Agenda Number: 2
Project #: PR-2023-008516
Case #: RZ-2023-00013
Hearing Date: May 18, 2023

Environmental Planning Commission

Staff Report

Agent	ABQ Land Use Consulting, LLC
Applicant	Hector Lopez & Paula Escamilla
Request	**Zoning Map Amendment (zone change)**
Legal Description	Block B west 50.0 feet of east 150.0 feet of South Broadway Acres Unit 1
Location	located at 418 Bethel Dr. SE, between Broadway Blvd. SE, and John St. SE
Size	Approximately 0.12 acre
Existing Zoning	R-1A
Proposed Zoning	NR-C

Staff Recommendation

APPROVAL of PR-2023-008516 RZ-2023-00013, based on the Findings beginning on Page 26.

Staff Planner
Robert Messenger, Planner

Summary of Analysis

The request is for a zoning map amendment for an approximately 0.12-acre site located at 418 Bethel Dr. SE. The applicant wants to change the subject site's zoning to NR-C to remedy a floating zone line. The subject site is in an Area of Consistency. It is not located along a designated corridor or in an Activity Center.

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

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

Staff recommends approval.

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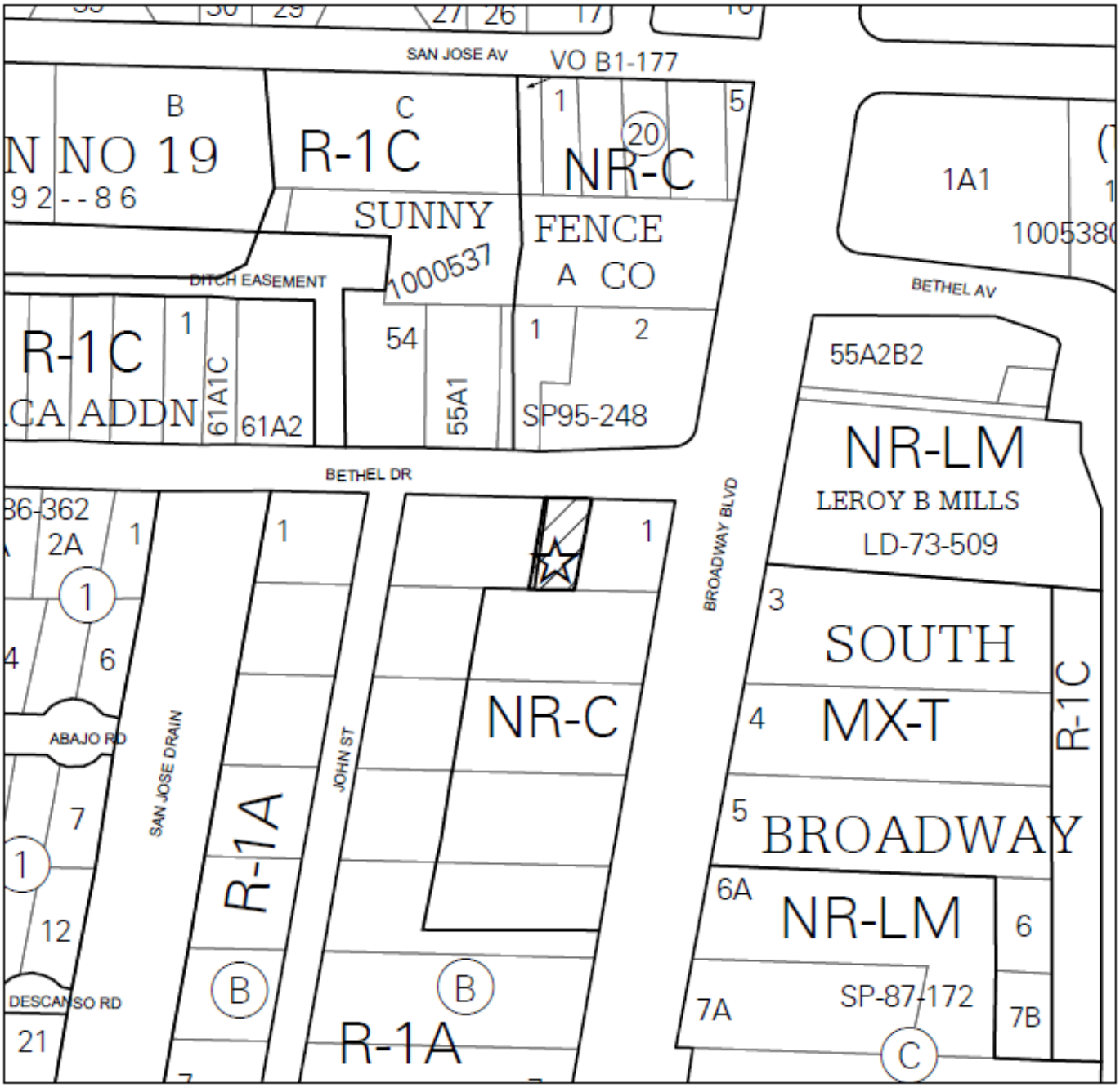

IDO ZONING MAP

Note: Gray shading indicates County.

1 inch = 150 feet

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Zone Atlas Page:
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LAND USE MAP

Note: Gray shading indicates County.

Key to Land Use Abbreviations

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

1 inch = 150 feet

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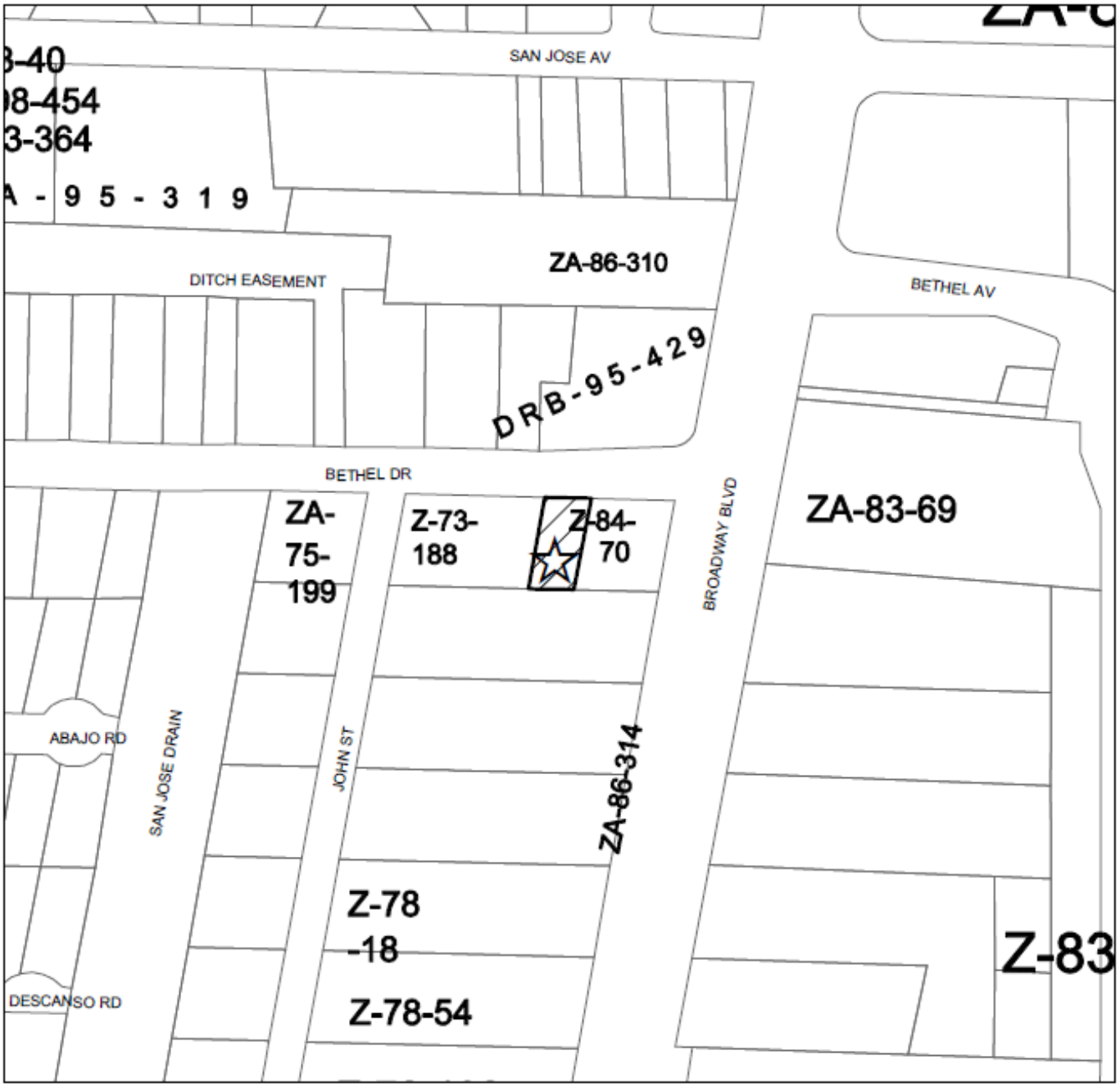

HISTORY MAP

Note: Gray shading indicates County.

1 inch = 150 feet

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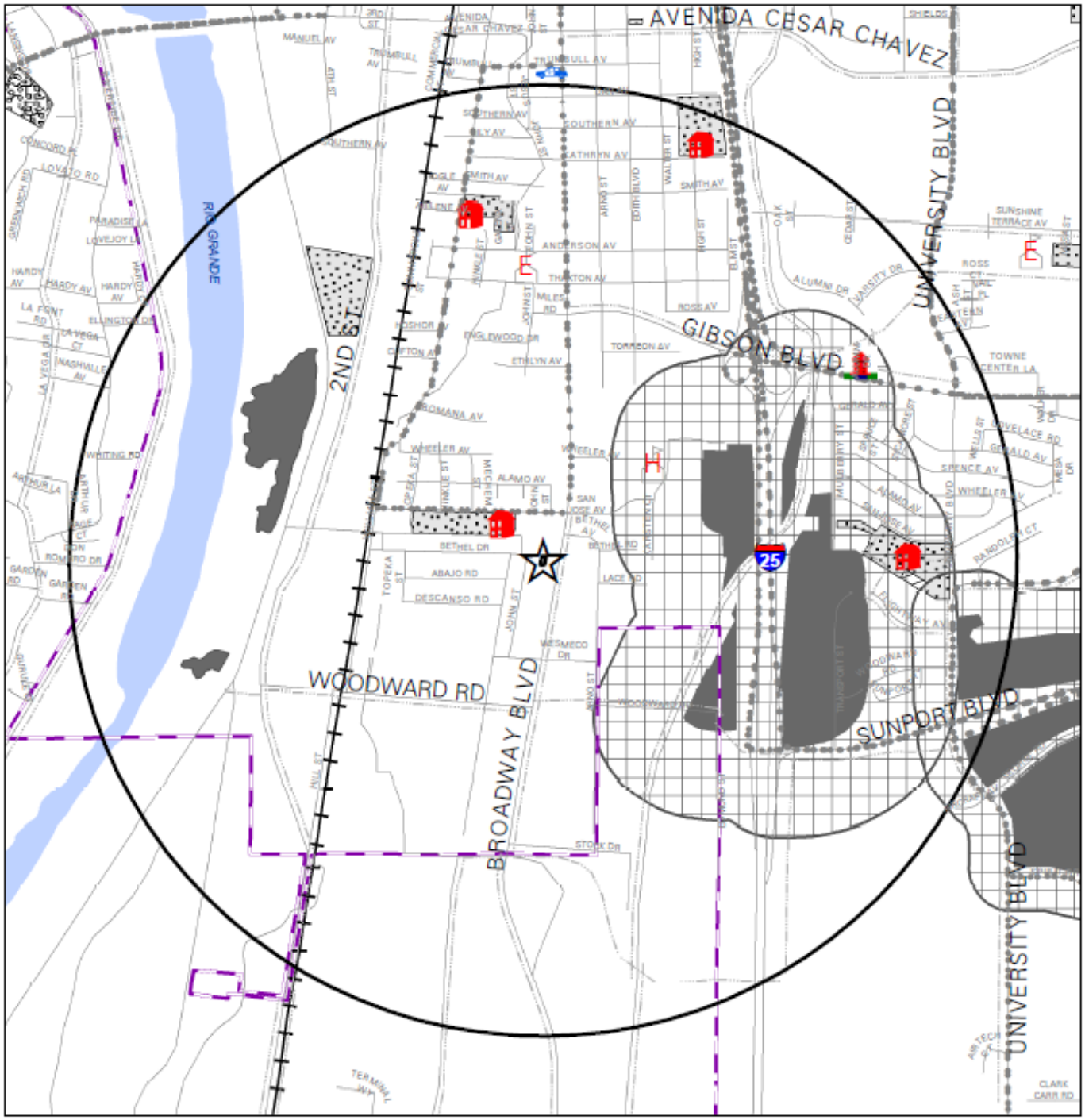

Public Facilities Map with One-Mile Buffer

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

0 0.5 1 Miles

Project Number: PR-2023-008516

I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

	Zoning	*Comprehensive Plan Area*	*Land Use*
Site	NR-C, R-1A	Area of Consistency	Contractor yard
North	NR-C	Area of Change	Light Industrial, manufacturing
South	NR-C	Area of Change	Light Industrial, manufacturing
East	NR-C	Area of Consistency	Commercial, Restaurant
West	R-1A	Area of Consistency	Dwelling, single-family

Request

The request is for a zoning map amendment (zone change) for an approximately 0.12-acre site legally described as Block B of west 50.0 feet of east 150.0 feet of South Broadway Acres, Unit 1, located at 418 Bethel Dr. SE, between Broadway Blvd. SE, and John St. SE, (the "subject site"). The subject site currently serves as a contractor yard for a landscaping business.

The applicant is requesting a zone change from R-1A (Residential, Single-Family) to NR-C (Non-Residential Commercial) to remedy a floating zone line on the property, and to have full use of their property for their landscaping business.

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 make then make the final decision. The request is a quasi-judicial matter.

Context

The subject site is bounded by Bethel Dr. SE on the north, Broadway Blvd. SE on the east, John St. SE on the west, and Wesmeco Dr. SE on the south. Land uses surrounding the site include a fence manufacturing business to the north, a restaurant to the east, single-family residential to the west, and a printing supply business to the south.

Near the site on Broadway Blvd. SE are various auto repair shops, building construction contractors, and auto sales businesses. North and east of the site off San Jose Ave. SE are manufactured home builders and trucking freight businesses.

History

The subject site has evolved from agricultural uses associated with Spanish-Mexican settlements before the railroad, uses associated with the railroad in the late 1800s to early 1900s, industrial development after the decline of the railroad locomotive shops (for example, the former GE plant on Woodward), and other commercial/light industrial uses to the present day. The historic pattern of narrow lots with acequia access is still evident with smaller lots and irregular platting that continue into the present.

In September 1966, the subject site and surrounding areas including the South Barelas Industrial Park, the San Jose Neighborhood, and portions of the Albuquerque International Sunport and Mesa del Sol were annexed into the City of Albuquerque.

In 1986 the South Broadway Sector Development Plan (SBSDP) was adopted. The South Broadway Sector Plan area covered 1,008 acres and was bounded by Coal to the north, Woodward to the south, the railroad tracks to the west and Interstate-25 to the east.

