



## ***Environmental Planning Commission***

***Agenda Number: 7  
Project #: 2020-004475  
Case: RZ-2020-00030  
Hearing Date: November 12, 2020***

### ***Staff Report***

<b><i>Agent</i></b>	Consensus Planning
<b><i>Applicant</i></b>	Curtis Pino DDS MDS
<b><i>Request</i></b>	<b>Zoning Map Amendment</b>
<b><i>Legal Description</i></b>	Tract 2 Unit 3 North Albuquerque Acres
<b><i>Location</i></b>	Located at 7413 Holly Ave NE between Louisiana Blvd and Wyoming Blvd NE
<b><i>Size</i></b>	Approximately .89Acres
<b><i>Existing Zoning</i></b>	R-ML
<b><i>Proposed Zoning</i></b>	MX-L

### ***Staff Recommendation***

***APPROVAL of Project # 2020-004475  
RZ-2020-00030 based on the Findings  
beginning on Page 25.***

***Lorena Patten-Quintana  
Planner***

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

This request is for a zoning map amendment for an approximately 0.89-acre site, located at 7413 Holly Ave NE, between Louisiana Blvd and Wyoming Blvd NE, zoned R-ML.

The applicant wants to change the subject site's zoning to MX-L to allow for construction of an office building. The request would match surrounding zoning and allow office and other neighborhood-scale retail, personal service, and multi-family uses.

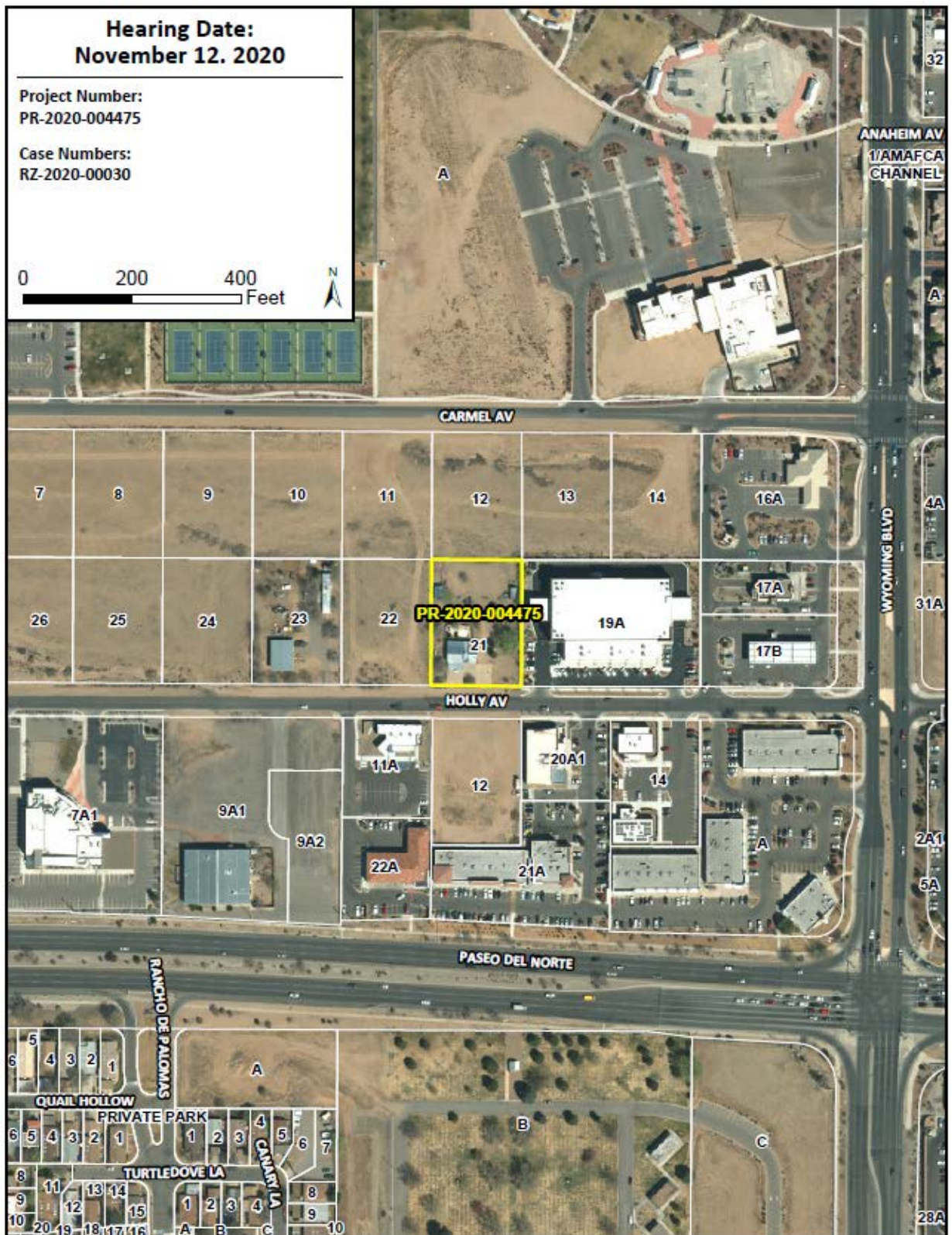
The subject site is in an Area of Consistency as designated in the ABC Comp Plan. The request generally meets the zone change criteria in IDO Section 14-16-6(F)(3).

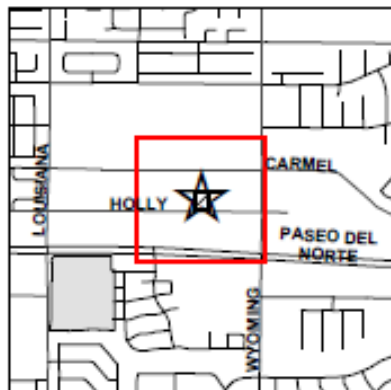
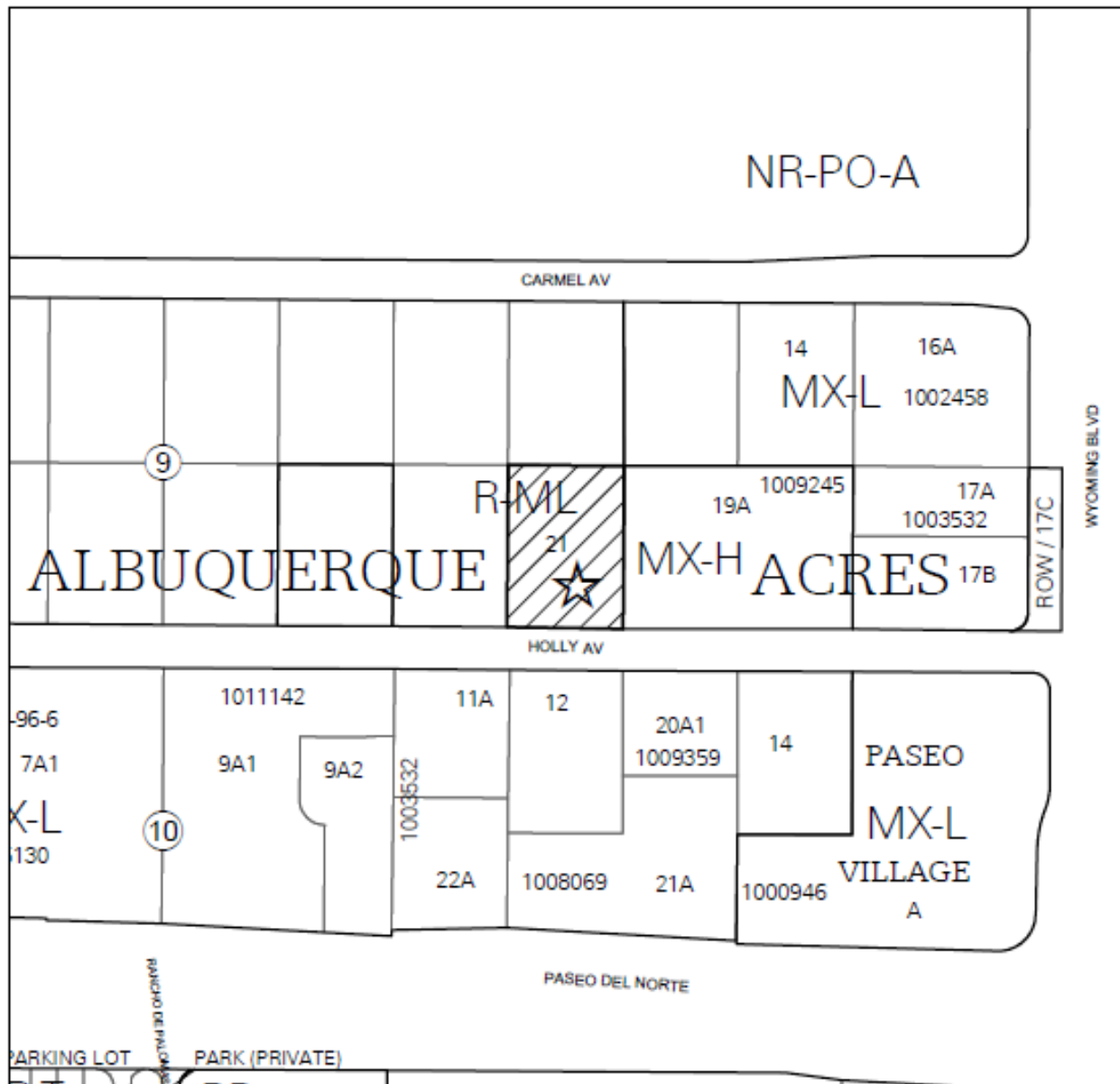
Property owners within 100 ft of the subject site and the affected neighborhood associations, the North Domingo Baca Neighborhood Association and District 4 Coalition of Neighborhood Associations, were notified as required. No comments have been received.

Staff recommends approval.

### ***Map***







### IDO ZONING MAP

Note: Gray shading  
Indicates County.

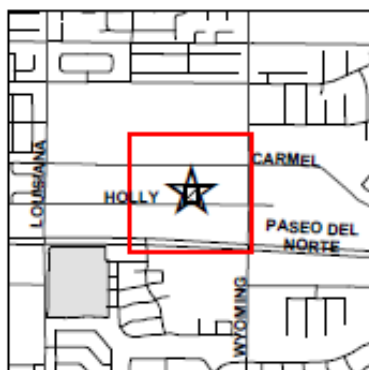
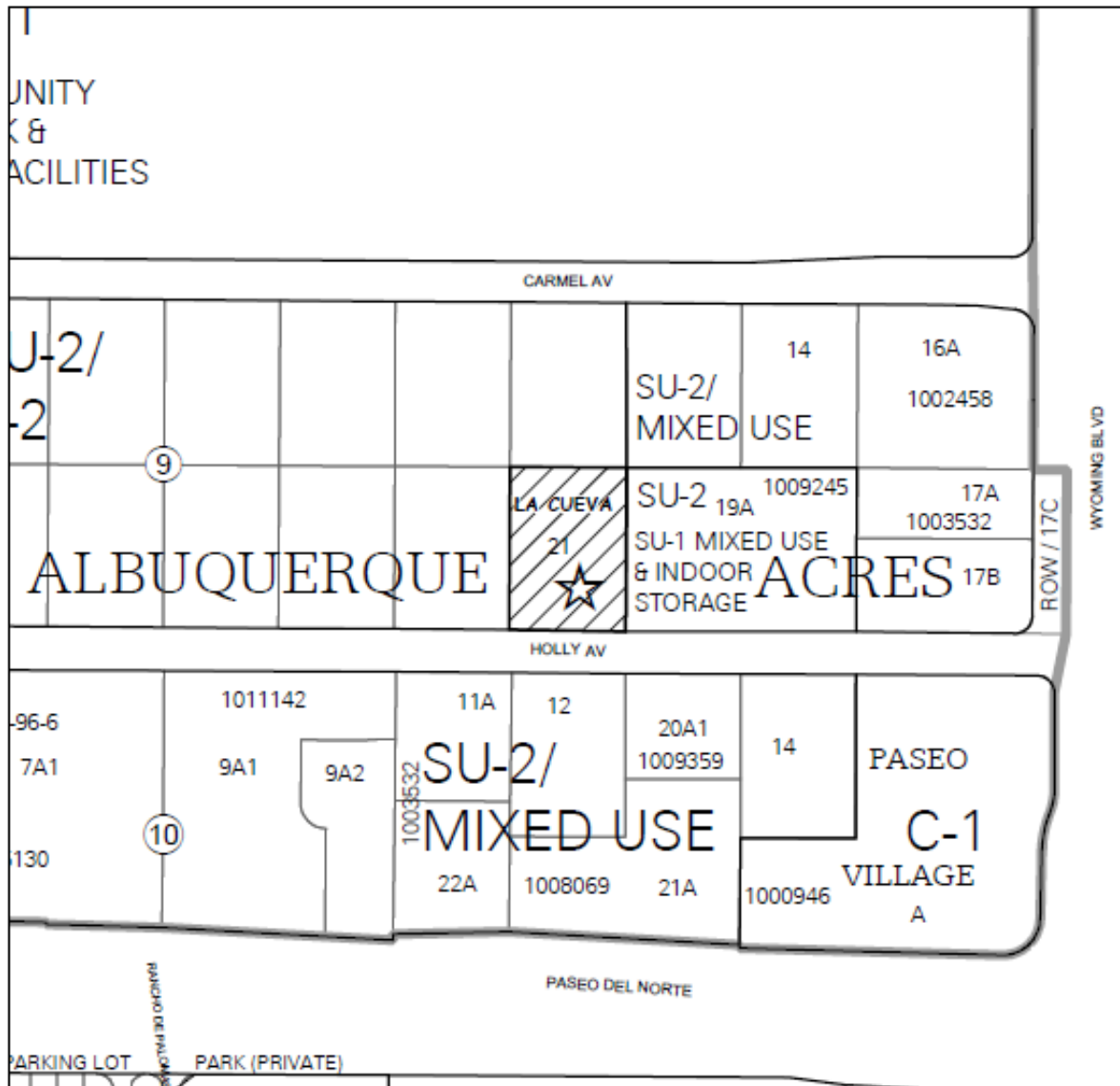


1 inch = 200 feet

Hearing Date:  
11/12/2020  
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Zone Atlas Page:  
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### OLD ZONING MAP

Note: Gray shading  
 indicates County.



1 inch = 200 feet

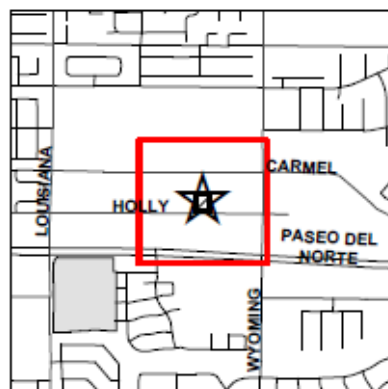
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## LAND USE MAP

Note: Gray shading  
Indicates County.

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

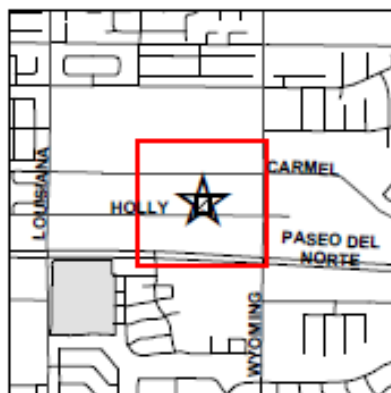
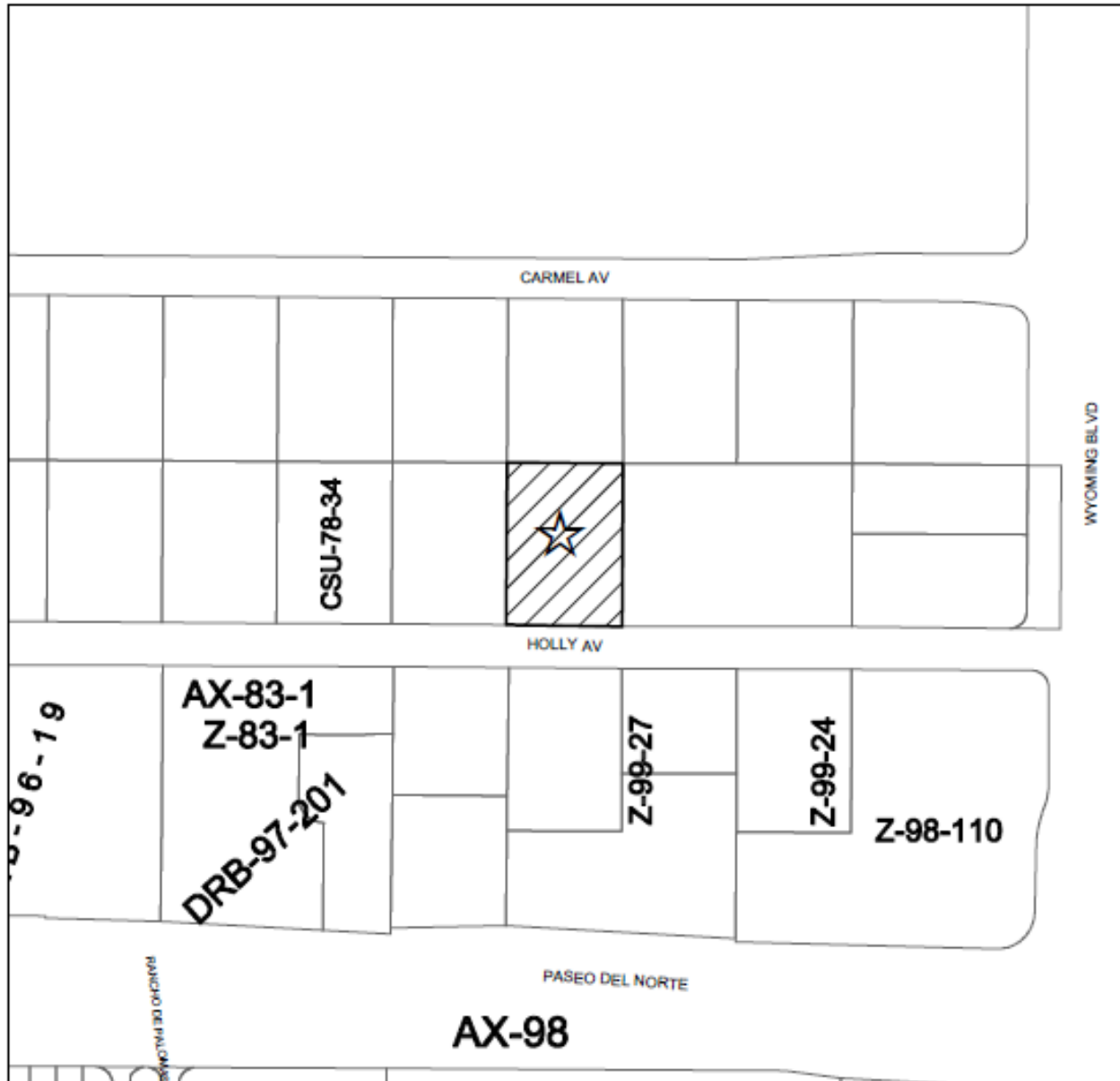


