT Group/Western refining Retail, LLC

Zone map Amendment

The proposed development consists of a gas station and fueling canopy located at the SEC of Juan Tabo Blvd. NE & Candelaria Rd. NE the property is currently zoned MX-L, we are requesting a change to MX-M.

**Per the IDO, you have 15 days from September 14, 2020 to respond**, by either 1) requesting a meeting or 2) declining the meeting. If you do not respond within 15 days, you are waiving the opportunity for a Neighborhood Meeting, and we can submit our application anytime thereafter. We submitted our application on September 24, 2020 for the November public hearing however we were pushed back to the December 10<sup>th</sup> 2020 hearing. If you would like to meet, please let us know when your next regular neighborhood meeting is scheduled or provide a few alternative dates that fall within 30 days of your response to this email.

Before submitting our application, we will send Mailed and/or Emailed Public Notice as required by IDO Table 6-1-1 to make you aware of the public hearing/meeting at which the project will be reviewed and decided by the City.

The anticipated public Hearing is December 10, 2020 for this request will be at 8:30AM via zoom. You can check the agenda for the relevant decision-making body online here: <https://www.cabq.gov/planning/boards-commissions> or call the Planning Department at 505-924-3860.

Topic: EPC December 10 Hearing  
Time: Dec 10, 2020 08:30 AM Mountain Time (US and Canada)  
Join Zoom Meeting  
<https://cabq.zoom.us/j/99718335116>  
Meeting ID: 997 1833 5116  
One tap mobile  
+13462487799,,99718335116# US (Houston)  
+16699006833,,99718335116# US (San Jose)  
Dial by your location  
+1 346 248 7799 US (Houston)  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 312 626 6799 US (Chicago)  
+1 646 558 8656 US (New York)  
+1 301 715 8592 US (Germantown)  
Meeting ID: 997 1833 5116  
Find your local number: <https://cabq.zoom.us/j/99718335116>  
Find your local number: <https://cabq.zoom.us/j/99718335116>

The following is what we are currently proposing for this development:

#### Useful Links

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

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

##### **IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Sincerely,

WT Group and Western Refining Retail, LLC

Thank you!

Thank you!

**Angelica M. Garcia**

WT Group | Design & Program Management  
Project Manager

D 224.293.6423

M 847.542.6727

[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)

[www.wtengineering.com](http://www.wtengineering.com)

**Engineering with Precision, Pace & Passion.**

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**From:** Angie Garcia

**Sent:** Thursday, September 24, 2020 11:56 AM

**To:** 'Donald H. Couchman' <dhc@zianet.com>

**Cc:** 'Mary Ann Dix' <dix.mary.ann@gmail.com>

**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

Good Morning,

I am following up on my request for a neighborhood meeting. Please respond to let us know if District 8 Coalitions will require a meeting prior to the zone map amendment hearing in November 12, 2020 public hearing, **If you can kindly respond.**

Meeting details

8:30 am meeting zoom information for the November 12<sup>th</sup> hearing

Join Zoom Meeting

<https://cabq.zoom.us/j/95938270222>

Meeting ID: 959 3827 0222

One tap mobile

+16699006833,,95938270222# US (San Jose)

+12532158782,,95938270222# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 959 3827 0222

Find your local number: <https://cabq.zoom.us/u/acn75hg9We>

Thank you!

**Angelica M. Garcia**

WT Group | Design & Program Management  
Project Manager

**D** 224.293.6423

**M** 847.542.6727

[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)

[www.wtengineering.com](http://www.wtengineering.com)

**Engineering with Precision, Pace & Passion.**

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**From:** Donald H. Couchman [<mailto:dhc@zianet.com>]

**Sent:** Tuesday, September 15, 2020 10:10 PM

**To:** Angie Garcia <[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)>

**Cc:** Mary Ann Dix <[dix.mary.ann@gmail.com](mailto:dix.mary.ann@gmail.com)>

**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

Ms. Garcia,

It would seem to me that your company was aware of this problem when you examined the property and I see no reason that the restraints set forth in the IDO should be violated to satisfy a problem of your own making.  
Donald H. Couchman

---

**From:** Angie Garcia [<mailto:angelica.garcia@wtengineering.com>]

**Sent:** Tuesday, September 15, 2020 12:06 PM

**To:** Donald H. Couchman <[dhc@zianet.com](mailto:dhc@zianet.com)>; [dix.mary.ann@gmail.com](mailto:dix.mary.ann@gmail.com)

**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

Mr. Couchman

Thank you for your email, with regards to the setback variance for this property have you expressed your concerns to the city. We would certainly like to elevate concerns with our request to be 7.6' off the rear property line. Our request to be at that distance from the property line is needed to facilitate safe movement from pedestrian and vehicles on property due to the narrow width of the lot.

As for the zone amendment, please let us know if you have any concerns or comments on the change in zoning from MX-L to MX-M.

If you should have any questions, please let us know.

Thank you!

**Angelica M. Garcia**

WT Group | Design & Program Management  
Project Manager

D 224.293.6423

M 847.542.6727

[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)

[www.wtengineering.com](http://www.wtengineering.com)

**Engineering with Precision, Pace & Passion.**

---

**From:** Donald H. Couchman [<mailto:dhc@zianet.com>]

**Sent:** Friday, September 11, 2020 9:13 AM

**To:** Angie Garcia <[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)>; [dix.mary.ann@gmail.com](mailto:dix.mary.ann@gmail.com)

**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

Our concerns continues to be the request to significantly reduce the defined setback requirements set forth in the IDO.

Donald Couchman, President  
District 8 Coalition

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**From:** Angie Garcia [<mailto:angelica.garcia@wtengineering.com>]

**Sent:** Thursday, September 10, 2020 5:45 PM

To: [dix.mary.ann@gmail.com](mailto:dix.mary.ann@gmail.com); [dhc@zianet.com](mailto:dhc@zianet.com)

Subject: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

Dear Ms. Mary Ann Dix & Mr. Donald Couchman,

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) **Subsection 14-16-6-4(C) Neighborhood Meeting**, we are providing you an opportunity to discuss a Zone Map Amendment per Table 6-1-1 proposed in or near your neighborhood before we submit an application. This would be an informal meeting where WT Group and Western Refining Retail, LLC would present their proposal, and we could discuss any ideas or concerns you may have.

