



Environmental Planning Commission

Agenda Number: 4
Project #: PR-2018-001924
Case #: RZ-2018-00063 Hearing
Date: June 13, 2019

Supplemental Staff Report *(to be read with the original Staff report)*

Agent	Land Development Consultants, LLC
Applicant	Circle K Stores, Inc.
Request	Zone Map Amendment (zone change)
Legal Description	Tract A and Tract B, a plat of Tracts, A, B, and C, Lands of Romero-Page Etal.
Location	between Bridge Blvd. SW and San Ygnacio Rd. SW (1100 Old Coors Dr. SW)
Size	Approximately 4.5 acres
Existing Zoning	MX-L
Proposed Zoning	NR-C

Staff Recommendation

DENIAL of RZ-2018-00063, based on the Findings beginning on Page 18 of the original Staff report.

Staff Planner
Catalina Lehner, AICP-Senior Planner

Summary of Analysis

The request is for a zone change for an approximately 4.5 acre site at the SE corner of Old Coors Dr. SW and Bridge Blvd. SW. The smaller tract contains a light vehicle fueling station; the larger tract is vacant. The applicant wants to develop a convenience store with a fueling station and liquor retail.

This request has been deferred twice, first at the April 11, 2019 hearing and again at the May 9, 2019 hearing to allow the applicant more time to work on meeting the criteria. Staff received a revised justification letter on April 26, 2019.

The Alamosa Neighborhood Association (NA), the Westside Coalition, the South Valley Coalition, the SW Alliance of Neighborhoods, and property owners within 100 feet of the subject site were notified as required. The applicant attended the Alamosa NA's annual meeting in February. A facilitated meeting was not requested.

Neighbors, mostly from the Los Altos subdivision to the north, are concerned about alcohol sales, light pollution, traffic, noise, crime, potential for alcohol-related incidents, and other permissive uses. The applicant met with neighbors on May 30, 2019 to discuss their concerns.

Staff finds that the zone change request is not adequately justified and recommends denial.



I. OVERVIEW

Deferrals

This request was deferred for 30 days at the May 13, 2019 Environmental Planning Commission (EPC) hearing, at the applicant's request. The applicant wanted more time in order to meet with concerned neighbors and to revise the zone change justification letter. The request was previously deferred for 30 days at the April 11, 2019 hearing to allow additional time to strengthen the zone change justification letter. During the recent deferral period, Staff met with the applicant to clarify the process and timeframes.

Request

The request is for a zone map amendment (zone change) for an approximately 4.5 acre site located at the SE corner of the intersection of Old Coors Dr. SW and Bridge Blvd. SW. The subject site is zoned MX-L, which it received upon adoption of the Integrated Development Ordinance (IDO) as a conversion from the previous C-1 zone. The applicant is requesting a zone change to NR-C (Non-Residential Commercial zone) in order to re-develop the subject site with a new convenience store, additional fueling pumps, and liquor retail.

The applicant submitted a letter on June 5, 2019 that explains the results of a neighborhood meeting held on May 30, 2019 (see attachment). This portion of the letter is non-substantive and therefore is acceptable after the June 3, 2019 deadline for final materials. The points regarding the proposed zone change, which are related to the neighborhood meeting discussion, are non-substantive and are a re-iteration of ideas raised previously.

For EPC Role, Context, History, Transportation System, Comprehensive Plan Corridor Designation, Trails/Bikeways, Transit, and Public Facilities/ Community Services:

» Please refer to p. 3-5 of the original Staff report (see attachment).

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

For analysis of the Integrated Development Ordinance (IDO), including Definitions, Zoning, Comparison of MX-L and NR-C, and Use-Specific Standards:

» Please refer to p. 5-7 of the Original Staff Report (see attachment).

For analysis of the Albuquerque / Bernalillo County Comprehensive Plan:

» Please refer to p. 7 of the Original Staff Report (see attachment).

For analysis of the Integrated Development Ordinance (IDO) 6-7(F)(3)-Review and Decision Criteria for Zone Map Amendments, including requirements and justification:

» Please refer to p. 8-15 of the Original Staff Report (see attachment).

III. AGENCY & NEIGHBORHOOD CONCERNS

For comments from Reviewing Agencies, please refer to p. 15-16 of the original Staff report (see attachment).

Neighborhood/Public

» Please refer to p. 16 of the Original Staff Report (see attachment).

