



## Environmental Planning Commission

Agenda Number: 2  
Project #: PR-2019-003120  
Case #: RZ-2022-00049  
Hearing Date: October 20, 2022

### Staff Report

<b>Agent</b>	Consensus Planning.
<b>Applicant</b>	Mack ABQ I, LLC
<b>Request</b>	<b>Zoning Map Amendment (zone change)</b>
<b>Legal Description</b>	Tract A-2, Plat of Tracts A-1 Thru A-6 Unser & Sage Marketplace, (being a replat of Tract A Unit 1-B Lands of Albuquerque South)
<b>Location</b>	On Unser Blvd. SW, between Sage Rd. SW and Secret Valley Dr. SW
<b>Size</b>	Approximately 1.01 acres
<b>Existing Zoning</b>	MX-T
<b>Proposed Zoning</b>	MX-L

### Staff Recommendation

**APPROVAL of RZ-2022-00049, based on the Findings beginning on Page 23.**

**Staff Planner**  
**Megan Jones, Current Planner**

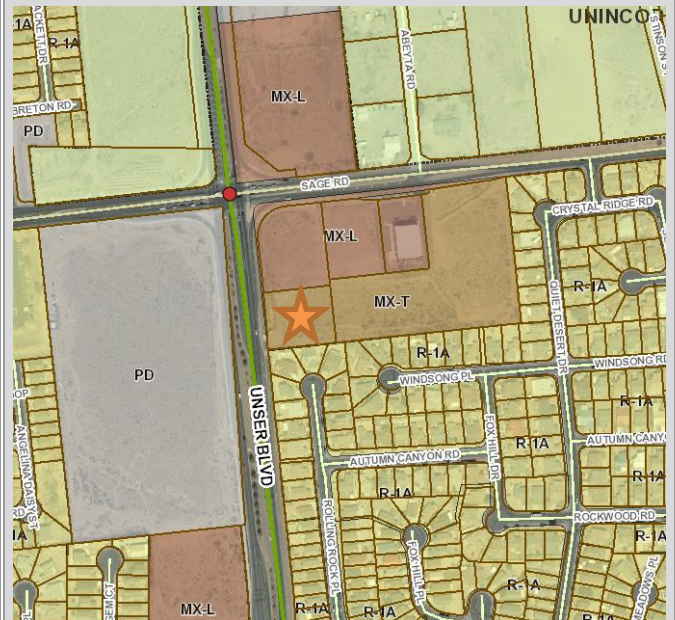
### Summary of Analysis

The request is for a Zoning Map Amendment (zone change) for an approximately 1.01-acre site that comprises a portion of land between Unser Blvd SW and Secret Valley Dr SW, along Sage Rd SW. The applicant requests to change the subject site's zoning to allow development of future commercial uses.

The request has been adequately justified pursuant to the IDO Review and Decision Criteria for a zone change in IDO 14-16-6-7(G)(3) based on the proposed zoning being generally more advantageous to the surrounding community and because it furthers applicable Goals and Policies in the Comprehensive Plan and there are no major conflicts. Although future development under the MX-L zone has the potential to be consistent with the surrounding uses, other more intense uses are allowed. See section II for an analysis of allowable uses.

The affected neighborhood organizations were all notified as required. Property owners within 100 feet of the subject site were also notified, as required.

Staff recommends Approval.



*Table of Contents*

I. Introduction.....8

II. Analysis of Applicable Ordinances, Plans, and Policies.....10

III. Agency and Neighborhood Concerns.....20

IV. Conclusion.....20

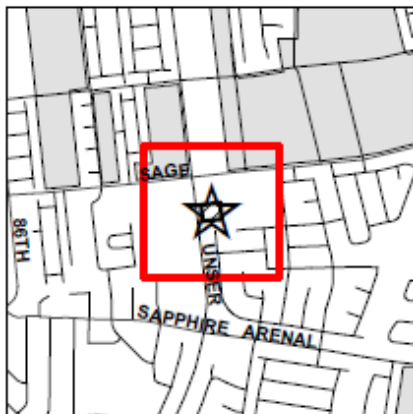
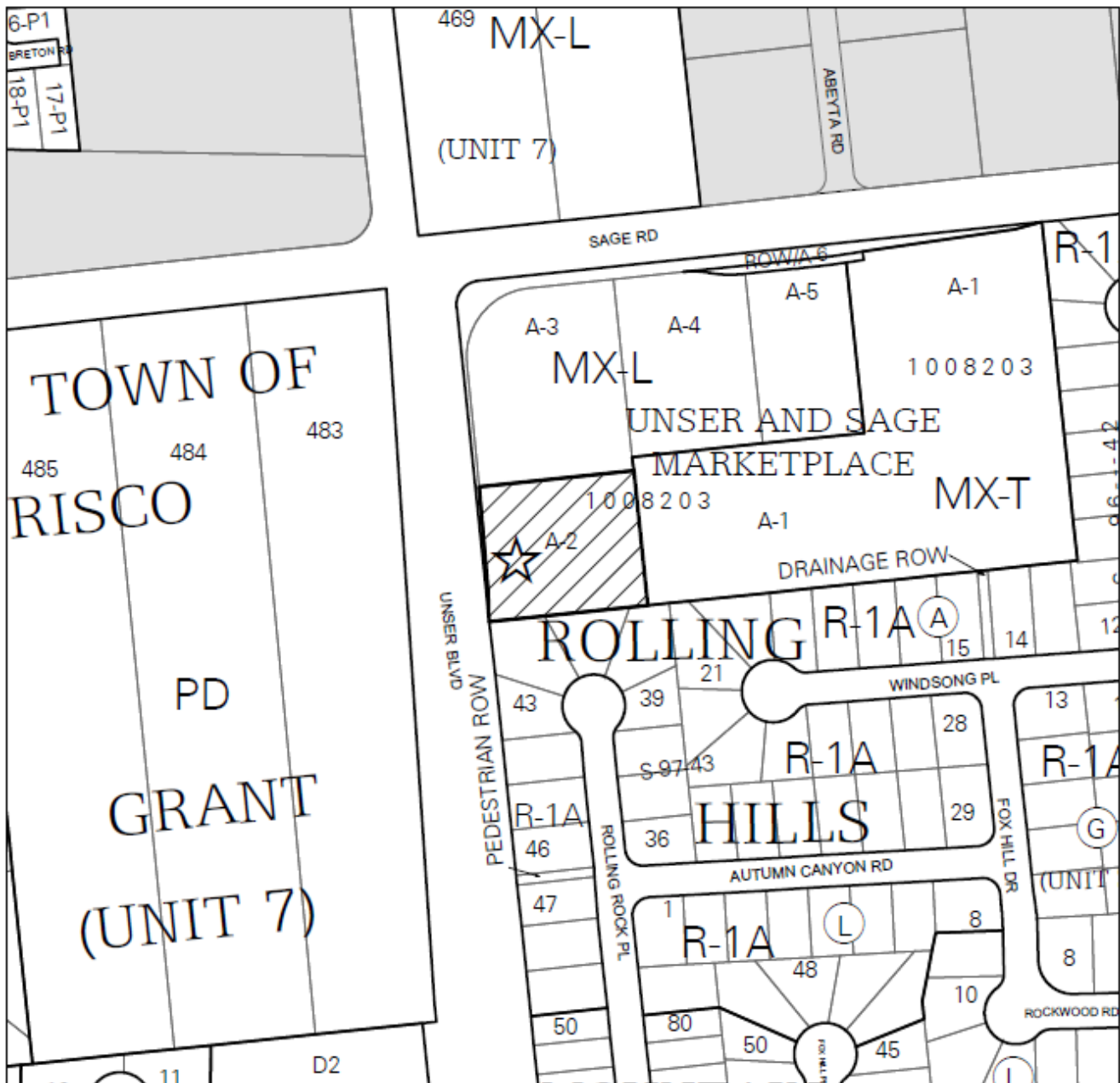
Findings and Recommendation.....23

Agency Comments.....28

Attachments

- 2-Photographs – Existing Conditions
- 3-History
- 4-Zoning Information
- 5-Applicant Information
- 6-Staff Information
- 7-Notification





### IDO ZONING MAP

Note: Gray shading  
Indicates County.



1 inch = 200 feet

Hearing Date:

10/20/2022

Project Number:

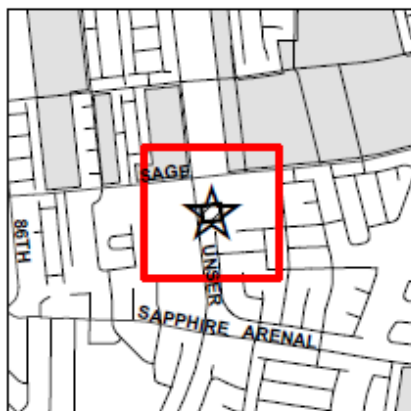
PR-2019-003120

Case Numbers:

RZ-2022-00049

Zone Atlas Page:

M-10



## LAND USE MAP

Note: Gray shading  
Indicates County.