#### Contact Information

Christian Kalischefski 847-284-0626 and/or [chrisKalischefski@cdg-llc.com](mailto:chrisKalischefski@cdg-llc.com)

#### Gas station and convenience store

2932 Juan Tabo Blvd. NE

WT Group/Western refining Retail, LLC

Zone map Amendment

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<https://tinyurl.com/IDOzoningmap>

Sincerely,

WT Group and Western Refining Retail, LLC

Best regards,

**WT Group**  
Engineering • Design • Consulting

---

**Angelica M. Garcia**  
Project Manager

Design & Program Management

**D** 224.293.6423   **C** 847.542.6727  
**T** 224.293.6333   **F** 224.293.6444

[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)

[www.wtengineering.com](http://www.wtengineering.com)

2675 Pratum Avenue  
Hoffman Estates, IL 60192

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## Angie Garcia

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**From:** Angie Garcia  
**Sent:** Thursday, October 29, 2020 8:45 PM  
**To:** 'plunkett5724@outlook.com'; 'financialhelp@earthlink.net'  
**Subject:** RE: Enchanted Park NA - Request for neighborhood meeting for a zone map amendment  
**Attachments:** 0 - Zone Map application development-review-application.pdf; 4 - IDOZoneAtlasPage\_H-21-Z.pdf; 6 - 9244 - EPC - JUSTIFICATION LETTER.pdf

Dear Ms. Eddie Plunkett & Mr. Gary Beyer,

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Topic: EPC December 10 Hearing  
Time: Dec 10, 2020 08:30 AM Mountain Time (US and Canada)  
Join Zoom Meeting  
<https://cabq.zoom.us/j/99718335116>  
Meeting ID: 997 1833 5116  
One tap mobile  
+13462487799,,99718335116# US (Houston)  
+16699006833,,99718335116# US (San Jose)  
Dial by your location  
+1 346 248 7799 US (Houston)  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 312 626 6799 US (Chicago)  
+1 646 558 8656 US (New York)  
+1 301 715 8592 US (Germantown)  
Meeting ID: 997 1833 5116  
Find your local number: <https://cabq.zoom.us/u/adgGbCgoRO>  
Find your local number: <https://cabq.zoom.us/u/a2s7T1dnA>

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Sincerely,

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Thank you!

**Angelica M. Garcia**

WT Group | Design & Program Management  
Project Manager

**D** 224.293.6423

**M** 847.542.6727

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[www.wtengineering.com](http://www.wtengineering.com)

**Engineering with Precision, Pace & Passion.**

---

**From:** Angie Garcia

**Sent:** Thursday, September 24, 2020 11:25 AM

**To:** 'plunkett5724@outlook.com' <plunkett5724@outlook.com>; 'financialhelp@earthlink.net' <financialhelp@earthlink.net>

**Subject:** RE: Enchanted Park NA - Request for neighborhood meeting for a zone map amendment

Good Morning,

I am following up on my request for a neighborhood meeting. Please respond to let us know if enchanted park will require a meeting prior to the zone map amendment hearing in November 12, 2020 public hearing, If you can kindly respond.

Meeting details

8:30 am meeting zoom information for the November 12<sup>th</sup> hearing

Join Zoom Meeting

<https://cabq.zoom.us/j/95938270222>

Meeting ID: 959 3827 0222

One tap mobile

+16699006833,,95938270222# US (San Jose)

+12532158782,,95938270222# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 959 3827 0222

Find your local number: <https://cabq.zoom.us/j/95938270222>

Thank you!

**Angelica M. Garcia**

WT Group | Design & Program Management  
Project Manager

D 224.293.6423

M 847.542.6727

[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)

[www.wtengineering.com](http://www.wtengineering.com)

**Engineering with Precision, Pace & Passion.**

---

**From:** Angie Garcia

**Sent:** Thursday, September 10, 2020 6:42 PM

**To:** 'plunkett5724@outlook.com' <[plunkett5724@outlook.com](mailto:plunkett5724@outlook.com)>; 'financialhelp@earthlink.net' <[financialhelp@earthlink.net](mailto:financialhelp@earthlink.net)>

**Subject:** Enchanted Park NA - Request for neighborhood meeting for a zone map amendment

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WT Group and Western Refining Retail, LLC

Best regards,



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#### Angelica M. Garcia

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## Angie Garcia

---

**From:** Angie Garcia  
**Sent:** Thursday, October 29, 2020 8:35 PM  
**To:** 'jlosmo@comcast.net'; 'resurgenthomesabq@gmail.com'  
**Subject:** RE: Holiday Park NA - Request for neighborhood meeting for a zone map amendment  
**Attachments:** 0 - Zone Map application development-review-application.pdf; 4 - IDOZoneAtlasPage\_H-21-Z.pdf; 6 - 9244 - EPC - JUSTIFICATION LETTER.pdf

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Sincerely,

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Thank you!

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[www.wtengineering.com](http://www.wtengineering.com)

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---

**From:** Angie Garcia

**Sent:** Thursday, September 10, 2020 6:47 PM

**To:** 'jlosmo@comcast.net' <jlosmo@comcast.net>; 'resurgenthomesabq@gmail.com' <resurgenthomesabq@gmail.com>

**Subject:** Holiday Park NA - Request for neighborhood meeting for a zone map amendment

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## Angie Garcia

---

**From:** Donald H. Couchman <dhc@zianet.com>  
**To:** Angie Garcia  
**Sent:** Friday, September 11, 2020 7:24 AM  
**Subject:** Read: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

Your message

To:  
Subject: Read: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment  
Sent: Friday, September 11, 2020 7:24:33 AM (UTC-06:00) Central Time (US & Canada)  
was read on Friday, September 11, 2020 7:24:06 AM (UTC-06:00) Central Time (US & Canada).