The Alamosa Neighborhood Association (NA), the Westside Coalition, the South Valley Coalition, the SW Alliance of Neighborhoods, and property owners within 100 feet of the subject site were notified as required. The applicant attended a regular meeting of the Alamosa NA's meeting on February 11, 2019. A facilitated meeting was neither requested nor held (see attachments to the original Staff report).

Neighbors from the Los Altos subdivision to the north are concerned about alcohol sales, light pollution, traffic, noise, crime, potential for alcohol-related incidents, and other permissive uses. The Los Altos Civic Association was a recognized neighborhood organization in the past, but has lost its recognition status through the Office of Neighborhood Coordination (ONC). If desired, neighbors can coordinate with the ONC regarding getting that status back.

As of the writing of the original Staff report, six letters of opposition were submitted (see attachments). All are from residents of the Los Altos subdivision, which is north of the subject site across Bridge Blvd. SW. They are mostly concerned about alcohol sales, but are also concerned about issues such as light pollution, potential for increased traffic, traffic control, noise, and crime.

Updated Neighborhood Information

During the most recent deferral period, Staff received four more letters of opposition (see attachments). One is from a party who had provided a letter previously. Concerns are the same as before, and include alcohol sales, safety and security of the area, potential for alcohol-related incidents, traffic, and other permissive uses in the NR-C zone.

The applicant met with neighbors on May 30, 2019 to discuss their concerns (see attachment). Nine neighbors attended. At the meeting, they expressed concern about adverse lighting effects, traffic, alcohol sales, safety and security, and development plans for the remainder of the subject site. The applicant addressed the concerns by offering mitigation measures such as security monitoring, sign posting, and site improvements.

IV. CONCLUSION

The request is for a zone change for an approximately 4.5 acre site located at the SE corner of Old Coors Dr. SW and Bridge Blvd. SW (the "subject site"). The hard corner (Tract A) contains an existing light vehicle fueling station. Tract B contains approximately 3.6 acres and is vacant.

The subject site is zoned MX-L. The applicant is requesting a zone change to NR-C (Non-Residential Commercial zone) in order to re-develop the subject site with a new convenience store, additional fueling pumps, and liquor retail. The NR-C zone allows a wide variety of retail and commercial uses intended to serve neighborhood and area-wide needs, as well as some industrial uses.

The zone map amendment has not been adequately justified pursuant to the IDO Review and Decision criteria for zone changes 6-7(F)(3). The policy analysis does not sufficiently demonstrate that the request furthers a preponderance of applicable Goals and policies and does not conflict with them.

The Alamosa Neighborhood Association (NA), the Southwest Alliance of Neighbors (SWAN), the Westside Coalition of NAs, the South Valley Coalition of NAs, and property owners within 100 feet of the subject site were notified as required. The applicant attended a regular meeting of the Alamosa Neighborhood Association in February and met with residents of the Los Altos neighborhood in May. A facilitated meeting was not held.

As of this writing, Staff has received ten letters of opposition from residents of the Los Altos subdivision north of the subject site. Three of the letters were submitted during the most recent deferral period. Concerns include alcohol sales, light pollution, traffic, noise, crime, safety, and permissive uses in the NR-C zone.

Staff recommends denial.

FINDINGS - RZ-2019-00015, June 13, 2019- Zone Map Amendment (Zone Change)

1. The request is for a zone map amendment (zone change) for an approximately 4.5 acre site known as Tract A and Tract B, a plat of Tracts, A, B, and C, Lands of Romero-Page Etal. (the “subject site”). The subject site is located at the southeast corner of the intersection of Old Coors Dr. SW and Bridge Blvd. SW (1100 Old Coors Dr. SW).
2. The approximately 0.8 acre Tract A, which is smaller than Tract B and located at the hard corner of the intersection, contains an existing light vehicle fueling station. Tract B contains approximately 3.6 acres and is vacant.
3. The subject site is zoned MX-L, which it received upon adoption of the Integrated Development Ordinance (IDO) as a conversion from the C-1 zone. The applicant is requesting a zone change to NR-C (Non-Residential Commercial zone) in order to re-develop the subject site with a new convenience store, additional fueling pumps, and liquor retail. The NR-C zone allows a wide variety of retail and commercial uses intended to serve neighborhood and area-wide needs, as well as some industrial uses.
4. The subject site is in an area that the Comprehensive Plan has designated an Area of Change. Bridge Blvd. SW is designated as a Major Transit Corridor.
5. 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.
6. The request conflicts with the following, applicable Comprehensive Plan Goal and policy:
 - A. Goal 5.1-Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The subject site, located at the southeastern corner of the intersection of Bridge Blvd. SE and Old Coors Blvd., is not in a designated Activity Center (the Tower Employment Center lies to the west). Bridge Blvd. SE is designated as a Major Transit Corridor and there is a transit shelter on the subject site. The request would facilitate development of permissive uses in the NR-C (non-residential commercial) zone, but the uses would be smaller scale and would be outside of a designated activity center, so the ability to support transit along this major transit corridor would be limited, especially since the NR-C zone does not allow residential uses.
 - B. Policy 5.1.10- Major Transit Corridors: Foster corridors that prioritize high-frequency transit service with pedestrian-oriented development.