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



1 inch = 200 feet

Hearing Date:

10/20/2022

Project Number:

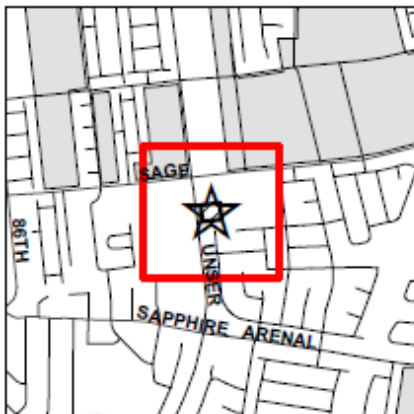
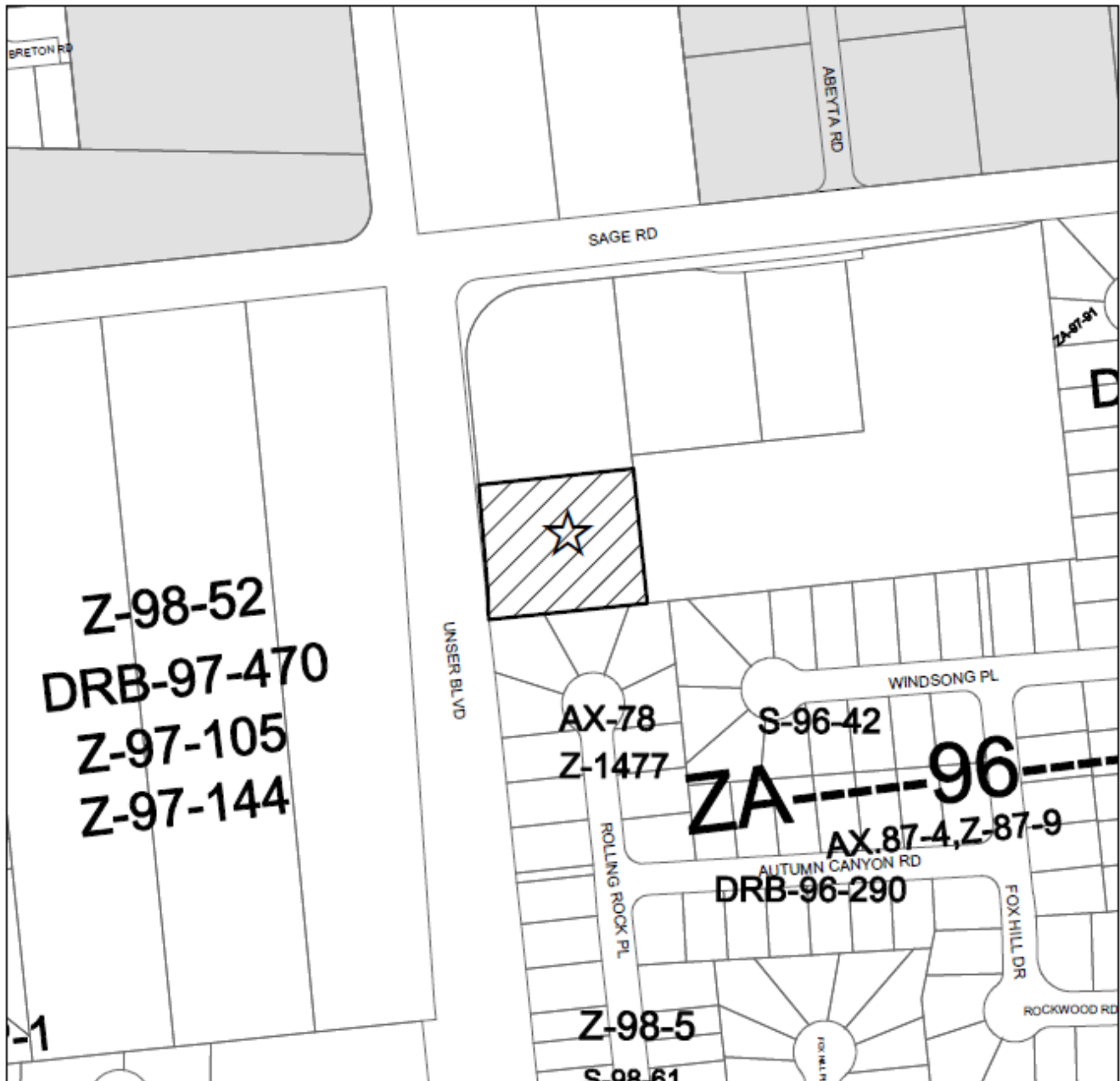
PR-2019-003120

Case Numbers:

RZ-2022-00049

Zone Atlas Page:

M-10



### HISTORY MAP

Note: Gray shading  
Indicates County.



1 inch = 200 feet

Hearing Date:

10/20/2022

Project Number:

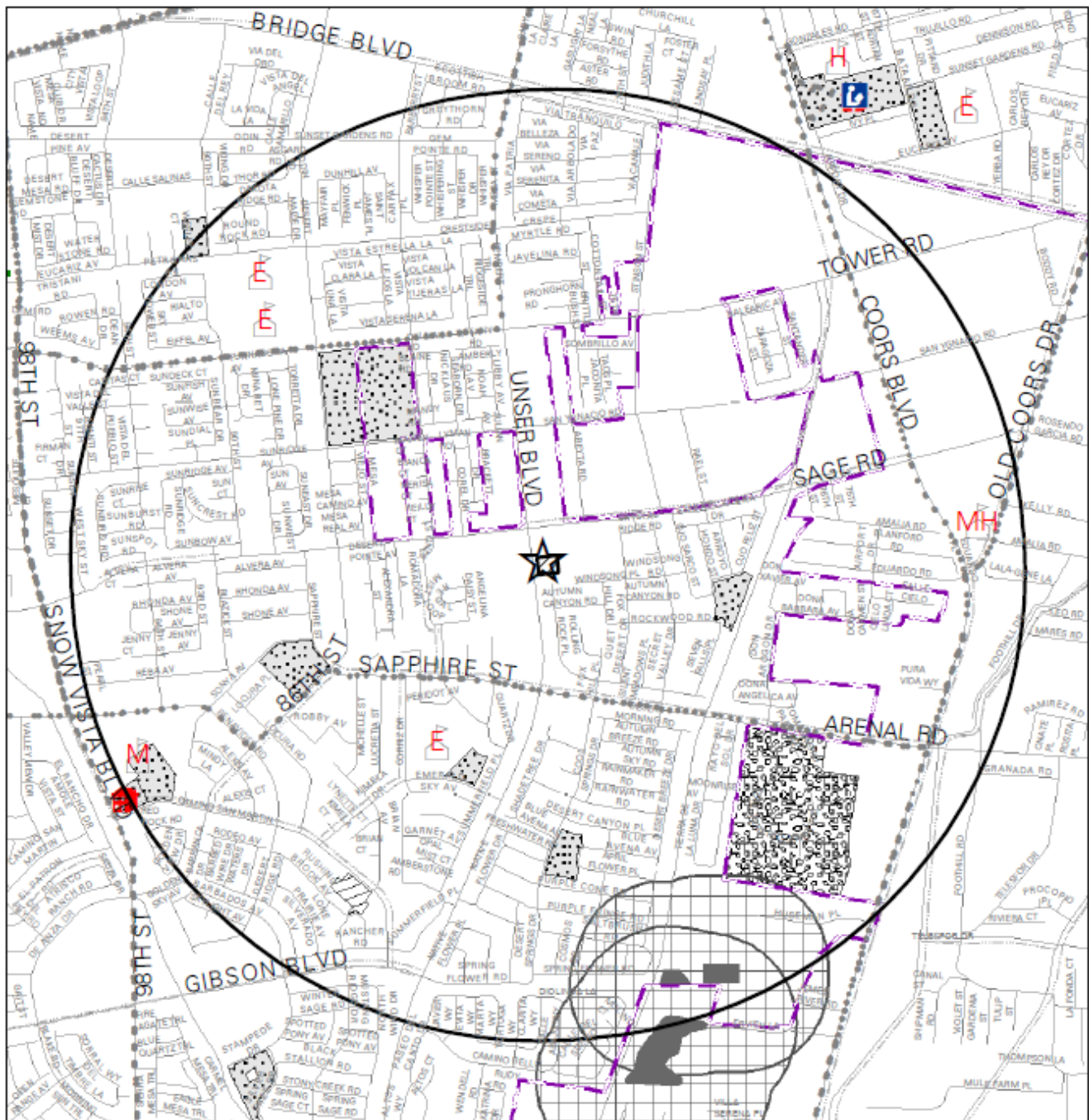
PR-2019-003120

Case Numbers:

RZ-2022-00049

Zone Atlas Page:

M-10



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

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

## **INTRODUCTION**

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

	<b><i>Zoning</i></b>	<b><i>Comprehensive Plan Area</i></b>	<b><i>Land Use</i></b>
<b><i>Site</i></b>	MX-T	Area of Consistency	Vacant
<b><i>North</i></b>	MX-L/Unincorporated	Area of Consistency	Vacant, Commercial service/retail
<b><i>South</i></b>	R-1A	Area of Consistency	Dwelling, Single-Family
<b><i>East</i></b>	MX-T/R-1A	Area of Consistency	Vacant, Dwelling, Single-Family
<b><i>West</i></b>	PD/R-1A	Area of Change and Consistency	Vacant, Dwelling, Single-Family, Religious Institution

### ***Request***

The request is for a Zoning Map Amendment (zone change) for an approximately 1.01-acre site legally described as Tract A-2, Plat of Tracts A-1 Thru A-6 Unser & Sage Marketplace, (being a replat of Tract A Unit 1-B Lands of Albuquerque South), and comprising a portion of land between Sage Rd. SW and Secret Valley Dr SW, along Unser Blvd. SW (the “subject site”).

The subject site is zoned MX-T (Mixed Use – Transition) and is vacant. The applicant is requesting a zone change from MX-T to MX-L (Mixed Use – Low Intensity) in order to allow for future commercial development, including a proposed restaurant with a drive-through. The current zoning allows for some commercial development, the MX-T zone does not allow drive-through facilities and is primarily intended to buffer the existing single-family homes from the more intense uses allowed in the MX-L to the north.

### ***EPC Role***

The EPC is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would then make the final decision. The request is a quasi-judicial matter.

### ***Context***

The approximately 1.01-acre site is comprised of Tract A-2 and is located on Sage Blvd SW, between Unser Blvd SW and Secret Valley Dr SW. The tracts adjacent to the north of the subject site are zoned MX-L (Mixed-Use – Light Intensity). Beyond Sage Rd there are parcels zoned PD, MX-L, and some are unincorporated (Bernalillo County). To the east and south of the subject site, the parcels are zoned R-1A, and are developed with single family homes. West of the subject, across Unser Blvd SW, there is a large parcel zoned PD, and other parcels zoned mostly R-1A beyond. The parcels with the highest intensity zone nearby are those zoned PD (Planned Development), however, any development on these parcels would be subject to EPC approval.

The uses in the area surrounding the subject site consist mostly of single-family dwellings, with some commercial development located near the intersection of Sage Rd SW and Unser Blvd SW.