## Angie Garcia

---

**From:** Tim Engelmann <resurgenthomesabq@gmail.com>  
**Sent:** Thursday, September 10, 2020 6:50 PM  
**To:** Angie Garcia  
**Subject:** Re: Holiday Park NA - Request for neighborhood meeting for a zone map amendment

We decline a meeting. Thank you for offering.

Thanks,  
Tim Engelmann

On Thu, Sep 10, 2020 at 5:47 PM Angie Garcia <[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)> wrote:

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**T**

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**Subject:** Enchanted Park NA - Request for neighborhood meeting for a zone map amendment

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In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) **Subsection 14-16-6-4(C) Neighborhood Meeting**, we are providing you an opportunity to discuss a Zone Map Amendment per Table 6-1-1 proposed in or near your neighborhood before we submit an application. This would be an informal meeting where WT Group and Western Refining Retail, LLC would present their proposal, and we could discuss any ideas or concerns you may have.

### Contact Information

Christian Kalishchefski 847-284-0626 and/or [chrisKalischefski@cdg-llc.com](mailto:chrisKalischefski@cdg-llc.com)

### Gas station and convenience store

2932 Juan Tabo Blvd. NE  
WT Group/Western refining Retail, LLC  
Zone map Amendment

The proposed development consists of a gas station and fueling canopy located at the SEC of Juan Tabo Blvd. NE & Candelaria Rd. NE the property is currently zoned MX-L, we are requesting a change to MX-M.

**Per the IDO, you have 15 days from September 10, 2020 to respond**, by either 1) requesting a meeting or 2) declining the meeting. If you do not respond within 15 days, you are waiving the opportunity for a Neighborhood Meeting, and we can submit our application anytime thereafter. We would like to submit our application on September 24, 2020. If you would like to meet, please let us know when your next regular neighborhood meeting is scheduled or provide a few alternative dates that fall within 30 days of your response to this email.

Before submitting our application, we will send Mailed and/or Emailed Public Notice as required by IDO Table 6-1-1 to make you aware of the public hearing/meeting at which the project will be reviewed and decided by the City. The following is what we are currently proposing for this development:

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

#### IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Sincerely,

WT Group and Western Refining Retail, LLC

Best regards,

**Angelica M. Garcia**

Project Manager  
Design & Program Management

**D** 224.293.6423   **C** 847.542.6727  
**T** 224.293.6333   **F** 224.293.6444

[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)

[www.wtengineering.com](http://www.wtengineering.com)

2675 Pratum Avenue  
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## Angie Garcia

---

**From:** Angie Garcia  
**Sent:** Thursday, September 10, 2020 6:47 PM  
**To:** 'jlosmo@comcast.net'; 'resurgenthomesabq@gmail.com'  
**Subject:** Holiday Park NA - Request for neighborhood meeting for a zone map amendment

Dear Mr. Jack O'Guinn & Mr. Timothy Englemann,

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) **Subsection 14-16-6-4(C) Neighborhood Meeting**, we are providing you an opportunity to discuss a Zone Map Amendment per Table 6-1-1 proposed in or near your neighborhood before we submit an application. This would be an informal meeting where WT Group and Western Refining Retail, LLC would present their proposal, and we could discuss any ideas or concerns you may have.

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Christian Kalishchefska 847-284-0626 and/or [chrisKalischefska@cdg-llc.com](mailto:chrisKalischefska@cdg-llc.com)

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WT Group/Western refining Retail, LLC  
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#### IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Sincerely,

WT Group and Western Refining Retail, LLC

Best regards,

**Angelica M. Garcia**

Project Manager  
Design & Program Management

**D** 224.293.6423   **C** 847.542.6727  
**T** 224.293.6333   **F** 224.293.6444

[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)

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Christian Kalischefski 847-284-0626 and/or [chrisKalischefski@cdg-llc.com](mailto:chrisKalischefski@cdg-llc.com)

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**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Sincerely,

WT Group and Western Refining Retail, LLC

## Angie Garcia

---

**From:** Angie Garcia  
**Sent:** Thursday, September 24, 2020 11:25 AM  
**To:** 'plunkett5724@outlook.com'; 'financialhelp@earthlink.net'  
**Subject:** RE: Enchanted Park NA - Request for neighborhood meeting for a zone map amendment

Good Morning,

I am following up on my request for a neighborhood meeting. Please respond to let us know if enchanted park will require a meeting prior to the zone map amendment hearing in November 12, 2020 public hearing, If you can kindly respond.

### Meeting details

8:30 am meeting zoom information for the November 12<sup>th</sup> hearing

### Join Zoom Meeting

<https://cabq.zoom.us/j/95938270222>

Meeting ID: 959 3827 0222

One tap mobile

+16699006833,,95938270222# US (San Jose)

+12532158782,,95938270222# US (Tacoma)

Dial by your location

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+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 959 3827 0222

Find your local number: <https://cabq.zoom.us/u/acn75hg9We>

Thank you!

## Angelica M. Garcia

WT Group | Design & Program Management  
Project Manager

**D** 224.293.6423

**M** 847.542.6727

[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)

[www.wtengineering.com](http://www.wtengineering.com)

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---

**From:** Angie Garcia  
**Sent:** Thursday, September 10, 2020 6:42 PM  
**To:** 'plunkett5724@outlook.com' <plunkett5724@outlook.com>; 'financialhelp@earthlink.net' <financialhelp@earthlink.net>  
**Subject:** Enchanted Park NA - Request for neighborhood meeting for a zone map amendment

Dear Ms. Eddie Plunkett & Mr. Gary Beyer,

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) **Subsection 14-16-6-4(C) Neighborhood Meeting**, we are providing you an opportunity to discuss a Zone Map Amendment per Table 6-1-1 proposed in or near your neighborhood before we submit an application. This would be an informal meeting where WT Group and Western Refining Retail, LLC would present their proposal, and we could discuss any ideas or concerns you may have.