The SBSDP was identified as a Rank Three plan. The sector plan served as an official guide for new development, redevelopment and conservation of the South Broadway Area. It was intended to promote an arrangement of land use, circulation services, which contributed to the economic, social and physical health and safety, welfare and convenience of people who live in the area within the larger framework of the city and abutting county area.

The SBSDP established zoning using the SU-2 zone in order to stabilize land use patterns zoning and issued zone designations more closely related to existing uses.

The SU-2 Special Neighborhood Zone is a class of zoning categories that are combined to create appropriate land use categories in a given neighborhood, where conventional zone categories were inadequate to address special needs. SU-2 zoning was controlled by the description of land use categories in the sector development plan- MR- Mixed Residential Use, LCR- Limited Commercial Residential, NCR- Neighborhood Commercial Residential, HC-Heavy Commercial, HM-Heavy Manufacturing, SU-1- Special Use, and P-R- Reserve Parking.

The previous zoning for the subject site was SU-2 for HC (Heavy Commercial). As noted on page 46 of the SBSDP, the SU-2 for HC corresponded with the C-3 Heavy Commercial zone before the IDO was adopted with the following exceptions:

Conditional Uses:

1. Uses conditional in the C-3 Zone.
2. Uses permissive in the M-1 zone are allowed as conditional.
3. Existing legal non-conforming uses or uses which become non-conforming upon adoption of this plan are approved conditional uses (See text page 39 “EXISTING USES”).
4. Expansion of uses existing as of adoption date of this plan are conditional uses.

5. For a period of two years from the adoption of this plan, the owner of a vacant or unimproved parcel may apply for a conditional use permit for uses which were permissive in that parcel's zoning designation prior to the adoption date of this plan. The Zoning Hearing Examiner's decisions on such requests shall be guided by the City's criteria as set forth in Section 42.C.1 of the Comprehensive City Zoning Code.

The SBSDP was repealed upon the adoption of the IDO. The South Broadway Metropolitan Redevelopment Area (MRA) still covers the area.

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. Broadway Blvd. SE is classified as a regional principal arterial, and Bethel Dr. SE and John St. SE are classified as local streets. Broadway Blvd. is also NMDOT route 47 "El Camino Real" (the Royal Highway).

Comprehensive Plan Designations

The subject site is in an Area of Consistency as designated by the Comprehensive Plan and is within the boundaries of the South Broadway MRA. It is not within any Comp plan Center or Corridor.

The Central Albuquerque area is the location of the original Old Town settlement with surrounding agricultural lands, the New Town development during the railroad era (now known as Downtown), and the original residential subdivisions, many of which have been designated as historic neighborhoods.

Trails/Bikeways

A proposed bicycle lane runs along Broadway Blvd. SE, adjacent to the subject site. It would connect to existing bike lanes north of San Jose Ave. SE and continue south to the southern City limits. North of the subject site, a bike boulevard is proposed on San Jose Ave. SE from Williams St. SE and continue east to Karsten Ct. SE.

Transit

The subject site is close to ABQ Ride Route 16, Broadway-University-Gibson (aka the "BUG"), which runs along Broadway and then continues on San Jose Ave. SE to Williams St. SE. It operates Monday through Sunday with a peak frequency of 45 minutes. The closest bus stop is on the east side of Broadway Blvd. SE just north of San Jose Ave. SE.

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

Construction Contractor Facility and Yard: A building and any related outdoor areas used to store and maintain construction equipment and materials, including but not limited to plumbing, electrical, carpentry, roofing, landscaping, and facilities customarily required in the building trade by a construction contractor. See also Building and Home Improvement Materials Store.

Low-density Residential Development: Properties with residential development of any allowable land use in the Household Living category in Table 4-2-1 other than multi-family dwellings. Properties with small community residential facilities are also considered low-density residential development. Properties that include other uses accessory to residential primary uses are still considered low-density residential development for the purposes of this IDO. See also Dwelling Definitions for Dwelling, Cluster Development; Dwelling, Cottage Development; Dwelling, Live-work; Dwelling, Single-family Detached; Dwelling, Townhouse; and Dwelling, Two-family Detached (Duplex); Manufactured Home, and Other Uses Accessory to Residential Primary Uses.

Non-residential Development: Development of allowable land uses on a property that includes no residential development.

Zone Boundary: The boundary of a zone district is a lot line unless clearly otherwise shown on the Official Zoning Map, in which case, the boundary of a zone is determined by use of the scale of measurement shown on the Official Zoning Map.

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

Zoning

The subject site is zoned NR-C (Non-residential Commercial Zone District) on the eastern side and the western side is zoned R-1A (Residential- Single-family Zone District), which were both assigned upon adoption of the IDO. The “A” sub-zone includes the smallest lot sizes in the R-1 zone district, which are 3,500 square feet minimum.

The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area. Allowable uses are shown in Table 4-2-1.

The purpose of the NR-C zone district is to accommodate medium-scale retail, office, commercial, and institutional uses, particularly where additional residential development is not appropriate or not desired because of a deficit of jobs or services in relation to housing units in the area. Primary land uses include a wide spectrum of retail and commercial uses intended to serve both neighborhood and area-wide needs, as well as some light industrial uses. Allowable uses are shown in Table 4-2-1.

Because the zone line between R-1A and NR-C runs through the property (aka a "floating zone") and does not correspond to the platted lot boundaries, the owners do not have full use of the lot for uses allowed in the NR-C zone district, including their present landscaping business.

The request is to change the subject site's R-1A zoning to NR-C for consistent zoning and to mitigate any issues with respect to commercial vs. residential insurance or property titles.

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

ALBUQUERQUE / BERNALILLO COUNTY COMPREHENSIVE PLAN

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Consistency. Applicable Goals and policies are listed below. Staff analysis follows in ***bold italics.***

Chapter 5: Land Use

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

The request would foster a community where residents can live, work, learn, shop, and play together. It would allow full use of a lot currently used for a landscaping business, which provides employment and provides tree-trimming services for commercial and residential customers. Within a mile of the subject site are numerous uses such as parks and community centers, schools, and retail uses that create a complete community. The request would support a complete community, and therefore 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 help create a healthy, sustainable, and distinct community with a mix of uses that are conveniently accessible from surrounding neighborhoods. It would allow full use of a landscaping (tree-trimming) business that is easily accessible by walking, biking, transit and automobiles. Trees provide numerous health benefits and allowing a tree-trimming business to thrive – by allowing full use of the subject site – is therefore economically and environmentally sustainable. The request furthers Policy 5.2.1 Land Uses.

Sub-Policy 5.2.1(h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request would encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development. It would allow full use of a business that complements the other contracting businesses in the area, but is of lower intensity than businesses located along the Broadway corridor, and therefore complements residential uses west of the subject site. The request furthers Sub-policy 5.2.1(h).

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 request would promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good. It would support the public good by using existing infrastructure and public facilities, rather than having to develop infrastructure and facilities where they do not exist. The request furthers Goal 5.3 Efficient Development Patterns.

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 ensure that development in Areas of Consistency reinforces the character of the surrounding area. The subject site is located in an Area of Consistency, and allowing the subject site to be fully-used for a business would reinforce the character of the surrounding commercial uses to the east as well as residential uses to the west. The request furthers Goal 5.6 City Development Areas.

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The request would protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. The subject site is not located in a Center or along a Corridor, but is near single-family neighborhoods, parks and within a mile of Major Public Open Space (The Rio Grande Valley State Park). The request furthers Policy 5.6.3 Areas of Consistency.

Sub-policy 5.6.3 (a): Use Figure 5-6 created according to the methodology described in Section 5.1.2.5, to determine where Areas of Consistency policies apply.

Although the request is not aimed at correcting any perceived or actual errors in establishing Areas of Consistency, it is a test case that may justify the need to revise the methodology described in Section 5.1.2.5 of the ABC Comp Plan, and in more detail in Appendix I. According to Table A-16 in the Comp Plan Appendix I, the criteria for

establishing Areas of Change and Areas of Consistency within the South Broadway MRA Plan is as follows:

> "Parcels abutting Broadway, Avenida Cesar Chavez (East of John St. only), and Gibson, and other parcels not zoned single-family residential are Change. Single-family residential zoned parcels, parks, etc., are Consistency."

The subject site, which has mostly non-residential zoning (NR-C), was given the "Area of Consistency" designation. The applicant makes the argument that the subject site and the property east of it, which abuts Broadway, were incorrectly designated "Areas of Consistency" as noted on page five of the zone change request:

> "The applicant requests that the GIS land use data for this area be updated to reflect the non-residential character of both this lot (and substantiated by the majority of the lot being zoned NR-C), and the lot to the east. This will have the effect of changing these two lots to be designated as an Area of Change if the analysis is recalculated in the next Comp Plan update."

The request generally furthers sub-Policy 5.6.3 Areas of Consistency (a).

<u>Sub-policy 5.6.3 (b):</u> Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

The development reinforces the scale, intensity, and setbacks of the immediately surrounding context. The subject site was originally zoned SU-2 for Heavy Commercial, and because the use as a landscaping contractor yard is much less intense than other allowable uses under that designation, it has served as a buffer between more intense uses along Broadway Blvd. and single-family residential uses west of the subject site. Any new development that triggers compliance with IDO regulations will ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context. The request furthers sub-Policy 5.6.3 Areas of Consistency (b).

<u>Sub-policy 5.6.3 (c):</u> Carefully consider zone changes from residential to non-residential zones in terms of scale, impact on land use compatibility with abutting properties, and context.

The applicant and agent have carefully considered zone changes from residential to non-residential zones in terms of scale, impact on land use compatibility with abutting properties, and context. The applicant has carefully and thoroughly researched the issue. The request furthers sub-Policy 5.6.3 Areas of Consistency (c).

<u>Policy 5.6.4 Appropriate Transitions:</u> Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

The subject site serves as a transition between Areas of Change to the north and south of it for development abutting Areas of Consistency to the west of it. The existing

setbacks, small lot size, and walls surrounding the subject site are adequate transitional elements that buffer the residential uses to the west from more intense commercial uses to the east, many of which are located in an Area of Change. The request furthers Policy 5.6.4 Appropriate Transitions.

Sub-policy 5.6.4 (a): Provide appropriate transitions between uses of different intensity or density and between non-residential uses and single-family neighborhoods to protect the character and integrity of existing residential areas.

The request would allow the subject site to continue serving as an appropriate transition between uses of different intensity or density and between non-residential uses and single-family neighborhoods. Its location on a small lot with adequate screening and setbacks helps protect the character and integrity of existing residential uses to the west, northwest, and southwest of the subject site. It buffers non-residential uses east and north of the subject site from single-family residential uses to the west. The request furthers sub-Policy 5.6.4 (a) Appropriate Transitions.

Chapter 8: Economic Development

Goal 8.2 Entrepreneurship: Foster a culture of creativity and entrepreneurship and to encourage private businesses to grow.

The request would foster a culture of creativity and entrepreneurship and to encourage private business to grow. The request encourages a private business to grow by using the entire lot for their landscaping contract business. The request furthers Goal 8.2 Entrepreneurship.

Policy 8.2.1 Local Business: Emphasize local business development.

The request would emphasize local business development. It would allow the existing landscape business to continue and develop by not having to create walls/fences and other setbacks to separate the R-1A zoned portion of the lot from the NR-C zoned portion of the lot. A clear and consistent zoning designation would allow the owner of the business to properly insure their business, pursue loans, conduct title or mortgage applications, and similar business actions. The request generally furthers Goal 8.2.1 Local Business.

Integrated Development Ordinance (IDO) 14-16-6-7(G)(3)-Review and Decision Criteria for Zone Map Amendments

Requirements
The review and decision criteria outline policies and requirements for deciding zone change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

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

Justification & Analysis
The zone change justification letter analyzed here, received on May 4, 2023, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned R-1A (Residential-Single-family) and NR-C (Non-residential Commercial). The requested zone change from R-1A to NR-C would remedy a floating lot line on the property, and allow the owners to use the entire lot for their landscaping business. The term "floating lot line" refers to a zoning line that does not correspond to property boundaries.

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

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

Applicant: The proposed Zoning Map Amendment implements criteria 6-7(G)(3)(a) by demonstrating consistency with the health, safety, and general welfare of the City by furthering the following Comprehensive Plan goals and policies, as analyzed below. This request clearly reinforces and strengthen implementation of the following Comprehensive Plan goals and policies.

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 5.2 Complete Communities; Policy 5.2.1 Land Uses; Goal 5.3 Efficient Development Patterns; Goal 5.6 City Development Areas; Policy 5.6.3 Areas of Consistency; Policy 5.6.4 Appropriate Transitions; Goal 8.2 Entrepreneurship; and Policy 8.2.1 Local Business.

Non-applicable citations: none.

The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and Policies in the ABC Comp Plan regarding

Complete Communities, Efficient Development Patterns, City Development Areas, and Entrepreneurship, and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals and general welfare. The response to Criterion A is sufficient.

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

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site.
3. A different zone district is more advantageous to the community as articulated by the ABC 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: *Criterion 3 applies to this request. This request and application demonstrate that a new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and will not permit development that is significantly different from that character. As explained above in section 6-7(G)(3)(a), this lot has a floating lot line and has two different zones established for the one property. Having two zones mapped on one property is inconsistent with the basic principles of zoning. Zoning is intended to direct which uses are allowed and which uses are not allowed on a property, and what development standards apply. To have both a residential zone and a non-residential zone mapped on the same property calls into question which development standards apply, how the uses should be regulated, and how one or both zones should be developed. Approving the zone change request would map the NR-C zone on the entire property. This will strengthen the character of the surrounding area because it is consistent with the zone and uses on the majority of this lot as well as on the abutting lots on three sides of this property. Removing the sliver of R-1A that is mapped along the west edge of this property will strengthen the established character of the surrounding Area of Consistency by allowing the lot to be developed and used cohesively, without requiring a portion of the lot remain undeveloped. A portion of vacant land within one property does not reinforce or strengthen the character of the neighborhood. It actually confers no value or benefit on the subject site itself or for the surrounding lots.*

This application clearly demonstrates criterion 14-16-6-7(G)(3)(b)(3) is met through the extensive demonstration and explanation of how this request furthers and implements applicable Land Use and Economic Development goals and policies in the Zone Change Criteria section 14-16-6-7(G)(3)(a), above.

This applicant humbly requests consideration that this zone change would be more advantageous to the community.

Staff: The subject site is located wholly in an Area of Consistency. The applicant demonstrates that criterion 3 is met because a different zone district is more advantageous to the community as articulated by the ABC Comp Plan, and 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 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: The subject site is not located within an Area of Change, as shown in the ABC Comp Plan Map, so the review and decision criterion 6-7(G)(3)(c) does not apply to this request.

Staff: The subject site is located wholly in an Area of Consistency, so this criterion does not apply. 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: The requested zoning will not include permissive uses that would be harmful to THIS property, adjacent property, the neighborhood, or the community. The most significant issue is whether having R-1A zone on a property that is primarily zoned as NR-C would be harmful and secondarily if the abutting property, neighborhood, or community may be harmed. Because the majority of the property is zoned NR-C, and the full complement of NR-C uses can be developed on the majority of the lot, the requested zoning will not include new permissive uses that would harm this property or any of the adjacent properties. The following list summarizes uses allowed permissively in MX-L, uses allowed in both MX-T and MX-L, and uses allowed in the R-1A zone district but not allowed in the NR-C zone district.