Bridge Blvd. SW is a designated Major Transit Corridor. The request would allow permissive uses in the NR-C zone, which is intended to accommodate medium-scale

retail, office, commercial, and institutional uses. Major Transit Corridors are intended to prioritize transit; development should be transit and pedestrian oriented near transit stops though auto-oriented along much of the corridor. Residential uses (especially multi-family) are generally desirable along Major Transit Corridors because they could result in more people using transit and walking along the corridor as intended. The NR-C zone does not allow residential uses and allows more auto-oriented uses than the current MX-L zoning.

7. The applicant has not adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(F)(3)-Review and Decision Criteria for Zone 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 a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them. The applicant did not address the Goals cited, and generally did not create strong connections between the request and the Goals and policies to demonstrate that a preponderance of them would be furthered. The policy analysis does not focus sufficiently on the NR-C zone; a zone change would allow all permissive uses in the requested zone.

There are a couple of significant issues with respect to the Major Transit Corridor designation of Bridge Blvd. that create policy conflicts. The intent of a Major Transit Corridor designation is to prioritize transit and walkability; development should be transit and pedestrian oriented near transit stops, such as the transit shelter on the subject site. Some significant auto-oriented uses that would be allowed in the NR-C zone, on the subject site, are light vehicle fueling station (the intended use), light vehicle sales and rental, and self-storage. Furthermore, the NR-C zone does not allow residential uses that could help promote transit usage along the Corridor.

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 applicant states that a different zone district is more advantageous to the community, as articulated by the ABC Comp Plan, than the current zoning. Though the proposed zone change would allow for a larger variety of retail, service, and industrial uses in the area, the applicant has not adequately demonstrated that the request would be more advantageous as articulated in the Comprehensive Plan. The request furthers some applicable Comprehensive Plan Goals and policies, but conflicts with others, especially with respect to the intent of a Major Transit Corridor designation of Bridge Blvd.

Upon annexation, the subject site was given C-1 Neighborhood Commercial zoning purposefully, to be consistent with its former zoning of County C-1 and C-N. The C-1 zoning converted to MX-L under the IDO. Though the subject site's annexation resulted in a spot zone, in this case there is no connection between eliminating a spot zone and being more advantageous to the community. The response is insufficient because all

applicable Comprehensive Plan Goals and policies have not been addressed.

- D. Criterion D: The applicant provided a thorough listing of the uses that would become allowed under the NR-C zone, with a statement that the subject site's relatively small size could preclude some uses. Other uses, such as kennel, nursery, auditorium or theatre, bar, catering service, nightclub, and liquor retail could fit on the subject site and would become permissive uses.

These uses would not be without harmful impacts to adjacent property, the neighborhood, or the community. The response is insufficient because the applicant has not adequately addressed the issue of potential harm to the neighborhood and the community.

- E. Criterion E: Requirement 1 applies. The applicant states that existing infrastructure and public improvements would have adequate capacity to serve development made possible by the proposed zone change.
- F. Criterion F: The subject site is located on Bridge Blvd. SW, a Community Principal Arterial, and Old Coors Blvd. SW, a Minor Arterial. The applicant's justification is not completely based on the property's location on major streets.
- G. Criterion G: Economic considerations are a factor. Since the applicant has not adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies, it has not been proven that the justification is not completely or predominantly based on the cost of land or economic considerations.
- H. Criterion H: The request would not result in a spot zone. Although the subject site is one premise, there is other NR-C zoning in the immediate area.