### ***History***

Prior to the adoption of the IDO, the subject site was part of a larger site development plan for subdivision, which was approved by the DRB in 2010, along with a required infrastructure list (Project 1008203, see attachments). Upon adoption of the IDO, the subject site's zone designation was changed from C-1 to MX-L.

On January 9<sup>th</sup>, 2020, the EPC voted to approve a Zone Map Amendment (RZ-2019-00070) from MX-L to MX-T, to facilitate the development of commercial and residential uses. However, the projects envisioned were not developed and the site remains vacant.

On April 21, 2022, the EPC voted to Defer a Zone Map Amendment request from MX-T to PD zoning to facilitate future commercial development of the subject site and the adjacent Tract A-1 for one month. Staff had a recommendation of DENIAL for the request due to the zone change being harmful to the health and general welfare of the community and conflicting with comprehensive plan goals and policies, as well as Criterion A, B, D, and H for a zone change request. The requested zone change to PD was inconsistent with the predominant land use of adjacent property. Staff continued to work with the applicant over the 30-day deferral period and gave several options for zones more advantageous to the community and adjacent property, including MX-L.

At the May 19, 2022 hearing the applicant asked for a withdrawal of the request, which the EPC approved (RZ-2022-00014).

### ***Transportation System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Metropolitan Region Planning Organization (MRMPO), identifies the functional classifications of roadways. The LRRS designates Sage Rd SW as a Major Collector, and Unser Blvd SW as a Regional Principal Arterial.

### ***Comprehensive Plan Designations***

The Comprehensive Plan designates Unser Blvd SW as a Commuter Corridor. The Comprehensive Plan designates Commuter Corridors as roadways intended for long-distance trips across towns by automobile, including limited access streets (Comprehensive Plan, 5-17).

The subject site is not located within any Centers as designated by the Comprehensive Plan.

The subject site is located within an Area of Consistency as designated by the Comprehensive Plan. Neighborhoods designated as Areas of Consistency will be protected by policies to limit densities, new uses, and negative impacts from nearby development.

### ***Comprehensive Plan Community Planning Area Designation***

The subject site is located within the Southwest Mesa Community Planning Area. The Southwest Mesa CPA is characterized by suburban subdivisions, impressive vista, and connection to the Western mesa vista. The identity and character of this area is still emerging, while the physical environment is characterized by sand flats, dunes, and escarpments dotted with scrub juniper and sage (Comprehensive Plan, 4-28).

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

The Long Range Bikeway System (LRBS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies existing and proposed routes and trails. Unser Blvd SW has both a dedicated bike lane, and a paved multi-use trail, both of which connect to a larger bike trail network. Sage Rd SW had dedicated bike lanes east of Unser Blvd SW, which end at 86<sup>th</sup> St SW and begin again on 98<sup>th</sup> St SW.

### ***Transit***

There are no bus routes within ¼ mile of the subject site. The nearest route is ABQ Ride 54 at the intersection of Unser Blvd SW and Arenal Rd SW, located south of the subject site. Route 54 runs Monday through Saturday and has a peak frequency of 45 minutes.

### ***Public Facilities/Community Services***

Please refer to the Public Facilities Map (Page 7), which shows public facilities and community services located within one mile of the subject site.

## ***II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES***

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

#### ***Definitions***

Commercial Services: Any activity involving provision of services carried out for profit, generally for a business customer and not an individual buyer, including but not limited to upholstering, welding, laundry, printing, or publishing, that is not listed separately as a distinct use in Table 4-2-1.

Corridor: A street and adjoining land designated in the ABC Comp Plan, as amended, as one of the 5 corridor types designated based on travel modes and development intensity, excluding Commuter Corridors.

Drive-through or Drive-up Facility: Facilities associated with a primary use, including but not limited to banks, financial institutions, restaurants, dry cleaners, and drug stores, but not including car washes or light vehicle fueling, to offer goods and services directly to customers waiting in motor vehicles. See also Car Wash and Vehicle Definitions for Light Vehicle Fueling.

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

Restaurant An establishment that serves food and beverages that are consumed on its premises by customers seated at tables and/or counters either inside or outside the building thereon and/or that may provide customers with take-out service of food and/or beverages for off-site consumption. Sale of alcoholic beverages is controlled by other provisions in this IDO and the New Mexico State statutes regarding alcoholic drink sales. See also Bar and Taproom or Tasting Room.

### ***Zoning***

The subject site is currently zoned MX-T (Mixed-Use – Transition, IDO 14-16-2-4(A)). The purpose of the MX-T zone district is to provide a transition between residential neighborhoods and more intense commercial areas. Primary land uses include a range of low-density residential, small-scale multi-family, office, institutional, and pedestrian-oriented commercial uses. Allowable uses are

shown in Table 4-2-1. The MX-T zone (similar to the former O-1 zone) is often used to buffer single-family homes.

The request is to change the subject site's zoning to MX-L (Mixed use – Low Intensity, IDO 14-16-2-4(B)). The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at intersections of collector streets. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors. Specific permissive uses are listed in IDO Table 4-2-1: Allowable Uses.

There are some noteworthy differences between MX-T and the MX-L zones. The main difference is that the MX-L zone allows higher intensity residential uses, commercial retail and commercial services— such as townhomes, restaurants, motor vehicle related uses, grocery stores, cannabis, etc. A more in-depth analysis of allowable zone districts is found in the following section.

#### ***Albuquerque / Bernalillo County Comprehensive Plan***

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Consistency. In Areas of Consistency, significant growth is unlikely or undesirable and any new development or redevelopment will need to be consistent with the established character of the surrounding context in order to reinforce the existing character of established neighborhoods.

In this case, the Goals and policies below were included by the applicant in the justification letter. Staff finds them all applicable, and adds goals and policies denoted with a \* to the analysis. Applicable Goals and policies are listed below. Staff analysis follows in bold italic text.

#### ***Chapter 4: Community Identity***

\* 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 MX-T zone allows for residential and other less intense uses to be developed in an area with mostly R-1 zoning. This transitional zoning ensures that the appropriate type and scale of land uses are developed, while protecting and enhancing the existing neighborhood.***

***The zone change request from MX-T to MX-L would allow for similar uses to be developed adjacent to existing MX-L zoning and commercial uses north of the site in addition to an established residential neighborhood surrounding the subject site. The MX-L zone allows for low intensity residential and commercial uses in addition to intense motor-vehicle related, entertainment, and industrial uses. Though some of the allowable uses would potentially disrupt the established identity, character, and existing uses in the neighborhood, the proposed future development of the subject site is a restaurant with drive-through, ensuring the appropriate scale and location of development. The request partially furthers Policy 4.1.2 – Identity and Design.***

*Chapter 5: Land Use*

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

*The subject site is located near the intersection of Unser Blvd SW and Sage Rd SW. Unser Blvd is designated as a Commuter Corridor, but Commuter Corridors are excluded from the Corridor definitions in the IDO. Commuter Corridors are intended to accommodate faster and longer trips for personal vehicles, commuter bus service, and bicycling. The subject site is not located within any Centers.*

*Allowable uses in the MX-L zone are intended to be primarily neighborhood scale commercial shopping and located at intersections of collector streets, which Sage Rd. is. The comprehensive Plan designates the subject site as an Area of Consistency, which is intended to include development along Commuter Corridors, and non-residential development outside of Centers, therefore, the request partially furthers Goal 5.1 – Centers and Corridors.*

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

*The request would allow for higher-intensity uses than are currently allowed in the MX-T zone that are auto-oriented. Development along Commuter Corridors is intended to be auto-oriented. The MX-L zone allows a variety of auto-oriented uses included drive-throughs and light-vehicle uses. The subject site is within an Area of Consistency, which typically include development along Commuter Corridors, and non-residential development outside of Centers. This request is consistent with the MX-L land use adjacent to the subject site to the north, therefore, Policy 5.1.12- Commuter Corridors is furthered.*

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

*The existing MX-T zone allows for a mix of uses that allows residents to live, work, learn, shop, and play together. The request to the MX-L zone would continue to provide commercial uses that are generally compatible with the surrounding area and more intense residential uses and industrial uses. There is an opportunity for commercial service and retail as well as education, high density housing and some entertainment uses in an area already surrounded by residential uses, some commercial uses, and MX-L zoning to the north. The request partially furthers Goal 5.2 – Complete communities.*

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

*The request would generally contribute to creating a healthy and sustainable community because it would facilitate future development of commercial uses. The requested zone change is located within an Area of Consistency where development is expected to be consistent with the character of the surrounding area.*

*Proposed future development is a restaurant with drive-through, although a variety of uses are allowable in the MX-L zone. Any future development would be conveniently accessible to surrounding neighborhood and commercial uses via transit and pedestrian access, the Unser Blvd. commuter corridor and existing bike lane and multi-use trail. The request generally furthers Policy 5.2.1 – Land Uses.*

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

*The request would facilitate infill development on the subject site, adjacent to existing commercial uses and an established neighborhood. Although Areas of Consistency are intended to develop with some infill development and new uses, new development or redevelopment should be compatible in scale and character with the surrounding area.*

*The subject site's status as a designated commuter corridor and regional arterial promotes good access by vehicles. These corridor/street types are encouraged to be developed with auto-oriented development, which the MX-L zoning would allow. The request would generally promote infill development that is compatible in form and scale to the immediately surrounding development and could add a complementary use to the adjacent commercial site. The request generally furthers sub policy 5.2.1(h).*

Sub policy 5.2.1(k): Discourage zone changes to detached single-family residential uses on the West Side.

*The zone change request would remove single-family dwellings as an allowable use, therefore discouraging a zone change to detached single-family residential uses on the Westside. The request furthers Sub-policy 5.2.1(k).*

Sub policy 5.2.1(n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

*The zone change to NR-C would encourage the development of an under-utilized lot, which has been vacant for several years. The request furthers Sub-policy 5.2.1 (n).*

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

*The subject site is already served by existing infrastructure and public facilities, so future development would generally promote efficient development patterns and use of land. The request furthers Goal 5.3 – Efficient Development Patterns.*

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

*The request would support additional growth on an infill site located in an area already served by existing infrastructure and public facilities. The request furthers Policy 5.3.1 – Infill Development.*

Policy 5.4.2 – West Side Jobs: Foster employment opportunities on the West Side.