Permissive Uses within R-1A vs. NR-C Zone Districts

The uses that are permissive in the R-1A zone district but not NR-C are single-family residential dwelling types. These uses are generally not appropriate on a lot that also allows all NR-C zone uses, as regulated by Table 4-1-1. The request would allow the entire lot to develop light and heavy commercial uses that align with the scale and character of the remainder of the lot and much of the surrounding area.

A comparison of the uses allowed in the R-1A vs. NR-C zone districts is provided in the summary table below, which is an excerpt from the IDO Table 4-2-1 Allowable Uses. All uses that are the same in both zones have been excluded from this summary table. There are very few uses that are allowed in both zones, but include such uses as community center, park, and church.

Uses allowed permissively in the R-1A zone district

Table 4-2-1: Allowable Uses

P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory
CV = Conditional if Structure Vacant for 5+ years T = Temporary CT = Conditional Temporary
Blank Cell = Not Allowed

Zone District >>	Residential						Mixed-use				Non-residential								
Land Uses	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	Use-specific Standards
PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS																			
RESIDENTIAL USES																			
Household Living																			
Dwelling, single-family detached	P	P	P	P	P		P												4-3(B)(1)
Dwelling, cluster development	P	P		P	P		P												4-3(B)(3)
Dwelling, cottage development	P	P	P	P	P		P												4-3(B)(4)
Dwelling, two-family detached (duplex)		P		P	P		P												4-3(B)(5)
Community residential facility, small	P	P		P	P	P	P	P	P	P									4-3(B)(9)
Community center or library	C	P		P	P	P	P	P	P	P	C	C	C	C		P		C	4-3(C)(1)
Residential community amenity, indoor	P	P	P	P	P	P	P	P	P	P								C	4-3(D)(11)
Residential community amenity, outdoor	P	P	P	P	P	P	P	P	P	P								A	

Uses allowed permissively in the NR-C zone district

Land Uses	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	Use-spec Standard
Adult or child day care facility			C	C	C	P	P	P	P	P	P	P	A	A					
Elementary or middle school	C	C		C	P	P	P	P	P	P	P	P	CV			P		C	4-3(C)(2)
High school	C	C		C	C	P	P	P	P	P	P	P	C			P			4-3(C)(3)
Hospital									P	P	P	P							4-3(C)(4)
Museum				CV	CV	C	P	P	P	P	P	P	P	P		P	A		4-3(C)(5)
Sports field							CV	C	P	P	P	P	P	C		P		C	
University or college						CV	CV	C	P	P	P	P	CV	CV					
Vocational school						CV	P	P	P	P	P	P	P	P					

Kennel	C							C	C		P	P	P	P					4-3(D)(4)
Nursery	P								A		P	P	P	P		A	A		
Veterinary hospital	C						C	P	P	P	P	P	P	P					4-3(D)(5)
Other pet services	C						C	P	P	P	P	P	P	P					
Land Uses	**R-A**	**R-1**	**R-MC**	**R-T**	**R-ML**	**R-MH**	**MX-T**	**MX-L**	**MX-M**	**MX-H**	**NR-C**	**NR-BP**	**NR-LM**	**NR-GM**	**NR-SU**	**NR-PO A**	**NR-PO B**	**NR-PO C**	**Use-spec Standard**
Auditorium or theater						A	A	A	P	P	P	P	P	P					4-3(D)(7)
Bar							C	C	P	P	P	P	P	P					4-3(D)(8)
Catering service									P	P	P	P	P	P					
Health club or gym			A		A	A	P	P	P	P	P	P	P	A					4-3(D)(9)
Mobile food truck court							C	P	P	P	P	P	P	C					4-3(D)(10)
Nightclub									P	P	P	P	P						4-3(D)(8)
Restaurant							C	P	P	P	P	P	P	P					4-3(D)(8)
Tap room or tasting room							C	C	P	P	P	P	P	P					4-3(D)(8)
Other indoor entertainment							C	P	P	P	P	P	P	P		P		C	4-3(D)(12)
Campground or recreational vehicle park									C		P	P					A	C	4-3(D)(14)
Hotel or motel							P	P	P	P	P	P	P	P					4-3(D)(15)
Car wash								P	P	P	P	P	P	P					4-3(D)(16)
Heavy vehicle and equipment sales, rental, fueling, and repair											P	C	P	P					4-3(D)(17)
Light vehicle fueling station								C	P	P	P	P	P	P					4-3(D)(18)
Light vehicle repair								P	P	P	P	P	P	P					4-3(D)(19)
Light vehicle sales and rental								C	P	P	P	P	P	P					4-3(D)(20)
Paid parking lot			A		A	A	C	P	P	A	P	P	P	P	A	A	A		4-3(D)(22)
Parking structure			A		A	A	CA	P	P	P	P	P	P	P	A				4-3(D)(22)
Offices and Services																			
Bank							P	P	P	P	P	P	P	CV					4-3(D)(23)
Club or event facility							C	P	P	P	P	P	P	CV		P	P	C	4-3(D)(24)
Commercial services								P	P	P	P	P	P	P					
Construction contractor facility and yard										C	P	P	P	P					4-3(D)(25)
Medical or dental clinic							P	P	P	P	P	P	P	P					4-3(D)(26)
Mortuary								C	P	P	P	P	C		A				
Office							P	P	P	P	P	P	P	P					
Personal and business services, small							P	P	P	P	P	P	P	P					4-3(D)(27)
Personal and business services, large									P	P	P	P	P	P					4-3(D)(27)
Research or testing facility							P	P	P	P	P	P	P	P					4-3(D)(28)
Self-storage								C	C	P	P	P	P	P			A		4-3(D)(29)
Other outdoor entertainment	CA	CA	CA	CA	CA	CA	A	A	A	A	P	P	P	A		P		P	4-3(D)(32)

Land Uses	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	Use-specific Standards
Art gallery	CV	CV	C	P	P	P	P	P	P	P	P		P	A					4-3(D)(33)
Bakery goods or confectionery shop							C	P	P	P	P	P	P	P					
Building and home improvement materials store									C	C	P	P	P	C					4-3(D)(34)
Cannabis retail							P	P	P	P	P	P	A	A					4-3(D)(35)
Farmers' market	T		T	T	T	T	T	P	P	P	P	P	CV	CV		P	A	CA	4-3(D)(36)
General retail, small			A			A	P	P	P	P	P	P	P	P					4-3(D)(37)
General retail, medium									P	P	P	C	C						4-3(D)(37)
General retail, large									C	C	P	P							4-3(D)(37)
Grocery store								P	P	P	P		P	P					4-3(D)(38)
Pawn shop								C	P	P	P	P	P	P					4-3(D)(41)
Transit facility						C	C	C	P	P	P	P	P	P					4-3(D)(47)
Artisan manufacturing							C	P	P	P	P	P	P	P					4-3(E)(1)
Cannabis cultivation							C	P	P	P	P	P	P	P					4-3(E)(2)
Cannabis-derived products manufacturing							C	P	P	P	P	P	P	P					4-3(E)(3)
Light manufacturing										A	P	P	P	P					4-3(E)(4)
Freestanding							P	P	P	P	P	P	P	P	A				
Recycling drop-off bin facility						A	A	A	A	A	P	P	P	P					4-3(E)(13)
Warehousing									C	C	P	P	P	P					4-3(E)(18)
Wholesaling and distribution center									C	C	P	P	P	P					4-3(E)(19)

Analysis of the difference in allowed uses between R-1A and NR-C zone districts, and how those differences could potentially impact surrounding uses.

• The following uses are allowed permissively in the R-1A zone district, but not in the NR-C zone: single-family detached dwelling, cluster development dwelling, cottage development dwelling, and two-family detached dwelling, community residential facility, and residential community amenity. These uses are not generally appropriate on a lot that is substantially zoned NR-C, which does not allow any of these uses. The 2-5 ft wide strip of land on this lot that is currently zoned R-1A primarily allows residential uses, which are not compatible on the same lot as NR-C uses.

• The following uses are allowed permissively in the NR-C zone district but are not allowed or are allowed with a conditional use approval in the R-1A zone district: most uses in the civic and institutional category, most uses in the commercial use category, and most industrial uses (see the excerpt from Table 4-2-1, above for the full list of permissive uses in the NR-C zone itemized). Because these uses are already allowed on this property, on the portion of the lot zoned NR-C, they will not harm that lot. Because they are already allowed on the majority of this lot, allowing

them on the thin sliver of land abutting the residential dwelling is not likely to cause harm, relative to the small portion of land that is the subject of this rezone request. While property zoned NR-C is not best zoned immediately adjacent to R-1 property, this zoning pattern has been established since the South Broadway Sector Plan was adopted in 1986.

Because this request is to remedy a small floating zone boundary within one existing lot, performing a detailed analysis of the specific uses and their potential impacts to the residential uses to the west is less relevant than in the typical zone change request. The more relevant consideration is whether the R-1A uses allowed on the subject site itself are harmful to the remainder of the property and the uses conducted thereon. Further, the remainder of the abutting and adjacent properties are already zoned NR-C, so there will be no harm caused by adding permissive NR-C zone uses to the west side of this lot.

Staff: The applicant compared the existing R-1A zoning and the proposed NR-C zoning and discussed each use that would become permissive. Adding non-residential uses (the key difference between existing and proposed zoning) to a site where they have been used continuously for several years is generally not considered harmful. The parcels to the east and north that are zoned NR-C contain more intense uses than those presently on the subject site. Therefore, the commercial uses that would become permissive would generally not be considered harmful or have any detrimental impacts to the surrounding environment.

The IDO has Use-Specific standards to mitigate the impacts of uses that could be considered harmful. Furthermore, uses such as car wash or light vehicle repair would trigger a "Cumulative Impacts Analysis" because the location within the Railroad and Spur Small Area and nearby uses meet all applicability criteria pursuant to 14-16-5-2(E)(1). Compliance with requirements pursuant to 14-16-6-4(H)(2) to mitigate such uses would ensure that any permissive or conditional uses on the subject site would not have any detrimental impacts to the surrounding area. 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 any of the following criteria:

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

Applicant: The City's existing infrastructure and public improvements will adequately serve the allowable uses in the proposed NR-C zone district. There are existing public safety services, parks, open space, and other community facilities in the area. Existing

public infrastructure includes roadways, water, sewer, and storm drain facilities. The subject site is already developed with a landscaping contractors equipment storage yard. The small portion of land that is now zoned R-1A will have a negligible impact on the capacity of city services and infrastructure. This minor increase in intensity of uses and development for the 2-5 ft. wide strip of land on the west side of this lot would not impact the capacity of existing infrastructure and public improvements. Therefore, criterion one of this element is satisfied.

Staff: The subject site is an infill site that is adequately served by existing infrastructure (requirement 1) and that it is part of the South Broadway Metropolitan Redevelopment Area. 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: The subject site is not located on a major street. Remedying a zoning mapping error and floating zone boundary is the primary justification for this request

Staff: The subject site is located on Bethel Dr. SE, a local road as designated by the MRMPO LRRS. The applicant is not completely basing their justification for the request upon the subject site's location because it does not sit on a major street. Rather, the request to rezone (a portion of) the property from R-1A to NR-C is to remedy a floating zone line on the property. 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: The justification for this request is not based on the cost of land or economic considerations. Remedying a zoning mapping error and floating zone boundary is the primary justification for this request. The request's consistency with adopted goals and policies is a secondary justification for the zone map amendment request, see also response to 6-7(G)(3)(a) above.

Staff: The applicant's justification is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has adequately demonstrated that the request furthers a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City. 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: This request would not apply a zone district different from surrounding zone districts to one small area or one premises, i.e., create a "spot zone." If approved, this zone change request would establish one zone for the entire property. Lots to the north, south, and east are all zoned NR-C, so this is not a spot or strip zone.

Staff: The response to Criterion H is sufficient.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City departments and other agencies reviewed this application. Few agency comments were received. None of the responding agencies had any adverse comments.

Neighborhood/Public

The affected neighborhood organization is the San Jose Neighborhood Association (NA) which was notified as required. Property owners within 100 feet of the subject site were also notified as required. (see attachments). An offer to hold a neighborhood meeting was emailed to the San Jose NA but they did not request one.

Staff is unaware of any comments in favor of or opposed to this request, at the time of this report.

IV. CONCLUSION

The request is for a zoning map amendment (zone change) for an approximately 0.2-acre site legally described as all or a portion of 001 B W 50.0 FT of E 150.0 FT of South Broadway Acres Unit No. 1, located at 418 Bethel Dr. SE, between John St. SE, and Broadway Blvd. SE, (the "subject site").

The applicant is requesting a zone change to NR-C (Non-residential Commercial Zone District) to remedy a floating zone line on the property.

The applicant has adequately justified the request based upon the proposed zoning being more advantageous to the community than the current zoning because it 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 affected neighborhood organization is the San Jose Neighborhood Association which was notified as required. Property owners within 100 feet of the subject site were also notified as required. A pre-application neighborhood meeting was offered to the NA but they declined it.

Staff recommends approval.

FINDINGS - RZ-2023-00013, May 18, 2023- Zoning Map Amendment (Zone Change)

1. The request is for a zoning map amendment (zone change) for an approximately 0.12-acre site legally described as all or a portion of Block B west 50.0 feet of east 150.0 feet of South Broadway Acres Unit 1, located at 481 Bethel Dr. SE, between Broadway Blvd. SE and John St. SE, (the "subject site").

2. The subject site is zoned R-1A (Residential- Single-family Zone District) and NR-C (Non-residential Commercial Zone District). The applicant is requesting a zone change from R-1A to NR-C to remedy a floating zone line on the property.

3. The subject site is in an area that the Comprehensive Plan designated an Area of Consistency and is not within a Comp Plan-designated Center or Corridor.

4. The City of Albuquerque Integrated Development Ordinance (IDO) and the Comprehensive Plan are incorporated herein by reference and made part of the record for all purposes.

6. The request furthers the following Goal, policies, and sub-policies in Chapter 5 Land use, with respect to complete communities.

   A. <u>Goal 5.2 Complete Communities:</u> Foster communities where residents can live, work, learn, shop, and play together.

      The request would allow full use of a lot currently used for a landscaping business, which provides employment and provides tree-trimming services for commercial and residential customers. Within a mile of the subject site are numerous uses such as parks and community centers, schools, and retail uses that create a complete community.

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

      The request for NR-C zoning would help create a healthy, sustainable, and distinct community with a mix of uses that are conveniently accessible from surrounding neighborhoods. The business use on the subject site is complementary to nearby uses and is easily accessible by walking, biking, transit and automobiles.

7. The request furthers the following Goals and policy regarding efficient development patterns in Chapter 5 Land use:

   A. <u>Goal 5.3 Efficient Development Patterns:</u> 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 request would promote development patterns that maximize the utility of existing infrastructure by using existing infrastructure and public facilities, rather than having to develop infrastructure and facilities where they do not exist.

8. The request furthers the following Goal and policies regarding city development areas, areas of consistency, and appropriate transitions in Chapter 5 Land use:

   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 subject site is located in an Area of Consistency, and allowing it to be fully-used for a business would reinforce the character of the surrounding commercial uses to the east as well as residential uses to the west.