8. The applicant's policy analysis does not adequately demonstrate that the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan, and does not conflict with them, because the applicant did not fully analyze and show conformance with applicable Comprehensive Plan Goals and policies. Therefore, one cannot conclude that the proposed zone category would be more advantageous to the community than the current zoning.
9. The affected neighborhood organizations are the Alamosa Neighborhood Association (NA), the Southwest Alliance of Neighbors (SWAN), the Westside Coalition of NAs, and the South Valley Coalition of NAs, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
10. The applicant attended a regular meeting of the Alamosa Neighborhood Association on February 11, 2019. Seventeen people attended. As of this writing, meeting notes were

provided for the record. A facilitated meeting during the EPC process was neither requested nor held.

11. As of this writing, Staff has received ten letters of opposition. All are from residents of the Los Altos neighborhood, which is north of the subject site across Bridge Blvd. SW. Residents are mostly concerned about alcohol sales and safety in the area, but are also concerned about light pollution, traffic, noise, crime, potential for alcohol-related incidents, and permissive uses in the NR-C zone.
12. The applicant met with neighbors from the Los Altos neighborhood on May 31, 2019. Nine neighbors attended. At the meeting, they expressed concern about adverse lighting effects, traffic, alcohol sales, safety and security, and development plans for the remainder of the subject site. The applicant addressed the concerns by offering mitigation measures such as security monitoring, sign posting, and site improvements.

RECOMMENDATION - RZ-2018-00063, June 13, 2019

DENIAL of Project #: 2018-001924, Case #: 2018-00063, a zone change from MX-L to NR-C, for Tract A and Tract B, a plat of Tracts, A, B, and C, Lands of Romero-Page Etal., an approximately 4.5 acre site located on between Bridge Blvd. SW and San Ygnacio Rd. SW(1100 Old Coors Dr. SW), based on the preceding Findings.

Catalina Lehner

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

Notice of Decision cc list:

Circle K Stores Inc., 5500 South Quebec St., #100, Greenwood Village, CO 80111
Sofia Hernandez, Land Development Consultants, 11811 N. Tatum Blvd. #1051, Phoenix, AZ 85028
Alamosa NA, Jeanette Baca, 901 Field SW, ABQ, NM 87121
Alamosa NA, Jerry Gallegos, 5921 Central Ave., NW, ABQ, NM 87105
SW Alliance of NAs, SWAN Coalition, Johnny Pena, 6525 Sunset Gardens, ABQ, NM 87121
SW Alliance of NAs, SWAN Coalition, Jerry Gallegos, 5921 Central Ave NW, ABQ, NM 87105
Westside Coalition of NAs, Rene Horvath, 5515 Palomino Dr., NW, ABQ, NM 87120
Westside Coalition of NAs, Harry Hendriksen, 10592 Rio del Sol NW, ABQ, NM 87114
South Valley, Coalition of NAs, Marcia Fernandez, 2401 Violet SW, ABQ, NM 87105
South Valley Coalition of NAs, Rod Mahoney, 1838 Sadora Rd SW, ABQ, NM 87105
Alan Varela, avarela@cabq.gov
Luis Carrillo, 51luis.carrillo@gmail.com
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LAND DEVELOPMENT
CONSULTANTS, LLC

June 5, 2019

Ms. Catalina Lehner
City of Albuquerque Planning Department
600 2nd Street NW
Albuquerque, NM 87102

Re: Zone Map Amendment
Case: RZ-2018-00063

Dear Ms. Lehner:

As you are aware this firm represents Circle K Stores, Inc. in the above referenced matter. I am forwarding this letter to provide additional and supplemental information to you and the members of the Environmental Planning Commission regarding our continued community outreach in response to questions and comments from the neighborhood, as well as offer some additional explanation for this request.

Los Altos Civic Association Meeting

In response to communications received from various residents of the Los Altos neighborhood, located directly north of the project site, the Applicant hosted a special community meeting on Thursday, May 30, 2019. This meeting was in addition to the prior community meeting attended by the Applicant with the Alamosa Neighborhood Association, during which little or no comments in opposition to the project were received. In preparation for the May 30, 2019 meeting, this firm mailed notices to forty (40) parties by certified mail. The meeting was attended by nine (9) residents and was held at the Old Town Substation, 2060 Central Ave. SW, Albuquerque, New Mexico 87104. A copy of the attendance roster for this meeting is attached. The meeting commenced at approximately 5:00pm and ended at approximately 6:05pm.