*The requested MX-L zone could encourage future commercial development on a vacant site, which would foster employment opportunities on the West Side, although a variety of other*

*uses are allowable in the MX-L zone, including residential. The request generally furthers Policy 5.4.2 – West Side Jobs.*

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

*The subject site is located in an Area of Consistency and is currently zoned MX-T, which acts as a transition from MX-L to the north to R-1B to the south, and ensures that development would reinforce the character and intensity of the surrounding area. The request to MX-L would allow commercial growth that is similar to the character and intensity of the adjacent property although there are several more intense uses such as multi-family, townhomes, light vehicle repair, and cannabis, that are allowed. The MX-L zone is intended to provide neighborhood-scale commercial needs as well as low density multi-family and uses that would serve the surrounding community. The request would generally reinforce the character and intensity of the surrounding area. This request partially furthers Goal 5.6 – City Development Areas.*

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

*The subject site is located within an existing single-family neighborhood and outside of Centers designated by the Comprehensive Plan. Development in Areas of Consistency is intended to be compatible with the existing scale and character of surrounding neighborhoods. The MX-L zone would allow uses that are generally compatible with the adjacent commercial uses and surrounding neighborhoods. The request generally furthers policy 5.6.3 – Areas of Consistency.*

### ***Not Applicable***

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

Sub-Policy 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 would allow infill development of a wide variety of commercial and more intense residential uses than are currently allowed in the MX-T zone on the subject site. Although the subject site is not within a designated Center, it is located along the Unser Blvd Commuter Corridor, which are intended to prioritize efficient automobile travel.*

*The request for the MX-L zone would allow a development of some commercial and industrial uses which are currently not allowed. However, the subject site is approximately 1 acre and within a residential area, which is not an ideal location to capture regional growth. The request does not apply to 5.1.1 – Desired Growth or Sub-policy c.*

Goal 5.4 – Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

*The requested MX-L zone would allow some residential development and commercial uses that could potentially encourage job growth west of the Rio Grande, although the request does not encourage residential growth near employment. The request does not apply to Goal 5.4 – Jobs-Housing Balance.*

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

Requirements

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

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

Justification & Analysis

The zone change justification letter analyzed here, was received on September 8, 2022. The subject site is currently MX-T (Mixed-Use – Transition). The requested zoning is MX-L (Mixed Use – Low Intensity). The reason for the zone change is to allow opportunity for a wider range of commercial development.

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

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

*This request to rezone Tract A-2 to MX-L furthers the Albuquerque/Bernalillo County Comprehensive Plan goals and policies related to desired growth, appropriate development along Commuter Corridors, infill development, and jobs-housing balance, among others.*

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

Applicable citations: Goal 5.1-Centers and Corridors, Policy, Policy 5.1.12 – Commuter Corridors, Goal 5.2-Complete Communities, Policy 5.2.1-Land Uses, Sub Policy 5.2.1(h)-Land Uses, Sub Policy 5.2.1(k)-Land Uses, Sub Policy 5.2.1(n)-Land Uses, Goal 5.3-Efficient Development Patterns, Policy 5.3.1-Infill Development, Policy 5.4.2-West Side Jobs

Applicable Goals and Policies not included: Goal 5.6 City Development Areas. Policy 5.6.3-Areas of Consistency

The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and Policies. The request generally furthers goals and policies regarding Land Use, Commuter Corridors, Efficient Development Patterns, and Infill Development and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, and general welfare. The response to Criterion A is sufficient.

- B. If the subject site is located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:
1. There was typographical or clerical error when the existing zone district was applied to the property.
  2. There has been a significant change in neighborhood or community conditions affecting the site.
  3. A different zone district is more advantageous to the community as articulated by the ABC Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

*Applicant: Criteria 3 is met for this application, as a different zone district is more advantageous to the community as articulated by the ABC Comp Plan. The subject site is located wholly in an Area of Consistency. However, the requested change to MX-L for Tract A-2, and the commercial development which may be facilitated as a result, will clearly reinforce the established character of the surrounding area, which includes a drive-through restaurant, a pre-school, and a retail outlet. Further, additional commercial uses and Mixed-Use zoning are found to the northeast corner of Unser Boulevard and Sage Road, to the southwest at Unser Boulevard and Sapphire Street, and to the west at 98th Street and Sage Road. It is evident throughout Albuquerque that these zones are appropriate along major corridors and near significant intersections such as the case of the subject site, which is along a designated Commuter Corridor.*

*The existing zoning for the subject site does not allow for the desired retail use of the property, and development with this use is clearly more advantageous to the community as articulated by the ABC Comp Plan, as described earlier in this letter.*

Staff response: Criterion B is a two-part test, which the applicant has adequately demonstrated that the request would meet. The proposed zone would clearly reinforce or strengthen the established Area of Consistency. The MX-L zone would permit future development that is generally consistent with the surrounding commercial land uses. The proposed zoning would facilitate future proposed commercial uses that would serve the surrounding community and would be more advantageous to the surrounding community than the existing MX-T zone. The request would not permit development that is significantly different through infill development, utilization of existing utilities and infrastructure and maintain the development patterns of existing commercial development north of the site.

The response to Criterion B is sufficient.

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

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

*Applicant: The subject property is located wholly in an Area of Consistency, so this criterion does not apply.*

Staff: The subject site is located wholly in an Area of Consistency. Therefore, this criterion does not apply.

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

*Applicant: The requested zoning of MX-L does not allow permissive uses that would be harmful to the adjacent property, neighborhood, or community. A comparison of the existing MX-T and proposed MX-L zones and a full explanation of restrictions and limitations upon potentially harmful uses are included in Table 2, below.*

*Many of the new uses introduced by MX-L zoning for Tract A-2, including light vehicle fueling stations, vehicle rentals, and vehicle repair, are conditional and require review and approval from the Zoning Hearing Examiner (ZHE) prior to development. In order to approve such uses, the ZHE must find that the use will not be harmful to the adjacent properties, neighborhood, or community.*

*Cannabis sales would require a Conditional Use Approval, as the site is within 300 feet of the Kidz Academy, a newly constructed preschool. Liquor sales would likewise be restricted on the subject properties, as state statutes require that licensees not be located within 300 feet of a school. Further, the MX-L portion of the site would only allow liquor and nicotine retail uses in conjunction with a*

grocery store or other general retail establishment and not as a standalone use. Proximity to the residential properties to the south and east also require any liquor and nicotine retail to be heard by the ZHE as Conditional Uses according to their use-specific standards. Pawn shops are restricted to a distance separation of one mile, which ensures a dispersion and limitation of their potential impacts.

Artisan manufacturing, cannabis cultivation, and cannabis-derived products manufacturing are all limited to a maximum size of 10,000 square feet in Mixed-use zone districts.

Lastly, drive-through facilities have numerous design requirements found in the Parking and Loading section of the IDO, which include limits on speakers and order board locations, screening requirements, edge buffers, and required stacking spaces that minimize the impact of the use on surrounding properties. These numerous standards ensure that these new permissive uses will not be harmful to the neighborhoods or community.

Overall, the Applicant believes that the site's size, the surrounding zoning, and IDO requirements, including the use-specific standards all work together to safeguard the community from any harmful uses and impacts from the proposed Zoning Map Amendment.

TABLE 2. IDO ZONING COMPARISON: MX-L VS. MX-T		
Use	MX-L	MX-T
Dwelling, single-family detached, cluster development, cottage development, two-family detached	-	P
Dormitory and Group home, medium	P	C
Bar and Tap Room or Tasting Room	C	
Sports Field, University, or college *	C	CV
Kennel	C	-
Veterinary hospital or other pet services	P	C
Restaurant	P	C
Car wash	P	-
Light vehicle fueling station, sales and rental, & repair	C/P	-
Club or event facility	P	C
Commercial services	P	-
Mortuary	C	-
Self-storage	C	-
Bakery goods or confectionery shop	P	C
Grocery Store	P	-
Liquor retail	A	C
Pawn shop	C	-
Nicotine retail	A	CA
Artisan manufacturing	P	C
Cannabis cultivation and Cannabis-derived products manufacturing	P	C

*\*Not practical due to size/property constraints.*

Staff: The applicant provided a partial comparison of the existing MX-T zoning and the proposed MX-L zoning. Some uses that would become permissive under the M-L zone, which are not currently allowed, are Group Home, Car Wash, Light Vehicle fueling station, sales, rental and repair, Club or event facility, commercial services, Bakery, grocery store, artisan manufacturing, and cannabis cultivation and manufacturing. Several uses with become conditional which are currently not allowed and would require a ZHE review and decision.

The applicant discussed, some new permissive uses and included discussion on those that have potential to be harmful: Cannabis sales, manufacturing and cultivation, grocery stores in conjunction with liquor and nicotine sales, and artisan manufacturing. The applicant discusses the applicable IDO Use-Specific standards and State laws that would adequately regulate these uses and mitigate any potential harm to the surrounding properties, the neighborhood, or the community.

Although the applicant does not discuss the following uses that would be potentially harmful to the surrounding neighborhood, they did include them in a comparison table of the MX-L and MX-T zone districts: club or event facility, light vehicle and equipment sales, rental, fueling, and repair, or car wash.

Staff generally agrees to with the discussion and the focus on said uses that were discussed, and that the MX-L zoning would generally facilitate consistency with the surrounding land uses in the area.

The response to Criterion D is insufficient.

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

*Applicant: The subject property will be adequately served by the existing City infrastructure immediately adjacent to the property and in the surrounding area. This infrastructure includes roadways, water, sewer, and storm drain facilities in the Southwest Mesa neighborhood that can serve the project. These infrastructure improvements were constructed by the property owner and will finally be utilized to provide needed services.*

Staff: The request meets the requirement that the City's existing infrastructure and public improvements adequately serve the subject site and have adequate capacity to serve the development made possible by the change of zone (requirement 1). The response to Criterion E is sufficient.