   B. Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

      The request would protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. The subject site is not located in a Center or along a Corridor, but is near single-family neighborhoods, and parks.

   C. Policy 5.6.4 Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

      The existing setbacks, small lot size, and walls surrounding the subject site are adequate transitional elements that buffer the residential uses to the west from more intense commercial uses to the north, south, and east; many of which are located in an Area of Change.

9. The request furthers the following Goal and policy regarding entrepreneurship in Chapter 8 Economic Development:

   A. Goal 8.2 Entrepreneurship: Foster a culture of creativity and entrepreneurship and to encourage private businesses to grow.

      The request would foster a culture of creativity and entrepreneurship and to encourage private business to grow. The request would allow a private business to grow by using the entire lot for their landscaping contract business.

   B. Policy 8.2.1 Local Business: Emphasize local business development.

The request would emphasize local business development by allowing it to fully use the entire lot for the landscaping business. A clear and consistent zoning designation would allow the owner of the business to properly insure their business, pursue loans, conduct title or mortgage applications, and similar business actions.

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

    A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request 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 clearly facilitates a preponderance of applicable Goals and policies regarding Complete Communities, Efficient Development Patterns, City Development Areas, and Entrepreneurship. Therefore, the request is consistent with the City's health, safety, morals and general welfare.

    B. Criterion B: The subject site is located wholly in an Area of Consistency. The applicant's policy-based analysis (see response to Criterion A) demonstrates 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 has also demonstrated that the existing zoning is inappropriate because of criterion 3; a different zone district is more advantageous to the community as articulated by the ABC Comp Plan.

    C. Criterion C: This criterion does not apply because the subject site is not located in an Area of Change, either wholly or in part.

    D. Criterion D: The applicant compared the existing R-1A zoning and the proposed NR-C zoning and discussed each use that would become permissive. Adding commercial uses (the key difference between existing and proposed zoning) to an existing site where NR-C uses have been consistently maintained is generally not considered harmful. Since much of the surrounding land is zoned NR-C, the commercial uses that would become permissive (some of which are already conditional, including the landscaping business) would generally not be considered harmful in this setting.

    The IDO has Use-Specific standards to mitigate the impacts of uses that could be considered harmful. Furthermore, permissive uses such as light vehicle repair would be mitigated pursuant to IDO 14-16-6-4(H)(2) because the subject site is located within the Railroad and Spur Small Area, where a Cumulative Impacts Analysis would be required.

    E. Criterion E: The subject site is adequately served by existing infrastructure, and allowing the full use of it for the existing business would have only negligible impacts on the existing infrastructure and public facilities.

F. Criterion F: The subject site's location on a local street does not factor into the policy analysis. Rather, the request to rezone (a portion of) the property from R-1A to NR-C is to remedy a floating zone line on the property.

G. Criterion G: The applicant's justification is not based completely or predominantly on the cost of land or economic considerations. Rather, the applicant has justified the zone change request to remedy a floating zone boundary.

H. Criterion H: The request would not result in a spot zone because it matches the NR-C zoning of parcels north, east, and south of the subject site.

11. The applicant's policy-based response adequately demonstrates that the request clearly facilitates a preponderance of applicable Goals and policies regarding Complete Communities, Efficient Development Patterns, City Development Areas, and Entrepreneurship, and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals, and general welfare.

12. The affected neighborhood organization is the San Jose Association, which was notified as required. Property owners within 100 feet of the subject site were also notified as required.

13. A pre-application meeting was offered but neither requested nor held.

14. As of this writing, Staff has not been contacted and is unaware of any opposition.

RECOMMENDATION - RZ-2023-008516, May 18, 2023

APPROVAL of Project #: 2023-008516, Case#: RZ-2023-00013, a zone change from R-1A to NR-C, for Block B west 50.0 feet of east 150.0 feet of South Broadway Acres Unit 1, between Broadway Blvd. SE and John St. SE, an approximately 0.12-acre site, based on the preceding Findings.

Robert Messenger

Current Planner

Notice of Decision cc list:

Hector Lopez & Paula Escamilla, hpaulaescamilla@yahoo.com
ABQ Land Use Consulting, LLC, carl@abqlanduse.com
San Jose Neighborhood Association, Deanna Barela, bacadeanna@gmail.com
San Jose Neighborhood Association, Olivia Greathouse, sjnase@gmail.com
Legal, dking@cabq.gov
EPC file

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Long Range Planning

CITY ENGINEER

Transportation Development

PR- 2023-008516, RZ-2023-00013
Zoning Map Amendment

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

Hydrology Development

New Mexico Department of Transportation (NMDOT)

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

No Comments.

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:

WATER UTILITY AUTHORITY

1. No objections.

2. For informational purposes only:

2a. To receive conditions of water and sewer service please request an Availability Statement at the following link: https://www.abcwua.org/info-for-builders-availability-statements/

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Project # PR-2023-008516 RZ-2023-00013– Zoning Map Amendment (Zone Change)----
No comment

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

Project # PR-2023-008516

RZ-2023-00013– Zoning Map Amendment (Zone Change)

COMMENTS: No adverse comment.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY (AMAFCA)

Project # PR-2023-008516	**1 Ely Portion of Block B, located at 418 Bethel Dr. SE, between Broadway SE, and John SE**
RZ-2023-00013– Zoning Map Amendment (Zone Change)	• No adverse comments to the zone change.

ALBUQUERQUE PUBLIC SCHOOLS

1. **Project #2023-008516**
    a. EPC Description: RZ-2023-00013, Zoning Map Amendment.
    b. Site Information: 1 Ely Portion of Block B.
    c. Site Location: 418 Bethel Drive SE, between Broadway SE and John SE.

d. Request Description: The applicant is requesting approval of a Zoning Map Amendment to change the zoning from R-1A to NR-C.

e. No comments.

MID-REGION METROPOLITAN PLANNING ORGANIZATION (MRMPO)

PR-2023-008516
MRMPO has no adverse comment.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

Figure 1: Looking S at subject site, 418 Bethel Dr. SE

Figure 2: Looking E from subject site to restaurant use along Broadway Blvd. SE.

Figure 3: Looking southeast at Subject Site.

Figure 4: Looking north from subject site to fence manufacturer business at NW corner of Broadway Blvd. SE and Bethel Dr. SE.

ZONING

Please refer to IDO Section 14-16-2-3(B) for the R-1A Zone District and IDO Section 14-16-2-5(A) for the NR-C Zone District

APPLICANT INFORMATION

City of Albuquerque

DEVELOPMENT REVIEW APPLICATION

Effective 4/17/19

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

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

APPLICATION INFORMATION

Applicant: HECTOR LOPEZ & PAULA ESCAMILLA		Phone: 505-712-3255
Address: 1419 ElFego Baca Dr SW		Email: hpaulaescamilla@yahoo.com
City: Albuquerque	State: NM	Zip: 87121
Professional/Agent (if any): ABQ Land Use Consulting LLC - Carl Garcia		Phone: 505-306-6289
Address: 6300 Riverside Plaza Ln NW Ste 100		Email: carl@abqlanduse.com
City: Albuquerque	State: NM	Zip: 87120
Proprietary Interest in Site: Agent	List all owners: HECTOR LOPEZ & PAULA ESCAMILLA	

BRIEF DESCRIPTION OF REQUEST

Zone map amendment from R-1A to NR-C to correct a floating zone line.

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

Lot or Tract No.: 1 Ely Portion of	Block: B	Unit:
Subdivision/Addition: South Broadway Acres Unit 1	MRGCD Map No.:	UPC Code: 101405532432610118
Zone Atlas Page(s): M-14	Existing Zoning: NR-C and R-1A	Proposed Zoning: NR-C
# of Existing Lots: 1	# of Proposed Lots: 1	Total Area of Site (acres): .12 Acres

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 418 Bethel Dr SE	Between: Broadway SE	and: John SE

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

NA

Signature: Carl Garcia	**Date:** 4/5/2023
Printed Name: Carl Garcia	☐ Applicant or ☑ Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

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

Form Z: Policy Decisions

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

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

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

No Interpreter Needed for Hearing? ____ if yes, indicate language: _____

NA Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)

A3 Letter of authorization from the property owner if application is submitted by an agent

A4 Traffic Impact Study (TIS) form *(not required for Amendment to IDO Text)*

A5 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**

NA Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)

A7 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

A6d,g Required notices with content per IDO Section 14-16-6-4(K)(6)

- A6 Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
- A6a Proof of emailed notice to affected Neighborhood Association representatives
- A6f Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

A8 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:**
Printed Name:	☐ Applicant or ☐ Agent
FOR OFFICIAL USE ONLY	
Project Number:	Case Numbers
	-
	-
	-
Staff Signature:	
Date:	

ABQ Land Use Consulting LLC

Planning & Zoning Process Specialists

AGENT AUTHORIZATION FORM

Address: 418 BETHEL DR SE

City: Albuquerque State: NM Zip 87102

Lot(s): 1 ELY PORTION OF Block: B

Subdivision: SOUTH BROADWAY ACRES UNIT 1

UPC: 101405532432610118

Legal Description: * 001 B W50.0FTOFE150.0FTOFSOBROADWAYACUNITNO1

Acres: 0.12

Description of request: Zone map amendment (Zone change) and 4 Conditional Use Applications

The registered property owner(s) of subject property do hereby authorize ABQ Land Use Consulting LLC – Carl Garcia and/or representatives to act on my/our behalf in all matters relating to this application. We certify that all information submitted in this application is true and accurate to the best of our knowledge.

Property Owner 1: Hector M. Lopez

Property Owner 2: Paula Escamilla

Property Owner(s) Address (if different from above):

Phone 1: 505-263-9282

Phone 2: 505-712-3255

Email 1: htreecare@yahoo.com

Email 2: hpaulaescamilla@yahoo.com

Signature 1: Date:

Signature 2: Paula Escamilla Date: 3-14-23

City of Albuquerque

Planning Department

Development Review Services Division

Traffic Scoping Form (REV 12/2020)

Project Title: Zone map amendment - EPC Building Permit #:_____ Hydrology File #: _____

Zone Atlas Page: M-14 DRB#: _____ EPC#: _____ Work Order#: _____

Legal Description: * 001 B W50.0FTOFE150.0FTOFSOBROADWAYACUNITNO1

City Address: 418 Bethel Dr SE, Albuquerque, NM

Applicant: ABQ Land Use Consulting LLC - Carl Garcia Contact: Carl Garcia

Address: 6300 Riverside Plaza Ln NW Ste 100, Alb, NM 87120

Phone#: 505-306-6289 Fax#: _____ E-mail: carl@abqlanduse.com

Development Information

Build out/Implementation Year: Vacant Land Current/Proposed Zoning: R-1A to NR-C to correct a floatir

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

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

Describe development and Uses:

NR-C portion of property is currently use to store vehicles and equipment for a tree trimming business

Days and Hours of Operation (if known): Mon-Fri 8am-5pm and Sat 8am-4:30pm

Facility

Building Size (sq. ft.): No building

Number of Residential Units: NA

Number of Commercial Units: NA

Traffic Considerations

Expected Number of Daily Visitors/Patrons (if known):* None

Expected Number of Employees (if known):* 2

Expected Number of Delivery Trucks/Buses per Day (if known):* None

Trip Generations during PM/AM Peak Hour (if known):* 4

Driveway(s) Located on: Street Name Bethel Dr SE

Adjacent Roadway(s) Posted Speed: Street Name Bethel Dr SE 25 mph Posted Speed

Street Name Posted Speed

** 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: Local urban street
(arterial, collecdtor, local, main street)

Comprehensive Plan Center Designation: NA
(urban center, employment center, activity center)

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

Adjacent Roadway(s) Traffic Volume: _____ Volume-to-Capacity Ratio: _____
(if applicable)

Adjacent Transit Service(s): NA Nearest Transit Stop(s): _____

Is site within 660 feet of Premium Transit?: No

Current/Proposed Bicycle Infrastructure: NA
(bike lanes, trails)

Current/Proposed Sidewalk Infrastructure: Existing sidewalk

Relevant Web-sites for Filling out Roadway Information:

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

Comprehensive Plan Corridor/Designation:https://abc-zone.com/document/abc-comp-plan-chapter-5-land-use (map after Page 5-5)

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 (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 [✓] Borderline [ ]

Thresholds Met? Yes [ ] No [✓]

Mitigating Reasons for Not Requiring TIS: Previously Studied: [ ]

Notes:

M Pa P.E.

4/5/2023

TRAFFIC ENGINEER DATE

Submittal

The Scoping Form must be submitted as part of any building permit application, DRB application, or EPC application. See the Development Process Manual Chapter 7.4 for additional information.

Submit by email to the City Traffic Engineer 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 v/c ratio on this form.

ABQ Land Use Consulting LLC

Planning & Zoning Process Specialists

May 9, 2023

Mr. David Shaffer, Chair
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Zoning Map Amendment for 418 Bethel Dr. SE (revision #3)

Dear Mr. Chair and EPC Commissioners,

On behalf of the applicants, Hector Lopez and Paula Escamilla, I respectfully submit to the EPC this Zone Map Amendment request for 418 Bethel Dr. SE, a 0.12-acre lot located west of Broadway Blvd. and south of Bethel Rd. (legally described as * 001 B W50.0 FT OF E150.0 FT OF SO BROADWAY AC UNIT NO1). This letter will describe how this request for a zone change for a portion of the lot from R-1A to NR-C is consistent with the public health, safety, and welfare and how approval of the request would implement ABC Comprehensive Plan Goals and Policies. This letter will further justify this request as being consistent with the review and decision criteria specified in the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3).

Project Request

The applicant proposes to rezone a small portion of the 0.12-acre site from R-1A (Residential – Single-family) to NR-C (Non-residential - Commercial). A sliver of land along the west side of this lot that is between 660 SF and 1,660 SF is zoned R-1A. The majority of the lot has NR-C zoning. There is no evidence on file, in the South Broadway Sector Plan (at which time the current zoning map pattern was established), nor is there any apparent reason that a portion of the lot should be mapped with R-1A zoning. The applicants cannot think of any community benefit that is gained by retaining a small portion of R-1A zoning on this lot that is already developed with non-residential uses.

The property presently is developed with a small shed and covered parking area along the rear lot line, but is substantially vacant land. The property is used as a contractor's facility and yard, which is a permissive use in the NR-C zone district. There is a restaurant on the lot to the east and a residence on the lot to the west. If approved, the request would allow the applicants to continue use of the property as a landscaping contractors yard. This request would further stabilize the existing land uses in the area by establishing the same zone district for the entire lot and allow the existing use to continue in operation.

This site is located west of Broadway Blvd., and generally south of Gibson and north of Woodward/Sunport (identified with a black dot in the zone map below). The property is located east of the San Jose single-family residential neighborhood and west of industrial and commercial uses developed along Broadway Blvd. This property serves as a transitional use between the more intense industry along Broadway and the less intense neighborhood. See the site photograph below.

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Subject site in the middle, with a cinder block wall and metal gate between a restaurant and residence

Zoning Map of the subject site, showing a black dot on the subject site with both R-1A and NR-C zoning.