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### HISTORY MAP

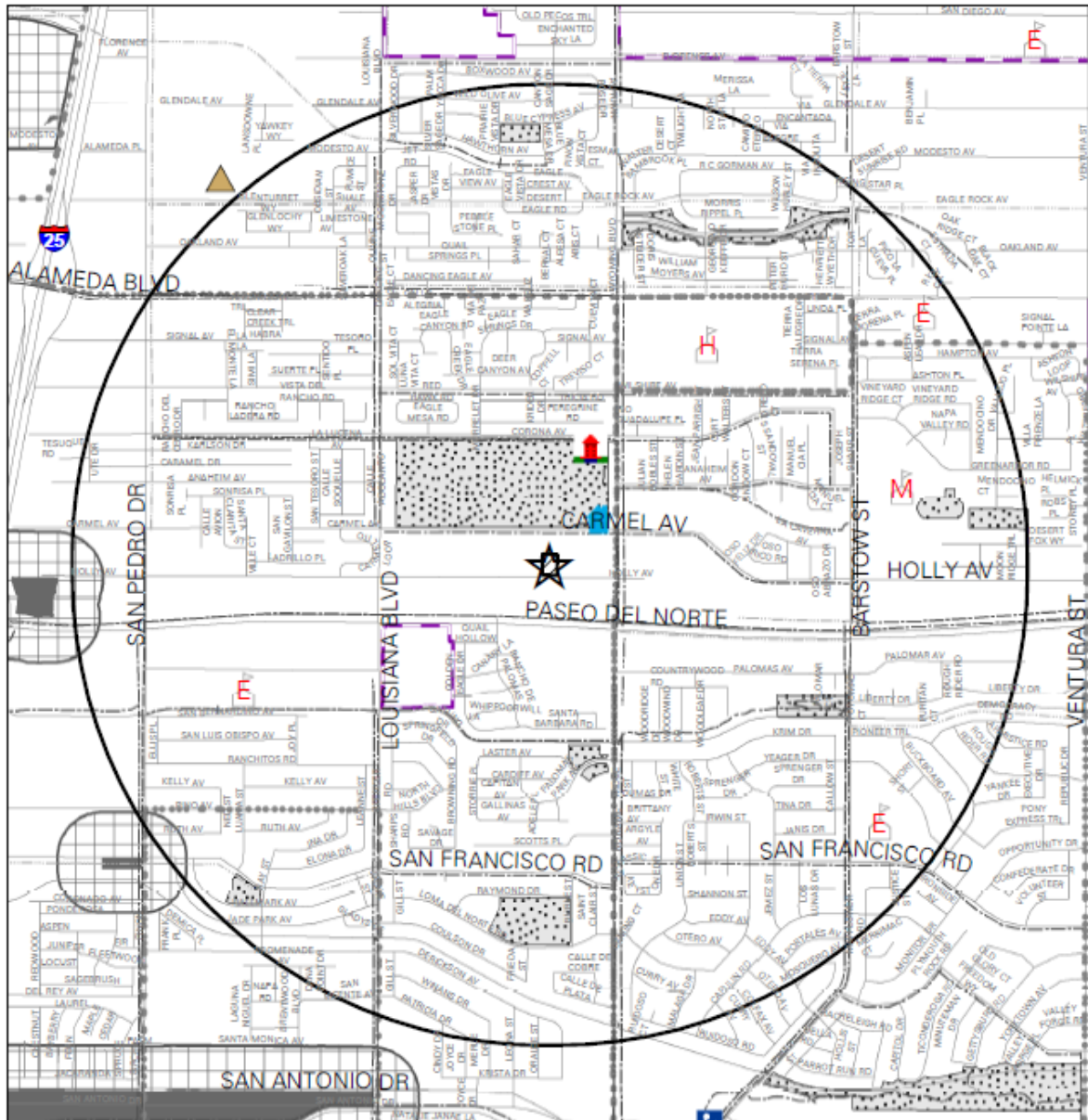
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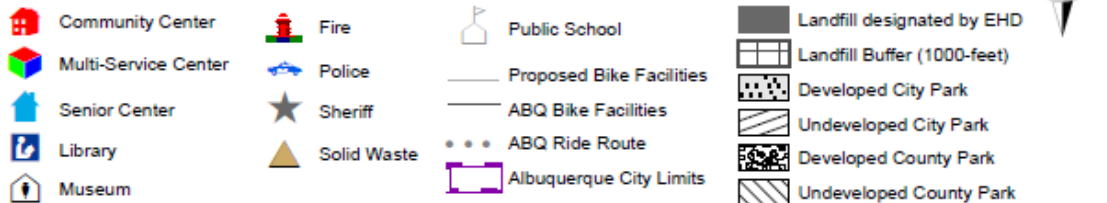
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**Public Facilities Map with One-Mile Buffer**



Project Number: PR-2020-004475

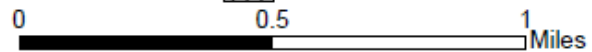




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## ***I. Introduction***

	<b><i>IDO Zoning</i></b>	<b><i>Comprehensive Plan Area</i></b>	<b><i>Land Use</i></b>
<b><i>Site</i></b>	R-ML	Area of Consistency	Single-Family Residential
<b><i>North</i></b>	MX-L	Area of Consistency	Vacant
<b><i>East</i></b>	MX-H	Area of Change	Commercial/Self-Storage
<b><i>South</i></b>	MX-L	Area of Consistency	Offices
<b><i>West</i></b>	MX-L	Area of Consistency	Vacant

## ***Request***

The request is for a zoning map amendment (zone change) for an approximately 0.89 acre site known as Tract 2 Unit 3 North Albuquerque Acres (The “subject site”). The subject site is located west of Wyoming Blvd NE and north on Holly Ave at 7413 Holly Ave NE.

The applicant requests a zone change from R-ML (Multi-Family Low Density Zone District) to MX-L (Mixed Use Low Intensity Zone District) in order to develop an office building.

## ***EPC Role***

The Environmental Planning Commission (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 its decision is appealed. If so, the Land Use Hearing Office (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would then make the final decision. The request is a quasi-judicial matter.

## ***History/Background***

The subject site and surrounding properties were zoned SU-2 for R-ML (R-2), pursuant to the La Cueva Sector Development Plan, prior to the adoption of the Integrated Development Ordinance (IDO). The properties around the subject property were included in the Zoning Conversion process based on Criterion #4 Prior Special Use Zoning: “The zoning conversion is for undeveloped property previously regulated by the Residential and Related Uses Zone, Developing Area (R-D), or by special use zoning (SU-1, SU-2, or SU-3), and an IDO zone designation other than what was assigned through the phase 1 conversion process would be more appropriate for the site.”

The subject property and one other property zoned R-ML in this area were not included in the conversion because requests were not received from either property owner.

The subject parcel currently has an occupied residential home located on the property that the applicant states “will be vacated and scheduled for demolition within one (1) month of the applicant’s closing on the property (currently scheduled for 12/7/2020). The resident of the home is a family member of the current property owner, Mr. And Mrs. Gurule, who have both provided an authorization letter for the submittal of this EPC – Zoning Map Amendment application”.

### ***Context***

The property is located in an “Area of Consistency” as designated by the Comprehensive Plan. The area surrounding the subject site, contains primarily vacant land zoned MX-L to the north and west, a self-storage use Guardian Storage zoned MX-H to the east, and additional MX-L to the south that consists of mainly office buildings with services that include medical/dental clinics.

### ***Roadway System***

The Long-Range Roadway System (2040 LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), includes existing roadways and future recommended roadways along with their regional role.

The LRRS designates Holly Ave as an Urban Major Collector that runs along the southern edge of the site. Paseo del Norte, a designated Regional Principal Arterial, lies south of Holly Blvd.

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

The site is not located along any Major Corridors as designated by the ABC Comp Plan.

### ***Trails/Bikeways***

The Long-Range Bikeway System (LRBS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies existing and proposed trails. The closest bicycle infrastructure is located on Wyoming Blvd. NE, east of the subject site and consists of a portion of the street with a designated bike lane and the Paseo del Norte Paved Multi Use Trail.

## ***II. Analysis of City Plans and Ordinances***

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

Prior to the effective date of the IDO on May 17, 2018, the subject site’s zoning was SU-2/R-2. Current Zoning for the subject site is R-ML. The proposed zoning for the site is MX-L.



The subject site is zoned R-ML (Multi-Family Low Density Zone District). The purpose of the R-ML zone district is to provide for a variety of low- to medium-density housing options. The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family residential dwellings, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors.

*Character Protection Overlay*

There are no applicable historic or character protection overlays on the subject site.

**Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)**

Note: Applicant's justification language is in *italics*.

Staff's comments are in ***bold Italics***

The subject site is located in an Area of Consistency as designated in the Albuquerque Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended, where development must reinforce the character and intensity of existing development. The Goals and policies listed below are cited by the applicant in the zone change justification letter. Applicable goals and policies include:

**CHAPTER 4: COMMUNITY IDENTITY**

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

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

**Applicant Response:** *The request furthers this policy by allowing for more permissive commercial uses and consistent zoning with the surround properties that can more appropriately facilitate and match the current character of the community.*

**Staff:** *The requested zone map amendment will allow uses more consistent with surrounding adjacent properties. While the surrounding area was once vacant, it is now developing as a mixed use/commercial area, which is consistent with the area's character. The request furthers Policy 4.1.1.*

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

**Applicant Response:** *The request furthers this policy because it will promote the protection and enhancement of the neighborhood character by establishing a zone change that is compatible with the adjacent mixed land uses and commercial zoning patterns to the north, south, east, and west while maintaining a similar scale and building design established in the area.*

**Staff:** *The requested zone map amendment will allow for mixed use development similar to those of surrounding properties. Required IDO design standards will help ensure appropriate scale and location of development and character of building design as well as protect the identity and cohesiveness of the neighborhood. The request furthers Policy 4.1.2.*

## CHAPTER 5: LAND USE

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

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

c) Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

**Applicant Response:** *The request furthers this goal and policy by encouraging redevelopment in an appropriate area that is within 600' of Paseo Del Norte, one of the Comprehensive Plan's identified Commuter Corridors. The current transportation infrastructure at the intersection of Paseo Del Norte Boulevard and Wyoming Boulevard already account for the anticipated increased development in this area and have road capacity that can handle the anticipated traffic patterns with multiple lanes to include thru-lanes, right and left turning lanes, bike paths, and pedestrian access/crossings at this intersection.*

**Staff:** *The subject site is adjacent to the La Cueva Activity Center, not in it. Since the subject site is only 0.89 acre, it is unlikely to capture regional growth. Goal 5.1 and Policy 5.1.1 do not apply to the request.*

f) Discourage the development of detached single-family housing as an inappropriate use in Centers and along Corridors.

**Applicant Response:** *The request furthers this goal and policy by discouraging detached single-family housing and encouraging commercial development that is within 600' of*

*Paseo Del Norte, one of the Comprehensive Plan's identified Commuter Corridors. Single-family Request for Zoning Map detached housing is not a permissive use in the MX-L zoning and the existing residential structure is planned for demolition.*

**Staff:** *The subject site is not in a designated activity center, but is adjacent to it. The request would generally discourage a single-family use near the Corridor of Paseo del Norte Blvd. The request furthers Policy 5.1.1.*

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

**Applicant Response:** *The request furthers this policy by maintaining a consistent, more intense commercial scale of redevelopment in the area by removing a residential use and providing more appropriate zoning for the parcel that reflects the adjacent commercial properties near an established Commuter Corridor.*

**Staff:** *The applicant's justification is sufficient. The request furthers Policy 5.1.2.*

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

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

a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

**Applicant Response:** *The request furthers this policy by encouraging commercial development that will provide health and other services within walking and biking distances to the surrounding residential neighborhoods.*

**Staff:** *MX-L zoning would support more intense development near an activity center. The applicant's justification is sufficient. The request furthers Policy 5.2.1(a).*

h) Encourage infill development that adds complementary uses and is compatible in form and scale to the immediate surrounding development.

**Applicant Response:** *The request furthers this policy by allowing the redevelopment of more permissive commercial uses that are compatible to the immediate surrounding development. The existing single-family home is inconsistent with the surrounding development.*



**Staff:** *The applicant's justification is sufficient as it is for changing to matching zoning to surrounding area. The request furthers 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.

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

**Applicant Response:** *The request furthers this goal and policy by supporting more options for compatible redevelopment within an infill development area that is currently supported by existing infrastructure and public facilities.*

**Staff:** *The applicant's justification is sufficient. The request furthers Policy 5.3.1.*

Policy 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

**Applicant Response:** *The request furthers this policy by allowing for development where there is existing infrastructure and public facilities to surrounding commercial and residential development. The subject property is not located at the urban fringe.*

**Staff:** *The applicant's justification is sufficient. The request would not create leapfrog development but extend the zoning of the adjacent, already developed site and further Policy 5.3.2.*

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

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

b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

**Applicant Response:** *The request furthers this policy by reinforcing the character and intensity of the surrounding area by allowing for more commercial uses that will reinforce the scale, intensity, and setbacks of the immediately surrounding commercial and office development.*

***Staff: The request will remove a single-family residence in an area surrounded by mixed use and will support growth of a scale and intensity in keeping with the surrounding area. The request furthers Policy 5.6.3.***

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

Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

a) Promote buildings and massing of commercial and office uses adjacent to single-family neighborhoods that is neighborhood scale, well-designed, appropriately located, and consistent with the existing development context and neighborhood character.

***Applicant Response: The request furthers this goal and policy by allowing for zoning and the redevelopment of the subject property in a way that is consistent with the existing neighborhood character and can maintain the existing commercial development context.***

***Staff: The requested zone change would allow for more consistent development. The request furthers Policy 7.3.4.***

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

Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

***Applicant Response: The request furthers this policy by increasing permissive commercial uses on a parcel that will be more stable in the current commercial setting and can more appropriately accommodate employment growth in the area.***

***Staff: The zone change request would consolidate the site with its surrounding and promote employment growth opportunities, The request furthers Policy 8.1.5.***

### ***III. Zoning Map Amendment (Zone Change)***

The subject site is zoned R-ML (Multi-Family Low Density Zone District). The purpose of the R-ML zone district is to provide for a variety of low-to medium-density housing options. The primary land uses are townhouses and small-scale multi-family development, as well as civic and institutional uses to serve the surrounding residential area.

The applicant requests a zone change to MX-L (Mixed-Use Low Intensity Zone District). The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family residential dwellings, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors.

Pursuant to section 14-16-6-7(F)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria".

There are several criteria that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not 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 subject site is zoned R-ML (Residential – Multi-family Low Density). The requested zoning is MX-L (Mixed-Use – Light Intensity).

The reason for the request is to rezone the parcel from the current R-ML designation to MX-L zoning. If the zone change is approved, the new zoning will result in more consistent zoning with the surrounding properties and allow for the construction of an office. Most of the surrounding properties directly adjacent to the subject parcel were included in the City's "Voluntary Zoning Conversion" and were rezoned from R-ML to MX-L to allow for an appropriate mix of uses, as well as continuity of development.

The applicant believes that the proposed zoning map amendment (zone change) meets the IDO's zone change decision criteria [14-16-6-7(F)(3)] as elaborated in the justification letter. Citations are from the IDO.