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Christian Kalishchefski 847-284-0626 and/or [chrisKalischefski@cdg-llc.com](mailto:chrisKalischefski@cdg-llc.com)

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**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Sincerely,

WT Group and Western Refining Retail, LLC

Best regards,



---

## Angelica M. Garcia

Project Manager  
Design & Program Management

**D** 224.293.6423   **C** 847.542.6727  
**T** 224.293.6333   **F** 224.293.6444

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## Angie Garcia

---

**From:** Angie Garcia  
**Sent:** Thursday, September 24, 2020 11:56 AM  
**To:** 'Donald H. Couchman'  
**Cc:** 'Mary Ann Dix'  
**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

Good Morning,

I am following up on my request for a neighborhood meeting. Please respond to let us know if District 8 Coalitions will require a meeting prior to the zone map amendment hearing in November 12, 2020 public hearing, **If you can kindly respond.**

### Meeting details

8:30 am meeting zoom information for the November 12<sup>th</sup> hearing

### Join Zoom Meeting

<https://cabq.zoom.us/j/95938270222>

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One tap mobile

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Meeting ID: 959 3827 0222

Find your local number: <https://cabq.zoom.us/u/acn75hg9We>

Thank you!

## Angelica M. Garcia

WT Group | Design & Program Management  
Project Manager

D 224.293.6423

M 847.542.6727

[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)

[www.wtengineering.com](http://www.wtengineering.com)

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---

**From:** Donald H. Couchman [<mailto:dhc@zianet.com>]

**Sent:** Tuesday, September 15, 2020 10:10 PM

**To:** Angie Garcia <[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)>

**Cc:** Mary Ann Dix <[dix.mary.ann@gmail.com](mailto:dix.mary.ann@gmail.com)>

**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

Ms. Garcia,

It would seem to me that your company was aware of this problem when you examined the property and I see no reason that the restraints set forth in the IDO should be violated to satisfy a problem of your own making.

Donald H. Couchman

---

**From:** Angie Garcia [<mailto:angelica.garcia@wtengineering.com>]

**Sent:** Tuesday, September 15, 2020 12:06 PM

**To:** Donald H. Couchman <[dhc@zianet.com](mailto:dhc@zianet.com)>; [dix.mary.ann@gmail.com](mailto:dix.mary.ann@gmail.com)

**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

Mr. Couchman

Thank you for your email, with regards to the setback variance for this property have you expressed your concerns to the city. We would certainly like to elevate concerns with our request to be 7.6' off the rear property line. Our request to be at that distance from the property line is needed to facilitate safe movement from pedestrian and vehicles on property due to the narrow width of the lot.

As for the zone amendment, please let us know if you have any concerns or comments on the change in zoning from MX-L to MX-M.

If you should have any questions, please let us know.

Thank you!

**Angelica M. Garcia**

WT Group | Design & Program Management  
Project Manager

**D** 224.293.6423

**M** 847.542.6727

[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)

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**Engineering with Precision, Pace & Passion.**

---

**From:** Donald H. Couchman [<mailto:dhc@zianet.com>]

**Sent:** Friday, September 11, 2020 9:13 AM

**To:** Angie Garcia <[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)>; [dix.mary.ann@gmail.com](mailto:dix.mary.ann@gmail.com)

**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

Our concerns continues to be the request to significantly reduce the defined setback requirements set forth in the IDO.

Donald Couchman, President  
District 8 Coalition

---

**From:** Angie Garcia [<mailto:angelica.garcia@wtengineering.com>]

**Sent:** Thursday, September 10, 2020 5:45 PM

**To:** [dix.mary.ann@gmail.com](mailto:dix.mary.ann@gmail.com); [dhc@zianet.com](mailto:dhc@zianet.com)

**Subject:** District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

Dear Ms. Mary Ann Dix & Mr. Donald Couchman,

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) **Subsection 14-16-6-4(C) Neighborhood Meeting**, we are providing you an opportunity to discuss a Zone Map Amendment per Table 6-1-1 proposed in or near your neighborhood before we submit an application. This would be an informal meeting where WT Group and Western Refining Retail, LLC would present their proposal, and we could discuss any ideas or concerns you may have.

**Contact Information**

Christian Kalischefski 847-284-0626 and/or [chrisKalischefski@cdg-llc.com](mailto:chrisKalischefski@cdg-llc.com)

**Gas station and convenience store**

2932 Juan Tabo Blvd. NE

WT Group/Western refining Retail, LLC

Zone map Amendment

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Sincerely,

WT Group and Western Refining Retail, LLC

Best regards,



**Angelica M. Garcia**

Project Manager  
Design & Program Management

**D** 224.293.6423   **C** 847.542.6727  
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## Angie Garcia

---

**From:** Angie Garcia  
**Sent:** Friday, September 25, 2020 8:32 AM  
**To:** 'Donald H. Couchman'  
**Cc:** 'Mary Ann Dix'  
**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment  
**Attachments:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

Mr. Couchman

My apologies for sending an email with the incorrect association name, I did attempt to retract the email however it does not seem that it worked. I notice the mistake and resent the email to both you and Mary, I have attached the email for your records.

I do realize that you responded to my request for a zone map amendment with your concern of the setback variance. However, the request is separate then that of the notifications sent out for the setback variance. I required confirmation that District 8 coalition did not have any questions or concern with the zone map amendment and did not require a meeting.

As for the setback concern you raised there is currently a speedway owned and operated gas station at this location, speedway is looking to improve their current use by purchasing land to the south. As the Architect and zoning, permit consultant we do not have input as to what properties are chosen.

I appreciate your time and if you have concerns please reach out to the city of Albuquerque Zoning department.

Thank you!

**Angelica M. Garcia**

WT Group | Design & Program Management  
Project Manager

D 224.293.6423  
M 847.542.6727  
[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)  
[www.wtengineering.com](http://www.wtengineering.com)

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---

**From:** Donald H. Couchman [mailto:dhc@zianet.com]  
**Sent:** Thursday, September 24, 2020 10:30 PM  
**To:** Angie Garcia <angelica.garcia@wtengineering.com>  
**Cc:** 'Mary Ann Dix' <dix.mary.ann@gmail.com>  
**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

The ONC from which you obtained our emails also have the email contacts for Enchanted Park, I suggest you contact them directly. I have already responded to your request.