The meeting was as an open and interactive forum with discussions between the Applicant and those in attendance. A summary of the topics and responses are listed below:

1. Residents were concerned regarding adverse lighting affects upon the Los Altos neighborhood. *The Applicant outlined and described the general type and location, or site and structure lighting located upon the project. The proposed lighting will be located in key areas of the Property to provide illumination along access drives and drive aisles, as well as safety and security lighting along the perimeter of the property. All lighting, including that on and under the fuel canopy and the building façade, is directional lighting focused downward to illuminate discrete areas of the property. All lighting will comply with City code and any applicable “dark sky” guidelines.*

2. Residents were concerned about traffic and vehicular turning movements in and out of the facility, especially along Bridge Blvd. SW, due to the steep gradient along this roadway. *The Applicant explained the general site design and that the existing driveway along Bridge Blvd. SW was being relocated further to the east, away from the intersection to provide a more controlled access corridor and safer vehicular movements. Additionally, the exiting drive along Old Coors Drive SW would also be shifted further away from the intersection, as part of the proposed development. However, the final location of these access drives would be subject to further traffic studies and approval by the County.*

3. Residents offered concerns regarding the addition of alcohol sales to the new store. *The Applicant explained that the rezoning request is related to Circle K's desire to offer a wider ranger of products from this much larger new store, including the sale of beer, wine and spirits. Circle K, as a national and international convenience retailer, desires to maintain a consistency of offer in all stores, especially all new format stores for the benefit and enjoyment of the customers. Being such a large retailer, Circle K maintains extremely high standards for the marketing and sale of restricted products, such as alcohol, and therefore has designed these new facilities such that alcohol products are located away from the primary entry and spirits are located within a further controlled area behind the service counters. Circle K believes that the development of the Property with the proposed facility will provide a significant improvement to the physical characteristic of the Property and be a benefit to the community by providing a much wider offering of goods and services to the local community and the traveling public.*

4. Residents inquired as to security measures at the proposed facility. *The Applicant explained that Circle K is an industry leader in site security and the proposed facility would include both internal and external digital security monitoring, specialty security monitoring devices, such as door frame cameras, internal public view monitors, and continuous linkage to Circle K's corporate security center. These measures, coupled with well-designed site illumination patterns and property postings have proven to be significant crime deterrents at these new facilities.*

5. Residents expressed a concern over cars congregating on the currently vacant portions of the Property and playing loud music. *The Applicant explained that it is Circle K's policy to post the new facilities with "No Trespassing" and "No Loitering" signs in compliance with local laws and cooperate with local law enforcement to deter and prevent loitering in the parking lots. Currently, the land surrounding the existing facility is vacant and the proposed development will incorporate much of this vacant land into the new facility, which can be more easily monitored and maintained.*

6. Residents inquired as to the proposed future use of the remaining portion of the property south of the new store. *The Applicant explained that the remaining portion of the larger tract would be developed in the future, but at this time there were no definitive plans for a use. It was further explained that Circle K would impose certain use restrictions upon this remaining land prohibiting its use and development as a convenience store, for the sale of motor fuels, for the sale of alcohol, and for other uses competitive to the new store. The Applicant also explained that the portion of the larger tract fronting along Bride Blvd. SW, immediately east of the new store, would likely be used for retention and landscaped area as part of the new facility. This use will provide an additional landscape buffer on the Property and an improved streetscape along Bridge Blvd. SW.*

Based upon the comments and inquires lodged by those in attendance at this May 30, 2019 meeting with the Los Altos Civic Association, as well as those provided at the meeting with the Alamosa Neighborhood Association weeks earlier, Circle K is proposing to incorporate the following as site design and operational measures to address the community comments:

1. A substantially increased landscape area along Bride Blvd. SW to provide an enhanced streetscape and a more substantial buffer between the new facility and the residences located north of Bride Blvd. SW. This increased buffer will provide both noise and light dampening from the retail activities at the facility.

2. Increased landscape buffer along Old Coors Blvd. SW for enhanced quality of the streetscape along this well-traveled corridor.

3. Posting the property with "No Loitering" and "No Trespassing" signs in accordance with local law and work closely with local law enforcement to deter and prevent such activities at the Property.

4. Implement Circle K's enhanced security protocols at the facility to monitor and deter crime and unwanted activities at the facility.

5. Complete the final design of the facility in compliance with appropriate City and County design guidelines to ensure safe and efficient vehicular movements into and out of the facility.