**Note:** Applicant's Justification is in indented *italics*, Staff's Analysis ***bold italic*** text.

A. 6-7(F)(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's Response:*** *The proposed zone change is consistent with the health, safety, and general welfare of the City by creating zoning that is consistent with the surrounding properties and will further a preponderance of the following applicable goals and policies of the Comprehensive Plan.*

***Staff:*** *Consistency with the City's health, safety, 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 has adequately demonstrated, in policy-based response, that the request would be consistent with the City's health, safety, and general welfare. The response to Criterion A is sufficient.*

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

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

***Applicant's Response:*** *This criterion is not applicable to this zone change request.*

***Staff:*** *The Criterion is not applicable.*

2. There has been a significant change in neighborhood or community conditions affecting the site.

***Applicant's Response:*** *This criterion applies since the majority of the properties surrounding the subject parcel have previously been subjected to zoning conversions to a non-residential zoning that would more appropriately allow for mixed-use development in an area that is predominately nonresidential in all directions, with the exception of a few parcels, including the subject parcel, that had residential units. In reviewing historical photography over the past 10 – 20 years, the progression of commercial development is evident and has significantly increased the need to have more consistent zoning that runs adjacent to the Paseo Del Norte Commuter Corridor.*

***Staff:*** *The subject site was developed at a time when there was no other development in the area. Prior to the IDO the area was zoned SU-2 with 2 residential sites converted to R-ML, the adjacent developed site converted to MX-H and the remaining vacant land*

*converted to MX-L. The result has been significant changes in the neighborhood since the subject site was originally developed.*

3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

**Applicant's Response:** *As previously mentioned, historic photography clearly demonstrates the increased commercial development in this area and the requested MX-L zone will reinforce and strengthen the established character of the surrounding commercial and office development.*

**Staff:** *The current zoning of the subject site is effectively a spot zone having been developed prior to commercial expansion along the Paseo del Norte Corridor. The requested change would be more advantageous to the community by creating a cohesive development pattern in the site and its surrounding.*

C. 6-7(F)(3)(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 Response:** *The subject site is located wholly in an "Area of Consistency", all three of these criterion options do not apply.*

**Staff:** *Area of Change criteria do not apply to this request.*

D. 6-7(F)(3)(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's Response:** *None of the permissive uses in the MX-L zone will be harmful to the adjacent property, neighborhood, or community. The adjacent properties are either vacant or developed with commercial and office uses. The adjacent zoning is primarily MX-L (consistent with this request) or MX-H. The zone change does allow for a number of permissive commercial uses that could be developed on the property and most importantly, includes medical and dental services that are currently planned by the applicant.*

*The following table represents a sample of permissive uses within the MX-L zone compared to the current R-ML zone.*

<b>IDO Zoning Comparison: R-ML vs. MX-L</b>		
<b>Use</b>	<b>R-ML</b>	<b>MX-L</b>
Dwelling, single-family detached	P	-
Dwelling, cluster/cottage development	P	-
Dwelling, two-family detached (duplex)	P	-
Dwelling, townhouse	P	P
Dwelling, live-work	C	P
Dwelling, multi-family	P	P
Assisted living facility or nursing	P	P
Community residential facility, small/med	P	P
Community residential facility, large	-	P
Group home, small or medium	C	P
Sorority or fraternity	-	P
Adult or child day care facility	C	P
Community center or library	P	P
Elementary or middle school	P	P
High school	C	P
Museum or art gallery	CV	P
Parks and open space	P	P
Religious institution	P	P
Vocational school	-	P
Community garden	P	P
Veterinary hospital and Other pet services	-	P
Health club or gym	-	P
Restaurant	-	P
Other indoor entertainment	-	P
Hotel or motel	-	P
Car wash	-	P
Light vehicle repair	-	P
Paid parking lot	A	P
Parking structure	A	P
Bank	-	P
Club or event facility	-	P
Commercial services	-	P
Medical or dental clinic	-	P
Office	-	P
Personal and business services, small	-	P
Research or testing facility	-	P
Bakery goods or confectionary shop	-	P
Farmers Market	-	P
General retail, small	-	P
Grocery store	-	P
Artisan manufacturing	-	P
Solar energy generation	P	P
Utility, electric	P	P
Utility, other major	P	P
WTF Freestanding	-	P

*As this list indicates, most of these uses are relatively low intensity, neighborhood commercial and office uses, most of which provide supporting services to the surrounding neighborhoods. In addition, some uses of the MX-L zone are not relevant because of the small size and configuration of the property. The IDO includes use-specific standards to further regulate certain uses (e.g. hotel, car wash, Request for grocery store, etc.) such as size limitations, distance separations, or additional screening requirements. These use-specific standards and the site plan review process will ensure*

*that any permissive MX-L use will not be harmful to the adjacent properties, neighborhood, or community.*

**Staff:** *There are no harmful uses permissible in the requested zone that are not permitted in the current R-ML zone. There are a number of additional commercial and office uses permitted. The applicant has sufficiently justified the additional uses for the site.*

E. 6-7(F)(3)(e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:

1. Have adequate capacity to serve the development made possible by the change of zone.

**Applicant's Response:** *The adjacent street, trail, and sidewalk systems will accommodate the development of a small dental office on the subject property.*

2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.

**Applicant's Response:** *The proposed zone change will not require major and unprogrammed capital expenditures by the City as most of the infrastructure needed to facilitate commercial development exists adjacent to or near the property.*

3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.

**Applicant's Response:** *Any infrastructure improvements required to meet the capacity required for the development of the subject property will be provided by the applicant/developer subject to the approved Site Plan and Infrastructure Improvement Agreement(s) as required.*

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's Response:** *As previously stated, any infrastructure improvements required to meet the capacity required for the development of the subject property will be provided by the applicant/developer subject to the approved Site Plan and Infrastructure Improvement Agreement(s) as required.*

**Staff:** *The applicant's justification is sufficient and shows that the City's existing infrastructure and public improvements will have adequate capacity to serve the development made possible by the change of zone.*

F. 6-7(F)(3)(f) The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

**Applicant's Response:** *Although the subject property is located near a Commuter Corridor, the property is located directly on an Urban Major Collector (Classification 4), 2-lane paved road in an area that already provides similar commercial medical and dental services. The request is based on the intent to develop the subject property with more consistent zoning by allowing for services that will benefit the surrounding neighborhoods.*

**Staff:** *The justification for the request is not solely based on the property's location on a major street as it is not located on a major street.. The basis is connected more to providing a clearer and more predictable set of allowed uses, development standards, and path to development.*

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

**Applicant's Response:** *The cost of land or economic considerations are not the determining factor for this zone change request because nearly All of the surrounding land is already zoned MX-L or MX-H for commercial use. The development proposed for the subject parcel will provide complementary services already provided in the area.*

**Staff:** *The applicant has sufficiently justified this criterion. The request is not based primarily upon the cost of land or economic considerations. The request would allow the site to serve the needs of the neighborhood, while also maintaining the context and scale of the surrounding land uses.*

H. 6-7(F)(3)(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:

**Applicant's Response:** *This Zone Map Amendment is not a strip or spot zone because it will improve the consistency of the zoning in the area and remove an existing "spot zone" since the property is adjacent to and surrounded by existing MX-L zoning; therefore, the subsequent criterion in 1, 2, and 3 are not applicable to this Zone Map Amendment.*



1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.

**Applicant's Response:** *This criterion is not applicable to this zone change request. See previous comments.*

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.

**Applicant's Response:** *This criterion is not applicable to this zone change request. See previous comments.*

3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

**Applicant's Response:** *This criterion is not applicable to this zone change request. See previous comments.*

**Staff:** *This zone map amendment would not result in a spot or strip zone, as it is surrounded by MX-H zoning to the east, and MX-L zoning to the north, south and west; the introduction of mixed-use zoning will better promote many of the goals and policies of the ABC Comp plan as demonstrated previously.*

#### **IV. Agency Comments & Neighborhood Concerns**

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

City departments and other interested agencies reviewed this application from 5/1/2020 to 5/18/2020. Few agency comments were received.

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

This lot was zoned SU-2 for R-2 under the North I-25 Sector Development Plan and was converted to R-ML in the Phase 1 zoning conversion when the IDO was adopted. While the surrounding properties were included in the Phase 2 zoning conversion because they were former SU-2 zones and were vacant, the subject property would not have been eligible, since it had a single-family home on it.

The request to change from R-ML to MX-L would match the surrounding zoning and allow an office use and other neighborhood-scale retail, personal service uses, and multi-family uses. These uses and the MX-L zone provide a better adjacency to the MX-H zone to the east than the current use as a single-family dwelling. Long Range does not see any issues with this request.

The applicant should contact PNM's New Service Delivery Department as soon as possible to coordinate electric service regarding any proposed project. Submit a service application at [www.pnm.com/erequest](http://www.pnm.com/erequest) for PNM to review.

***Neighborhood/Public***

The applicant notified property owners within 100 feet as required by the IDO for a Zone Map Amendment-EPC application. The applicant also notified the North Domingo Baca Neighborhood Association and the District 4 Coalition of Neighborhood Associations as required.

As of this writing no comments have been received from residents or neighborhood associations.

***V. Conclusion***

This request is for a zoning map amendment for an approximately 0.89-acre site, located at 7413 Holly Ave NE between Louisiana Blvd and Wyoming Blvd NE, zoned R-ML. The applicant wants to change the subject site's zoning to MX-L to allow for construction of an office building.

The subject site is in an Area of Consistency as designated in the Albuquerque / Bernalillo County Comprehensive Plan.

The request to change from R-ML to MX-L would result in zoning that would be consistent with surrounding zoning and allow office use and other neighborhood-scale retail, personal service uses, and multi-family uses.

Property owners within 100 ft and the affected neighborhood associations, the North Domingo Baca Neighborhood Association and the District 4 Coalition of Neighborhood Associations, were notified as required.

The request for a zone map amendment has been adequately justified pursuant to the IDO Review and Decision criteria in 6-7(F)(3). The request generally furthers the Comprehensive Plan Goals and policies.

Staff recommends approval.

***Findings, Zoning Map Amendment (Zone Change)***

***Project #: 2020-004475, RZ: 2020-00030***

1. The request is for a zoning map amendment for an approximately 0.89-acre site, located at 7413 Holly Ave NE between Louisiana Blvd and Wyoming Blvd NE, legally described as Tract 2 Unit 3 North Albuquerque Acres, zoned R-ML.
2. The applicant wants to change the subject site's zoning from R-ML (Multi-Family Low Density Zone District) to MX-L (Mixed Use Low Intensity Zone District) to allow for future construction of an office building.
3. The subject site is zoned R-ML (Multi-Family Low Density Zone District). The purpose of the R-ML zone district is to provide for a variety of low- to medium-density housing options. The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family residential dwellings, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors.
4. There is MX-H zoning to the east of the site. Lots to the north, south and west of the subject site are zoned MX-L.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
6. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Community Identity:
  - A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

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

The requested zone map amendment will allow uses more consistent with surrounding adjacent properties.
  - B. Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The requested zone map amendment will allow for mixed use development similar to those of surrounding properties. Required IDO design standards will help ensure appropriate scale and location of development and character of

building design as well as protect the identity and cohesiveness of the neighborhood.

7. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Land Use:

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

c) Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

The request encourages redevelopment in an appropriate area that is within 600' of Paseo Del Norte, one of the Comprehensive Plan's identified Commuter Corridors. The current transportation infrastructure at the intersection of Paseo Del Norte Boulevard and Wyoming Boulevard already account for the anticipated increased development in this area and have road capacity that can handle the anticipated traffic patterns with multiple lanes to include thru-lanes, right and left turning lanes, bike paths, and pedestrian access/crossing.

5.1.1. f) Discourage the development of detached single-family housing as an inappropriate use in Centers and along Corridors.

The request discourages detached single-family housing and encourages commercial development that is within 600' of Paseo Del Norte. Single-family detached housing is not a permissive use in the MX-L zoning and the existing residential structure is planned for demolition.

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

The request maintains a consistent, more intense commercial scale of redevelopment in the area by removing a residential use and providing more appropriate zoning for the parcel that reflects the adjacent commercial properties near an established Commuter Corridor.

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

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

- a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

The request encourages commercial development that will provide health and other services within walking and biking distances to the surrounding residential neighborhoods.

- h) Encourage infill development that adds complementary uses and is compatible in form and scale to the immediate surrounding development.

The request allows the redevelopment of more permissive commercial uses that are compatible to the immediate surrounding development. The existing single-family home is inconsistent with the surrounding development.

- 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.

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

The request supports more options for compatible redevelopment within an infill development area that is currently supported by existing infrastructure and public facilities.

Policy 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The request allows for development where there is existing infrastructure and public facilities to surrounding commercial and residential development. The subject property is not located at the urban fringe.

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

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

- b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

The request reinforces the character and intensity of the surrounding area by allowing for more commercial uses that will reinforce the scale, intensity, and setbacks of the immediately surrounding commercial and office development.

- 8. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Urban Design:

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

Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

- a) Promote buildings and massing of commercial and office uses adjacent to single-family neighborhoods that is neighborhood scale, well-designed, appropriately located, and consistent with the existing development context and neighborhood character.

The request allows for zoning and the redevelopment of the subject property in a way that is consistent with the existing neighborhood character and can maintain the existing commercial development context.

- 9. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Economic Development:

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

Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

The request increases permissive commercial uses on a parcel that will be more stable in the current commercial setting and can more appropriately accommodate employment growth in the area.



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

A. Criterion A: Consistency with the City's health, safety, 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 has adequately demonstrated, in policy-based response, that the request would be consistent with the City's health, safety, and general welfare.

B. Criterion B: The proposed amendment is located wholly in an Area of Consistency. The existing zoning is inappropriate because a different zone district is more advantageous to the community as articulated by the ABC Comp Plan.

The requested zone map amendment would be more advantageous to the community since many of the Comprehensive Plan goals and policies will be furthered. This zone change will allow for implementation of patterns of land use that are consistent with the Comprehensive Plan, development density and intensity, and connectivity as a designation for employment and services.

C. Criterion C: The proposed amendment is located wholly in an Area of Consistency so this criterion does not apply.

D. Criterion D: None of the permissive uses in the MX-L zone will be harmful to the adjacent property, neighborhood, or community.

The adjacent properties are either vacant or already developed with commercial and office uses. The adjacent zoning is primarily MX-L (consistent with this request) or MX-H. The zone change does allow for a number of permissive commercial uses that could be developed on the property and, most importantly, includes medical and dental services that are currently planned by the applicant.

E. Criterion E: The City's existing infrastructure and public improvements currently have adequate capacity to serve the future development.

F. Criterion F: The applicant's justification for the requested zone change is not completely based on the property's location on a major street. Although the subject property is located near a Commuter Corridor, the property is located directly on an Urban Major Collector (Classification 4), 2-lane paved road in an area that already provides similar commercial medical and dental services. The request is based on the intent to develop the subject property with more consistent zoning by allowing for services that will benefit the surrounding neighborhoods.

- G. Criterion G: The justification is not based completely or predominantly on the cost of land or economic considerations. The cost of land or economic considerations are not the determining factor because nearly all of the surrounding land is already zoned MX-L or MX-H. The development proposed for the subject parcel will provide complementary services will not constitute a spot zone because it is the same as the surrounding zones to the north, south and west.
11. The applicant's policy analysis adequately demonstrates that the request generally furthers a preponderance of applicable Goals and Policies in the Comprehensive Plan and does not significantly conflict with it. Based on this demonstration, the proposed zone category would be more advantageous to the community than the current zoning.
12. The applicant notified property owners within 100 feet as required by the IDO for a Zone Map Amendment-EPC application. The applicant also notified the affected neighborhood associations, Southwest Alliance of Neighborhoods (SWAN), Westside Coalition of Neighborhood Associations, and South Valley Coalition of Neighborhood Associations.
13. As of this writing, there are no letters in support of or opposition to this request.

***RECOMMENDATION – RZ-2020-00030, November 12, 2020***

***APPROVAL of Project #: 2020-004475, RZ-2020-00030, a request for Zoning Map Amendment from R-ML to MX-L for an approximately 0.89-acre site, Tract 2 Unit 3 North Albuquerque Acres, located at 7413 Holly Ave NE, between Louisiana Blvd and Wyoming Blvd, based on the preceding Findings.***

Lorena Patten-Quintana  
Planner

***Notice of Decision cc list:***

(List to be compiled after final decision)

## **AGENCY COMMENTS**

### **Long Range Planning**

This lot was zoned SU-2 for R-2 under the North I-25 Sector Development Plan and was converted to R-ML in the Phase 1 zoning conversion when the IDO was adopted. While the surrounding properties were included in the Phase 2 zoning conversion because they were former SU-2 zones and were vacant, the subject property would not have been eligible, since it had a single-family home on it.

The request to change from R-ML to MX-L would match the surrounding zoning and allow an office use and other neighborhood-scale retail, personal service uses, and multi-family uses. These uses and the MX-L zone provide a better adjacency to the MX-H zone to the east than the current use as a single-family dwelling. Long Range does not see any issues with this request.

### **Bernalillo County Public Works – Transportation Planning**

No adverse comment. Project does not have foreseeable impact to Bernalillo County transportation network.

### **APS**

No adverse impacts. Site is located under one half mile from La Cueva High School.

### **Solid Waste – no comment**

### **AMAFCA – no adverse comments**

### **CoA Transportation – no adverse comments**

### **Parks and Rec – no comments**

### **PNM**

The applicant should contact PNM's New Service Delivery Department as soon as possible to coordinate electric service regarding any proposed project. Submit a service application at [www.pnm.com/erequest](http://www.pnm.com/erequest) for PNM to review.

PICTURE PAGES

*November 12, 2020*



Figure 1: Looking north  
across Holly Avenue  
toward the site.

Figure 2: Looking southwest from  
the east property line along Holly  
Avenue of the subject site.



*November 12, 2020*

Figure 3: Looking east along  
Holly Avenue from south  
east corner of the site.



Figure 4: Looking east along  
Holly Avenue from south  
west corner of the site.



*November 12, 2020*



Figure 5: Looking northeast from northwest corner of the

Figure 6: Looking southwest from northwest corner of the site.