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

*Applicant: The justification for this Zoning Map Amendment is not based on the property's location on a major street but rather the request being more advantageous to the community as articulated by the Comprehensive Plan.*

Staff: The subject site's location along designated Regional Principal Arterial, Unser Blvd. SW, provides some rationale for the proposed MX-L zoning. However, this is not the primary reason for the request. Rather, this rationale is tied to the policy analysis, which adequately demonstrates that the request furthers a preponderance of applicable Comprehensive Plan Goals and Policies.

The response to Criterion F is insufficient.

- G. The applicant's justification for the requested zone change is not completely or predominantly on the cost of land or economic conditions.

*Applicant: The justification for this Zoning Map Amendment does not rely on the cost of land or economic considerations. However, taking advantage of investment in the infrastructure needed to serve these properties, which are both vacant lots, helps support the economic vitality of the neighborhood and will be a positive step for the neighborhood and community overall.*

Staff: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them. Nor is the justification based completely or predominantly upon the cost of land.

The response to criterion G is sufficient.

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

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

*Applicant: This request to change the zoning to MX-L for Tract A-2 should not be considered a spot zone due to the existing MX-L zoning on the three adjacent developed lots within the shopping center subdivision, and several additional lots in the vicinity of the subject property. The proposed zone clearly facilitates the ABC Comprehensive Plan by providing additional commercial uses, services, and jobs on the Southwest Mesa. This location is more suitable to the proposed MX-L, as it is accessed by a major collector, as well as a principal arterial that is designated as a Commuter Corridor by the Comprehensive Plan and carried approximately 20,000 vehicles per day prior to the pandemic.*

*The ABC Comprehensive Plan specifically discourages zone changes which allow single-family detached uses on the West Side. Such uses are permissive within MX-T zones, but are not an allowable use within MX-L.*

Staff: Criterion H is a two-part test which the request meets. The applicant has adequately demonstrated that the request would not create a “spot zone” because the adjacent Tracts A-3, A-4 and A-5 are zoned MX-L in addition to the NE site at the intersection of Unser Blvd. SW and Sage Rd. SW. The MX-L zone would remain consistent with the adjacent MX-L zoning to the north of the subject site, in addition to MX-L zoning across Unser Blvd., south west of the subject site.

The applicant has demonstrated how the MX-L zone is more suitable for subject site and surrounding area due to the amount of traffic that travels along Unser Blvd SW, a designated Commuter Corridor and because applicable comprehensive plan goals and policies are furthered. The requested zone change to MX-L is consistent with the surrounding land uses.

The response to Criterion H is sufficient.

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

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

City departments and other interested agencies reviewed this application. Few comments were received. Solid waste discussed the placement of future trash enclosures and stated they would have to be placed away for the neighboring residential area. Public Works stated that if a traffic impact study is needed that they will be involved in that process. Other agencies had no significant comments (see attachments).

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

South West Alliance of Neighborhoods, Westside Coalition of Neighborhood Associations, South Valley Coalition of Neighborhood Associations, Stinson Tower NA, and the Westgate Heights NA were all notified as required. Property owners within 100 feet of the subject site were also notified, as required (see attachments).

The applicant offered a pre-application neighborhood meeting but none was requested by the affected neighborhood associations.

As of this writing, Staff has not received any correspondence or phone calls from the public regarding the request.

### **IV. CONCLUSION**

The request is for a Zoning Map Amendment (zone change) for an approximately 1.01-acre site that comprises a portion of land between Sage Rd. SW and Secret Valley Dr SW, along Unser Blvd. SW. The applicant would like to change the subject site’s zoning to allow future uses under the MX-L zone, such as a proposed future restaurant with a drive-through.

The request has been adequately justified pursuant to the IDO Review and Decision Criteria for zone changes in IDO 14-16-6-7(G)(3) based on the proposed zoning being generally more advantageous to the surrounding community. The request generally furthers a preponderance of applicable Goals and Policies in the Comprehensive Plan and there are no major conflicts.

The affected neighborhood organizations are the South West Alliance of Neighborhoods, Westside Coalition of Neighborhood Associations, South Valley Coalition of Neighborhood Associations, Stinson Tower NA, and the Westgate Heights NA. They were all required to be notified, which the applicant did. Property owners within 100 feet of the subject site were also notified.

Staff recommends APPROVAL.

***FINDINGS - RZ-2022-00049, October 20, 2022- Zoning Map Amendment (Zone Change)***

1. The request is for a zoning map amendment (zone change) for an approximately 1.01-acre site legally described as Tract A-2, Plat of Tracts A-1 Thru A-6 Unser & Sage Marketplace, (being a replat of Tract A Unit 1-B Lands of Albuquerque South), and comprising a portion of land between Sage Rd. SW and Secret Valley Dr SW, along Unser Blvd. SW (the “subject site”).
2. The subject site is zoned MX-T (Mixed Use-Transition Zone District). The applicant is requesting a zone change to MX-L (Mixed-Use – Low Intensity Zone District) to facilitate future development under the MX-L zone, which includes a proposed restaurant with a drive-through.
3. The subject site is in an Area of Consistency, and is along a Commuter Corridor as designated in the Comprehensive Plan. The subject site is not located within any designated Activity Center.
4. 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.
5. The furthers the following, applicable Goal and Policy from Chapter 5: Land Use, regarding Commuter Corridors:

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

The request would allow for higher-intensity uses than are currently allowed in the MX-T zone that are auto-oriented. Development along Commuter Corridors is intended to be auto-oriented. The MX-L zone allows a variety of auto-oriented uses included drive-throughs and light-vehicle uses. The subject site is within an Area of Consistency, which typically include development along Commuter Corridors, and non-residential development outside of Centers. This request is consistent with the MX-L land use adjacent to the subject site to the north.

7. The request furthers the following goal, policy and sub-policies in Chapter 5-Land use, with respect to complete communities.
  - A. Policy 5.2.1-Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request would generally contribute to creating a healthy and sustainable community because it would facilitate future development of commercial uses. The requested zone change is located within an Area of Consistency where development is expected to be consistent with the character of the surrounding area.

Proposed future development is a restaurant with drive-through, although a variety of uses are allowable in the MX-L zone. Any future development would be conveniently accessible

to surrounding neighborhood and commercial uses via transit and pedestrian access, the Unser Blvd. commuter corridor and existing bike lane and multi-use trail.

- B. Sub policy 5.2.1(k): Discourage zone changes to detached single-family residential uses on the West Side.

The zone change request would remove single-family dwellings as an allowable use, therefore discouraging a zone change to detached single-family residential uses on the Westside.

- C. Sub policy 5.2.1(n): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The zone change to NR-C would encourage the development of an under-utilized lot, which has been vacant for several years.

- D. Policy 5.4.2 – West Side Jobs: Foster employment opportunities on the West Side.

The requested MX-L zone could encourage future commercial development on a vacant site, which would foster employment opportunities on the West Side, although a variety of other uses are allowable in the MX-L zone, including residential.

8. The request furthers the following goal and policy in Chapter 5-Land use, regarding infill development

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

The subject site is already served by existing infrastructure and public facilities, so future development would generally promote efficient development patterns and use of land.

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

The request would support additional growth on an infill site located in an area already served by existing infrastructure and public facilities.

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

The request would facilitate infill development on the subject site, adjacent to existing commercial uses and an established neighborhood. Although Areas of Consistency are intended to develop with some infill development and new uses, new development or redevelopment should be compatible in scale and character with the surrounding area.

The subject site's status as a designated commuter corridor and regional arterial promotes good access by vehicles. These corridor/street types are encouraged to be developed with auto-oriented development, which the MX-L zoning would allow. The request would generally promote infill development that is compatible in form and scale to the immediately surrounding development and could add a complementary use to the adjacent commercial site.

9. The request furthers following Policy regarding City Development Areas in chapter 5-Land Use.

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

The subject site is located within an existing single-family neighborhood and outside of Centers designated by the Comprehensive Plan. Development in Areas of Consistency is intended to be compatible with the existing scale and character of surrounding neighborhoods. The MX-L zone would allow uses that are generally compatible with the adjacent commercial uses and surrounding neighborhoods.

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

- A. Criterion A: The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and Policies regarding Land Use, Commuter Corridors, Efficient development patterns, and Infill Development and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is generally consistent with the City's health, safety, and general welfare.
- B. Criterion B: Criterion B is a two-part test, which the applicant has adequately demonstrated that the request would meet. The proposed zone would clearly reinforce or strengthen the established Area of Consistency. The MX-L zone would permit future development that is generally consistent with the surrounding commercial land uses. The proposed zoning would facilitate future proposed commercial uses that would serve the surrounding community and would be more advantageous than the existing MX-T zone. The request would not permit development that is significantly different through infill development, utilization of existing utilities and infrastructure and maintain the development patterns of existing commercial development north of the site
- C. Criterion C: The subject site is located wholly in an Area of Consistency. Therefore, criterion C does not apply.
- D. Criterion D: The applicant provided a partial comparison of the existing MX-T zoning and the proposed MX-L zoning. Some uses that would become permissive under the M-L zone, which are not currently allowed, are Group Home, Car Wash, Light Vehicle fueling station, sales, rental and repair, Club or event facility, commercial services, Bakery, grocery store, artisan manufacturing,

and cannabis cultivation and manufacturing. Several uses will become conditional which are currently not allowed and would require a ZHE review and decision.

The applicant discussed, some new permissive uses and included discussion on those that have potential to be harmful: Cannabis sales, manufacturing and cultivation, grocery stores in conjunction with liquor and nicotine sales, and artisan manufacturing. The applicant discusses the applicable IDO Use-Specific standards and State laws that would adequately regulate these uses and mitigate any potential harm to the surrounding properties, the neighborhood, or the community.

Although the applicant does not discuss the following uses that would be potentially harmful to the surrounding neighborhood, they did include them in a comparison table of the MX-L and MX-T zone districts: club or event facility, light vehicle and equipment sales, rental, fueling, and repair, or car wash.

Staff generally agrees with the discussion and the focus on said uses that were discussed, and that the MX-L zoning would create or facilitate consistency with the surrounding land uses in the area.