6. Locate and maintain alcohol products within the facility in accordance with State law. Further in direct response to a request lodged during the meeting with the Alamosa Neighborhood Association, Circle K will agree not to sell or offer for sale the so called “mini-shot bottles” of spirits.

Circle K believes that the proposed project will offer substantial improvements to the existing convenience store at the Property and provide a catalyst for the concurrent and future development of the vacant property surrounding the exiting store. This redevelopment, including the improved traffic mitigation measures, substantially increased landscape areas, and overall enhanced design of the new facility, will greatly improve the property conditions and be a long-term asset to the community. Further, the mitigation measures outlined above are offered in direct response to community requests to demonstrate Circle K’s commitment to the local community.

Zone Change Justification.

As outlined in all previous correspondence from our office, we, on behalf of our client, believe the requested zone change from MX-L to NR-C is appropriate to allow and support the redevelopment of this commercial tract with a new and greatly improved retail facility to serve the local community and the traveling public. Further, this zone change requested is justified based upon the following:

1. The proposed development will place into productive, aesthetically pleasing, and secure use a vacant tract in support of the health, safety and general welfare of the citizens.

2. The proposed zone change supports the redevelopment of an existing use on the Property and will better facilitate the development of the remaining portions of the larger tract by providing a broader range of commercial uses in support of the general needs of the community. As noted by Staff, the historical annexation of the property created a “spot-zone” which is disconnected from the other commercial parcels along Old Coors Blvd. SW to the north, all of which are zoned NR-C. This spot-zone has been disadvantageous to the development of the Property for a viable commercial use as a benefit to the Community. The approval of the Zone Change will bring the Property into land use conformity with the other commercial parcels along Old Coors Blvd. SW in the City.

3. The proposed Zone Change, while allowing for a broader range of commercial uses, would not result in a negative impact upon the adjoining property or the community. To the contrary, the Zone Change will support and enhance the development potential of not only the proposed new store, but also the remaining portion of the Property for future development. Any limited impacts related to the proposed uses at the Property are being mitigated through the Applicants voluntarily enhanced developments standards, such as the increase landscape setbacks and drive isle locations.

For all the reasons stated herein, the Applicant believes it has been responsive to the comments and concerns of the community and further believes it has satisfied the required justifications in support of the requested Zone Change from MX-L to NR-C.

Thank you for your cooperation and assistance in this matter. Should you have any further comments or questions, please do not hesitate to contact me.

Sincerely,

David Cisiewski
Principal

Lehner, Catalina L.

From: HUGO COTTER <kvcotter@comcast.net>
Sent: Tuesday, June 04, 2019 2:10 PM
To: Lehner, Catalina L.
Cc: athenalaroux@gmail.com; jen.kepesh@yahoo.com
Subject: Proposed zone change, Tract A and Tract B, a plat of Tracts, A,B and C

Good afternoon Ms. Clehner:

I am writing once again as I did on May 1, 2019 regarding the following proposed zone change:

Tract A and Tract B, a plat of Tracts, A, B, and C, Lands of Romero-Page et. al. Location between

Bridge Blv SW and San Ygnacio Rd. SW (1100 Old Coors Dr. SW), from its current zoning of MX-L to

Circle K's preferred zoning, NR-C.

I have been a resident of the Los Altos neighborhood since 1978 and have always felt safe in my surroundings. The introduction of a large gas station/convenience store which provides alcohol sales does not fit this picture. Our neighborhood objected to this type of proposal just some 2 years ago and I still feel as strongly today about our safety as I did back then. The likelihood of more congestion, accidents, foot traffic and the strong possibility of many alcohol related incidents in our area is of great concern. There are many other areas close by which sell alcohol, and they are located in a commercial area where this kind of activity is expected.

We are a quiet, historic and well-established neighborhood, and we would like to be able to continue our history in a safe and protected fashion.

I am asking that this zoning action be turned down. I am quite sure Circle K can find another corner in a more commercial area where they can open a store. In our neighborhood you will find that the majority of our people are long-time residents, and *safety, security and concern about our surroundings is of utmost importance to us.*

We thank you for your guidance and concern and look forward to the upcoming meeting.

Regards,

KAREN COTTER

815 Rio Vista Circle SW

Albuquerque, New Mexico 87105

505-242-5636

kvcotter@comcast.net

505-242-5636

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Sirpa Freccia <sirpafreccia@gmail.com>
Sent: Wednesday, June 05, 2019 1:03 PM
To: Lehner, Catalina L.
Subject: Circle K plans for zone change at Old Coors and Bridge St.