## ZONING

Please refer to the Integrated Development Ordinance (IDO)  
for specifics regarding the R-ML and MX-L zones

## APPLICATION



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

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

### APPLICATION INFORMATION

Applicant: <b>Curtis Pino DDS MDS</b>		Phone: <b>505.440.5724</b>
Address: <b>P.O. Box 94598</b>		Email: <b>pinoperio@gmail.com</b>
City: <b>Albuquerque</b>	State: <b>NM</b>	Zip: <b>87199</b>
Professional/Agent (if any): <b>Consensus Planning</b>		Phone: <b>505.764.9801</b>
Address: <b>302 Eighth Street NW</b>		Email: <b>cp@consensusplanning.com</b>
City: <b>Albuquerque</b>	State: <b>NM</b>	Zip: <b>87102</b>
Proprietary Interest in Site: <b>Purchaser</b>		List all owners:

### BRIEF DESCRIPTION OF REQUEST

Zone amendment from R-ML to MX-L for more consistent zoning and to allow for the construction of an office.

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

Lot or Tract No.: <b>2</b>	Block: <b>0000</b>	Unit: <b>3</b>
Subdivision/Addition: <b>North Albuquerque Acres</b>	MRGCD Map No.:	UPC Code: <b>101906418906730212</b>
Zone Atlas Page(s): <b>C-19-Z</b>	Existing Zoning: <b>R-ML</b>	Proposed Zoning: <b>MX-L</b>
# of Existing Lots: <b>1</b>	# of Proposed Lots: <b>1</b>	Total Area of Site (acres): <b>.8864</b>

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: **7413 Holly Ave NE** Between: **Louisiana Boulevard NE** and: **Wyoming Boulevard NE**

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

No case history available

Signature:  Date: **09/24/2020**  
 Printed Name: **Jim Strozier** ☐ Applicant or ☒ Agent

### FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
<b>RZ-2020-00030</b>	<b>ZMA</b>	<b>\$475</b>			

Meeting/Hearing Date: **November 12, 2020** Fee Total: **\$475**  
 Staff Signature: *Vanessa A Segura* Date: **9/24** Project # **PR-2020-004475**

## Form Z: Policy Decisions

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

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

### ☒ INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)

- No Interpreter Needed for Hearing? \_\_\_\_\_ if yes, indicate language: \_\_\_\_\_
- ☒ Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- ☒ Letter of authorization from the property owner if application is submitted by an agent
- ☒ Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- ☒ Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

### ☐ ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN

#### ☐ ADOPTION OR AMENDMENT OF FACILITY PLAN

- \_\_\_ Plan, or part of plan, to be amended with changes noted and marked
- \_\_\_ Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- \_\_\_ Required notices with content per IDO Section 14-16-6-4(K)(6)
- \_\_\_ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
- \_\_\_ Proof of emailed notice to affected Neighborhood Association representatives
- \_\_\_ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

#### ☐ AMENDMENT TO IDO TEXT

- \_\_\_ Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- \_\_\_ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- \_\_\_ Required notices with content per IDO Section 14-16-6-4(K)(6)
- \_\_\_ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
- \_\_\_ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

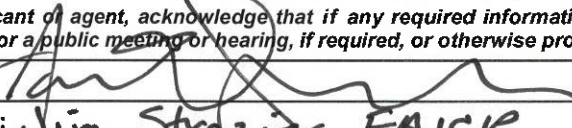

### ☒ ZONING MAP AMENDMENT -- EPC

#### ☐ ZONING MAP AMENDMENT -- COUNCIL

- ☒ Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- ☒ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- ☒ Required notices with content per IDO Section 14-16-6-4(K)(6)
- ☒ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
- ☒ Proof of emailed notice to affected Neighborhood Association representatives
- ☒ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- \_\_\_ Sign Posting Agreement

#### ☐ ANNEXATION OF LAND

- \_\_\_ Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*
- \_\_\_ Petition for Annexation Form and necessary attachments
- \_\_\_ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- \_\_\_ Board of County Commissioners (BCC) Notice of Decision

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.	
Signature: 	Date: 9.24.2020
Printed Name: Jim Straziz, FAICP	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Project Number:	Case Numbers
PR-2020-004475	RZ-2020-00030
	-
	-
Staff Signature: Vanessa A Segura	
Date: 9/24/2020	

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

PA# 20-085 Date: 04/09/20 Time: N/A (sent via email)

Address: 7413 Holly Ave NE

### **AGENCY REPRESENTATIVES PRESENT AT MEETING**

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

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

Fire Marshall:     

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

Long Range Planning: Terra Reed ([treed@cabq.gov](mailto:treed@cabq.gov))

### **PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!**

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

*Additional research may be necessary to determine the exact type of application and/or process needed.*

*Factors unknown at this time and/or thought of as minor could become significant as the case progresses.*

**REQUEST:** COA vacated ROW adjacent to a City owned parcel (zoned MX-L) located south of Tower Road SW and east of 97th Street (see zone atlas). COA wants to rezone the vacated ROW to MX-L to be consistent with the adjacent property.

### **SITE INFORMATION:**

Zone: R-ML / Proposed MX-L

Size: 0.9 acres

Use: Low-density Residential

Overlay zone: x

Comp Plan Area of: Consistency

Comp Plan Corridor: x

Comp Plan Center: x

MPOS or Sensitive Lands: x

Parking: 5-5, page 225

MR Area: x

Landscaping: 5-6, page 251

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

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

Dimensional Standards: Table 5-1-2, p. 194 (Mixed Use)

\*Neighborhood Organization/s: North Domingo Baca NA, District 4 Coalition

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

### **PROCESS:**

Type of Action: 6-7(F) Zone Map Amendment-EPC, pg. 426

Review and Approval Body: EPC

Is this a PRT requirement? Yes



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

PA# 20-085 Date: 04/09/20 Time: N/A (sent via email)

Address: 7413 Holly Ave NE

### NOTES:

See the **Integrated Development Ordinance**

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

### Long Range Planning Comments

The properties around the subject property were included in the Zoning Conversion process based on Criterion #4 Prior Special Use Zoning: “The zoning conversion is for undeveloped property previously regulated by the Residential and Related Uses Zone, Developing Area (R-D), or by special use zoning (SU-1, SU-2, or SU-3), and an IDO zone designation other than what was assigned through the phase 1 conversion process would be more appropriate for the site.”

The properties that were converted were all zoned SU-2 for R-ML prior to the adoption of the IDO and were all undeveloped, which meant that they all met Criterion #4 to be considered for a zoning conversion. Due to the mixed-use zoning and non-residential uses on either end of this block, staff felt that the request for MX-L zoning would allow an appropriate mix of uses, as well as continuity of development. Because the owners of most of the parcels in the portion of the block zoned R-ML made the same request, staff felt that the conversion would be appropriate.

It is worth noting that the subject property and one other property zoned R-ML in this area were not included in the conversion. We didn’t receive requests from either of those property owners, but they also wouldn’t have qualified because both properties have existing development. The subject property seems to have a single-family home (hard to tell if anyone is living there/using that property currently) and the other property looks like it has a manufactured home and a large garage/warehouse type building with a bunch of cars. I believe our thinking was that these existing developments do not seem to set a context for the area, and that large lot single-family doesn’t seem particularly appropriate to set as a context for this block given the development on the ends of the block.

I would also add that the max building height for R-ML and for MX-L are the same (35 ft.), since that is often a concern.

I don’t know if Mikaela or Carrie would want to weigh in on this, but unfortunately for the applicant, because there IS currently a single-family house on the property, it might be problematic to do a zone change to MX-L (potentially creating a nonconforming use). However, it kind of looks (from google street review) like that house may be empty and not used in quite some time, so that might not be a big concern. I would imagine that the plan is likely to demolish and sell/develop with something more consistent with the commercial character to the east – it looks like someone has been trying to sell the property for a while.

Thanks,

Terra Reed



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

PA# 20-085 Date: 04/09/20 Time: N/A (sent via email)

Address: 7413 Holly Ave NE

### PRT Zoning Comments

- 7413 Holly Ave NE, Lot 21 Block 9, zoned R-ML
  - Proposed zone change by applicant from R-ML to MX-L
    - **Process: 6-7(F) Zone Map Amendment-EPC, pg. 426**

### Transportation Development Comments

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

### Curb Cuts

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

### Clear Sight Triangle at Access Points and Intersections

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

### Private Site and Parking Lot Design (if applicable)

- Follow DPM and IDO Guidelines for Site and Parking Lot Design. Current ADA standards must be followed including required number of handicapped parking spaces and drive aisles, ADA access to public right-of-way, and ADA access to on-site buildings.
- See the Traffic Circulation Layout (TCL) Checklist. A TCL is required for any change or addition to a building > 500 sq. ft. or if the parking or circulation is changed. (This includes a repaving of parking lot.) Drawing must be stamped by a registered engineer or architect.
- When developing a parking lot layout, include all dimensioning for construction purposes. Also include all curb, curb ramp and signage details.
- Parking Calculations must be provided and per the requirements in the IDO. Number of vehicular spaces, motorcycle spaces, and bicycle spaces shall be specified and follow IDO requirements.
- Demonstrate queuing capacity when needed in situations such as for drive-thru facilities. It is imperative to demonstrate that the queuing will not block accessways to the site or cause vehicles to back into the main roadway. Also, provide necessary one-way signage and pavement markings.
- Shared access/parking agreement is required if access/parking is shared with parking lot adjacent to site. (This can be established on a plat if submittal of a plat is required or by an agreement.)

### Traffic Studies and Traffic Signals (if applicable)

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

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

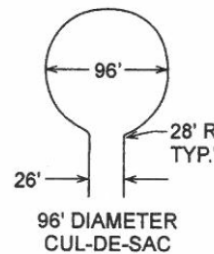
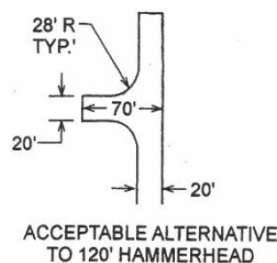
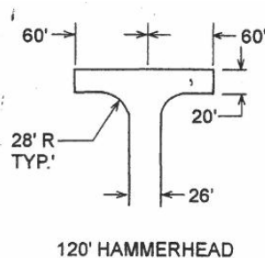
PA# 20-085      Date: 04/09/20      Time: N/A (sent via email)

Address: 7413 Holly Ave NE

- A proposed new traffic signal needs to A) follow guidelines for traffic signal spacing, B) meet the requirements for a traffic signal warrant study to be in operation and C) be approved by both Planning and by Traffic Operations.

### Platting and Public Infrastructure Requirements for Roadways (if applicable)

- When submitting to DRB, all public roadway improvements that are required shall be shown on an infrastructure list. Public improvements must be included on a public work order set of drawings.
- All public roadway facilities must be within public right-of-way including the entire width of the public sidewalk, all public curb ramps, overhead utilities, traffic signals and lighting, etc.
- Curb and sidewalk is required along entire frontage of property. Follow IDO/DPM for specific width requirements.
- There is a Bikeway Master Plan that is prepared MRCOG which lays out proposed bicycle facilities including bicycle trails, bike lanes, and bike routes. The site would be required to provide such facilities along the site frontage if they have not been constructed yet. Right-of-way dedication would likely be required.
- Depending on site's use of an adjacent alleyway and on type of use for proposed site, alleyway improvements are required. This would include paving and/or proper right-of-way dedication to meet current width standards.
- Follow DPM and MRCOG's Long Range Master Plan for roadway width requirements. Provide roadway cross-section. (New roadway requirements and roadway widening is also coordinated with Department of Municipal Development, depending on what plans or projects they may have on a specific roadway.)
- If private road is over 150' long, the turnaround shall be per fire code dimensions. Fire Marshall Approval and Solid Waste Approval is required on all site layouts. For dead-ends, see options below for space dedicated to turn-arounds:



- For any private access easements on plats, all beneficiaries and maintenance responsibilities must be listed.

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

PA# 20-085 Date: 04/09/20 Time: N/A (sent via email)

Address: 7413 Holly Ave NE

- Due to sight distance concerns and to construct sufficient curb ramps, right-of-way dedication is required to add curves to corners of properties at intersections if they are not already developed. See Table 23.3 of the DPM.
- Any private structures that are located within public right-of-way such as fences and walls shall either be removed or else a revocable permit with the City is required in which an annual fee is paid per year, based on square footage of the encroachment.

*If you would have additional questions or would like to schedule a follow-up phone call, please contact Linda Rumpf at [lrumpf@cabq.gov](mailto:lrumpf@cabq.gov)*

Mr. Joe H. Gurule &  
Ms. Theresa M. Gurule  
3504 Amherst Place NE  
Albuquerque, NM 87107

September 18, 2020

Dan Serrano, Chairperson  
Environmental Planning Commission  
600 Second Street NW  
Albuquerque, NM 87102

RE: Zone Map Amendment for 7413 Holly Ave NE

Dear Mr. Serrano,

Mr. Gurule and Ms. Gurule, owners of the referenced property, hereby authorize Consensus Planning Inc. to act as the agent to provide entitlement services for the purposes related to a Zone Map Amendment for the property legally described as "021 009 NORTH ALBUQUERQUE ACRES UNIT 3 TRACT 2". Entitlement services shall include, but not be limited to general correspondence, representation before the Environmental Planning Commission (EPC), and all application submittals.

Sincerely,  
PROPERTY OWNERS

Signature:

Joe H. Gurule

Printed Name:

JOE H. GURULE

Title:

OWNER

Signature:

Theresa M. Gurule

Printed Name:

Theresa M. Gurule

Title:

Owner

Mr. Curtis M. Pino DDS MSD

September 18, 2020

Dan Serrano, Chairperson  
Environmental Planning Commission  
600 Second Street NW  
Albuquerque, NM 87102

RE: Zone Map Amendment for 7413 Holly Ave NE

Dear Mr. Serrano,

As the applicant for the referenced property, I hereby authorize Consensus Planning Inc. to act as my agent to provide entitlement services for the purposes related to a Zone Map Amendment for the property legally described as "021 009 NORTH ALBUQUERQUE ACRES UNIT 3 TRACT 2". Entitlement services shall include, but not be limited to general correspondence, representation before the Environmental Planning Commission (EPC), and all application submittals.

Sincerely,  
CURTIS M. PINO DDS MSD

Signature:



Printed Name:

Curtis M. Pino

Title:

Member Manager



# City of Albuquerque

Planning Department  
Development Review Services Division

## Traffic Scoping Form (REV 07/2020)

**Project Title:** 7413 Holly Ave NE  
**Building Permit #:** \_\_\_\_\_ **Hydrology File #:** \_\_\_\_\_  
**Zone Atlas Page:** C-19-Z **DRB#:** \_\_\_\_\_ **EPC#:** \_\_\_\_\_ **Work Order#:** \_\_\_\_\_  
**Legal Description:** 021 990 North Albuquerque Acres Unit 3 Tract 2  
**Development Street Address:** 7413 Holly Ave NE  
**Applicant:** Curtis Pino DDS MSD (Agent: Consensus Planning) **Contact:** Shawna Ballay  
**Address:** 302 8th Street NW, Albuquerque, NM 87102  
**Phone#:** 505.764.9801 **Fax#:** N/A  
**E-mail:** ballay@consensusplanning.com

### Development Information

**Build out/Implementation Year:** 2021 **Current/Proposed Zoning:** R-ML to MX-L  
**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:**

Office Space for Dental Clinic

**Days and Hours of Operation (if known):** Monday - Friday (8:00 AM - 5:00 PM)

### Facility

**Building Size (sq. ft.):** 8,500 square feet  
**Number of Residential Units:** N/A  
**Number of Commercial Units:** 1

### Traffic Considerations

**ITE Trip Generation Land Use Code** 720 Medical - Dental Office Building  
**Expected Number of Daily Visitors/Patrons (if known):\*** 30-50  
**Expected Number of Employees (if known):\*** 15  
**Expected Number of Delivery Trucks/Buses per Day (if known):\*** 1  
**Trip Generations during PM/AM Peak Hour (if known):\*** AM 25 vph, PM 31 vph  
**Driveway(s) Located on:** Street Name Holly Ave NE

Adjacent Roadway(s) Posted Speed: 

Street Name	Wyoming Boulevard NE	Posted Speed	35 MPH
Street Name	Louisiana Boulevard NE	Posted Speed	40 MPH

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

### Roadway Information (adjacent to site)

Comprehensive Plan Corridor Designation/Functional Classification: Holly Ave - Urban Major Collector (FC 4)  
(arterial, collector, local, main street)

Comprehensive Plan Center Designation: N/A  
(urban center, employment center, activity center)

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

Adjacent Roadway(s) Traffic Volume: 16,200 (Wyoming Blvd) Volume-to-Capacity Ratio (v/c): \_\_\_\_\_  
(if applicable)

Adjacent Transit Service(s): Bus Stop Route 31, 98 Nearest Transit Stop(s): Wyoming & Holly Ave

Is site within 660 feet of Premium Transit?: No

Current/Proposed Bicycle Infrastructure: Wyoming - A portion of the street with a designated bike lane and  
(bike lanes, trails) Paseo Del Norte Paved Multi Use Trail (South of Subject Parcel).

Current/Proposed Sidewalk Infrastructure: Existing sidewalk terminates directly east of project and will be  
extended as part of site plan design.

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

### TIS Determination

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

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

Thresholds Met? Yes [ ☐ ] No [ ☒ ]

Mitigating Reasons for Not Requiring TIS: \_\_\_\_\_ Previously Studied: [ ☐ ]

Notes:

M. P. E.

9/22/2020

TRAFFIC ENGINEER

DATE

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### **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.