D.H. Couchman

---

**From:** Angie Garcia [<mailto:angelica.garcia@wtengineering.com>]

**Sent:** Thursday, September 24, 2020 10:28 AM

**To:** Donald H. Couchman <[dhc@zianet.com](mailto:dhc@zianet.com)>

**Cc:** Mary Ann Dix <[dix.mary.ann@gmail.com](mailto:dix.mary.ann@gmail.com)>

**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

Good Morning,

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Meeting details

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<https://cabq.zoom.us/j/95938270222>

Meeting ID: 959 3827 0222

One tap mobile

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Dial by your location

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+1 346 248 7799 US (Houston)

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+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

Meeting ID: 959 3827 0222

Find your local number: <https://cabq.zoom.us/u/acn75hg9We>

Thank you!

**Angelica M. Garcia**

WT Group | Design & Program Management  
Project Manager

D 224.293.6423

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[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)

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---

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**Sent:** Tuesday, September 15, 2020 10:10 PM  
**To:** Angie Garcia <[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)>  
**Cc:** Mary Ann Dix <[dix.mary.ann@gmail.com](mailto:dix.mary.ann@gmail.com)>

**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

Ms. Garcia,

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Donald H. Couchman

---

**From:** Angie Garcia [<mailto:angelica.garcia@wtengineering.com>]  
**Sent:** Tuesday, September 15, 2020 12:06 PM  
**To:** Donald H. Couchman <[dhc@zianet.com](mailto:dhc@zianet.com)>; [dix.mary.ann@gmail.com](mailto:dix.mary.ann@gmail.com)

**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

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If you should have any questions, please let us know.

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**Angelica M. Garcia**

WT Group | Design & Program Management  
Project Manager

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**Engineering with Precision, Pace & Passion.**

---

**From:** Donald H. Couchman [<mailto:dhc@zianet.com>]  
**Sent:** Friday, September 11, 2020 9:13 AM  
**To:** Angie Garcia <[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)>; [dix.mary.ann@gmail.com](mailto:dix.mary.ann@gmail.com)

**Subject:** RE: District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

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Donald Couchman, President

**From:** Angie Garcia [<mailto:angelica.garcia@wtengineering.com>]

**Sent:** Thursday, September 10, 2020 5:45 PM

**To:** [dix.mary.ann@gmail.com](mailto:dix.mary.ann@gmail.com); [dhc@zianet.com](mailto:dhc@zianet.com)

**Subject:** District 8 Coalition of Neighborhood associations - Request for neighborhood meeting for a zone map amendment

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**Gas station and convenience store**

2932 Juan Tabo Blvd. NE

WT Group/Western refining Retail, LLC

Zone map Amendment

The proposed development consists of a gas station and fueling canopy located at the SEC of Juan Tabo Blvd. NE & Candelaria Rd. NE the property is currently zoned MX-L, we are requesting a change to MX-M.

**Per the IDO, you have 15 days from September 10, 2020 to respond**, by either 1) requesting a meeting or 2) declining the meeting. If you do not respond within 15 days, you are waiving the opportunity for a Neighborhood Meeting, and we can submit our application anytime thereafter. We would like to submit our application on September 24, 2020. If you would like to meet, please let us know when your next regular neighborhood meeting is scheduled or provide a few alternative dates that fall within 30 days of your response to this email.

Before submitting our application, we will send Mailed and/or Emailed Public Notice as required by IDO Table 6-1-1 to make you aware of the public hearing/meeting at which the project will be reviewed and decided by the City.

The following is what we are currently proposing for this development:

**Useful Links**

**Integrated Development Ordinance (IDO):**

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

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Sincerely,

WT Group and Western Refining Retail, LLC

Best regards,

**Angelica M. Garcia**

Project Manager  
Design & Program Management

**D** 224.293.6423   **C** 847.542.6727  
**T** 224.293.6333   **F** 224.293.6444

[angelica.garcia@wtengineering.com](mailto:angelica.garcia@wtengineering.com)

[www.wtengineering.com](http://www.wtengineering.com)

2675 Pratum Avenue  
Hoffman Estates, IL 60192

**Engineering with Precision, Pace & Passion**

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*Please consider the environment before printing this e-mail.*