- E. Criterion E: The request meets the requirement that the City's existing infrastructure and public improvements adequately serve the subject site and have adequate capacity to serve the development made possible by the change of zone (requirement 1).
- F. Criterion F: The subject site's location along designated Regional Principal Arterial, Unser Blvd. SW, provides some rationale for the proposed MX-L zoning. However, this is not the primary reason for the request. Rather, this rationale is tied to the policy analysis, which adequately demonstrates that the request furthers a preponderance of applicable Comprehensive Plan Goals and Policies.
- G. Criterion G: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them. Nor is the justification based completely or predominantly upon the cost of land.
- H. Criterion H: Criterion H is a two-part test which the request meets. The applicant has adequately demonstrated that the request would not create a "spot zone" because the adjacent Tracts A-3, A-4 and A-5 are zoned MX-L in addition to the NE site at the intersection of Unser Blvd. SW and Sage Rd. SW. The MX-L zone would remain consistent with the adjacent MX-L zoning to the north of the subject site, in addition to MX-L zoning across Unser Blvd., south west of the subject site.

The applicant has demonstrated how the MX-L zone is more suitable for subject site and surrounding area due to the amount of traffic that travels along Unser Blvd SW, a designated Commuter Corridor and because applicable comprehensive plan goals and policies are furthered. The requested zone change to MX-L is consistent with the surrounding land uses.

- 11. The affected neighborhood organizations are the South West Alliance of Neighborhoods, Westside Coalition of Neighborhood Associations, South Valley Coalition of Neighborhood

Associations, Stinson Tower NA, and the Westgate Heights NA. They were all required to be notified, which the applicant did. Property owners within 100 feet of the subject site were also notified, as required.

12. The applicant stated in their project letter that a meeting was held between the Board members from the Stinson Tower Neighborhood Association to discuss the request before the April 21, 2022 EPC hearing, which the NA was in support of.
13. A pre-application neighborhood meeting was not held for this request. A facilitated meeting was not requested.
14. As of this writing, Staff has not received any correspondence or phone calls and is unaware of any opposition.

***RECOMMENDATION - RZ-2022-00049, October 20, 2022***

**APPROVAL of Project #: 2019-003120, Case #: 2022-00049, a zone change from MX-T to MX-L, for Tract A-2, Plat of Tracts A-1 Thru A-6 Unser & Sage Marketplace, (being a replat of Tract A Unit 1-B Lands of Albuquerque South), an approximately 1.01 acre site comprising a portion of land between Sage Rd. SW and Secret Valley Dr SW, along Unser Blvd. SW, based on the preceding Findings.**

---

*Megan Jones*

**Megan Jones  
Current Planner**

Notice of Decision cc list:

cc: Todd Megrath, President - Mack ABQ I, LLC, tmegrath@msquareddevelopment.com  
Consensus Planning, Vos@consensusplanning.com  
South West Alliance of Neighborhoods (SWAN Coalition), Jerry Gallegos jgallegoswccdg@gmail.com  
South West Alliance of Neighborhoods (SWAN Coalition), Luis Hernandez Jr., luis@wccdg.org  
Westside Coalition of Neighborhood Associations, Elizabeth Haley ekhaley@comcast.net  
Westside Coalition of Neighborhood Associations, Rene Horvath, aboard111@gmail.com  
South Valley Coalition of Neighborhood Associations, Roberto Roibal, rroibal@comcast.net  
South Valley Coalition of Neighborhood Associations, Patricio Dominguez, dpatriciod@gmail.com  
Stinson Tower NA, Eloy Padilla Jr., eloygdav@gmail.com  
Stinson Tower NA, Lucy Arzate- Boyles arzate.boyles2@yahoo.com  
Westgate Heights NA, Matthew Archuleta, mattearchuleta1@hotmail.com  
Westgate Heights NA, Christopher Sedillo navrmc6@aol.com  
Legal: [dking@cabq.gov](mailto:dking@cabq.gov)

File

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

### ***PLANNING DEPARTMENT***

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

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

### ***CITY ENGINEER***

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

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

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

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

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

#### ***Transportation Planning***

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

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

### ***WATER UTILITY AUTHORITY***

#### ***Utility Services***

### ***ENVIRONMENTAL HEALTH DEPARTMENT***

#### ***Air Quality Division***

#### ***Environmental Services Division***

### ***PARKS AND RECREATION-***

#### ***Planning and Design***

#### ***Open Space Division***

#### ***City Forester***

### ***POLICE DEPARTMENT/Planning***

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

If the zone map amendment is approved, the trash enclosure needs to be proposed away from the residential homes.

**FIRE DEPARTMENT/Planning**

**TRANSIT DEPARTMENT**

No comment

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY PUBLIC WORKS/TRANSPORTATION PLANNING**

The site is approximately 0.85 mile from the intersection of Coors Blvd and Sage Rd, a County-maintained intersection. For any traffic study that may be required at this site, please include BC Public Works with the study process.

**BERNALILLO COUNTY PLANNING AND DEVELOPMENT SERVICES**

No comment.

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

No adverse comments.

**ALBUQUERQUE PUBLIC SCHOOLS**

No comments.

**ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY (ABCWUA)**

1. No adverse comment to the zoning change.
2. For information only:
  - a. Please submit a request for availability when development is known to the following link:  
<https://www.abcwua.org/info-for-builders-availability-statements/>

**MID-REGION METROPOLITAN PLANNING ORGANIZATION – TRANSPORTATION**

**MID-REGION COUNCIL OF GOVERNMENTS**

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT**

**PUBLIC SERVICE COMPANY OF NEW MEXICO**



Figure 1: Looking southwest towards the subject site from the NE corner.

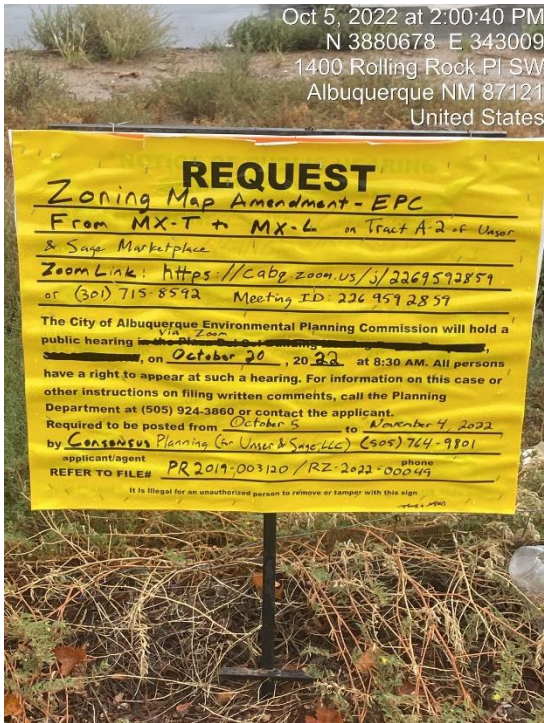


Figure 2: sign posting



**Figure 3: Looking south at the subject site, which borders single-family residential dwellings.**



**Figure 4: Looking northwest from the southeast corner of the subject site, towards existing businesses.**



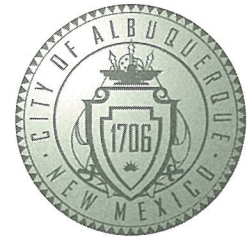
**Figure 5: Looking north along Unser Blvd SW from the western border of the subject site.**



**Figure 6: Looking towards a vacant lot and a restaurant with drive-through to the north of the subject site.**

## HISTORY

# CITY OF ALBUQUERQUE



PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
600 2nd Street NW, 3rd Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339

## OFFICIAL NOTIFICATION OF DECISION

January 9, 2020

City of Albuquerque  
Planning Department  
Urban Design & Development  
600 2<sup>nd</sup> St. NW, 3<sup>rd</sup> Floor  
Albuquerque, NM 87102

**Project #2019-003120**  
RZ-2019-00070 – Zone Map Amendment (Zone Change)

### LEGAL DESCRIPTION:

Consensus Planning, agent for Unser & Sage LLC, request the above action for all or a portion of Tracts A1 & A2 Plat of Tracts A-1 through A-6 of Unser & Sage Marketplace, Zoned MX-L to MX-T, located on Sage SW, between Unser & Sage Rd. SW, containing approximately 5.80 acres. (M-10) Staff Planner: Whitney Phelan

PO Box 1293

On January 9, 2020 the Environmental Planning Commission (EPC) voted to APPROVE Project 2019-003120/RZ-2019-00070, Zone Map Amendment from MX-L to MX-T based on the following Findings:

NM 87103

www.cabq.gov

1. This is a request for a Zoning Map Amendment (Zone Change) for a site approximately 5.80-acres known as Tracts A-1 and A-2, Plat of Tracts A-1 through 6, Unser & Sage Marketplace. The subject site is located on the south side of Sage Rd SW, between Unser Blvd SW and Sage Rd SW. The site is currently vacant and contains two lots.
2. The Environmental Planning Commission (EPC) is hearing this case as a recommending body. Pursuant to Section 6-7(F)(1) of the Integrated Development Ordinance because the subject site is less than 10 gross acres and is located wholly or partially in an Area of Consistency as shown in the ABC Comprehensive Plan, as amended.
3. The subject site is zoned MX-L (Mixed-Use Low Intensity); the intention of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at the corners of Collector intersections. The applicant is requesting a zone change to MX-T (Mixed-Use Transition) in order to provide a transition between residential neighborhoods and more intense commercial areas.
4. The subject site is located within an Area of Consistency and along a Commuter Corridor as designated in the Comprehensive Plan. The subject site is not located within a Protection Overlay Zone.

OFFICIAL NOTICE OF DECISION

Project #2019-003120

January 9, 2020

Page 2 of 6

5. There is MX-L and County designated residential zoning to the north of the site. Lots to the south and east of the subject site are zoned R-1A and developed with single-family dwellings. The property immediately adjacent to the west is zoned PD.
6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Community Identity:

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

The requested MX-T zoning would protect the identity and cohesiveness of the surrounding neighborhood. The purpose of the MX-T zoning district is to provide a transition between residential neighborhoods and more intense commercial areas. The current zoning, MX-L, is intended to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. This request would create a transition between higher intensity retail at the intersection corner and the residential lots to the south and east.

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

The request would allow a mix of uses that can serve as a transition between MX-L zoning to the north and County designated C-1 to the northwest of the residential neighborhood to the south of the subject site.