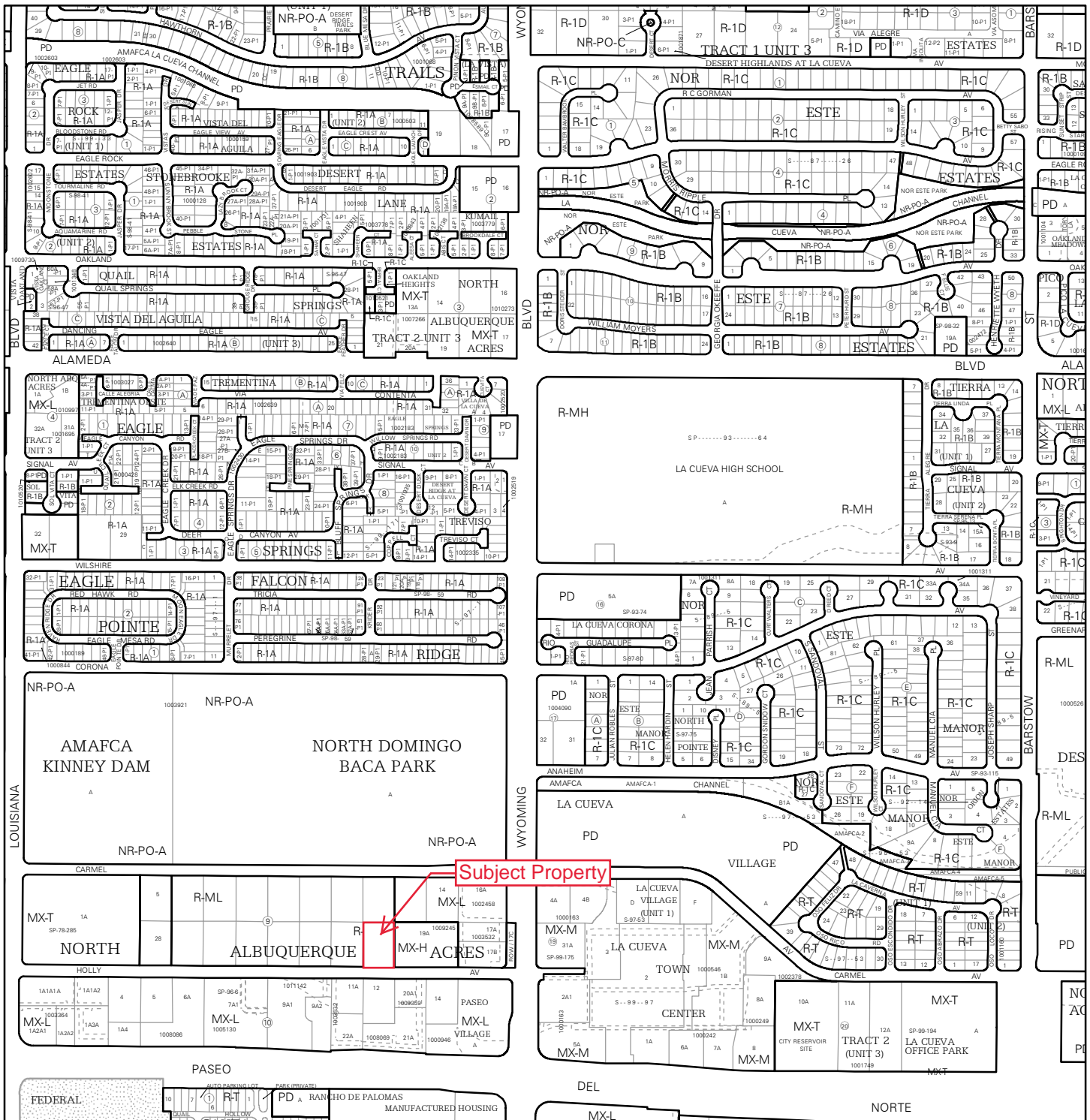
Submit by email to [plndrs@cabq.gov](mailto:plndrs@cabq.gov) and to the City Traffic Engineer [mgrush@cabq.gov](mailto:mgrush@cabq.gov). Call 924-3362 for information.

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

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

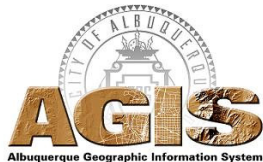
1. Access -- location and width of driveways
2. Sidewalks (Check DPM and IDO for sidewalk requirements. Also, Centers have wider sidewalk requirements.)
3. Bike Lanes (check for designated bike routes, long range bikeway system) ([check MRCOG Bikeways and Trails in the 2040 MTP map](#))
4. Location of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



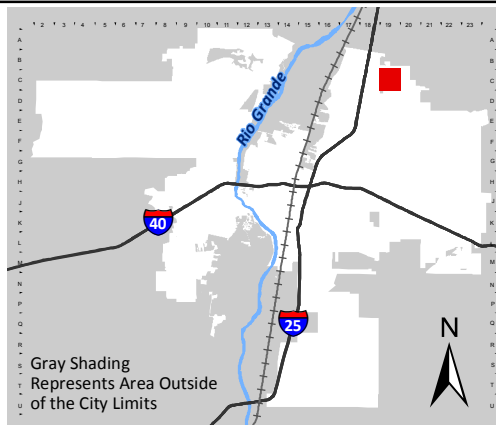


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

# IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018  
The Zone Districts and Overlay Zones  
are established by the  
Integrated Development Ordinance (IDO).



Zone Atlas Page:  
**C-19-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

**From:** [Jim Strozier](#)  
**To:** [judiepellegrino@gmail.com](mailto:judiepellegrino@gmail.com); [hhowerton9379@msn.com](mailto:hhowerton9379@msn.com); [nena\\_treasurer@noreste.org](mailto:nena_treasurer@noreste.org); [Dan & Liz Regan](#)  
**Cc:** [Shawna Ballay](#)  
**Subject:** IDO Pre-Application Notification  
**Date:** Tuesday, August 25, 2020 11:27:44 AM  
**Attachments:** [IDOZoneAtlasPage\\_C-19-Z - EPC Application.pdf](#)  
[image001.png](#)

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Dear Neighbors,

This email is notification that Consensus Planning will be preparing an application on behalf of Mr. Curtis Pino for a .89-acre site located north of Paseo Del Norte NE and west of Wyoming Blvd. NE (see attached Zone Atlas Page). The subject property consists of one parcel that is legally described as *021 009NORTH ALBUQUERQUE UNIT 3 TRACT 2*. The application will be to the Environmental Planning Commission (EPC) for a zone map amendment from R-ML to MX-L.

The applicant is seeking this rezoning from R-ML to match the surrounding MX-L zoning that would allow for the construction of an office building. The only adjacent lot that is not zoned MX-L is zoned MX-H. The zoning is shown below with the subject property highlighted in blue.



As part of the IDO regulations, we are providing you an opportunity to discuss the application prior to submittal. Should you desire to request a meeting regarding this request, please do not hesitate to email us at [cp@consensusplanning.com](mailto:cp@consensusplanning.com). You may also contact us by phone at 505-764-9801. Per the IDO, you have 15 days or until September 9, 2020 to request a meeting. If you do not want to schedule a meeting, or support the project, please let us know that as well.

**Jim Strozier, FAICP**

Consensus Planning, Inc.

302 8<sup>th</sup> Street NW

(505) 764-9801



September 23, 2020

Dan Serrano, Chairman  
Environmental Planning Commission  
600 Second Street NW  
Albuquerque, NM 87102

Re: 7413 Holly Ave NE – Request for Zoning Map Amendment

Landscape Architecture  
Urban Design  
Planning Services

302 Eighth St. NW  
Albuquerque, NM 87102

(505) 764-9801  
Fax 842-5495  
cp@consensusplanning.com  
www.consensusplanning.com

Dear Mr. Chairman:

On behalf of the applicant, Dr. Curtis Pino DDS MSD, Consensus Planning submits this request for approval of a Zoning Map Amendment – EPC. The purpose of this letter is to provide justification of our request by responding to the decision criteria specified in the Integrated Development Ordinance (IDO) Section 14-16-6-7(F)(3) as well as outlining how this request supports the Comprehensive Plan's goals and policies. The subject site is approximately .8864 acres and is located west of Wyoming Blvd NE and north of Holly Ave NE (see Figure 1). The following is the subject site's legal description:

- 021 009 North Albuquerque Acres Unit 3 Tract 2



Figure 1. Subject Site (in red outline)

## PROJECT SUMMARY

The purpose of this application is to rezone the parcel from the current R-ML designation to MX-L zoning. If the zone change is approved, the new zoning will result in more consistent zoning with the surrounding properties and allow for the construction of an office. Most of the surrounding properties directly adjacent to the subject parcel were included in the City's recent "Voluntary Zoning Conversion" and were rezoned from R-ML to MX-L to allow for an appropriate mix of uses, as well as continuity of development. Based on feedback from the City Planning staff, it is assumed the subject parcel, whose zoning does not fit with the adjacent zoning and commercial development, was not included in the Zoning Conversion due to a lack of response from the current property owner.

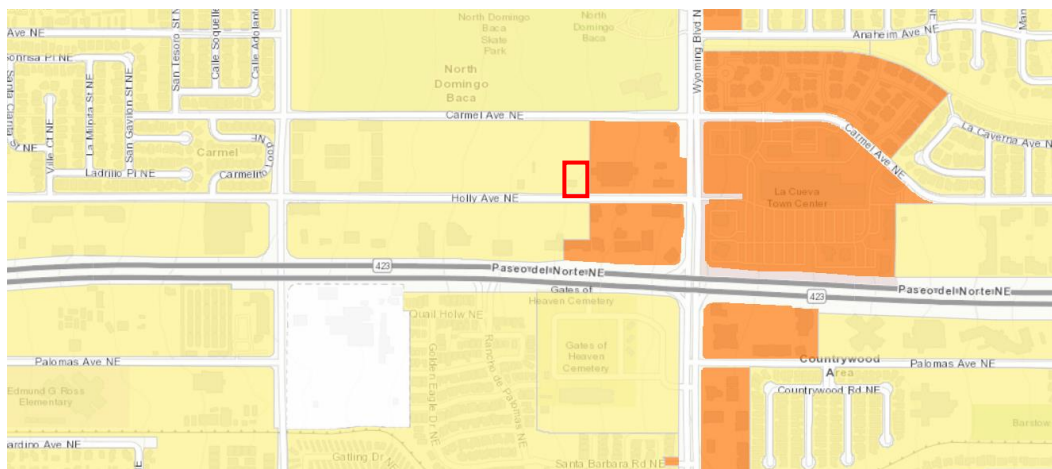
The subject parcel currently has an occupied residential home located on the property that will be vacated and scheduled for demolition within one (1) month of the applicant's closing on the property (currently scheduled for 12/7/2020). The resident of the home is a family member of the current property owner, Mr. And Mrs. Gurule, who have both provided an authorization letter for the submittal of this EPC – Zoning Map Amendment application.

## PRINCIPALS

James K. Strozier, FAICP  
Christopher J. Green, PLA,  
ASLA, LEED AP  
Jacqueline Fishman, AICP

## LAND USE CONTEXT

The property is located in an “Area of Consistency” as designated by the Comprehensive Plan and as shown in Figure 2. The area surrounding the subject site, as demonstrated in Figure 3 and Table 1, contains primarily vacant land designated as MX-L to the north and west, Guardian Storage designated as MX-H to the east, and additional MX-L to the south that consists of mainly office buildings with services that include medical/dental clinics.



**Figure 2. Current City Development – Area of Consistency in Yellow (subject parcel in red outline)**

TABLE 1. Surrounding Zoning & Land Use Context		
<b>NORTH</b>	MX-L	Vacant Land
<b>EAST</b>	MX-H	Guardian Storage
<b>SOUTH</b>	MX-L	Offices
<b>WEST</b>	MX-L	Primarily Vacant Land with One (1) Residential Structure



**Figure 3. Current R-ML Zoning on Subject Property (subject parcel in red outline)**

## SITE HISTORY

Based on a review of the City of Albuquerque’s Advanced Map Viewer, Consensus Planning has not located any case history for the subject parcel.



## EPC ZONE MAP AMENDMENT APPLICATION SUPPORT LETTERS

Consensus Planning received the following letters from adjacent property owners and businesses, as illustrated in Figure 4, in support of the applicant's request for the Zoning Map Amendment:

- Property Owner: Paul D. Hedges, Guardian Storage, located at 7501 Holly Ave NE legally described as *TRACT 19-A BLOCK 9 PLAT OF LOT 19-A BLOCK 9 NORTH ALBUQUERQUE ACRES UNIT 2 TRACT 3 CONTAINING 1.7682 ACRES*;
- Property Owner: Kerschen Properties LLC, located at 7400 Holly Ave NE legally described as *LOT 11-A BLOCK 10 PLAT OF LOTS 11-A & 22-A BLOCK 10 TRACT 2 UNIT 3 NORTH ALBUQUERQUE ACRES CONTAINING .6975 ACRES*;
- Business Owner: Dr. Ross Mohr DCD MS located at 7500 Holly Ave NE; and
- Business Owner: Dr. David J. Martinez DDS PC located at 7500 Holly Ave NE.



**Figure 4. Support Letters** (subject parcel in red outline, support letters from properties indicated by a yellow X)

## NEIGHBORHOOD ASSOCIATION NOTICES AND PROPERTY OWNER LETTERS

Consensus Planning sent the required pre-application and certified mail application notifications to the following Neighborhood Coalitions and/or Associations:

- North Domingo Baca Neighborhood Association
- District 4 Coalition of Neighborhood Associations

Property owner letters were sent through certified mail on September 23, 2020 to all the property owners included within a 100' for the Zoning Map Amendment. The 100' buffer map and property owner list are both included with this application.

As of September 23, 2020, there were no requests for a meeting nor have there been any questions or concerns resulting from the pre-application notice before preparation of this application.

## JUSTIFICATION – SECTION 14-16-6-7(f)(3) OF INTEGRATED DEVELOPMENT ORDINANCE

This request is well-supported by the Comprehensive Plan's goals and policies and meets the criteria for a Zoning Map Amendment – EPC per IDO Section 14-6-7(F)(3) as described further in this section.

- A. 6-7(F)(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's Response:** *The proposed zone change is consistent with the health, safety, and general welfare of the City by creating zoning that is consistent with the surrounding properties and will further a preponderance of the following applicable goals and policies of the Comprehensive Plan.*

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

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

**Applicant Response:** *The request furthers this policy by allowing for more permissive commercial uses and consistent zoning with the surround properties that can more appropriately facilitate and match the current character of the community.*

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

**Applicant Response:** *The request furthers this policy because it will promote the protection and enhancement of the neighborhood character by establishing a zone change that is compatible with the adjacent mixed land uses and commercial zoning patterns to the north, south, east, and west while maintaining a similar scale and building design established in the area.*

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

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

- c) **Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.**

**Applicant Response:** *The request furthers this goal and policy by encouraging redevelopment in an appropriate area that is within 600' of Paseo Del Norte, one of the Comprehensive Plan's identified Commuter Corridors. The current transportation infrastructure at the intersection of Paseo Del Norte Boulevard and Wyoming Boulevard already account for the anticipated increased development in this area and have road capacity that can handle the anticipated traffic patterns with multiple lanes to include thru-lanes, right and left turning lanes, bike paths, and pedestrian access/crossings at this intersection.*

- f) **Discourage the development of detached single-family housing as an inappropriate use in Centers and along Corridors.**

**Applicant Response:** *The request furthers this goal and policy by discouraging detached single-family housing and encouraging commercial development that is within 600' of Paseo Del Norte, one of the Comprehensive Plan's identified Commuter Corridors. Single-family*

*detached housing is not a permissive use in the MX-L zoning and the existing residential structure is planned for demolition.*

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

**Applicant Response:** *The request furthers this policy by maintaining a consistent, more intense commercial scale of redevelopment in the area by removing a residential use and providing more appropriate zoning for the parcel that reflects the adjacent commercial properties near an established Commuter Corridor.*

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

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

- a) **Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.**

**Applicant Response:** *The request furthers this policy by encouraging commercial development that will provide health and other services within walking and biking distances to the surrounding residential neighborhoods.*

- h) **Encourage infill development that adds complementary uses and is compatible in form and scale to the immediate surrounding development.**

**Applicant Response:** *The request furthers this policy by allowing the redevelopment of more permissive commercial uses that are compatible to the immediate surrounding development. The existing single-family home is inconsistent with the surrounding development.*

**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.**

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

**Applicant Response:** *The request furthers this goal and policy by supporting more options for compatible redevelopment within an infill development area that is currently supported by existing infrastructure and public facilities.*

**Policy 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.**

**Applicant Response:** *The request furthers this policy by allowing for development where there is existing infrastructure and public facilities to surrounding commercial and residential development. The subject property is not located at the urban fringe.*

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

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

- b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.**

**Applicant Response:** *The request furthers this policy by reinforcing the character and intensity of the surrounding area by allowing for more commercial uses that will reinforce the scale, intensity, and setbacks of the immediately surrounding commercial and office development.*

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

**Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.**

- a) Promote buildings and massing of commercial and office uses adjacent to single-family neighborhoods that is neighborhood-scale, well-designed, appropriately located, and consistent with the existing development context and neighborhood character.**

**Applicant Response:** *The request furthers this goal and policy by allowing for zoning and the redevelopment of the subject property in a way that is consistent with the existing neighborhood character and can maintain the existing commercial development context.*

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

**Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.**

**Applicant Response:** *The request furthers this policy by increasing permissive commercial uses on a parcel that will be more stable in the current commercial setting and can more appropriately accommodate employment growth in the area.*

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

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

**Applicant's Response:** *This criterion is not applicable to this zone change request.*



2. **There has been a significant change in neighborhood or community conditions affecting the site.**