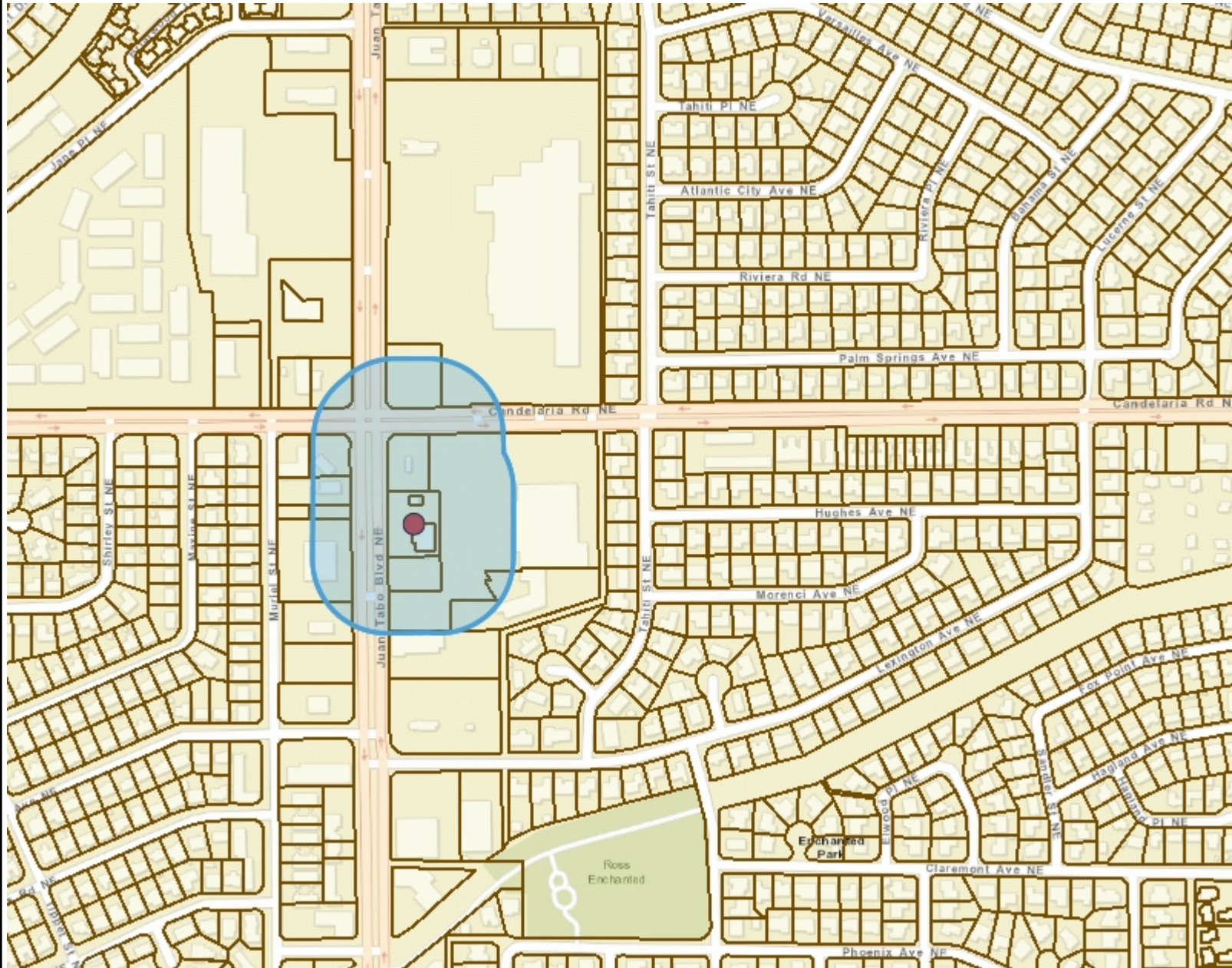


## 2932, 2912 Juan Tabo Blvd. NE



### Legend

■ Bernalillo County Parcels



908 0 454 908 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
9/11/2020 © City of Albuquerque

1: 5,448

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**

### Notes

Buffer: 230 Ft.  
ROW Juan Tabo: 130 Ft.

MCKINLEY CHARLES R & PRISCILLA P  
TRUSTEES MCKINLEY TURST  
6101 BLUE BIRD LN NE  
ALBUQUERQUE NM 87122-1817

ENTRADA CONTENTA LOT 2 LLC  
3535 PRINCETON NE  
ALBUQUERQUE NM 87107-4213

2901 JUAN TABO LLC  
5600 EUBANK BLVD NE SUITE 280  
ALBUQUERQUE NM 87111

WESTERN REFINING RETAIL LLC ATTN:  
PROPERTY TAX DEPT  
PO BOX 592809; TX1-047  
SAN ANTONIO TX 78259-0190

PERCS INDUSTRIES INC  
9600 IGNACIO CT NW  
ALBUQUERQUE NM 87114-4377

HALLE PROPERTIES L L C DEPT 1100  
NMA06  
20225 N SCOTTSDALE RD  
SCOTTSDALE AZ 85255-6456

TINNIN THOMAS P & JAMIE G  
TRUSTEES TINNIN TRUST  
PO BOX 1183  
ALBUQUERQUE NM 87103-1183

MCKINLEY CHARLES R & PRISCILLA P  
TRUSTEES MCKINLEY TRUST  
6101 BLUEBIRD LN NE  
ALBUQUERQUE NM 87122-1817

VISION WASH LLC  
3101 JUAN TABO BLVD NE  
ALBUQUERQUE NM 87111-5126

TKG JUAN TABO LLC C/O TKG  
MANAGEMENT INC  
211 N STADIUM BLVD SUITE 201  
COLUMBIA MO 65203-1161

TKG JUAN TABO LLC C/O TKG  
MANAGEMENT INC  
211 N STADIUM BLVD SUITE 201  
COLUMBIA MO 65203-1161

TKG JUAN TABO LLC C/O TKG  
MANAGEMENT INC  
211 N STADIUM BLVD SUITE 201  
COLUMBIA MO 65203-1161

ONEIDA REALTY COMPANY  
1605 ALWORTH BLDG 306  
DULUTH MN 55802

ENTRADA CONTENTA LOT 2 LLC  
3535 PRINCETON DR NE  
ALBUQUERQUE NM 87107-4213

ENTRADA CONTENTA LOT 2 LLC  
3535 PRINCETON DR NE  
ALBUQUERQUE NM 87107-4213

70183090000177552106	MCKINLEY CHARLES R & PRISCILLA P TRUSTEES MCKINLEY TURST	6101 BLUE BIRD LN NE	ALBUQUERQUE NM 87122-1817
70183090000177552045	ENTRADA CONTENTA LOT 2 LLC	3535 PRINCETON NE	ALBUQUERQUE NM 87107-4213
70183090000177552090	2901 JUAN TABO LLC	5600 EUBANK BLVD NE SUITE 280	ALBUQUERQUE NM 87111
70183090000177551994	WESTERN REFINING RETAIL LLC ATTN: PROPERTY TAX DEPT	PO BOX 592809; TX1-047	SAN ANTONIO TX 78259-0190
70183090000177552038	PERCS INDUSTRIES INC	9600 IGNACIO CT NW	ALBUQUERQUE NM 87114-4377
70183090000177552083	HALLE PROPERTIES L L C DEPT 1100 NMA06	20225 N SCOTTSDALE RD	SCOTTSDALE AZ 85255-6456
70183090000177551970	ONEIDA REALTY COMPANY	1605 ALWORTH BLDG 306	DULUTH MN 55802
70183090000177552014	Gary Beyer	Enchanted Park NA - 11620 Morenci Avenue NE	Albuquerque, NM 87112
70183090000177552069	Eddie Plunkett	Enchanted Park NA - 2408 Hiawatha Drive NE	Albuquerque, NM 87112
70183090000177551963	Mary Ann Dix	District 8 Coalition of Neighborhood Associations - 11312 Malguena Lane NE	Albuquerque, NM 87111
70183090000177552007	Donald Couchman	District 8 Coalition of Neighborhood Associations - 6441 Concordia Road NE	Albuquerque, NM 87111
70183090000177552052	Timothy Engelmann	Holiday Park NA - 11421 Bar Harbor Place NE	Albuquerque, NM 87111
70183090000177551956	Jack O’Guinn	Holiday Park NA - 11516 Golden Gate Avenue NE	Albuquerque, NM 87111
70183090000177551987	TINNIN THOMAS P & JAMIE G TRUSTEES TINNIN TRUST	PO BOX 1183	ALBUQUERQUE NM 87103-1183
70183090000177552021	VISION WASH LLC	3101 JUAN TABO BLVD NE	ALBUQUERQUE NM 87111-5126
70183090000177552076	TKG JUAN TABO LLC C/O TKG MANAGEMENT INC	211 N STADIUM BLVD SUITE 201	COLUMBIA MO 65203-1161