Site History & Zoning

This request is to establish a new zone district for the western portion of the subject site. The subject site has a majority of the lot zoned as NR-C (Non-residential – Commercial). There is a sliver of land that varies between 2 to 5 feet along the western boundary that is mapped as R-1A (consisting of 660 SF of land). When considering the platted lot boundary, approximately 20 feet of the western portion of the lot appears to be mapped as R-1A (consisting of 1,660 SF of land), while the eastern 30 feet of the lot is mapped as NR-C (consisting of 2,990 SF of land). This request is to eliminate all R-1A zoning on this lot.

In this part of town, there is a substantial mismatch between platted lot lines, ownership property boundaries, and the zoning districts. It appears that the zone map boundary was drawn inconsistently and inaccurately throughout this neighborhood. In the Zoning Map above, there are multiple small and even a few substantial mismatches between the property boundaries and the zone district map. There

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are multiple locations that are private property with no zone district mapped for a portion of the lot. There are also multiple locations and lots with two different zone districts mapped. Finally, there is a pretty substantial difference between the platted lot lines and the property lines and walls built on the ground. While this difference is seen in many locations throughout the city, this part of town has even more irregularities than is typical.

Looking at the detailed Zoning Map below, it appears as if the intent of the cartographer was to draw the zone boundary along the western edge of the subject site – 418 Bethel Dr. SE. This close up of the property with an aerial image shows the lot boundaries and the zone boundaries. The residential lot to the west is fifty feet wide; the shape of the NR-C zone roughly follows the edge of the commercial lot to the south, and then traverses over 55 feet to the east and continues up to Bethel Street. The way it is mapped crosses the subject site. It is our belief that the intent was to map R-1 for the two residential lots on the west side of the block and map a non-residential zone for the entire subject site and the two commercial lots to the east.

Detailed Zone Map showing the depth of NR-C zoning measured, which is the same length as the rear lot line above and slightly to the left.

If you look carefully at this Zoning Map, it appears if the zoning boundary was drawn to follow the fence lines that are visible in the image above, *rather* than the property lines (in brown). It is also drawn to reflect the developed land uses – the houses are mapped with R-1 and the businesses are mapped with NR-C (formerly Heavy Commercial) zoning. The zoning line that crosses this property very closely – but not perfectly – follows the fence line. It is two feet east of the fence line at the north and five feet east of the fence line at the south end of the property. There is a much greater discrepancy in the location of the Bernalillo County Assessor platted lot lines. It is my assertion that when the zone map was drawn, they looked at the aerial image and did not consider the location of the assessor lot boundary lines. Throughout the city, those lines may be slightly or significantly offset from the underlying aerial imagery,

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but they still reflect the same size of lot that is owned. In this case, that is also true. The property boundary and Bernalillo County Assessor platted lot lines are both approximately one hundred feet by fifty feet in dimension.

The site was primarily zoned SU-2 / HC (Heavy Commercial) with adoption of the South Broadway Sector Development Plan in 1986. A portion of the lot may have been zoned R-1 at that same time. However, it is more likely that a mapping error happened when the sector plan zoning was digitized in the City's electronic GIS mapping records. The South Broadway Sector Development Plan covered the portions of the city bound by Coal Ave., the Rail Road tracks, I-25, and the city boundary to the south. It was intended to both protect the residential character of the neighborhoods and revitalize the commercial and industrial portions of that area. It remains adopted as a Metropolitan Redevelopment Plan, but the zoning portion of the joint plan was rescinded and replaced with the IDO. From the Zoning map below, the majority of the block with the subject site was zoned HC, with a small portion of land east of John St. (likely only the strip of lots that front on John St.) was zoned MR. The thick boundaries used on this zone map means there was some or a substantial amount of discretion used in drawing the actual map. It is unclear if the Zoning Map for this area was drawn based on an underlying aerial image or the Bernalillo County Assessor or City Platted Parcel data. The misalignments throughout this area lead me to believe it was the aerial imagery that was used, simply because the aerial images seem to be the most closely related to the location of the zone boundary lines. This is the source of the floating zone boundary for this property, which appears to show a small portion of R-1A zoning mapped on the subject site that is primarily NR-C zoning.

This site was zoned NR-C and R-1A when the Integrated Development Ordinance went into effect in May 2018. These zones most closely matched the former C-3 and R-1 zones in terms of uses allowed. The zones also relied on the prior zone map for the location and extent of the zone boundaries. When the IDO was adopted, there was no effort to realign the mapped boundaries to match the platted or ownership lots.

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The boundary of a zone district is a **lot line** unless clearly otherwise shown on the Official Zoning Map, in which case, the boundary of a zone is determined by the use of the scale of measurement shown on the Official Zoning Map. This definition establishes that the zone boundary should **ideally** follow an established lot line. There are some places where there are two different zones on one lot that may have resulted from a lot consolidation or subdivision. In this case, it seems most reasonable that the zone boundary line was drawn slightly off of the location where the property wall is located. This assertion is based on the fact that this situation – two different zone districts mapped on one lot – occurs frequently throughout the South Broadway area. This indicates that for some reason, there is a pattern of inconsistency in the zone map throughout this area, with multiple zones established on individual lots, despite this conflicting with the principles of zoning and the definition of zone boundaries. In fact, when the IDO was adopted, there was a follow up process that was sponsored by the City of Albuquerque Planning Department to fix certain zoning errors, including lots that had two different zones mapped on one lot. This was described as a "floating zone boundary," which is not a desirable zoning pattern to have. There is no record of why it may have been advantageous to establish two different zones on this lot, and the owner sees no reason to retain the two conflicting zones on this lot. They did not understand the consequence of having two zones mapped on one lot when the Phase 2 zone conversion process took place, therefore, they did not opt in to the free and voluntary process. Had they done so, the Planning Department would have included this lot in the batch conversions that took place in 2018 and 2019 because it met the "floating zone boundary" criterion to opt into the process.

This second phase of zone conversions was intended to rectify situations like two zones on one lot, also called a floating lot line. The simple fact of having two zones mapped on one lot would have been all that needed to be demonstrated to have the city fix that issue, which is the subject matter of this zone map amendment.

TABLE 1. SURROUNDING ZONING & LAND USE

	Zoning	Land Use
Subject Site	*NR-C*	*Vacant land used as a contractor's equipment storage yard*
North	NR-C	Commercial (Construction Contractor's Yard)
South	NR-C	Commercial (Industrial / Manufacturing)
East	NR-C	Commercial (Restaurant)
West	R-1	Low-density residential (single-family dwelling)

The subject site is within the APO-1 Airport Air Space Protection Sub-area associated with the Sunport. The subject site is within the Railroad and Spur Area and consequently has site design and sensitive lands use and design standards that apply, pursuant to IDO Section 14-16-5-2. It is within both the Cumulative Impacts Analysis Area and the Kirtland AFB Military Influence Area, both established with procedural requirements in IDO Section 14-16-6-4. These are all new boundaries and regulations that were established for this property when the IDO was adopted. When a site plan application is made, compliance with all these standards will be ensured.

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Planning Context and Designations
The subject site is within the Central ABQ Community Planning Area. It is designated as an Area of Consistency, as designated by the Comprehensive Plan, which means it is an appropriate location to remain stable in use and character over time. Abutting land to the north and south is mapped as an Area of Change. The reason this lot and the lot to the east are designated as an Area of Consistency is because their land use category is classified – in error – as residential land. The mapping process to create Areas of Change and Areas of Consistency removed any land that would otherwise be an Area of Change if the land use were categorized as residential (see Comp Plan Appendix I, Areas of Change and Consistency Methodology). The applicant requests that the GIS land use data for this area be updated to reflect the non-residential character of both this lot (and substantiated by the majority of the lot being zoned NR-C), and the lot to the east. This will have the effect of changing these two lots to be designated as an Area of Change if the analysis is recalculated in the next Comp Plan update.

The subject site abuts Broadway Blvd., a principal arterial road. The subject site is not within a Comp Plan designated Center or Corridor area.

The subject site is also within the boundaries of the South Broadway Metropolitan Redevelopment Area. The Plan for this area includes the following goals:

- The conservation and renewal of neighborhoods and the improvement of living conditions of low and moderate income families;
- To promote an arrangement of land use, circulation and services which will contribute to the economic, social and physical and safety, welfare and convenience of the people who live in the area within the larger framework of the city and abutting County area;
- Elimination of conditions which are detrimental to the public health, safety and welfare;
- Elimination of blight and prevention of blighting influences;
- Conservation, improvement and expansion of the housing available to low and moderate income families until all housing in the area meets City Housing Code Standards; and
- Improvement of economic conditions through coordinated City and private actions.

Neighborhood Outreach
The Applicant has followed all notification procedures required in Table 6-1-1 of the IDO. The San Jose Neighborhood Association was emailed an offer for a Neighborhood Meeting. They did not request a neighborhood meeting.

Public Notice of the application submittal was mailed to all property owners within one hundred feet of the property, excluding right-of-way, and was emailed to the above listed Neighborhood Association. A sign was posted on the property prior to application submittal to notify anyone that may be driving or walking past the property. Evidence of these three required notifications is provided with the application. The required published and web posting notice will be performed by the Planning Department after submittal of this application.

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This request for a Zoning Map Amendment for a property under ten acres in an Area of Consistency is a policy-based decision made by the EPC. This request complies with the eight review and decision criteria outlined in Section 14-16-6-7(G)(3) of the Integrated Development Ordinance (IDO), and is justified as follows:

14-16-6-7(G)(3)(a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

Applicant Response: *The proposed Zoning Map Amendment implements criteria 6-7(G)(3)(a) by demonstrating consistency with the health, safety, and general welfare of the City by furthering the following Comprehensive Plan goals and policies, as analyzed below. This request clearly reinforces and strengthen implementation of the following Comprehensive Plan goals and policies:*

> **Policy 5.2.1 - Land Uses:** Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.
>
> ***Applicant Response:*** *This request furthers Policy 5.2.1 by contributing to healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods by establishing one zone district for the entire lot. Because there are two different zones established on one lot, this puts any land use of this property at risk. It is impossible to develop one lot with both residential and heavy commercial uses, as was intended with the prior SU-2 for Heavy Commercial uses. A mixed-use zone allows this type of use on one property, but neither the Residential nor Non-residential zones allow both land uses on one lot. There are few uses that are common to both those zones. The consequence of retaining two zones on one lot is that a portion of this lot would be unusable for the uses allowed in the NR-C zone for the portion that is zoned R-1A. This is not a healthy and sustainable use of land to require a portion of a lot to remain vacant and undeveloped to meet the zoning regulations. If approved, the request would extend the existing NR-C zone district to cover the entire lot. The request would allow a variety of non-residential uses to be developed on the entire property, rather than just the western 45-47 feet of the lot, which are conveniently accessible from surrounding neighborhoods and that could help support the needs of nearby residents.*
>
> **Policy 5.2.1(h) - Land Uses:** Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.
>
> ***Applicant Response:*** *This request would further Policy 5.2.1(h) by encouraging infill development that adds complementary uses that are compatible in form and scale to the immediately surrounding development because the zone requested would allow the entire lot to be developed with uses that are allowed in the NR-C zone. The owners are currently using the entire lot as a contractor's equipment storage yard. There have been no issues raised by the adjacent property owner or other neighbors in the area. Technically, they should not use the western 2-5-foot. sliver of land that is zoned R-1A for this use. However, within one property, it is without purpose to retain a portion of the lot for residential uses. Particularly when it is only a 2-5-foot-wide sliver*

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of land that is zoned for residential uses on a lot that is predominantly zoned for Non-residential uses. Residential uses would ***not*** *be complementary to the uses allowed in the NR-C zone for the majority of the lot. If approved, this zone change would allow the entire lot to be used to its full capacity.*

The edge buffer and use-specific standards will protect against any uses that are incompatible and not complementary to adjacent residential uses. These standards already protect adjacent neighbors from the uses allowed on the majority of the lot that is zoned NR-C.

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

Applicant Response: *This request would further Goal 5.3 by promoting development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land by allowing the current land uses to remain on site and it would allow the property owner to use the entirety of their lot. It is not an efficient use of land, existing infrastructure, and public facilities to require a portion of one lot to remain vacant and unused.*

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.
a) Use Figure 5-6 created according to the methodology described in Section 5.1.2.5, to determine where Areas of Consistency policies apply.

Applicant Response: *This request would further Policy 5.6.3 by protecting and enhancing the character of areas outside of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space by allowing this entire lot to be developed and used productively. If a portion of the lot would remain unproductive and reserved for Residential uses, it does nothing to enhance and protect the existing character of the area. Typically, unused or underused land is considered a blight on a neighborhood. If the zone change is not approved, the owners may need to build a wall along the edge of the zone boundary and leave aside the portion of the lot that has Residential zoning as vacant land forever. The strip of land with residential zoning is too narrow to build a residential building or any other use allowed in the R-1A zone. Retaining an oddly sized and shaped sliver of vacant land does not protect and enhance the character of the neighborhood.*

Policy 5.6.3 Areas of Consistency: b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

Applicant Response: *This request would further Policy 5.6.3 by reinforcing the scale and intensity of the immediately surrounding context because it would allow the entire lot to be used for the contractor's equipment storage yard. Retaining a sliver of R-1A zoned land would mean that a setback could be required in the internal portion of the site, which could make the majority of the lot unusable. This would conflict with Policy 5.6.3.b because it could cause the development to*

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have setback issues internal to a small lot, and potentially force active uses of the site to be located along the property edges instead of in the central area of the lot. This would be inconsistent with required setbacks on abutting lots.

Policy 5.6.3 Areas of Consistency: c) Carefully consider zone changes from residential to non-residential zones in terms of scale, impact on land use compatibility with abutting properties, and context.

Applicant Response: *This request has carefully considered zone changes from residential to non-residential zones in terms of scale, impact on land use compatibility with abutting properties and context. This furthers Policy 5.6.3, Areas of Consistency. Changing this one strip of land from R-1A to NR-C – to match the predominant zoning on this property – will not impact land use compatibility for uses on this lot or on the adjacent residential lot. It will have no real-world impact that is different from what could currently be developed on the property, other than administratively fixing a zone map misalignment. Therefore, it will not change the scale, uses, or compatibility with surrounding properties.*

Policy 5.6.4 Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

Applicant Response: *The request will further Policy 5.6.4, Appropriate Transitions, and would not cause an impact on this lot – designated as an Area of Consistency – on the abutting Areas of Change or vice versa. There is a shed and shade structure built along the rear lot line that abuts the Area of Change. No change is proposed to the development at this time. Future development on the lot is constrained by the same rules and entitlements as apply to the majority of the lot that is currently zoned NR-C.*

Policy 5.6.4 Appropriate Transitions: a) Provide appropriate transitions between uses of different intensity or density and between non-residential uses and single-family neighborhoods to protect the character and integrity of existing residential areas.

Applicant Response: *This request is consistent with Policy 5.6.4, Appropriate Transitions. The edge buffer regulations and the use-specific standards that pertain to separation between residential and non-residential uses will provide appropriate transitions between uses of different intensity and between non-residential uses and single-family neighborhoods to protect the character and integrity of existing residential areas. This lot is already predominantly zone NR-C, and is actively developed with uses that are allowed in the NR-C zone. Moving this zone boundary to coincide with the property lot line will continue to respect the transition to the single-family residential use on the lot to the west. What the zone map amendment would accomplish is not requiring a transition between zones to occur WITHIN the subject site, which could potentially render the lot undevelopable if the zone change request is not approved.*

Policy 8.2.1 Local Business: Emphasize local business development.