**Applicant's Response:** *This criterion applies since the majority of the properties surrounding the subject parcel have previously been subjected to zoning conversions to a non-residential zoning that would more appropriately allow for mixed-use development in an area that is predominately non-residential in all directions, with the exception of a few parcels, including the subject parcel, that had residential units. In reviewing historical photography over the past 10 – 20 years, the progression of commercial development is evident and has significantly increased the need to have more consistent zoning that runs adjacent to the Paseo Del Norte Commuter Corridor.*

3. **A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).**

**Applicant's Response:** *As previously mentioned, historic photography clearly demonstrates the increased commercial development in this area and the requested MX-L zone will reinforce and strengthen the established character of the surrounding commercial and office development.*

- C. **6-7(F)(3)(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 Response:** *The subject site is located wholly in an "Area of Consistency", all three of these criterion options do not apply.*

- D. **6-7(F)(3)(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's Response:** *None of the permissive uses in the MX-L zone will be harmful to the adjacent property, neighborhood, or community. The zone change would allow for more permissive commercial uses to include medical and dental services that are currently planned for development by the applicant.*

*The following table represents a sample of permissive uses within the MX-L zone compared to the current R-ML zone.*

IDO Zoning Comparison: R-ML vs. MX-L		
Use	R-ML	MX-L
Dwelling, single-family detached	P	-
Dwelling, cluster/cottage development	P	-

Dwelling, two-family detached (duplex)	P	-
Dwelling, townhouse	P	P
Dwelling, live-work	C	P
Dwelling, multi-family	P	P
Community residential facility, large		P
Group home, small or medium	C	P
Adult or child day care facility	C	P
Museum or art gallery	CV	P
Veterinary hospital and Other pet services	-	P
Restaurant	-	P
Bank	-	P
Club or event facility	-	P
Commercial services	-	P
Medical or dental clinic	-	P
Office	-	P
Personal and business services, small	-	P
Bakery goods or confectionary shop	-	P
General retail, small/medium/large	-	P
Artisan manufacturing	-	P

**E. 6-7(F)(3)(e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:**

- 1. Have adequate capacity to serve the development made possible by the change of zone.**

**Applicant's Response:** *The adjacent street, trail, and sidewalk systems will accommodate the development of a small dental office on the subject property.*

- 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.**

**Applicant's Response:** *The proposed zone change will not require major and unprogrammed capital expenditures by the City as most of the infrastructure needed to facilitate commercial development exists adjacent to or near the property.*

- 3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.**

**Applicant's Response:** *Any infrastructure improvements required to meet the capacity required for the development of the subject property will be provided by the applicant/developer subject to the approved Site Plan and Infrastructure Improvement Agreement(s) as required.*

- 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's Response:** *As previously stated, any infrastructure improvements required to meet the capacity required for the development of the subject property will be provided by the applicant/developer subject to the approved Site Plan and Infrastructure Improvement Agreement(s) as required.*

- F. 6-7(F)(3)(f) The applicant's justification for the requested zone change is not completely based on the property's location on a major street.**

**Applicant's Response:** *Although the subject property is located near a Commuter Corridor, the property is located directly on an Urban Major Collector (Classification 4), 2-lane paved road in an area that already provides similar commercial medical and dental services.*

*The request is based on the intent to develop the subject property with more consistent zoning by allowing for services that will benefit the surrounding neighborhoods.*

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

**Applicant's Response:** *The cost of land or economic considerations are not the determining factor for this zone change request because nearly All of the surrounding land is already zoned MX-L or MX-H for commercial use. The development proposed for the subject parcel will provide complementary services already provided in the area.*

- H. 6-7(F)(3)(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:**

**Applicant's Response:** *All three of the following criteria are not appropriate for the proposed zone change for the following reasons:*

- *Currently the zoning could be interpreted as a "spot zone" since all of the surrounding properties are either MX-L or MX-H which currently allow for commercial development. The zone change will no doubt improve the consistency of the zoning in the area and remove a "spot zone";*
- *The site is suitable for the permissive uses allowed for MX-L as demonstrated by the previously approved voluntary zoning conversions, adjacent mixed land use, and the existing commercial and office development of the surrounding properties.*
- *The existing structure on the premise is identified for demolition so that the property can be developed for commercial purposes as allowed by the proposed zone change.*

- 1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.**

**Applicant's Response:** *This criterion is not applicable to this zone change request. See previous comments.*

- 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.**

**Applicant's Response:** *This criterion is not applicable to this zone change request. See previous comments.*



3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

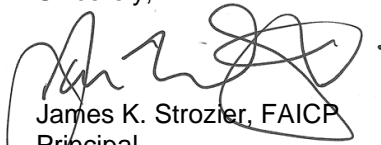
**Applicant's Response:** *This criterion is not applicable to this zone change request. See previous comments.*

### CONCLUSION

On behalf of Dr. Curtis Pino, we respectfully request that the Environmental Planning Commission approve this request for a Zoning Map Amendment for the subject site.

Thank you for your consideration.

Sincerely,



James K. Strozier, FAICP  
Principal

**From:** [Jim Strozier](#)  
**To:** [Dan & Liz Regan](#); [nenal\\_treasurer@noreste.org](mailto:nenal_treasurer@noreste.org); [hhowerton9379@msn.com](mailto:hhowerton9379@msn.com); [judiepellegrino@gmail.com](mailto:judiepellegrino@gmail.com)  
**Cc:** [Shawna Ballay](#)  
**Subject:** RE: IDO Notification - Application to the EPC for a Zone Map Amendment  
**Date:** Wednesday, September 23, 2020 6:41:00 PM  
**Attachments:** [IDOZoneAtlasPage\\_C-19-Z.pdf](#)

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North Domingo Baca Neighborhood Association and District 4 Coalition of Neighborhood Associations:

In accordance with the City of Albuquerque's Integrated Development Ordinance (IDO) Subsection 14-16-6-4(K)(4) Electronic Mail Public Notice procedures, this email is notification that Consensus Planning has applied for a Zoning Map Amendment – EPC to the Environmental Planning Commission (EPC) on behalf of Dr. Curtis Pino.

The subject property is at 7413 Holly Ave NE, located west of Wyoming Blvd NE and North of Holly Ave NE, and contains approximately .8864 acres. The request is for a zone change from R-ML (Residential Multi-Family Low Density) to MX-L (Mixed Use – Low Intensity). If the zone change is approved, it would allow for more consistent zoning with the surrounding properties and allow for the removal of the existing home and construction of an office building on the subject property.

**The anticipated EPC Public Hearing for this application will be held on November 12, 2020 starting at 8:40 AM. Due to the ongoing public health orders, this meeting will be in a virtual format via the Zoom software platform. The URL for joining via videoconference or call-in numbers for audio only are as follows:**

Join Zoom Meeting  
<https://cabq.zoom.us/j/95938270222>

Meeting ID: 959 3827 0222  
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+1 312 626 6799 US (Chicago)

Meeting ID: 959 3827 0222  
Find your local number: <https://cabq.zoom.us/j/95938270222>

Please do not hesitate to contact me at (505) 764-9801 or email at [cp@consensusplanning.com](mailto:cp@consensusplanning.com) if you have any questions, would like to meet, or desire any additional information. Under the IDO, anyone may request, and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based

on the complexity and potential impacts of a proposed project (IDO Section 14-16-6-4(D)). Visit: <https://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development/> to view and download the Facilitated Meetings Criteria. If you wish to request a Facilitated Meeting, please contact the Planning Department at (505) 924-3955 or [devhelp@cabq.gov](mailto:devhelp@cabq.gov).

Do not hesitate to contact me as well if you have any questions.

**Jim Strozier, FAICP**

Consensus Planning, Inc.

302 8<sup>th</sup> Street NW

(505) 764-9801

**From:** [Microsoft Outlook](#)  
**To:** [Dan & Liz Regan](#); [judiepellegrino@gmail.com](mailto:judiepellegrino@gmail.com)  
**Subject:** Relayed: RE: IDO Notification - Application to the EPC for a Zone Map Amendment  
**Date:** Wednesday, September 23, 2020 6:41:51 PM  
**Attachments:** [RE IDO Notification - Application to the EPC for a Zone Map Amendment.msg](#)

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Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:  
Dan <<mailto:dlreganabq@gmail.com>> & Liz Regan ([dlreganabq@gmail.com](mailto:dlreganabq@gmail.com))  
[judiepellegrino@gmail.com](mailto:judiepellegrino@gmail.com) ([judiepellegrino@gmail.com](mailto:judiepellegrino@gmail.com)) <<mailto:judiepellegrino@gmail.com>>  
Subject: RE: IDO Notification - Application to the EPC for a Zone Map Amendment

**From:** [postmaster@outlook.com](mailto:postmaster@outlook.com)  
**To:** [hhowerton9379@msn.com](mailto:hhowerton9379@msn.com)  
**Subject:** Delivered: RE: IDO Notification - Application to the EPC for a Zone Map Amendment  
**Date:** Wednesday, September 23, 2020 6:41:55 PM  
**Attachments:** [RE IDO Notification - Application to the EPC for a Zone Map Amendment.msg](#)

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Your message has been delivered to the following recipients:  
[hhowerton9379@msn.com](mailto:hhowerton9379@msn.com) <<mailto:hhowerton9379@msn.com>>  
Subject: RE: IDO Notification - Application to the EPC for a Zone Map Amendment



**From:** [Mail Delivery System](#)  
**To:** [nenal\\_treasurer@noreste.org](mailto:nenal_treasurer@noreste.org)  
**Subject:** Delivered: IDO Notification - Application to the EPC for a Zone Map Amendment  
**Date:** Wednesday, September 23, 2020 6:42:04 PM  
**Attachments:** [RE IDO Notification - Application to the EPC for a Zone Map Amendment.msg](#)

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Your message has been delivered to the following recipients:  
[nenal\\_treasurer@noreste.org](mailto:nenal_treasurer@noreste.org) <[mailto:nenal\\_treasurer@noreste.org](mailto:nenal_treasurer@noreste.org)>  
Subject: RE: IDO Notification - Application to the EPC for a Zone Map Amendment



Landscape Architecture  
Urban Design  
Planning Services

302 Eighth St. NW  
Albuquerque, NM 87102

(505) 764-9801  
Fax 842-5495  
cp@consensusplanning.com  
www.consensusplanning.com

September 23, 2020

District 4 Coalition of Neighborhood Associations  
Mildred Griffiee  
P.O. Box 90986  
Albuquerque, NM 87199

District 4 Coalition of Neighborhood Associations  
Daniel Regan  
4109 Chama Street NE  
Albuquerque, NM 87109

Re: 7413 Holly Ave NE – Zoning Map Amendment (ZMA)

Dear Ms. Griffiee, Mr. Regan, and the District 4 Coalition of Neighborhood Associations:

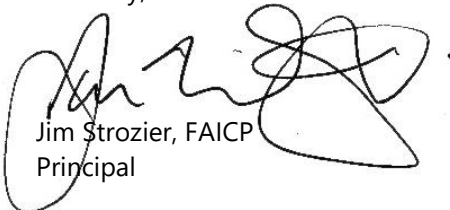
This letter is notification that Consensus Planning has applied for a Zoning Map Amendment to the Environmental Planning Commission (EPC) on behalf of Mr. Curtis Pino. This notification is updated based on changed contact information received from ONC to include Ms. Griffiee.

The subject property is located west of Wyoming Boulevard NE and north of Holly Ave NE and contains approximately .8864 acres. The request is for a zone change from R-ML (Residential Multi-Family Low Density) to MX-L (Mixed Use – Low Intensity). If the zone change is approved, it would allow for more consistent zoning with the surrounding properties as well as allow for the construction of an office building on the subject property.

**The EPC Public Hearing for this application will be held on November 12, 2020 starting at 8:40 AM. Due to the ongoing public health orders, this meeting will be in a virtual format via the Zoom software platform. The Zoom teleconference details are included as a separate attachment to this letter.**

Please do not hesitate to contact me if you have any questions, would like to meet, or desire any additional information. Under the IDO, anyone may request, and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Section 14-16-6-4(D)). Visit: <https://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development/> to view and download the Facilitated Meetings Criteria. If you wish to request a Facilitated Meeting, please contact the Planning Department at (505) 924-3955 or [devhelp@cabq.gov](mailto:devhelp@cabq.gov).

Sincerely,



Jim Strozier, FAICP  
Principal

PRINCIPALS

James K. Strozier, FAICP  
Christopher J. Green, PLA,  
ASLA, LEED AP  
Jacqueline Fishman, AICP

Attached: Zone Atlas Map C-19-Z; EPC Hearing - Zoom Meeting Information

## **Attachment – Zoom Meeting Information**

**Re: 7413 Holly Ave NE – Zoning Map Amendment  
Public Notice of Zoning Map Amendment**

**Notice is hereby given that the EPC Public Hearing for this application will be held on November 12, 2020 starting at 8:40 AM. Due to the ongoing public health orders, this meeting will be in a virtual format via the Zoom software platform. The URL for joining via videoconference or call-in numbers for audio only are as follows:**

Join Zoom Meeting

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

Meeting ID: 959 3827 0222

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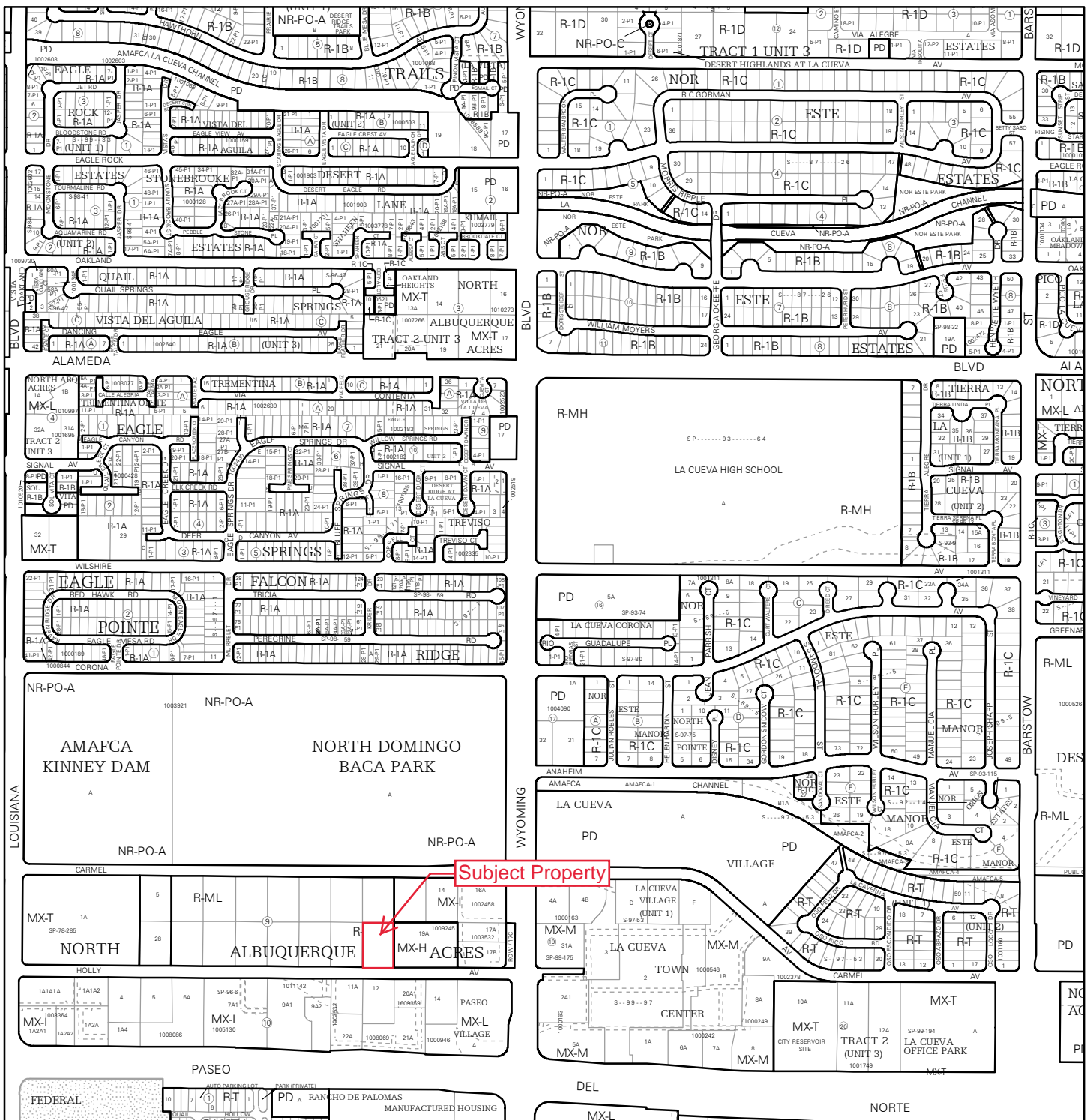
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+1 312 626 6799 US (Chicago)

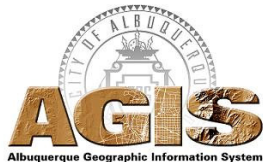
Meeting ID: 959 3827 0222

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

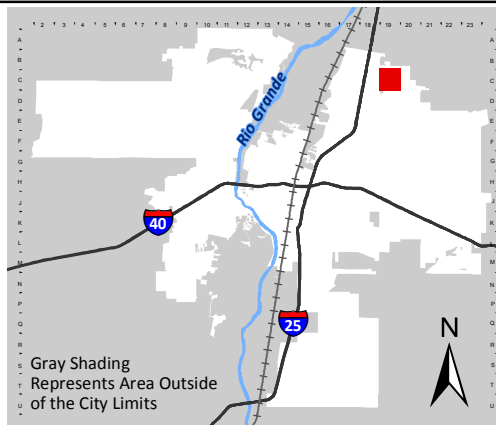


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

# IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018  
The Zone Districts and Overlay Zones  
are established by the  
Integrated Development Ordinance (IDO).