Dear Ms. Lehner,

I have lived in the Los Altos Subdivision (SW) across the street from the planned Circle K store at Old Coors and Bridge for over forty-four years, and I am deeply concerned about the planned zone change from MX-L to NR-C and its impact on our historic adobe neighborhood.

The only reason Circle K wants that zone change is to start selling alcohol 24/7.

We already have enough trouble around that intersection and even in our neighborhood. On my morning walks, I have found empty mini bottles (liquor) and trash in our Los Altos neighborhood. During my years living here I have witnessed drug dealing, loitering, drinking etc.

We don't need any more problems here, which are bound to come, if Circle K starts selling liquor 24/7 next to us. The store will attract unwanted people to hang around our beautiful neighborhood.

Please, keep Circle K out of the Old Coors and Bridge St. intersection.

Respectfully,

Mrs Sirpa Freccia
2821 Los Altos Place SW
Albuquerque, NM 87105

Tel. 505-764-9198

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: James Collins Moore <mujames@unm.edu>
Sent: Monday, June 03, 2019 1:28 PM
To: Lehner, Catalina L.
Subject: . Project #2018-001924
Attachments: letter re Circle K .pdf

Dear Ms. Lehner,

Attached is a letter for the EPC, opposing the appeal of the Application of Circle K Stores, Inc. (Land Development Consultants, LLC) for a zoning change of Tract A and Tract B, a plat of Tracts, A,B, and C, Lands of Romero-Page et.al., located between Bridge Blvd, SW and San Ygnacio Rd. SW (1100 Old Coors Dr. SW) from the present zoning of MX-L to NR-C, the requested rezoning of Circle K Stores, Inc.

Thank you for your attention to this,

James Moore

2820 Rio Vista Ct. SW

Albuquerque, New Mexico 87105

505-235-2478

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This message has been analyzed by Deep Discovery Email Inspector.

Re: Application of Circle K Stores, Inc. (Land Development Consultants, LLC) for a zoning change from MX-L to NR-C, at 1100 Old Coors Dr. SW.
Project #2018-001924

To: Catalina Lehner,
Senior Planner, City of Albuquerque

Dear Ms. Lehner,

My name is James Moore. I am writing regarding Project #2018-001924. I know this request was denied by staff on May 9, 2019, but I understand they requested another extension and are now back on the EPC agenda on June 13.

I have lived in the Los Altos Neighborhood since 1979, when I took the position of Director of The Albuquerque Museum. I held that position until 2005, when I retired from the City. As a long-time neighborhood resident, I can speak to the history of the Los Altos Neighborhood Association (originally the Los Altos Civic Association). We are, in fact, one of the oldest neighborhood organizations in the city, ca. 1951, long pre-dating the creation of the Office of Neighborhood Coordination by the City in 1985 and we are the closest neighborhood association to the proposed rezoning. This neighborhood was initiated by Juan Francisco Baca and was largely built soon after by prominent Albuquerque architect Leon Watson. It has a history of stability and there are people here who have been residents much longer than us, a couple of them from childhood.

When we moved in, the corner of Bridge and Coors (now Old Coors) was one of the most dangerous in the city, always within the top 10 and often higher. We regularly heard, and sometimes responded to, collisions at this intersection. At that time, the A-Mi-Gusto Lounge (with "a reputation as being one of the most dangerous bars in Bernalillo County"- Reichart v.

Alter, 1994), and diagonally across Coors, the Drift Inn Lounge, were high traffic bars in the area. It was not at all unusual to watch a car drive diagonally across two-way traffic on Coors from one to the other. Anyone who lived in this area was always on high alert when approaching the neighborhood. Fortunately, the A-Mi-Gusto closed in 1993, and after the closure of the Drift Inn that property was re-occupied by a church (now the Iglesia de Christo Miel). It was with the church's assistance that local residents were able to prevent a Circle K development at the SW corner of Old Coors and Bridge.

As you know, Circle K is a convenience store with an adjunct light-fueling function. And as you know, or should know, Circle K has a nationwide reputation of problems with loitering, selling liquor to minors, and attendant social problems. By their own admission, small container liquor (miniatures) is a significant part of their business. Farmington is currently considering a ban on sale of miniatures, and it is strongly opposed by both The Petroleum Marketers Association and Circle K, which should tell us something. The city may well lose in court, as others have, but these actions document a growing opposition to these sales. Let's make no mistake. This request to change the zoning from MX-L to NR-C is not about Circle K's claims of creating jobs or improving the neighborhood. It is about liquor.