Applicant Response: *This request will facilitate the use of this lot as a contractor's yard for a small, local and minority-owned business. This will implement Policy 8.2.1 Local Business. Denial of the zone map amendment request would make the lot potentially unusable because of the conflict between the residential and non-residential zones that were established on this lot. Requiring a setback between zones to occur WITHIN a 50-foot wide lot could be considered a regulatory takings, which is why the applicant is humbly requesting the EPC approve this request to map the NR-C zone for the entire lot.*

14-16-6-7(G)(3)(b) If the subject property is located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

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

Applicant Response: *Criterion 3 applies to this request. This request and application demonstrate that a new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and will not permit development that is significantly different from that character. As explained above in section 6-7(G)(3)(a), this lot has a floating lot line and has two different zones established for the one property. Having two zones mapped on one property is inconsistent with the basic principles of zoning. Zoning is intended to direct which uses are allowed and which uses are not allowed on a property, and what development standards apply. To have both a residential zone and a non-residential zone mapped on the same property calls into question which development standards apply, how the uses should be regulated, and how one or both zones should be developed. Approving the zone change request would map the NR-C zone on the entire property. This will strengthen the character of the surrounding area because it is consistent with the zone and uses on the majority of this lot as well as on the abutting lots on three sides of this property. Removing the sliver of R-1A that is mapped along the west edge of this property will strengthen the established character of the surrounding Area of Consistency by allowing the lot to be developed and used cohesively, without requiring a portion of the lot remain undeveloped. A portion of vacant land within one property does not reinforce or strengthen the character of the neighborhood. It actually confers no value or benefit on the subject site itself or for the surrounding lots.*

This application clearly demonstrates criterion 14-16-6-7(G)(3)(b)(3) is met through the extensive demonstration and explanation of how this request furthers and implements applicable Land Use and Economic Development goals and policies in the Zone Change Criteria section 14-16-6-7(G)(3)(a), above.

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This applicant humbly requests consideration that this zone change would be more advantageous to the community.

14-16-6-7(G)(3)(c) If the subject property is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets any of the following criteria:

1. There was 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 Response: *The subject site is not located within an Area of Change, as shown in the ABC Comp Plan Map, so the review and decision criterion 6-7(G)(3)(c) does not apply to this request.*

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

Applicant Response: *The requested zoning will not include permissive uses that would be harmful to THIS property, adjacent property, the neighborhood, or the community. The most significant issue is whether having R-1A zone on a property that is primarily zoned as NR-C would be harmful and secondarily if the abutting property, neighborhood, or community may be harmed. Because the majority of the property is zoned NR-C, and the full complement of NR-C uses can be developed on the majority of the lot, the requested zoning will not include new permissive uses that would harm this property or any of the adjacent properties. The following list summarizes uses allowed permissively in MX-L, uses allowed in both MX-T and MX-L, and uses allowed in the R-1A zone district but not allowed in the NR-C zone district.*

Permissive Uses within R-1A vs. NR-C Zone Districts
The uses that are permissive in the R-1A zone district but not NR-C are single-family residential dwelling types. These uses are generally not appropriate on a lot that also allows all NR-C zone uses, as regulated by Table 4-1-1. The request would allow the entire lot to develop light and heavy commercial uses that align with the scale and character of the remainder of the lot and much of the surrounding area.

A comparison of the uses allowed in the R-1A vs. NR-C zone districts is provided in the summary table below, which is an excerpt from the IDO Table 4-2-1 Allowable Uses. All uses that are the same in both zones have been excluded from this summary table. There are very few uses that are allowed in both zones, but include such uses as community center, park, and church.

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Uses allowed permissively in the R-1A zone district

Table 4-2-1: Allowable Uses
P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory
CV = Conditional if Structure Vacant for 5+ years T = Temporary CT = Conditional Temporary
Blank Cell = Not Allowed

Zone District >>	Residential						Mixed-use				Non-residential								
Land Uses	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	Use-specific Standards
PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS																			
RESIDENTIAL USES																			
Household Living																			
Dwelling, single-family detached	P	P	P	P	P		P												4-3(B)(1)
Dwelling, cluster development	P	P		P	P		P												4-3(B)(3)
Dwelling, cottage development	P	P	P	P	P		P												4-3(B)(4)
Dwelling, two-family detached (duplex)		P		P	P		P												4-3(B)(5)
Community residential facility, small	P	P		P	P	P	P	P	P	P									4-3(B)(9)
Community center or library	C	P		P	P	P	P	P	P	P	C	C	C	C		P		C	4-3(C)(1)
Residential community amenity, indoor	P	P	P	P	P	P	P	P	P	P								C	4-3(D)(11)
Residential community amenity, outdoor	P	P	P	P	P	P	P	P	P	P								A	

Uses allowed permissively in the NR-C zone district

Land Uses	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	Use-spec Standard
Adult or child day care facility			C	C	C	P	P	P	P	P	P	P	A	A					
Elementary or middle school	C	C		C	P	P	P	P	P	P	P	P	CV			P		C	4-3(C)(2)
High school	C	C		C	C	P	P	P	P	P	P	P	C			P			4-3(C)(3)
Hospital									P	P	P	P							4-3(C)(4)
Museum				CV	CV	C	P	P	P	P	P	P	P	P		P	A		4-3(C)(5)
Sports field							CV	C	P	P	P	P	P	C		P		C	
University or college						CV	CV	C	P	P	P	P	CV	CV					
Vocational school						CV	P	P	P	P	P	P	P	P					

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Kennel	C							C	C		P	P	P	P					4-3(D)(4)
Nursery	P								A		P	P	P	P		A	A		
Veterinary hospital	C						C	P	P	P	P	P	P	P					4-3(D)(5)
Other pet services	C						C	P	P	P	P	P	P	P					
Land Uses	**R-A**	**R-1**	**R-MC**	**R-T**	**R-ML**	**R-MH**	**MX-T**	**MX-L**	**MX-M**	**MX-H**	**NR-C**	**NR-BP**	**NR-LM**	**NR-GM**	**NR-SU**	**NR-PO A**	**NR-PO B**	**NR-PO C**	**Use-specific Standards**
Auditorium or theater						A	A	A	P	P	P	P	P	P					4-3(D)(7)
Bar							C	C	P	P	P	P	P	P					4-3(D)(8)
Catering service									P	P	P	P	P	P					
Health club or gym			A		A	A	P	P	P	P	P	P	P	A					4-3(D)(9)
Mobile food truck court							C	P	P	P	P	P	P	C					4-3(D)(10)
Nightclub									P	P	P	P	P						4-3(D)(8)
Restaurant							C	P	P	P	P	P	P	P					4-3(D)(8)
Tap room or tasting room							C	C	P	P	P	P	P	P					4-3(D)(8)
Other indoor entertainment							C	P	P	P	P	P	P	P		P		C	4-3(D)(12)
Campground or recreational vehicle park									C		P	P					A	C	4-3(D)(14)
Hotel or motel							P	P	P	P	P	P	P	P					4-3(D)(15)
Car wash								P	P	P	P	P	P	P					4-3(D)(16)
Heavy vehicle and equipment sales, rental, fueling, and repair											P	C	P	P					4-3(D)(17)
Light vehicle fueling station								C	P	P	P	P	P	P					4-3(D)(18)
Light vehicle repair								P	P	P	P	P	P	P					4-3(D)(19)
Light vehicle sales and rental								C	P	P	P	P	P	P					4-3(D)(20)
Paid parking lot			A		A	A	C	P	P	A	P	P	P	P	A	A	A		4-3(D)(22)
Parking structure			A		A	A	CA	P	P	P	P	P	P	P	A				4-3(D)(22)
Offices and Services																			
Bank							P	P	P	P	P	P	P	CV					4-3(D)(23)
Club or event facility							C	P	P	P	P	P	P	CV		P	P	C	4-3(D)(24)
Commercial services								P	P	P	P	P	P	P					
Construction contractor facility and yard										C	P	P	P	P					4-3(D)(25)
Medical or dental clinic							P	P	P	P	P	P	P	P					4-3(D)(26)
Mortuary								C	P	P	P	P	C		A				
Office							P	P	P	P	P	P	P	P					
Personal and business services, small							P	P	P	P	P	P	P	P					4-3(D)(27)
Personal and business services, large									P	P	P	P	P	P					4-3(D)(27)
Research or testing facility							P	P	P	P	P	P	P	P					4-3(D)(28)
Self-storage								C	C	P	P	P	P	P			A		4-3(D)(29)
Other outdoor entertainment	CA	CA	CA	CA	CA	CA	A	A	A	A	P	P	P	A		P		P	4-3(D)(32)

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Land Uses	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO A	NR-PO B	NR-PO C	Use-specific Standards
Art gallery	CV	CV	C	P	P	P	P	P	P	P	P		P	A					4-3(D)(33)
Bakery goods or confectionery shop							C	P	P	P	P	P	P	P					
Building and home improvement materials store									C	C	P	P	P	C					4-3(D)(34)
Cannabis retail							P	P	P	P	P	P	A	A					4-3(D)(35)
Farmers' market	T		T	T	T	T	T	P	P	P	P	P	CV	CV		P	A	CA	4-3(D)(36)
General retail, small			A			A	P	P	P	P	P	P	P	P					4-3(D)(37)
General retail, medium									P	P	P	C	C						4-3(D)(37)
General retail, large									C	C	P	P							4-3(D)(37)
Grocery store								P	P	P	P		P	P					4-3(D)(38)
Pawn shop								C	P	P	P	P	P	P					4-3(D)(41)
Transit facility						C	C	C	P	P	P	P	P	P					4-3(D)(47)
Artisan manufacturing							C	P	P	P	P	P	P	P					4-3(E)(1)
Cannabis cultivation							C	P	P	P	P	P	P	P					4-3(E)(2)
Cannabis-derived products manufacturing							C	P	P	P	P	P	P	P					4-3(E)(3)
Light manufacturing										A	P	P	P	P					4-3(E)(4)
Freestanding							P	P	P	P	P	P	P	P	A				
Recycling drop-off bin facility						A	A	A	A	A	P	P	P	P					4-3(E)(13)
Warehousing									C	C	P	P	P	P					4-3(E)(18)
Wholesaling and distribution center									C	C	P	P	P	P					4-3(E)(19)

Analysis of the difference in allowed uses between R-1A and NR-C zone districts, and how those differences could potentially impact surrounding uses.

- *The following uses are allowed permissively in the R-1A zone district, but not in the NR-C zone: single-family detached dwelling, cluster development dwelling, cottage development dwelling, and two-family detached dwelling, community residential facility, and residential community amenity. These uses are not generally appropriate on a lot that is substantially zoned NR-C, which does not allow any of these uses. The 2-5 ft wide strip of land on this lot that is currently zoned R-1A primarily allow residential uses, which are not compatible on the same lot as NR-C uses.*
- *The following uses are allowed permissively in the NR-C zone district but are not allowed or are allowed with a conditional use approval in the R-1A zone district: most uses in the civic and institutional category, most uses in the commercial use category, and most industrial uses (see the excerpt from Table 4-2-1, above for the full list of permissive uses in the NR-C zone itemized). Because these uses are already allowed on this property, on the portion of the lot zoned NR-C, they will not harm that lot. Because they are already allowed on the majority of this lot, allowing them on the thin sliver of land abutting the residential dwelling is not likely to cause harm,*

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relative to the small portion of land that is the subject of this rezone request. While property zoned NR-C is not best zoned immediately adjacent to R-1 property, this zoning pattern has been established since the South Broadway Sector Plan was adopted in 1986.

Because this request is to remedy a small floating zone boundary within one existing lot, performing a detailed analysis of the specific uses and their potential impacts to the residential uses to the west is less relevant than in the typical zone change request. The more relevant consideration is whether the R-1A uses allowed on the subject site itself are harmful to the remainder of the property and the uses conducted thereon. Further, the remainder of the abutting and adjacent properties are already zoned NR-C, so there will be no harm caused by adding permissive NR-C zone uses to the west side of this lot.

For many of these uses, any potential adverse impacts that may bother abutting lots is mitigated by the size of the lot. Because this is a 0.12-acre lot, many of these uses are impractical. It is unlikely that a lot of this size will become used as a building and home improvement store, general retail medium or large, a large retail facility (not possible on this lot!), parking structure, car wash, or hotel or motel.

Further, Use-specific Standards are another tool built into the Uses portion of the IDO that serve to protect adjacent properties from potential adverse impacts that some uses may have. Use-specific Standards are written with the intent to mitigate any potential incompatibilities between land uses allowed in different zones, and are often triggered by proximity to different zone districts or land uses. They were not written contemplating two zones on one lot that would need to address the issue of potential harm. For example, if a residential use were developed on the portion of the lot with residential zoning (if that land area were large enough to support a residential dwelling), there are no Use-specific Standards that would protect the heavy commercial uses from the residential use. Typically Use-specific standards are crafted to protect the residential use from nearby non-residential uses. In this case, any potential new residential use added to the property would "come to the nuisance," and need to acknowledge the presence of existing non-residential uses on site.

Some examples of Use-specific Standards that protect the nearby residential uses from the extension of non-residential uses to occupy the entire lot include 4-3(D)(25), construction contractor facility and yard. This one is the most relevant because this is the existing use at this property. These Use-specific Standards require that all areas outside completely enclosed building where construction equipment or goods or vehicles are parked or stored or work is conducted must comply with requirements in Section 14-16-5-6 (Landscaping, Buffering, and Screening). This protects the abutting residence through ensuring adequate landscaping, buffering, and screening is in place to minimize and mitigate any potential adverse impacts from the non-residential land use. Because the abutting property owner has not indicated this existing business has any adverse impacts, we believe these standards that apply to the majority of the lot will also protect against uses that may occur in the portion of the lot directly abutting that residence if the zone change request is approved.