In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) **Subsection 14-16-6-4(K)(2) Mailed Public Notice**, we are notifying you as a Neighborhood Association Representative and nearby Property Owner that WT Group/Western Refining Retail, LLC will be submitting an application(s) for Zone Map Amendment per Table 6-1-1] to be reviewed and decided by the EPC/City Council per Table 6-1-1. The application is for a Zone change for gas station & convenience store from MX-L to MX-M.

1. Property Owner\* Western refining Retail, LLC
2. Agent\* *WT Group*
3. Subject Property Address\* 2932 Juan Tabo Blvd. NE
4. Location Description SEC of Candelaria Rd. NE & Juan Tabo Blvd. NE
5. Zone Atlas Page H-21-Z
6. Legal Description Legal Description:  
LTS 1P THRU 6P & 1C THRU 6C & N 9.66FT OF LTS 7C & 7P  
BLK 101 BRENTWOOD HI

The anticipated public Hearing is December 10, 2020 for this request will be at 8:30AM via zoom. You can check the agenda for the relevant decision-making body online here: <https://www.cabq.gov/planning/boards-commissions> or call the Planning Department at 505-924-3860.

Topic: EPC December 10 Hearing

Time: Dec 10, 2020 08:40 AM Mountain Time (US and Canada)

Join Zoom Meeting

<https://cabq.zoom.us/j/99718335116>

Meeting ID: 997 1833 5116

One tap mobile

+13462487799,,99718335116# US (Houston)

+16699006833,,99718335116# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

Meeting ID: 997 1833 5116

Find your local number: <https://cabq.zoom.us/j/99718335116>

Find your local number: <https://cabq.zoom.us/j/99718335116>

NOTE: Anyone may request and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project [IDO Section 14-16-6-4(D)]. To request a Facilitated Meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955. To view and download the Facilitated Meetings Criteria, visit <http://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development>.

Please contact me with any questions or concerns at 847-284-0626 or via [ChrisKalischefski@cdg-llc.com](mailto:ChrisKalischefski@cdg-llc.com).

#### Useful Links

**Integrated Development Ordinance (IDO):**

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

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

**City of Albuquerque Planning Department**

<https://www.cabq.gov/planning>

**Zone Atlas Pages for Download**

<http://data.cabq.gov/business/zoneatlas/>

Sincerely,

A handwritten signature in blue ink, appearing to read "Christian Kalischefski", with a stylized flourish at the end.

Christian Kalischefski & Western Refining Retail, LLC

Attachments: *IDO Zone atlas page, Buffer map, address report and justification letter*



**SENDER: COMPLETE THIS SECTION**

■ Complete items 1, 2, and 3.  
■ Print your name and address on the reverse so that we can return the card to you.  
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ONEIDA REALTY COMPANY  
1605 ALWORTH BLDG 306  
DULUTH MN 55802

2. Article Number (Transfer from service label)

7018 3090 0001 7755 2144

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery  
*Amanda Engelbert* 11-3-20

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☒ No

3. Service Type  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☒ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Insured Mail  
☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Return Receipt for Merchandise  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

Restricted Delivery

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■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PERCS INDUSTRIES INC  
9600 IGNACIO CT NW  
ALBUQUERQUE NM 87114-4377

2. Article Number (Transfer from service label)

7018 3090 0001 7755 2236

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☒ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Insured Mail  
☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Return Receipt for Merchandise  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

Mail Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mary Ann Dix  
District 8 Coalition of Neighborhood Associations  
11312 Malguena Lane NE  
Albuquerque, NM 87111

2. Article Number (Transfer from service label)

7018 3090 0001 7755 2151

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery  
*Carla* 11/2

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☒ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Insured Mail  
☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Return Receipt for Merchandise  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

Mail Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

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■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Timothy Engelmann  
Holiday Park NA  
11421 Bar Harbor Place NE  
Albuquerque, NM 87111

2. Article Number (Transfer from service label)

7018 3090 0001 7755 2212

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
X *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No


3. Service Type  
☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☒ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Insured Mail  
☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Return Receipt for Merchandise  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

Restricted Delivery

2015 PSN 7530-02-000-9053

Domestic Return Receipt




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<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	
<p>1. Article Addressed to:</p> <p>Donald Couchman</p> <p>District 8 Coalition of Neighborhood Associations</p> <p>6441 Concordia Road NE</p> <p>Albuquerque, NM 87111</p>	
 <p>9590 9402 5384 9189 8143 70</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7018 3090 0001 7755 2267</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	


<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<p>A. Signature</p> <p>X <i>Antun WPS</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
B. Received by (Printed Name)	C. Date of Delivery
<i>D. Couchman</i>	<i>11/2/20</i>
<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes</p> <p>If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Mail <input type="checkbox"/> Mail Restricted Delivery (500)</p>	
<p>Domestic Return Receipt</p>	