Zone Atlas Page:  
**C-19-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

0 250 500 1,000 Feet



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www.consensusplanning.com

September 23, 2020

North Domingo Baca Neighborhood Association  
Judie Pellegrino  
8515 Murrelet NE  
Albuquerque, NM 87113

North Domingo Baca Neighborhood Association  
Lorna Howerton  
7201 Peregrine NE  
Albuquerque, NM 87113

Re: 7413 Holly Ave NE – Zoning Map Amendment (ZMA)

Dear Ms. Pellegrino, Ms. Howerton, and the North Domingo Baca Neighborhood Association:

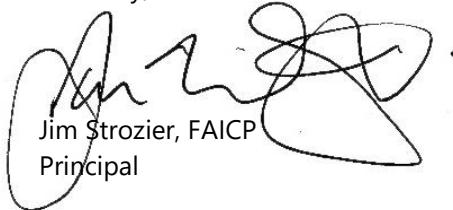
This letter is notification that Consensus Planning has applied for a Zoning Map Amendment to the Environmental Planning Commission (EPC) on behalf of Mr. Curtis Pino.

The subject property is located west of Wyoming Boulevard NE and north of Holly Ave NE and contains approximately .8864 acres. The request is for a zone change from R-ML (Residential Multi-Family Low Density) to MX-L (Mixed Use – Low Intensity). If the zone change is approved, it would allow for more consistent zoning with the surrounding properties as well as allow for the construction of an office building on the subject property.

**The EPC Public Hearing for this application will be held on November 12, 2020 starting at 8:40 AM. Due to the ongoing public health orders, this meeting will be in a virtual format via the Zoom software platform. The Zoom teleconference details are included as a separate attachment to this letter.**

Please do not hesitate to contact me if you have any questions, would like to meet, or desire any additional information. Under the IDO, anyone may request, and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Section 14-16-6-4(D)). Visit: <https://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development/> to view and download the Facilitated Meetings Criteria. If you wish to request a Facilitated Meeting, please contact the Planning Department at (505) 924-3955 or [devhelp@cabq.gov](mailto:devhelp@cabq.gov).

Sincerely,



Jim Strozier, FAICP  
Principal

PRINCIPALS

James K. Strozier, FAICP  
Christopher J. Green, PLA,  
ASLA, LEED AP  
Jacqueline Fishman, AICP

Attached: Zone Atlas Map C-19-Z; EPC Hearing - Zoom Meeting Information

## **Attachment – Zoom Meeting Information**

**Re: 7413 Holly Ave NE – Zoning Map Amendment  
Public Notice of Zoning Map Amendment**

**Notice is hereby given that the EPC Public Hearing for this application will be held on November 12, 2020 starting at 8:40 AM. Due to the ongoing public health orders, this meeting will be in a virtual format via the Zoom software platform. The URL for joining via videoconference or call-in numbers for audio only are as follows:**

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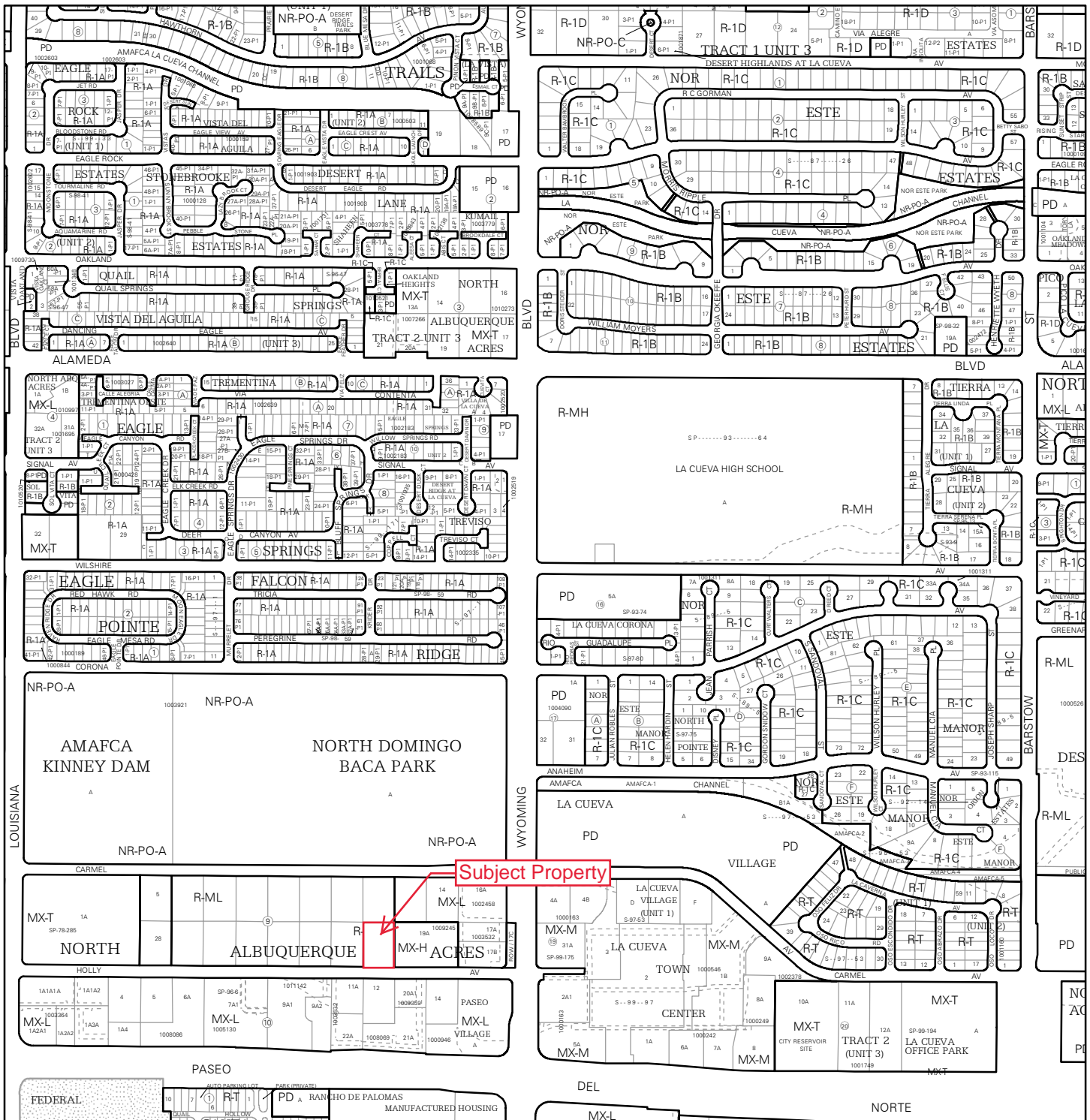
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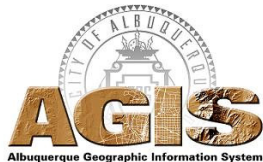
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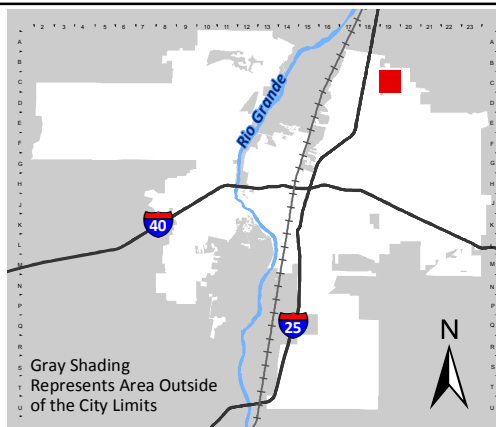


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# IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018  
The Zone Districts and Overlay Zones  
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Zone Atlas Page:  
**C-19-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

0 250 500 1,000 Feet

September 23, 2020

**Re: Public Notice of Zoning Map Amendment - EPC for 7413 Holly Ave NE**

Dear Neighbor:

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) Subsection 14-16-6-4(K)(2) Mailed Public Notice, we are notifying you as an adjacent property owner that Consensus Planning LLC., acting as an agent on behalf of the applicant, Mr. Curtis Pino, will be submitting an application for a Zoning Map Amendment - EPC for one parcel as identified further in this letter.

### **PUBLIC NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that the EPC Public Hearing for this application will be held on November 12, 2020 starting at 8:40 AM. Due to the ongoing public health orders, this meeting will be in a virtual format via the Zoom software platform. The URL for joining via videoconference or call-in numbers for audio only are as follows:

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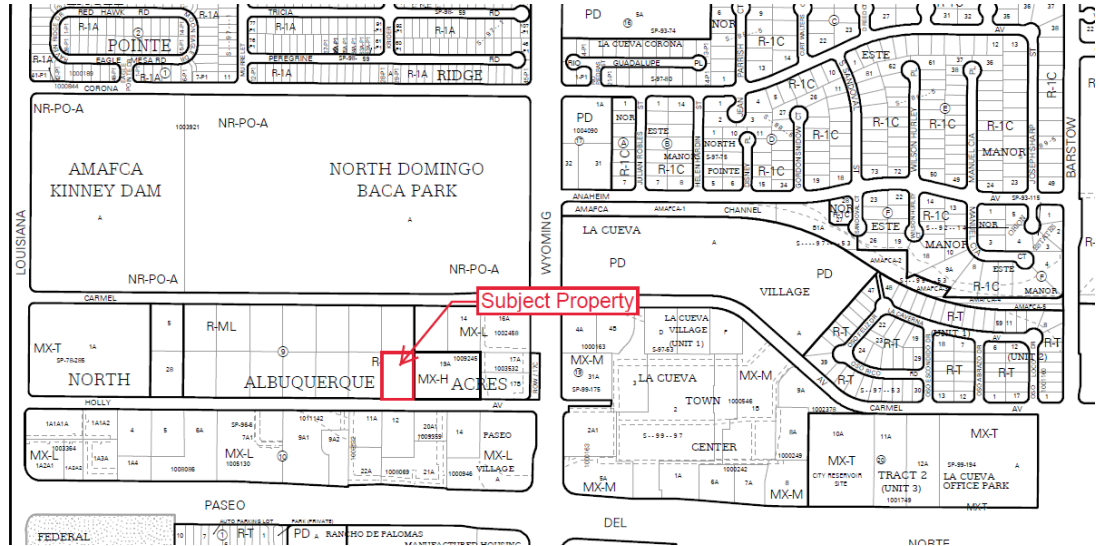
### **ENVIRONMENTAL PLANNING COMMISSION**

Information regarding the EPC is posted on the Planning Department's website at <http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission> and printed copies are available in the Planning Department office on the third floor of the Plaza del Sol Building, 600 Second Street NW. For more information, please contact [devhelp@cabq.gov](mailto:devhelp@cabq.gov). The agenda, staff reports, and supplemental materials will be posted on the City website, <https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>, on Thursday, November 5, 2020.



## THE REQUEST

Consensus Planning, agent for Mr. Curtis Pino, requests a Zoning Map Amendment - EPC for an approximate .8864-acre site located west of Wyoming Boulevard NE and north of Holly Ave NE (see attached Zone Atlas Page).



The property consists of one parcel that is currently zoned R-ML. The application is to the EPC for a zoning map amendment from R-ML (Residential Multi-Family Low Density) to MX-L (Mixed-Use Low Intensity). The applicant is seeking this rezoning to match the surrounding zoning and to allow for the construction of an office on the property.



Under the IDO, anyone may request, and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Section 14-16-6-4(D)). Visit:

<https://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for->

[proposed-development/](#) to view and download the Facilitated Meetings Criteria. If you wish to request a Facilitated Meeting, please contact the Planning Department at (505) 924-3955 or [devhelp@cabq.gov](mailto:devhelp@cabq.gov).

Sincerely,

Consensus Planning, Inc.  
302 Eight Street NW  
Albuquerque, NM 87102  
(505) 764-9801  
[cp@consensusplanning.com](mailto:cp@consensusplanning.com)

Attached: Zone Atlas Map C-19-Z



PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



7018 0360 0000 1718 5650

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7501 HOLLY AVE NE  
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
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Total Postage \$6.95

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MUNAR JOSE & CECILIA  
PO BOX 14432  
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4795 8121 0000 1718 5648

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage \$0.55

Total Postage \$6.95

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GURULE JOE H & THERESA M  
3504 AMHERST PL NE  
ALBUQUERQUE NM 87107

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

4795 8121 0000 1718 5638

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Certified Mail Fee	\$3.55	0101
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	09
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage \$0.55

Total Postage \$6.95

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PULLANO PETER G TRUSTEE PULLANO  
RVLT & PULLANO PETER G TRUSTEE ETAL  
PO BOX 14432  
ALBUQUERQUE NM 87191-4432

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215 2612 0000 1718 5612

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<input type="checkbox"/> Adult Signature Required	\$0.00	
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Postage \$0.55

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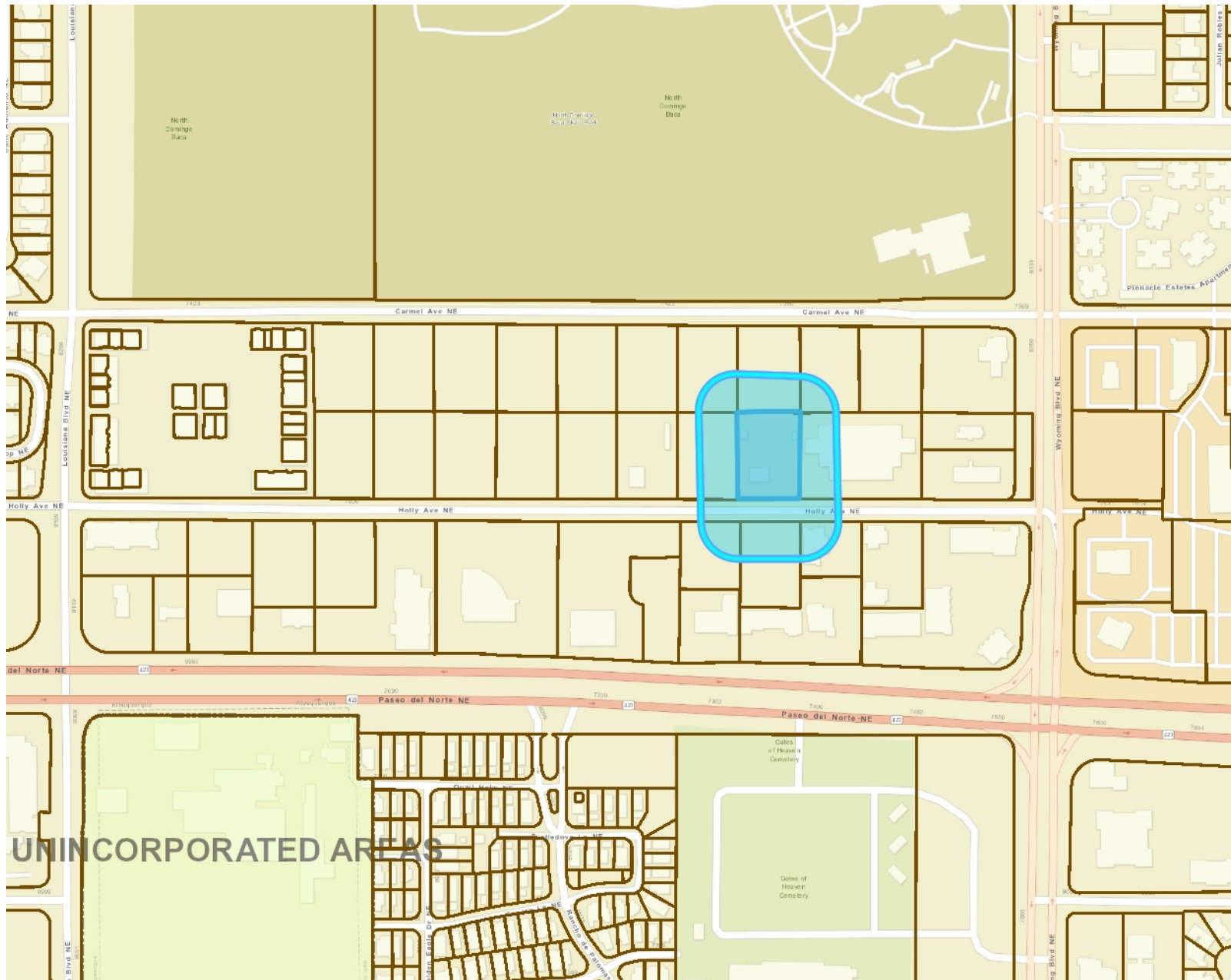
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PASHTOON KHALID A & NAFEEA  
9423 BLACK FARM LN NW  
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# 7413 Holly Ave NE



## Legend

- Bernalillo County Parcels
- Municipal Limits
  - Corrales
  - Edgewood
  - Los Ranchos
  - Rio Rancho
  - Tijeras
  - UNINCORPORATED
- World Street Map

## Notes

Map created by Consensus Planning on 9/17/2020. Property includes a 100' buffer with Holly Ave ROW.