Another example of a Use-specific Standard that adequately addresses the issue of potential harm to the nearby residential land uses is the standards for Medical or Dental Clinic. These prohibit methadone and syringe exchange facilities within five hundred feet of a R-1 zone district. This means that the subject site

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could develop a medical clinic, but they could not dispense methadone as a primary activity or allow syringe exchange facilities on the lot. Another example of a Use-specific Standard that adequately addresses the issue of potential harm to the nearby residential land uses is the standards for self-storage. These standards require that on any lot within one hundred feet of a residential zone district, public access to any storage facility is prohibited between 10 pm and 7 am. They also require that within two hundred feet of a residential zone district, internal lighting visible from the property line in the direction of a residential zone district is dimmed by 50 percent of the maximum foot lambert allowed between 10 pm and 7 am. These are examples of standards that will protect the adjacent and abutting residential lots if the use of this property changes in the future. As is shown in the excerpts of Table 4-2-1, above, nearly all uses allowed permissively in the NR-C zone have Use-specific Standards. Another use the Staff Planner mentioned verbally is uses related to cannabis. Cannabis cultivation is allowed on both residential and non-residential lots. Only mixed-use and non-residential lots allow commercial cultivation and manufacturing of cannabis and cannabis products. The IDO's Use-specific standards do not include any protections specific to residential uses or residential zones. They were considered in an earlier amendment to the IDO, but City Council specifically voted against including protections for residential uses and zone districts. Therefore, there are no special protections that would be granted to the abutting residential lot. However, because the majority of the lot currently has NR-C zoning, and could currently develop cannabis cultivation or manufacturing uses on the majority of the lot, there are also no additional risks that will result from approval of this zone change request. This property is already required to obtain a conditional use approval to conduct any other specific activities related to cannabis outside of the fully enclosed portions of a building, and the same requirement will apply to the entire lot if this zone map amendment is approved. This property is also already required to screen from view any incidental storage area pertaining to cannabis cultivation or manufacturing that is outside the fully enclosed portions of a building. This will protect the abutting neighbor from unsightly outdoor storage related to cannabis or other uses. The IDO requires a cannabis odor control plan approved by the City to protect all abutting properties – regardless of their zone or use – from noxious odors associated with cannabis uses. The IDO requires that cannabis cultivation within three hundred feet of a school or daycare facility obtain a conditional use approval prior to initiating those uses. So, in the future, if a school were located within three hundred feet and the property owner wanted to initiate cannabis cultivation, they would be required to obtain a conditional use approval by the ZHE prior to beginning that new land use. These Use-specific standards are written to protect all abutting uses from any potential adverse impacts related to cannabis uses that may spill over onto abutting properties. These are but a few examples of how the standards were specifically written to ensure the livability of the nearby residential lots when there is a non-residential zone mapped in close proximity (typically abutting, adjacent, within 100 feet, within 200 feet, 300 feet, or within 500 feet of a residential zone district).

For a more comprehensive list of the special protections for residential uses in Residential zones, see the Planning Department's FAQ: What are the special protections for residential uses in Residential and Mixed-use Zones? (visit: https://abq-zone.com/faq/what-are-special-protections-residential-uses-residential-and-mixed-use-zones). *This table provides a list of the uses and protections through Use-specific Standards and also through Development Standards.*

In conclusion, it is important to reiterate all these uses and Use-specific Standards already apply to the property and already protect the abutting lots and uses. The majority of the lot is already zoned NR-C

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and must comply with these uses and Use-specific Standards. These standards already apply to the subject site, and they would continue to apply if the request to extend the NR-C zone district boundary to the property line is approved. The difference is that these requirements and entitlements would apply to the entire property, and not just the portion of the property with NR-C zoning.

14-16-6-7(G)(3)(e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet any of the following criteria:

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

Applicant Response: *The City's existing infrastructure and public improvements will adequately serve the allowable uses in the proposed NR-C zone district. There are existing public safety services, parks, open space, and other community facilities in the area. Existing public infrastructure includes roadways, water, sewer, and storm drain facilities. The subject site is already developed with a landscaping contractors equipment storage yard. The small portion of land that is now zoned R-1A will have a negligible impact on the capacity of city services and infrastructure. This minor increase in intensity of uses and development for the 2-5 ft. wide strip of land on the west side of this lot would not impact the capacity of existing infrastructure and public improvements. Therefore, criterion one of this element is satisfied.*

14-16-6-7(G)(3)(f) The applicant's justification for the Zoning Map Amendment is not completely based on the property's location on a major street.

Applicant Response: *The subject site is not located on a major street. Remedying a zoning mapping error and floating zone boundary is the primary justification for this request.*

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

Applicant Response: *The justification for this request is not based on the cost of land or economic considerations. The request's consistency with adopted goals and policies is a justification for the zone map amendment request, see also response to 6-7(G)(3)(a) above.*

14-16-6-7(G)(3)(h) The Zoning Map Amendment does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the requested zoning will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

1. The subject property is different from surrounding land because it can function as a transition between adjacent zone districts.

6300 Riverside Plaza LN NW Ste 100, ALB, NM 87120
www.abqlanduse.com / carl@abqlanduse.com 505-310-2400

2. The subject property is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures already on the subject property makes it unsuitable for the uses allowed in any adjacent zone district.

Applicant Response: *This request would not apply a zone district different from surrounding zone districts to one small area or one premises, i.e. create a "spot zone." If approved, this zone change request would establish one zone for the entire property. Lots to the north, south, and east are all zoned NR-C, so this is not a spot or strip zone.*

Conclusion
We respectfully request that City of Albuquerque Environmental Planning Commission approve this Zoning Map Amendment for a portion of the subject site from R-1A (Residential – Single Family) to NR-C (Non-residential – Commercial), to be consistent with the zoning district established for the majority of the property. This will resolve the floating lot line, and map the entire property with just one zone instead of two zone districts. The Applicant believes this amendment further stabilizes the character of the area, enhances opportunity for a cohesive land use of the entire property and ensures the goals and policies of the Comprehensive Plan are implemented. All of the application requirements have been satisfied and they are documented in this application.

For the reasons identified in this project letter and the provided justification of the request for a Zone Map Amendment – EPC, we respectfully request that the Environmental Planning Commission consider and approve this request for NR-C zoning for the portion of the lot that is currently zoned R-1A at 418 Bethel Dr. SE.

If you have any questions or need any additional information, please feel free to contact me at (505) 310-2400 or via email at carl@abqlanduse.com.

Sincerely,

Carl Garcia

Carl Garcia
ABQ Land Use Consulting, LLC

6300 Riverside Plaza LN NW Ste 100, ALB, NM 87120
www.abqlanduse.com / carl@abqlanduse.com 505-310-2400

STAFF INFORMATION

April 26, 2023

TO:	ABQ Land Use Consulting, LLC
FROM:	Robert Messenger, AICP, Planner City of Albuquerque Planning Department
TEL:	(505) 924-3837
RE:	PR-2023-008516 RZ-2023-00013 ZMA – EPC, 418 Bethel Dr. SE

I've completed a first review of the proposed zone change request. I have a few questions and several suggestions that will help strengthen the justification. I am available to answer questions about the process and requirements. Please provide the following:

⇒ A revised zone change justification letter by **12 pm on Wednesday, May 3, 2023**.

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

1) Introduction/General:

A. Additional items may arise as the case progresses. If so, I will inform you immediately.

B. Note that Tim MacEachen is no longer the EPC Chair; the EPC Chair is David Shaffer. Please revise your justification letter accordingly.

C. This is what I have for the legal description: * 001 B W 50.0FT OF E 150.0FT OF SO BROADWAY AC UNIT NO1

D. For future EPC requests please provide all submittal materials in one pdf. Please use a download service or zipped folder if file size is too large to email.

2) Key Issues/Project Request:

A. The request is for a zone map amendment for a portion of the lot from R-1A to NR-C, which would remedy a "floating zone" line.

B. A Construction contractor facility and yard is the current use for the portion of the property zoned NR-C, and these uses would occur on the rezoned portion of R-1A IF the Zone Change were approved. IDO 4-3(D)(25) provides Use Specific Standards for "Construction contractor facility and yard". As noted on page 1 of the Justification Letter:

If approved, the request would allow the applicants to continue use of the property as a landscaping contractor's yard, which has been the same use for over 6 years.

3) Process:

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

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

B. Timelines and EPC calendar: the EPC public hearing for May is the 18th. Final staff reports will be available one week prior, on May 11th.

C. Please visit the link above to find copies of Staff reports that will serve as examples of zone changes.

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

E. Agency comments will be distributed as they come in. I will email you a copy of all the comments compiled and will forward any late comments to you.

4) Notification & Neighborhood Issues:

A. Have any property owners within 100 feet of the subject property or members of the public contacted you? Are you aware of any concerns?

B. It is preferable that the City generate both the buffer map and corresponding list of property owners. Please use these maps and lists for this and future EPC/Council/ZHO hearings.

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

A. A zone change justification is all about the requirements of IDO 14-16-6-7(G)(3) and how the request meets the criteria.

The exercise is to choose applicable Goals and policies from the Comprehensive Plan that show how your request furthers (makes a reality) the chosen Goals and policies.

B. For Criterion A, the word used in the policy analysis is usually "furthers" unless a higher test applies. When a request is demonstrated to further a preponderance of applicable Goals and policies, then it is deemed consistent with the City's general health, safety, and welfare.

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

A. Responding to the criteria of IDO 14-16-6-7(G)(3) is more of a legal exercise than anything else. It is critical to "hit the nail on the head" both conceptually and in terms of form. This can be done by:

i. answering the questions in the customary way (see examples)

ii. using conclusory statements such as "because_____"

iii. re-phrasing the requirement itself in the response.

iv. choosing an option when needed to respond to a requirement.

B. Refer to the link provided below for examples of Zone Map Amendments staff reports:

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

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

Please incorporate the following to provide a strengthened, improved response to 14-16-6-7 (G)(3):

A. 6-7(G)(3)(a): Because the test for Criterion A "is consistent with" is a weaker test than what's required by Criterion B, the Response to Criterion A needs to be redone. Please rewrite response to Criterion A to address the higher test of "clearly reinforce or strengthen"

   i. Goal 5.7 and Policy 5.7.4 do not apply because they are for the IDO and other procedures.

   ii. Please choose other, applicable Goals and Policies.

B. 6-7(G)(3)(b): Please choose argument 2 or 3 as your basis for responding to Criterion B, because Staff believes that the justification is Not because of a typo.

C. 6-7(G)(3)(c): Sufficient.

D. 6-7(G)(3)(d): Sufficient.

E. 6-7(G)(3)(e): Sufficient.

F. 6-7(G)(3)(f): Sufficient.

G. 6-7(G)(3)(g): Sufficient.

H. 6-7(G)(3)(h): Sufficient.

NOTIFICATION

418 Bethel Dr SE Neighborhood Meeting Inquiry Sheet Submission External Inbox ×

Carmona, Dalaina L.
to me

Mar 20, 2023, 3:35 PM

PLEASE NOTE:
The City Council recently voted to update the Neighborhood Association Recognition Ordinance (NARO) and the Office of Neighborhood Coordination (ONC) is working to ensure all neighborhood associations and neighborhood coalitions are in compliance with the updated ordinance. There will likely be many updates and changes to association and coalition contact information over the next several months. With that in mind, please check with the ONC every two (2) weeks to ensure that the contact information you have for associations and coalitions is up to date.

Dear Applicant:

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

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip
San Jose NA	Deanna	Barela	bacadeanna@gmail.com	408 Bethel Drive SE	Albuquerque	NM	87102
San Jose NA	Olivia	Greathouse	sinase@gmail.com	408 Bethel Drive SE	Albuquerque	NM	87102

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

Please note the following:

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

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s):
http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance

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

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

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

Date of Request*: 3/19/2023

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

Neighborhood Association (NA)*: _____

Name of NA Representative*: _____

Email Address* or Mailing Address* of NA Representative[1]: _____

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

Email address to respond yes or no: _____

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

Meeting Date / Time / Location:

_____

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

1. Subject Property Address* 418 Bethel Dr SE, Albuquerque, NM 87102

   Location Description _____
2. Property Owner* LOPEZ HECTOR & ESCAMILLA PAULA
3. Agent/Applicant* *[if applicable]* Carl Garcia - ABQ Land Use Consulting LLC
4. Application(s) Type* per IDO Table 6-1-1 *[mark all that apply]*
   - ☐ Conditional Use Approval
   - ☐ Permit _____ (Carport or Wall/Fence – Major)
   - ☐ Site Plan
   - ☐ Subdivision _____ (Minor or Major)

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

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

☐ Vacation _____ (Easement/Private Way or Public Right-of-way)

☐ Variance

☐ Waiver

☐ Zoning Map Amendment

☒ Other: _____

Summary of project/request[3]*:

Zone map amendment from R-1A to NR-C to correct a floating zone line,

_____

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

   OR at a public meeting or hearing by:

   ☐ Zoning Hearing Examiner (ZHE) ☐ Development Review Board (DRB)

   ☐ Landmarks Commission (LC) ☒ Environmental Planning Commission (EPC)

   ☐ City Council

6. Where more information about the project can be found*[4]:
   carl@abqlanduse.com or 505-310-2400

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

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

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

   Explanation:

   _____

   _____

   _____

4. An offer of a Pre-submittal Neighborhood Meeting is required by Table 6-1-1*: ☒ Yes ☐ No

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

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

[5] Available online here: *http://data.cabq.gov/business/zoneatlas/*

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

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

Additional Information:

1. From the IDO Zoning Map[6]:
   a. Area of Property *[typically in acres]* .1148
   b. IDO Zone District NR-C and R-1A
   c. Overlay Zone(s) *[if applicable]* Airport protection overlay zone
   d. Center or Corridor Area *[if applicable]* _____
2. Current Land Use(s) [*vacant, if none*] Tree trimming business - vehilce and equipment storage

_____

Useful Links

Integrated Development Ordinance (IDO):
https://ido.abc-zone.com/

IDO Interactive Map
https://tinyurl.com/IDOzoningmap

Cc: San Jose NA *[Other Neighborhood Associations, if any]*

_____

_____

_____

_____

[6] Available here: https://tinurl.com/idozoningmap

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

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

Date of Notice*: 4/4/2023

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

Property Owner within 100 feet*: See attached buffer addresses and envelope photos

Mailing Address*: See attached buffer addresses and envelope photos

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

1. Subject Property Address* 418 Bethel Dr SE, Albuquerque, NM 87102
   Location Description Bethel and Broadway SE
2. Property Owner* HECTOR LOPEZ & PAULA ESCAMILLA
3. Agent/Applicant* *[if applicable]* ABQ Land Use Consulting LLC - Carl Garcia
4. Application(s) Type* per IDO Table 6-1-1 *[mark all that apply]*
   - ☐ Conditional Use Approval
   - ☐ Permit _____ (Carport or Wall/Fence – Major)
   - ☐ Site Plan
   - ☐ Subdivision _____ (Minor or Major)
   - ☐ Vacation _____ (Easement/Private Way or Public Right-of-way)
   - ☐ Variance
   - ☐ Waiver
   - ☒ Other: Zone map amendment - EPC

   Summary of project/request[1]*:
   Subject property currently contains 2 zone categories, NR-C and R-1A. This was through no fault of the owner but the owners now must correct the error they inheited.
5. This application will be decided at a public meeting or hearing by*:
   - ☐ Zoning Hearing Examiner (ZHE)
   - ☐ Development Review Board (DRB)
   - ☐ Landmarks Commission (LC)
   - ☒ Environmental Planning Commission (EPC)

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

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

Date/Time*: May 18, 2023 at 8:40am zoom link meeting ID 226 959 2859

Location*[2]: Zoom link meeting ID 226 959 2859

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

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

6. Where more information about the project can be found*[3]:
carl@abqlanduse.com or 505-306--6289

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

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

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

   Explanation*:
   NA

4. A Pre-submittal Neighborhood Meeting was required by Table 6-1-1: ☒ Yes ☐ No

   Summary of the Pre-submittal Neighborhood Meeting, if one occurred:
   NA

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

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

[2] Physical address or Zoom link
[3] Address (mailing or email), phone number, or website to be provided by the applicant
[4] Available online here: *http://data.cabq.gov/business/zoneatlas/*

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

Additional Information:

From the IDO Zoning Map[5]:

1. Area of Property *[typically in acres]* .12 Acres
2. IDO Zone District NR-C and R-1A
3. Overlay Zone(s) *[if applicable]* Airport protection overlay zone
4. Center or Corridor Area *[if applicable]* NA

Current Land Use(s) *[vacant, if none]* Vacant lot containing tree trimming business