<b>SENDER: COMPLETE THIS SECTION</b>	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	
<p>1. Article Addressed to:</p> <p>HALLE PROPERTIES L L C DEPT 1100</p> <p>NMA06</p> <p>20225 N SCOTTSDALE RD</p> <p>SCOTTSDALE AZ 85255-6456</p>	
 <p>9590 9402 4951 9063 4197 20</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7018 3090 0001 7755 2182</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	

<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<p>A. Signature</p> <p>X <i>COUCHMAN</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
B. Received by (Printed Name)	C. Date of Delivery
<i>11/3/20</i>	
<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes</p> <p>If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Mail <input type="checkbox"/> Mail Restricted Delivery (500)</p>	
<p>Domestic Return Receipt</p>	

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<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	
<p>1. Article Addressed to:</p> <p>VISION WASH LLC</p> <p>3101 JUAN TABO BLVD NE</p> <p>ALBUQUERQUE NM 87111-5126</p>	
 <p>9590 9402 5384 9189 8143 63</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7018 3090 0001 7755 2243</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	

<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<p>A. Signature</p> <p>X <i>Q. May</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
B. Received by (Printed Name)	C. Date of Delivery
<i>Q. May</i>	<i>11-2</i>
<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes</p> <p>If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Mail <input type="checkbox"/> Mail Restricted Delivery (500)</p>	
<p>Domestic Return Receipt</p>	

<b>SENDER: COMPLETE THIS SECTION</b>	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	
<p>1. Article Addressed to:</p> <p>TKG JUAN TABO LLC C/O TKG</p> <p>MANAGEMENT INC</p> <p>211 N STADIUM BLVD SUITE 201</p> <p>COLUMBIA MO 65203-1161</p>	
 <p>9590 9402 4951 9063 4197 37</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7018 3090 0001 7755 2199</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	

<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<p>A. Signature</p> <p>X <i>Box Tech</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
B. Received by (Printed Name)	C. Date of Delivery
<i>Box Tech</i>	<i>11/2/20</i>
<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes</p> <p>If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Mail <input type="checkbox"/> Mail Restricted Delivery (500)</p>	
<p>Domestic Return Receipt</p>	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY		SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <b>X</b> </p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>G Beyer</u> C. Date of Delivery <u>11-2</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>		<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <b>X</b> </p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>G Beyer</u> C. Date of Delivery <u>11-2</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
1. Article Addressed to:  MCKINLEY CHARLES R & PRISCILLA P TRUSTEES MCKINLEY TURST 6101 BLUE BIRD LN NE ALBUQUERQUE NM 87122-1817				1. Article Addressed to:  Gary Beyer Enchanted Park NA 11620 Morenci Avenue NE Albuquerque, NM 87112			
 9590 9402 4951 9063 4197 82		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>		 9590 9402 5384 9189 8143 87		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
2. Article Number (Transfer from service label) 7018 3090 0001 7755 2113		Mail Restricted Delivery (over \$500)		2. Article Number (Transfer from service label) 7018 3090 0001 7755 2250		ad Mail Restricted Delivery (over \$500)	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt		PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <b>X</b> </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>CH</u> C. Date of Delivery <u>11-3</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
1. Article Addressed to:  ENTRADA CONTENTA LOT 2 LLC 3535 PRINCETON NE ALBUQUERQUE NM 87107-4213			
 9590 9402 4951 9063 4197 68		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
7018 3090 0001 7755 2229		Mail Restricted Delivery (over \$500)	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	



**WT Group**

2675 Pratum Ave.  
Hoffman Estates, IL 60192



7018 3090 0001 7755 2168

CAROL STREAM IL 601

30 OCT 2020PM 4 L

FIRST-CLASS



**US POSTAGE**  
02 1P  
0001194362 OCT 30 2020  
MAILED FROM ZIP CODE 60192  
**\$ 007.05<sup>0</sup>**

*Handwritten:* 2/1

Jack O'Guinn  
Holiday Park NA  
11516 Golden Gate Avenue NE  
Albuquerque, NM 87111

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

UNC  
60192>3703  
87111-524916

BC: 60192370375 \*0476-05008-30-41

**WT Group**

2675 Pratum Ave.  
Hoffman Estates, IL 60192



7018 3090 0001 7755 2137

CAROL STREAM IL 601

30 OCT 2020PM 3 L

FIRST-CLASS



**US POSTAGE**  
02 1P  
0001194362 OCT 30 2020  
MAILED FROM ZIP CODE 60192  
**\$ 007.05<sup>0</sup>**

TINNIN THOMAS P & JAMIE G  
TRUSTEES TINNIN TRUST  
PO BOX 1183  
ALBUQUERQUE NM 87103 1183

*Handwritten:* Vac

RETURN TO SENDER  
VACANT  
UNABLE TO FORWARD

VAC  
60192>3703  
87103-118382

BC: 60192370375 \*0376-04063-30-38

**WT Group**  
2675 Pratum Ave.  
Hoffman Estates, IL 60192

**CERTIFIED MAIL®**



7018 3090 0001 7755 2175

CAROL STREAM IL 601  
30 OCT 2020PM 3 L

FIRST CLASS



**US POSTAGE**  
**\$ 007.05<sup>0</sup>**  
02 1P  
0001194362 OCT 30 2020  
MAILED FROM ZIP CODE 60192

ANK

2901 JUAN TABO LLC  
5600 EUBANK BLVD NE SUITE 280  
ALBUQUERQUE NM 87111

NIXIE 871 FE 1 0011/03/20

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

ANK

BC: 60192370375 0376-04507-30-38

87111-153455

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

5

☐ Return Receipt (hardcopy) \$ \_\_\_\_\_☐ Return Receipt (electronic) \$ \_\_\_\_\_☐ Certified Mail Restricted Delivery \$ \_\_\_\_\_☐ Adult Signature Required \$ \_\_\_\_\_☐ Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postmark  
Here

**P**

Eddie Plunkett  
Enchanted Park NA  
2408 Hiawatha Drive NE  
Albuquerque, NM 87112

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

**See Reverse for Instructions**