802 0 401 802 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
9/17/2020 © City of Albuquerque

1: 4,810

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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PO BOX 14432  
ALBUQUERQUE NM 87191-4432

PL & B LLC  
7424 HOLLY AVE NE  
ALBUQUERQUE NM 87113-2554

PASHTOON KHALID A & NAFEESA  
9423 BLACK FARM LN NW  
ALBUQUERQUE NM 87114-5960

GURULE JOE H & THERESA M  
3504 AMHERST PL NE  
ALBUQUERQUE NM 87107

KERSCHEN PROPERTIES LLC  
7400 HOLLY AVE NE  
ALBUQUERQUE NM 87113-2554

GUARDIAN STORAGE VI LLC C/O PAUL  
HEDGES  
7501 HOLLY AVE NE  
ALBUQUERQUE NM 87113-1991

PL & B LLC  
7315 BLUE MOON LN NE  
ALBUQUERQUE NM 87113

District 4 Coalition of Neighborhood  
Associations  
Mildred Griffiee  
P.O. Box 90986  
Albuquerque, NM 87199

District 4 Coalition of Neighborhood  
Associations  
Daniel Regan  
4109 Chama Street NE  
Albuquerque, NM 87109

North Domingo Baca Neighborhood  
Association  
Judie Pellegrino  
8515 Murrelet NE  
Albuquerque, NM 87113

North Domingo Baca Neighborhood  
Association  
Lorna Howerton  
7201 Peregrine NE  
Albuquerque, NM 87113

## ADDITIONAL STAFF INFORMATION



Landscape Architecture  
Urban Design  
Planning Services

302 Eighth St. NW  
Albuquerque, NM 87102

(505) 764-9801  
Fax 842-5495  
cp@consensusplanning.com  
www.consensusplanning.com

October 27, 2020 (Revised)

Dan Serrano, Chairman  
Environmental Planning Commission  
600 Second Street NW  
Albuquerque, NM 87102

Re: 7413 Holly Ave NE – Request for Zoning Map Amendment

Dear Mr. Chairman:

On behalf of the applicant, Dr. Curtis Pino DDS MSD, Consensus Planning submits this request for approval of a Zoning Map Amendment – EPC. The purpose of this letter is to provide justification of our request by responding to the decision criteria specified in the Integrated Development Ordinance (IDO) Section 14-16-6-7(F)(3) as well as outlining how this request supports the Comprehensive Plan's goals and policies. The subject site is approximately .8864 acres and is located west of Wyoming Blvd NE and north of Holly Ave NE (see Figure 1). The following is the subject site's legal description:

- 021 009 North Albuquerque Acres Unit 3 Tract 2



**Figure 1. Subject Site (in red outline)**

## PROJECT SUMMARY

The purpose of this application is to rezone the parcel from the current R-ML designation to MX-L zoning. If the zone change is approved, the new zoning will result in more consistent zoning with the surrounding properties and allow for the construction of an office. Most of the surrounding properties directly adjacent to the subject parcel were included in the City's recent "Voluntary Zoning Conversion" and were rezoned from R-ML to MX-L to allow for an appropriate mix of uses, as well as continuity of development. Based on feedback from the City Planning staff, it is assumed the subject parcel, whose zoning does not fit with the adjacent zoning and commercial development, was not included in the Zoning Conversion due to a lack of response from the current property owner.

The subject parcel currently has an occupied residential home located on the property that will be vacated and scheduled for demolition within one (1) month of the applicant's closing on the property (currently scheduled for 12/7/2020). The resident of the home is a family member of the current property owner, Mr. And Mrs. Gurule, who have both provided an authorization letter for the submittal of this EPC – Zoning Map Amendment application.

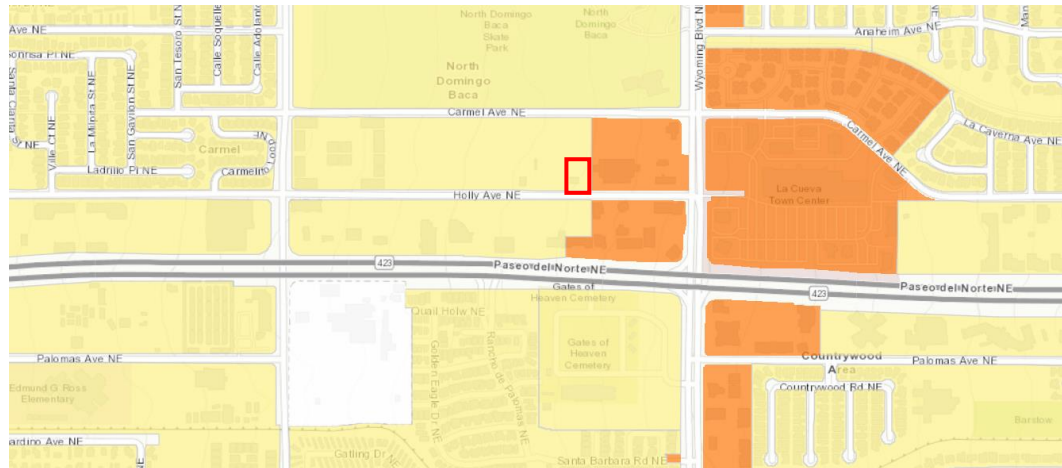
## PRINCIPALS

James K. Strozier, FAICP  
Christopher J. Green, PLA,  
ASLA, LEED AP  
Jacqueline Fishman, AICP



## LAND USE CONTEXT

The property is located in an “Area of Consistency” as designated by the Comprehensive Plan and as shown in Figure 2. The area surrounding the subject site, as demonstrated in Figure 3 and Table 1, contains primarily vacant land designated as MX-L to the north and west, Guardian Storage designated as MX-H to the east, and additional MX-L to the south that consists of mainly office buildings with services that include medical/dental clinics.



**Figure 2. Current City Development – Area of Consistency in Yellow (subject parcel in red outline)**

**TABLE 1. Surrounding Zoning & Land Use Context**

<b>NORTH</b>	MX-L	Vacant Land
<b>EAST</b>	MX-H	Guardian Storage
<b>SOUTH</b>	MX-L	Offices
<b>WEST</b>	MX-L	Primarily Vacant Land with One (1) Residential Structure



**Figure 3. Current R-ML Zoning on Subject Property (subject parcel in red outline)**

## SITE HISTORY

Based on a review of the City of Albuquerque’s Advanced Map Viewer, Consensus Planning has not located any case history for the subject parcel.

## EPC ZONE MAP AMENDMENT APPLICATION SUPPORT LETTERS

Consensus Planning received the following letters from adjacent property owners and businesses, as illustrated in Figure 4, in support of the applicant's request for the Zoning Map Amendment:

- Property Owner: Paul D. Hedges, Guardian Storage, located at 7501 Holly Ave NE legally described as *TRACT 19-A BLOCK 9 PLAT OF LOT 19-A BLOCK 9 NORTH ALBUQUERQUE ACRES UNIT 2 TRACT 3 CONTAINING 1.7682 ACRES*;
- Property Owner: Kerschen Properties LLC, located at 7400 Holly Ave NE legally described as *LOT 11-A BLOCK 10 PLAT OF LOTS 11-A & 22-A BLOCK 10 TRACT 2 UNIT 3 NORTH ALBUQUERQUE ACRES CONTAINING .6975 ACRES*;
- Business Owner: Dr. Ross Mohr DCD MS located at 7500 Holly Ave NE; and
- Business Owner: Dr. David J. Martinez DDS PC located at 7500 Holly Ave NE.



**Figure 4. Support Letters** (subject parcel in red outline, support letters from properties indicated by a yellow X)

## NEIGHBORHOOD ASSOCIATION NOTICES AND PROPERTY OWNER LETTERS

Consensus Planning sent the required pre-application and certified mail application notifications to the following Neighborhood Coalitions and/or Associations:

- North Domingo Baca Neighborhood Association
- District 4 Coalition of Neighborhood Associations

Property owner letters were sent through certified mail on September 23, 2020 to all the property owners included within a 100' for the Zoning Map Amendment. The 100' buffer map and property owner list are both included with this application.

As of September 23, 2020, there were no requests for a meeting nor have there been any questions or concerns resulting from the pre-application notice before preparation of this application.

## JUSTIFICATION – SECTION 14-16-6-7(f)(3) OF INTEGRATED DEVELOPMENT ORDINANCE

This request is well-supported by the Comprehensive Plan's goals and policies and meets the criteria for a Zoning Map Amendment – EPC per IDO Section 14-6-7(F)(3) as described further in this section.

- A. 6-7(F)(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's Response:** *The proposed zone change is consistent with the health, safety, and general welfare of the City by creating zoning that is consistent with the surrounding properties and will further a preponderance of the following applicable goals and policies of the Comprehensive Plan.*

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

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

**Applicant Response:** *The request furthers this policy by allowing for more permissive commercial uses and consistent zoning with the surround properties that can more appropriately facilitate and match the current character of the community.*

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

**Applicant Response:** *The request furthers this policy because it will promote the protection and enhancement of the neighborhood character by establishing a zone change that is compatible with the adjacent mixed land uses and commercial zoning patterns to the north, south, east, and west while maintaining a similar scale and building design established in the area.*

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

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

- c) **Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.**

**Applicant Response:** *The request furthers this goal and policy by encouraging redevelopment in an appropriate area that is within 600' of Paseo Del Norte, one of the Comprehensive Plan's identified Commuter Corridors. The current transportation infrastructure at the intersection of Paseo Del Norte Boulevard and Wyoming Boulevard already account for the anticipated increased development in this area and have road capacity that can handle the anticipated traffic patterns with multiple lanes to include thru-lanes, right and left turning lanes, bike paths, and pedestrian access/crossings at this intersection.*

- f) **Discourage the development of detached single-family housing as an inappropriate use in Centers and along Corridors.**

**Applicant Response:** *The request furthers this goal and policy by discouraging detached single-family housing and encouraging commercial development that is within 600' of Paseo Del Norte, one of the Comprehensive Plan's identified Commuter Corridors. Single-family*

*detached housing is not a permissive use in the MX-L zoning and the existing residential structure is planned for demolition.*

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

**Applicant Response:** *The request furthers this policy by maintaining a consistent, more intense commercial scale of redevelopment in the area by removing a residential use and providing more appropriate zoning for the parcel that reflects the adjacent commercial properties near an established Commuter Corridor.*

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

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

- a) **Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.**

**Applicant Response:** *The request furthers this policy by encouraging commercial development that will provide health and other services within walking and biking distances to the surrounding residential neighborhoods.*

- h) **Encourage infill development that adds complementary uses and is compatible in form and scale to the immediate surrounding development.**

**Applicant Response:** *The request furthers this policy by allowing the redevelopment of more permissive commercial uses that are compatible to the immediate surrounding development. The existing single-family home is inconsistent with the surrounding development.*

**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.**

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

**Applicant Response:** *The request furthers this goal and policy by supporting more options for compatible redevelopment within an infill development area that is currently supported by existing infrastructure and public facilities.*

**Policy 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.**

**Applicant Response:** *The request furthers this policy by allowing for development where there is existing infrastructure and public facilities to surrounding commercial and residential development. The subject property is not located at the urban fringe.*

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

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

- b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.**

**Applicant Response:** *The request furthers this policy by reinforcing the character and intensity of the surrounding area by allowing for more commercial uses that will reinforce the scale, intensity, and setbacks of the immediately surrounding commercial and office development.*

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

**Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.**

- a) Promote buildings and massing of commercial and office uses adjacent to single-family neighborhoods that is neighborhood-scale, well-designed, appropriately located, and consistent with the existing development context and neighborhood character.**

**Applicant Response:** *The request furthers this goal and policy by allowing for zoning and the redevelopment of the subject property in a way that is consistent with the existing neighborhood character and can maintain the existing commercial development context.*

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

**Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.**

**Applicant Response:** *The request furthers this policy by increasing permissive commercial uses on a parcel that will be more stable in the current commercial setting and can more appropriately accommodate employment growth in the area.*

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

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

**Applicant's Response:** *This criterion is not applicable to this zone change request.*

2. **There has been a significant change in neighborhood or community conditions affecting the site.**

**Applicant's Response:** *This criterion applies since the majority of the properties surrounding the subject parcel have previously been subjected to zoning conversions to a non-residential zoning that would more appropriately allow for mixed-use development in an area that is predominately non-residential in all directions, with the exception of a few parcels, including the subject parcel, that had residential units. In reviewing historical photography over the past 10 – 20 years, the progression of commercial development is evident and has significantly increased the need to have more consistent zoning that runs adjacent to the Paseo Del Norte Commuter Corridor.*

3. **A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).**

**Applicant's Response:** *As previously mentioned, historic photography clearly demonstrates the increased commercial development in this area and the requested MX-L zone will reinforce and strengthen the established character of the surrounding commercial and office development.*

- C. **6-7(F)(3)(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 Response:** *The subject site is located wholly in an "Area of Consistency", all three of these criterion options do not apply.*

- D. **6-7(F)(3)(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's Response:** *None of the permissive uses in the MX-L zone will be harmful to the adjacent property, neighborhood, or community. The adjacent properties are either vacant or developed with commercial and office uses. The adjacent zoning is primarily MX-L (consistent with this request) or MX-H. The zone change does allow for a number of permissive commercial uses that could be developed on the property and most importantly, includes medical and dental services that are currently planned by the applicant.*

The following table represents permissive uses within the MX-L zone compared to the current R-ML zone.

IDO Zoning Comparison: R-ML vs. MX-L		
Use	R-ML	MX-L
Dwelling, single-family detached	P	-
Dwelling, cluster/cottage development	P	-
Dwelling, two-family detached (duplex)	P	-
Dwelling, townhouse	P	P
Dwelling, live-work	C	P
Dwelling, multi-family	P	P
Assisted living facility or nursing	P	P
Community residential facility, small/med	P	P
Community residential facility, large	-	P
Group home, small or medium	C	P
Sorority or fraternity	-	P
Adult or child day care facility	C	P
Community center or library	P	P
Elementary or middle school	P	P
High school	C	P
Museum or art gallery	CV	P
Parks and open space	P	P
Religious institution	P	P
Vocational school	-	P
Community garden	P	P
Veterinary hospital and Other pet services	-	P
Health club or gym	-	P
Restaurant	-	P
Other indoor entertainment	-	P
Hotel or motel	-	P
Car wash	-	P
Light vehicle repair	-	P
Paid parking lot	A	P
Parking structure	A	P
Bank	-	P
Club or event facility	-	P
Commercial services	-	P
Medical or dental clinic	-	P
Office	-	P
Personal and business services, small	-	P
Research or testing facility	-	P
Bakery goods or confectionary shop	-	P
Farmers Market	-	P
General retail, small	-	P
Grocery store	-	P
Artisan manufacturing	-	P
Solar energy generation	P	P
Utility, electric	P	P
Utility, other major	P	P
WTF Freestanding	-	P

As this list indicates, most of these uses are relatively low intensity, neighborhood commercial and office uses, most of which provide supporting services to the surrounding neighborhoods. In addition, some uses of the MX-L zone are not relevant because of the small size and configuration of the property. The IDO includes use-specific standards to further regulate certain uses (e.g. hotel, car wash,

grocery store, etc.) such as size limitations, distance separations, or additional screening requirements. These use-specific standards and the site plan review process will ensure that any permissive MX-L use will not be harmful to the adjacent properties, neighborhood, or community.

**E. 6-7(F)(3)(e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:**

1. Have adequate capacity to serve the development made possible by the change of zone.

**Applicant's Response:** *The adjacent street, trail, and sidewalk systems will accommodate the development of a small dental office on the subject property.*

2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.

**Applicant's Response:** *The proposed zone change will not require major and unprogrammed capital expenditures by the City as most of the infrastructure needed to facilitate commercial development exists adjacent to or near the property.*

3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.

**Applicant's Response:** *Any infrastructure improvements required to meet the capacity required for the development of the subject property will be provided by the applicant/developer subject to the approved Site Plan and Infrastructure Improvement Agreement(s) as required.*

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's Response:** *As previously stated, any infrastructure improvements required to meet the capacity required for the development of the subject property will be provided by the applicant/developer subject to the approved Site Plan and Infrastructure Improvement Agreement(s) as required.*

**F. 6-7(F)(3)(f) The applicant's justification for the requested zone change is not completely based on the property's location on a major street.**

**Applicant's Response:** *Although the subject property is located near a Commuter Corridor, the property is located directly on an Urban Major Collector (Classification 4), 2-lane paved road in an area that already provides similar commercial medical and dental services.*

*The request is based on the intent to develop the subject property with more consistent zoning by allowing for services that will benefit the surrounding neighborhoods.*

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

**Applicant's Response:** *The cost of land or economic considerations are not the*





determining factor for this zone change request because nearly All of the surrounding land is already zoned MX-L or MX-H for commercial use. The development proposed for the subject parcel will provide complementary services already provided in the area.

- H. 6-7(F)(3)(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:**

**Applicant’s Response:** *This Zone Map Amendment is not a strip or spot zone because it will improve the consistency of the zoning in the area and remove an existing “spot zone” since the property is adjacent to and surrounded by existing MX-L zoning; therefore, the subsequent criterion in 1, 2, and 3 are not applicable to this Zone Map Amendment.*

- 1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.**

**Applicant’s Response:** *This criterion is not applicable to this zone change request. See previous comments.*

- 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.**

**Applicant’s Response:** *This criterion is not applicable to this zone change request. See previous comments.*

- 3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.**

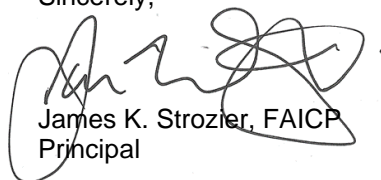
**Applicant’s Response:** *This criterion is not applicable to this zone change request. See previous comments.*

## CONCLUSION

On behalf of Dr. Curtis Pino, we respectfully request that the Environmental Planning Commission approve this request for a Zoning Map Amendment for the subject site.

Thank you for your consideration.

Sincerely,



James K. Strozier, FAICP  
Principal