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

Useful Links

Integrated Development Ordinance (IDO):
https://ido.abc-zone.com/

IDO Interactive Map
https://tinyurl.com/IDOzoningmap

[5] Available here: https://tinurl.com/idozoningmap

OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT

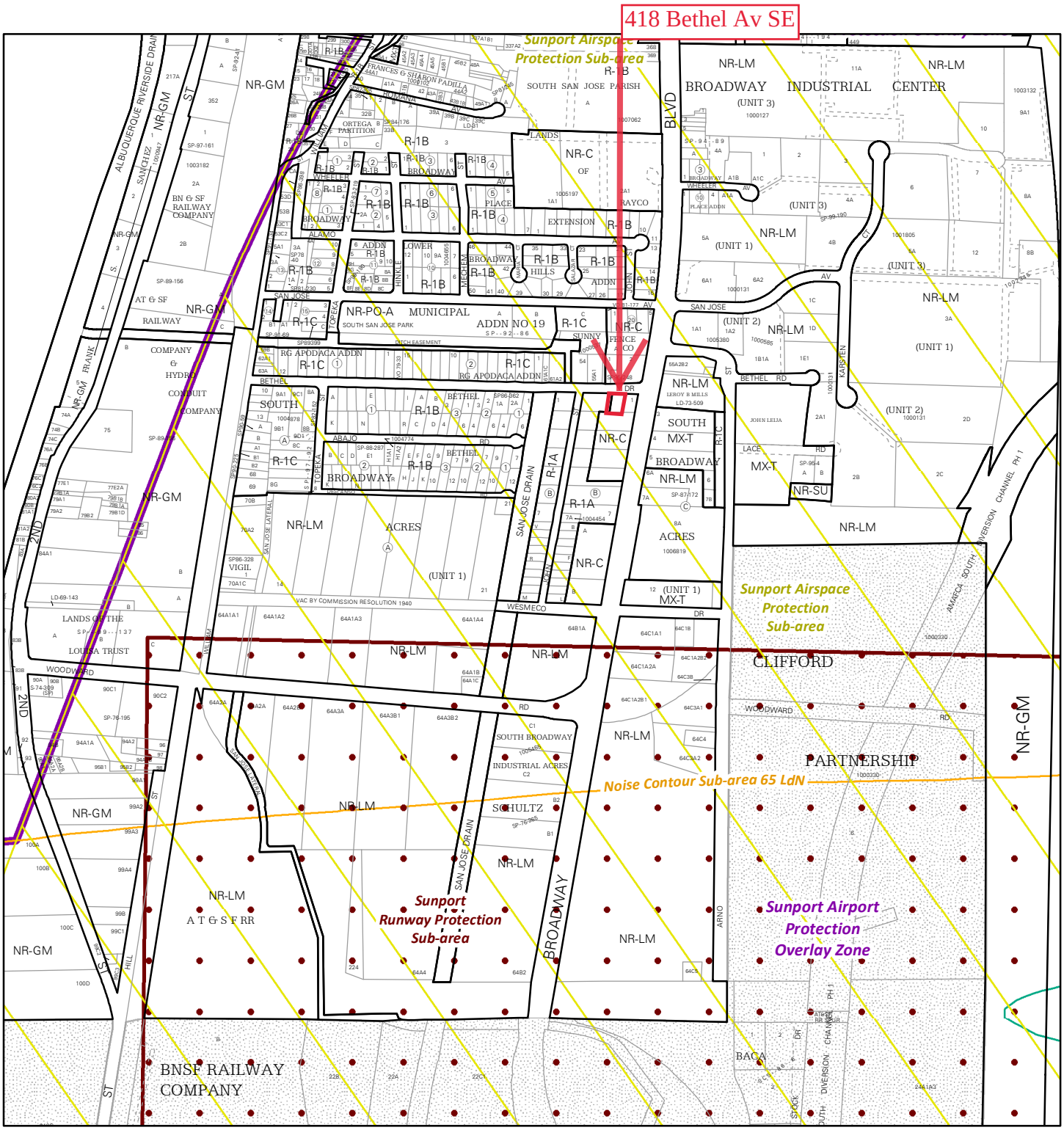
PART I - PROCESS	
Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:	
Application Type: Zone map amendment from R-1A to NR-C to correct a floating zone line,	
Decision-making Body: EPC	
Pre-Application meeting required:	☐ Yes ☒ No
Neighborhood meeting required:	☒ Yes ☐ No
Mailed Notice required:	☒ Yes ☐ No
Electronic Mail required:	☒ Yes ☐ No
Is this a Site Plan Application:	☐ Yes ☒ No ***Note**: if yes, see second page*
PART II – DETAILS OF REQUEST	
Address of property listed in application: 418 Bethel Dr SE, Albuquerque, NM	
Name of property owner: HECTOR LOPEZ & PAULA ESCAMILLA	
Name of applicant: ABQ Land Use Consulting LLC - Carl Garcia	
Date, time, and place of public meeting or hearing, if applicable:	
May 18, 2023 at 8:40am zoom link meeting ID 226 959 2859	
Address, phone number, or website for additional information:	
carl@abqlanduse.com or 505-310-2400	
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE	
☒ Zone Atlas page indicating subject property.	
☒ Drawings, elevations, or other illustrations of this request.	
☐ Summary of pre-submittal neighborhood meeting, if applicable.	
☒ Summary of request, including explanations of deviations, variances, or waivers.	
IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO SUBSECTION 14-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.	

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Carl Garcia (Applicant signature) 3/19/2023 (Date)

***Note**: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.*

PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY
Provide a site plan that shows, at a minimum, the following:
☐ a. Location of proposed buildings and landscape areas.
☐ b. Access and circulation for vehicles and pedestrians.
☐ c. Maximum height of any proposed structures, with building elevations.
☐ d. For residential development: Maximum number of proposed dwelling units.
☐ e. For non-residential development: ☐ Total gross floor area of proposed project. ☐ Gross floor area for each proposed use.



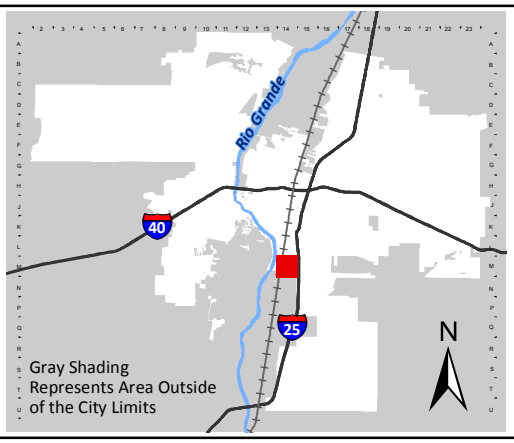
For more details about the Integrated Development Ordinance visit: http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance

IDO Zone Atlas
May 2018

Albuquerque Geographic Information System

IDO Zoning information as of May 17, 2018

The Zone Districts and Overlay Zones are established by the Integrated Development Ordinance (IDO).



Zone Atlas Page:

M-14-Z

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

Feet: 0 250 500 1,000

418 BETHEL DR SE - 100 FOOT BUFFER MAP

Owner: MIRANDA VICTOR & LUCY & MIRANDA MONICA
Owner Address: 422 BETHEL AVE SE ALBUQUERQUE NM 87102
Situs Address: 422 BETHEL DR SE ALBUQUERQUE NM 87102

Owner: CHAVEZ-LUCERO GABRIEL & ESPINOSA PATRICIA
Owner Address: 2809 BUTCH CASSIDY DR SW ALBUQUERQUE NM 87121-5014
Situs Address: 414 BETHEL DR SE ALBUQUERQUE NM 87102

Owner: BORJA ELIZABETH & GUILLERMO H
Owner Address: 2812 JOHN ST SE ALBUQUERQUE NM 87102-5122
Situs Address: 2812 JOHN ST SE ALBUQUERQUE NM 87102

418 BETHEL DR SE - 100 FOOT BUFFER MAP

Owner: TAKACH PRESS CORPORATION
Owner Address: 3207 MORNINGSIDE DR NE ALBUQUERQUE NM 87110-1620
Situs Address: 2815 BROADWAY BLVD SE ALBUQUERQUE NM 87102 5114

Owner: SENA JOHN R & ROSE W TRUSTEES SENA RVT
Owner Address: PO BOX 8363 ALBUQUERQUE NM 87198-8363
Situs Address: 420 BETHEL DR SE ALBUQUERQUE NM 87102

Owner: SENA JOHN R & ROSE W TRUSTEES SENA RVT
Owner Address: PO BOX 8363 ALBUQUERQUE NM 87198-8363
Situs Address: 2801 BROADWAY BLVD SE ALBUQUERQUE NM 87102

Owner: NICKLIN MELVYN
Owner Address: 2709 BROADWAY BLVD SE ALBUQUERQUE NM 87102-5014
Situs Address: 419 BETHEL DR SE ALBUQUERQUE NM 87102

Owner: NICKLIN MELVYN
Owner Address: 2709 BROADWAY BLVD SE ALBUQUERQUE NM 87102-5014
Situs Address: 415 BETHEL DR SE ALBUQUERQUE NM 87102

Owner: SUNNY HOLDINGS LLC

Address: 2723 BROADWAY BLVD SE
Owner Address: PO BOX 695 CORRALES NM 87048-0695

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only
UNITED STATES POSTAL SERVICE.

ABQ Land Use Consulting LLC
6300 Riverside Plaza Ln NW, Ste 100
Albuquerque, NM 87120
CERTIFIED MAIL
7021 1970 0001 5626 2535
7021 1970 0001 5626 2535
U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only
For delivery information, visit our website at www.usps.com®
OFFICIAL USE
Certified Mail Fee
Extra Services & Fees (check box, add fee as appropriate)
Return Receipt (hardcopy) $
Return Receipt (electronic) $
Certified Mail Restricted Delivery $
Adult Signature Required $
Adult Signature Restricted Delivery $
Postage $
Total Postage and Fees $
Postmark Here
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions
ABQ Land Use Consulting LLC
6300 Riverside Plaza Ln NW, Ste 100
Albuquerque, NM 87120
7021 1970 0001 5626 2559
7021 1970 0001 5626 2559
U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only
For delivery information, visit our website at www.usps.com®
OFFICIAL USE
Certified Mail Fee
Extra Services & Fees (check box, add fee as appropriate)
Return Receipt (hardcopy) $
Return Receipt (electronic) $
Certified Mail Restricted Delivery $
Adult Signature Required $
Adult Signature Restricted Delivery $
Postage $
Total Postage and Fees $
Postmark Here
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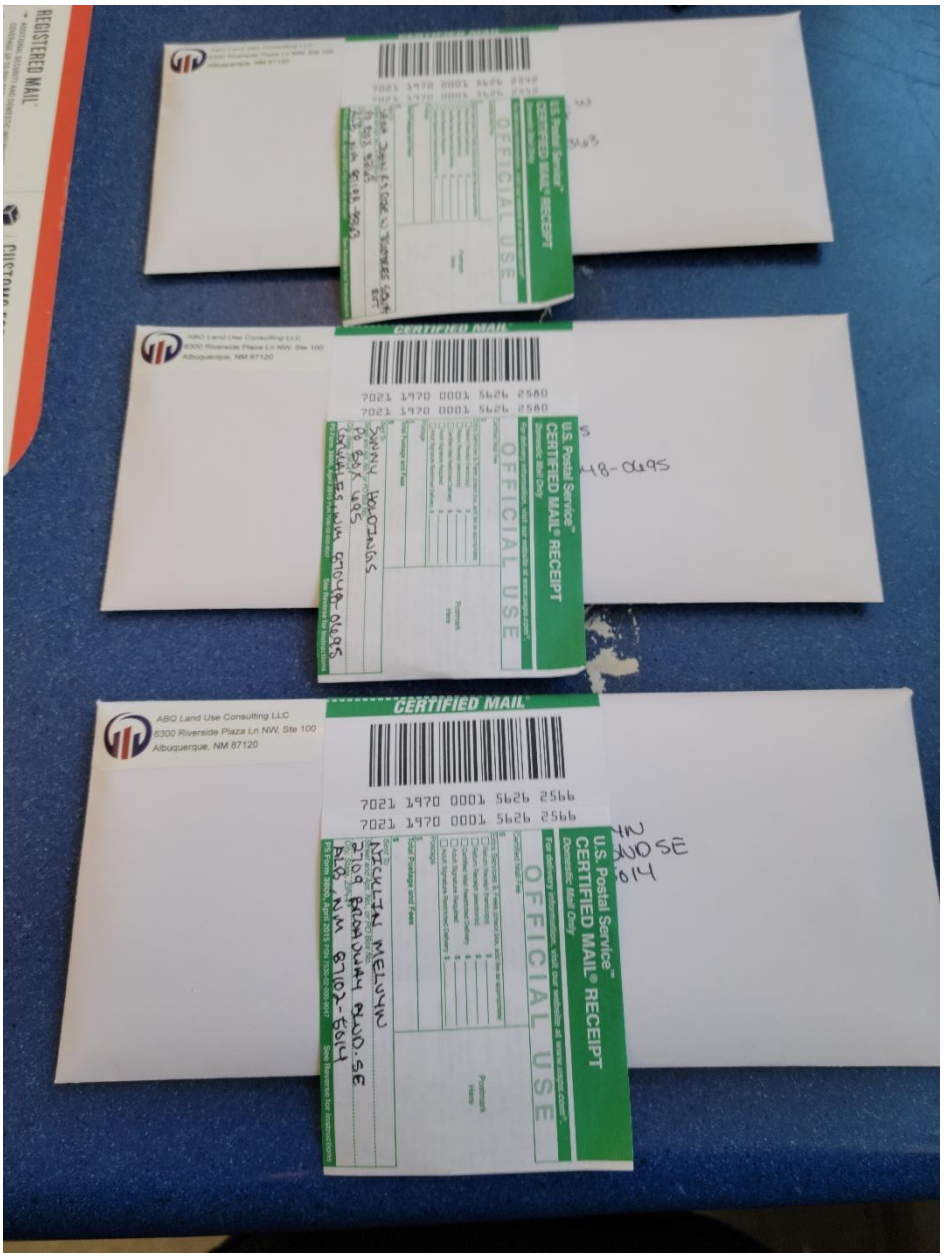
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ALB, NM 87102-5014

Sign Posting Agreement

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of $3.75 each.

1. LOCATION

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

2. NUMBER

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

3. PHYSICAL POSTING

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

4. TIME

Signs must be posted from _____To _____

5. REMOVAL

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

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

Carl Garcia _____ 4/6/2023 _____
(Applicant or Agent) (Date)

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

PROJECT NUMBER: _____

Rev. 1/11/05

REQUEST

ZONE CHANGE FROM
R1-A TO NR-C

Zoom ID 226-959-2859

The City of Albuquerque Environmental Planning Commission will hold a public hearing [redacted], Basement, 600 2nd St. NW, on MAY 18, 2023 at 8:30 AM. All persons have a right to appear at such a hearing. For information on this case or other instructions on filing written comments, call the Planning Department at (505) 924-3860 or contact the applicant.

Required to be posted from MAY 2 to JUNE 2

by ABQ LAND USE 505-310-2400
applicant/agent phone

REFER TO FILE# RZ-2023-00013/PR-2023-008516

It Is Illegal for an unauthorized person to remove or tamper with this sign