As you know, this request carries the intention of acquiring more land than Circle K will initially develop, leaving open the distinct possibility of a bar or nightclub development south of the current plan, thus putting us back in the situation we had with the A Mi Gusto and the Drift Inn. (These are permissible uses under NR-C and this is clearly indicated in the report of your May 9 hearing.) Any of the other uses noted (kennel, nursery, theater, etc.) would be highly unlikely. Circle K's claim that they hope to attract a fast food franchise is simply empty rhetoric with no plan to back it up. I believe that the absence of a plan for future development is an intentional strategy in this request.

The development of two high traffic facilities would simply create more congestion and confusion regarding entry and exit. At this time, cars leaving Valero exit both north and south on Old Coors, and east and west on Bridge in spite of the proximity to the traffic lights. That pattern of behavior will, no doubt, not change in the future. While traffic has lessened somewhat since the opening of the Coors Bypass, the intersection of Bridge and Old Coors is still busy enough to stack a lot of cars. During rush hour, westbound traffic on Bridge is stacked down the hill. On Old Coors, heavy traffic south and eastbound already makes it hard to exit the neighborhood southbound. (I am assuming that the Bridge development plan will fix the untenable intersection of Tower and Bridge and the crowding at the eastbound light.) With the redevelopment of Bridge, that arterial will certainly become busier, as will Old Coors. Certainly Circle K has factored that into their business plan for this location, for we have been targeted before. Add liquor into this now-congested intersection and you will perhaps see the problem.

I have not personally measured the between the proposed initial development footprint and the property line of the church, and maybe the south side of the new store lies outside 300 feet, but the footprint of the land acquisition is well within that distance, as the south end is directly across the street. If the church stays in place across the street, a bar could likely be prevented, but if the church were to close or move, all bets are off. Circle K, which has looked at this site for years, certainly knows that. This is like the proverbial case of the camel getting its nose inside the tent. An approval of their incomplete plan at this stage will likely lead to the most profitable future development, for to do otherwise would be bad business. Unfortunately, the best-performing development would be a liquor establishment in the form of a bar, since they will already have package sales at the convenience store. Current studies predict that the spirits market is expected to grow 6% per year through 2022.

I would welcome some positive development of the properties south of Bridge both east and west of Old Coors, but Circle K does not fit in that

category. As is well-known, they are a corporate absentee landlord with little or no concern for local issues or local residents. I strongly urge you to uphold the staff denial of this request.

Sincerely,

James Moore

2820 Rio Vista Ct. SW

Albuquerque, New Mexico 87105

505-235-2478

cc: Mayor Tim Keller

City Councilor Klarissa J. Peña

Lawrence Rael, COO

David Campbell, Director of Planning

Lehner, Catalina L.

From: Catherine Trujillo <cltrujillo59@gmail.com>
Sent: Tuesday, June 04, 2019 12:55 PM
To: Lehner, Catalina L.
Subject: Oppose to zone changing of Tract A and Tract B

Our names are Catherine and Michael Trujillo, we reside at 2829 Los Altos Pl SW, Albuquerque NM 87105 and have lived here for 31 years.

We are very much opposed to the request for zone changing to Tract A and Tract B, a plat of Tracts, A, B and C, lands of Romero-Page Etal. The location is between Bridge Blvd SW and San Ygnacio Rd SW. (1100 Old Coors Dr SW). The request is to change its current zoning of MX-L to Circle K's preferred zoning, NR-C.

I grew up in the Alamosa Community and had to endure living near the Drift In Lounge and the Amigusto Bar, both were on Coors road. Having 2 bars in our neighborhood, was unsafe due to the many accidents that were a result of drivers under the influence of alcohol. Not only drivers, but individuals that would walk through our neighborhood, at that time there were a lot of young children living in our neighborhood.

Where we currently live, the Los Altos Community, we have an alley behind our house and already have an ongoing problem. People sit back there and drink and leave all their empty containers, leaving us having to pick up their bottles and trash. This will only get worse having easy access to alcohol being nearby for purchase.

I hope that you will take into consideration the concerns of the residents that live in this area.

Thank you for your time,
Catherine Trujillo

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