8. 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.

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

Commuter Corridors are intended for long-distance trips across town by automobile, including limited-access streets. These roads tend to be higher-speed and higher-traffic routes. Although the subject site is ripe for strip development, increasing retail uses along the corridor would decrease the utility of this corridor. MX-T allows multiple residential options as well as some commercial, like office and accessory retail uses, which generally require longer visits and would not generate as many vehicle trips as a retail or other more intense commercial uses. The requested zoning, MX-T, would support the type of development intended by the Comprehensive Plan for Commuter Corridors.

OFFICIAL NOTICE OF DECISION

Project #2019-003120

January 9, 2020

Page 3 of 6

- (b) 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.

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

The request allows more residential uses than MX-L and will create an opportunity for transitions between the MX-L to the north and a buffer between Unser Blvd to the west and housing to the east of the subject site. Infrastructure has already been improved on the site, therefore it will not create growth in areas without existing infrastructure.

- (c) 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 Centers and Corridors, parks, and Major Public Open Space.

The subject site is located in an Area of Consistency, where the Comprehensive Plan intends and encourages support of zone changes in predominantly single-family residential neighborhoods that help align the appropriate zone with existing land uses. It seeks to ensure that development will reinforce the scale, intensity, and setbacks of the immediately surrounding context. In areas with predominantly single-family residential uses, the Comp Plan intends that zone changes be considered that help align the appropriate zone with existing land uses.

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

The request generally furthers Policy 5.6.4- Appropriate Transitions by creating a transition, MX-T, between MX-L zoned properties to the north of the subject site and R-1A zoned properties to the south. County zoned properties to the north are zoned for agricultural and residential uses as well.

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

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

OFFICIAL NOTICE OF DECISION

Project #2019-003120

January 9, 2020

Page 4 of 6

The request is for a zone change, which does not include building design or site planning. There is no way to evaluate future design at this stage, though the applicable IDO design standards (see 4.1.2-Identity and Design) would ensure higher quality design that would add to the existing community character.

10. The request generally furthers the following, applicable Comprehensive Plan Goals and policies in regards to Housing:

GOAL 9.2: Sustainable Design: Promote housing design that is sustainable and compatible with the natural built environment.

POLICY 9.2.1: Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design and relationship to the street.

The MX-T zone district allows more options for single-family residential development and duplexes. The design standards in the IDO would require that the new development match existing densities, scale, and setbacks as the surrounding single-family homes. The current MX-L zoning only allows townhomes and multi-family residential uses, which are not as closely aligned in density and scale as the existing single-family properties.

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

- A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant has not adequately demonstrated, in his policy-based response, that the request would be consistent with the City's health, safety, morals and general welfare.

The request on conflicts with Subpolicy 5.2.1.k- Discourage zone changes to detached single-family residential uses on the West Side. However, the current development pattern to the east and south of the site (zoned R-1A) is single-family dwellings with extra-small lot sizes. The request from MX-L to MX-T zoning would allow for single-family dwellings of small lots sizes, duplexes, townhomes, apartments or a mix of all these uses to exist on the property. MX-T would also maintain many of the commercial and office uses allowed in MX-L, therefore allowing the site to be developed with both residential and commercial uses. The applicant has stated throughout the justification letter and at the neighborhood meeting that up to half of the site will be maintained for small-scale commercial uses permitted in MX-T. The change to MX-T would also allow the MX-L properties to the north of the site to develop as desired because the zoning would not trigger neighborhood edge provisions that the R-1 and R-T zoning districts would apply. The request furthers applicable Goals and Policies regarding Areas of Consistency, Commuter Corridors, Appropriate Transitions and Efficient Development Patterns

OFFICIAL NOTICE OF DECISION

Project #2019-003120

January 9, 2020

Page 5 of 6

- B. Criterion B: The subject site is located wholly in an Area of Consistency. A zone change from MX-L to MX-T would permit development that would reinforce and strengthen the established character of the surrounding parcels. The applicant has sufficiently shown that the current zoning of MX-L is inappropriate because MX-T is more advantageous to the community as articulated by the ABC Comp Plan, as amended. The adjacent R-1A lots have been developed with Single-family dwellings and the request will allow similar development to occur on the currently vacant site, while still allowing small neighborhood-scale commercial development to occur as a transition between residential uses to the south and commercial uses to the north of the site. Although Policy 5.2.1.k discourages zone map amendments that encourage more single-family residential development on the westside, zone map amendments are not based on the intended use and the allowable uses in MX-T only differ slightly from the current zoning and meets policies related to Areas of Consistency and Appropriate Transitions.
  - C. Criterion C: The subject site is located wholly in an Area of Consistency, so this criterion does not apply.
  - D. Criterion D: The change in potential permissive uses from MX-L to MX-T create a predictable development pattern and decrease the bucket of potential uses in terms of commercial uses. Several uses, such as Car Wash, Light Vehicle Fueling and Light Vehicle Repair would no longer be permissive if the request is approved, which can sometimes be seen as nuisance uses by residential property owners. Additional permissive uses that would be allowed are dwelling, single-family and dwelling, duplex, both of which would match the surrounding context and not be harmful.
  - E. Criterion E: The City's existing infrastructure and public improvements will have adequate capacity to serve the development made possible by the change of zone (Criterion 1) because the site already has adequate capacity to serve the development made possible by the change of zone.
  - F. Criterion F: The justification for the request is not based on the property's location on a major street.
  - G. Criterion G: The request is not based primarily upon the cost of land or economic considerations. The request would allow the site to serve as a transition zone between the MX-L to the north and the R-1A to the east and south, while also maintaining the context and scale and the surrounding land uses.
  - H. Criterion H: The request would result in a spot zone by applying a zone district different from surrounding zone districts to one small area or one premises, however, the area of the zone change can function as a transition between adjacent zone districts (Criterion 1).
13. 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.

OFFICIAL NOTICE OF DECISION

Project #2019-003120

January 9, 2020

Page 6 of 6

14. The affected neighborhood organizations are the Southwest Alliance of Neighborhoods, Westside Coalition of Neighborhood Associations, South Valley Coalition of Neighborhood Associations, Stinson Tower Neighborhood Association, and Westgate Heights Neighborhood Association. Property owners within 100 feet of the subject site were also notified as required.
15. As of this writing, Staff has received no letters in support or opposition of this request.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JANUARY 24, 2020**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the IDO, Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

Sincerely,

  
for Brennon Williams  
Planning Director

BW/RB

cc: COA Planning Department, , 600 2<sup>nd</sup> St. NW, 3<sup>rd</sup> Fl., ABQ, NM 87102  
South West Alliance of Neighborhoods, Cherise Quezada, [cherquezada@yahoo.com](mailto:cherquezada@yahoo.com)  
South West Alliance of Neighborhoods, Jerry Gallagos, [jgallagosswwcdg@gmail.com](mailto:jgallagosswwcdg@gmail.com)  
Westside Coailition NA, Harry Hendriksen, [hlhen@comcast.net](mailto:hlhen@comcast.net)  
Westside Coailition NA, Rene Horvath, [abaord10@juno.com](mailto:abaord10@juno.com)  
South Valley Coailition NA, Roberto Roibal, [rroibal@comcast.net](mailto:rroibal@comcast.net)  
South Valley Coailition NA, Marcia Fernandez, [mbfernandez1@gmail.com](mailto:mbfernandez1@gmail.com)  
Stinson Tower NA, Eloy Paddilla Jr., [eloygdav@gmail.com](mailto:eloygdav@gmail.com)  
Stinson Tower NA, Dan Sosa III, [sosalaw@msn.com](mailto:sosalaw@msn.com)  
Westgate Heights NA, Matthew Arculeta, [mattearchuleta1@hotmail.com](mailto:mattearchuleta1@hotmail.com)  
Westgate Heights NA, Eric Faull, [dunduen@outlook.com](mailto:dunduen@outlook.com)  
Bruce Rizzieri, 1225 Rael St. SW, Albuquerque NM 87121

## ZONING

Please refer to IDO Section 14-16-2-4(A) for the MX-T Zone District

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

## APPLICANT INFORMATION



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

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"/> Alternative Landscape Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input checked="" type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<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: Todd Megrath, President - Mack ABQ I, LLC		Phone:
Address: 10540 W Cheyenne Ave		Email: tmegrath@msquareddevelopment.com
City: Las Vegas	State: NV	Zip: 89109
Professional/Agent (if any): Consensus Planning, Inc.		Phone: (505) 764-9801
Address: 302 8th Street NW		Email: cp@consensusplanning.com
City: Albuquerque	State: NM	Zip: 87102
Proprietary Interest in Site:		List <u>all</u> owners: Unser & Sage, LLC

### BRIEF DESCRIPTION OF REQUEST

Zoning Map Amendment - EPC from MX-T to MX-L for Tract A-2, Unser & Sage Marketplace

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

Lot or Tract No.: Tract A-2	Block:	Unit:
Subdivision/Addition: Unser & Sage Marketplace	MRGCD Map No.:	UPC Code: 101005519247421175
Zone Atlas Page(s): M-10	Existing Zoning: MX-T	Proposed Zoning: MX-L
# of Existing Lots: 1	# of Proposed Lots: 1	Total Area of Site (acres): 1.01 acres

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: 99999 Sage Road SW	Between: Unser Boulevard SW	and: Secret Valley Drive SW
---	-----------------------------	-----------------------------

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

PR-2019-003120

Signature:	Date: 9/8/22
Printed Name: James K. Strozler, FAICP	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

### FOR OFFICIAL USE ONLY

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

## Form Z: Policy Decisions

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

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

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

- ☒ Interpreter Needed for Hearing? No 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**

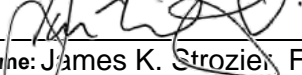
☐ **ZONING MAP AMENDMENT – COUNCIL**

- ☒ 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:   
Printed Name: James K. Strozio, FAICP

Date: 9/8/22

☐ Applicant or ☒ Agent

**FOR OFFICIAL USE ONLY**

Project Number:

Case Numbers

-

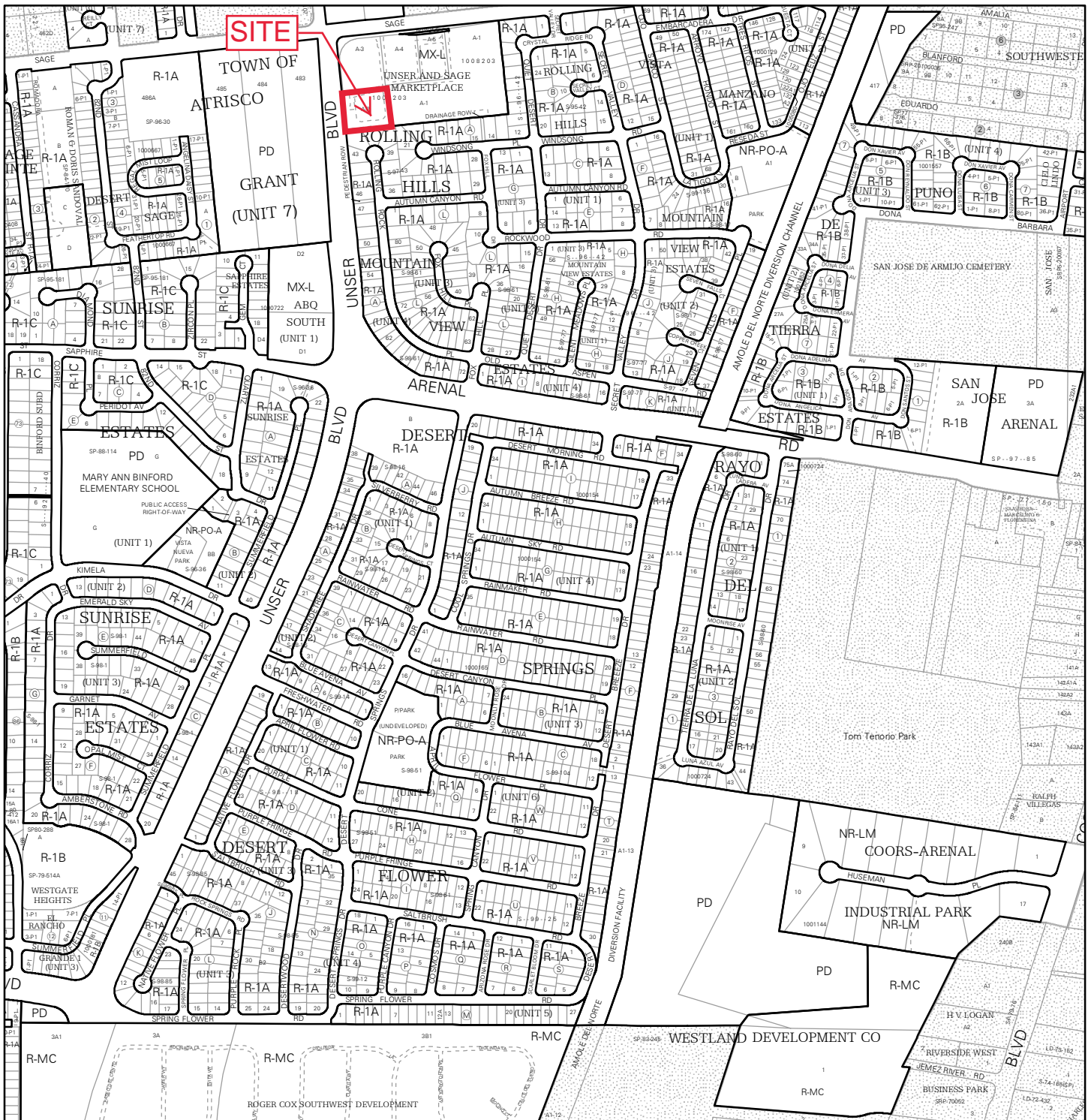
-

-

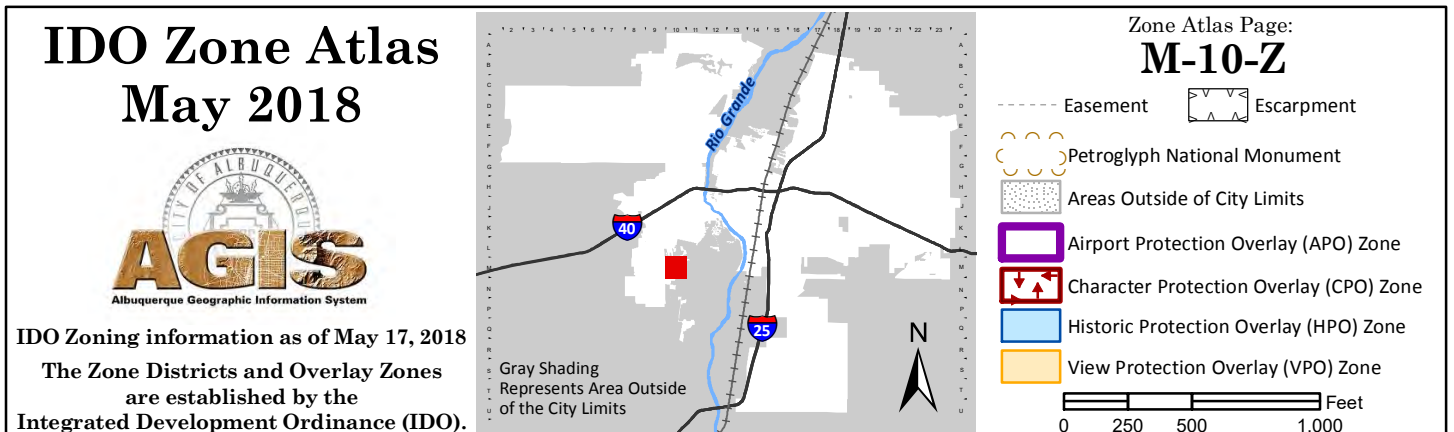
Staff Signature:

Date:





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



March 3, 2022

Environmental Planning Commission  
City of Albuquerque Planning Department  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102

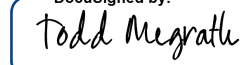
RE: Request for a Zoning Map Amendment

Dear Mr. Chairman:

This letter is to confirm that Consensus Planning, Inc. is authorized to represent Mack ABQ I, LLC in the Zone Map Amendment related to the properties legally described as Unser & Sage Marketplace, Tracts A-1 and A-2, which consist of approximately 5.9 acres. The subject site is owned by Unser & Sage, LLC and under purchase agreement by Mack ABQ I, LLC. The purchase agreement has been included as proof.

Please feel free to call Consensus Planning at (505) 764-9801 with any questions or concerns.

Sincerely,

DocuSigned by:  
  
571C7F415DEA4BF...

Todd Megrath  
President, Mack ABQ I, LLC

CC: Property Owner  
Unser & Sage, LLC

March 3, 2022

Environmental Planning Commission  
City of Albuquerque Planning Department  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102

RE: Request for a Zoning Map Amendment

Dear Mr. Chairman:

This letter is to confirm that Consensus Planning, Inc. is authorized to represent Mack ABQ I, LLC in the Zone Map Amendment related to the properties legally described as Unser & Sage Marketplace, Tracts A-1 and A-2, which consist of approximately 5.9 acres. The subject site is owned by Unser & Sage, LLC and under purchase agreement by Mack ABQ I, LLC. The purchase agreement has been included as proof.

Please feel free to call Consensus Planning at (505) 764-9801 with any questions or concerns.

Sincerely,

DocuSigned by:  
  
EFFF1E3006D641D...

Property Owner  
Unser & Sage, LLC

CC: Todd and Brittany Megrath  
Mack ABQ I, LLC

## PRE-APPLICATION MEETING NOTES

PA#: 22-046 AMENDMENT (changes in red) Notes Provided (date): 3/08/22 update from 2-24-22  
Site Address and/or Location: SAGE RD SW, ALBUQUERQUE NM 87121 - TR A-1 PLAT OF TRS A-1 THRU A-6  
UNSER & SAGE MARKETPLACE

Pre-application notes are for informational purposes only and are non-binding. They do not constitute an approval of any kind. Additional research may be necessary to determine the exact type of process and/or application required. Factors unknown and/or thought of as minor at this time could become significant as a case progresses.

**Request** Zoning map amendment from MX-T to NR-C for the development of a self-storage facility on Tract A-1 and a drive-through restaurant on Tract A-2

### Basic Site Information

Current Use(s): Vacant Size (acreage): approximately 5.74  
Zoning: MX-T Overlay Zone(s): N/A

### Comprehensive Plan Designations

Corridor(s): Unser Blvd Commuter  
Development Area: Consistency Near Major Public Open Space (MPOS)?: N/A  
Center: N/A

### Integrated Development Ordinance (IDO)

Please refer to the IDO for requirements regarding dimensional standards, parking, landscaping, walls, signage, etc.  
<https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

Proposed Use(s): Self-Storage, Restaurant with Drive-through Accessory Use  
Use Specific Standards: 4-3(D)(29) Self-storage, 4-3(D)(8) Restaurant, 4-3(F)(4) Drive through

Applicable Definition(s): Self-storage

A use consisting of 3 or more individual, small, self-contained, fully enclosed units in building that are leased or owned for the storage of business and household goods or contractors' supplies. Storage areas provided for renters of residential dwellings on the same premises are not considered self-storage.

#### Restaurant

An establishment that serves food and beverages that are consumed on its premises by customers seated at tables and/or counters either inside or outside the building thereon and/or that may provide customers with take-out service of food and/or beverages for off-site consumption. Sale of alcoholic beverages is controlled by other provisions in this IDO and the New Mexico State statutes regarding alcoholic drink sales. See also *Bar* and *Taproom or Tasting Room*.

#### Drive-through or Drive-up Facility

Facilities associated with a primary use, including but not limited to banks, financial institutions, restaurants, dry cleaners, and drug stores, but not including car washes or light vehicle fueling, to offer goods and services directly to customers waiting in motor vehicles.

Sensitive Lands: *Please see IDO Section 14-16-5-2 for information about required analysis, development standards, and changes to process that may result if this Section applies.*

### Notice

Neighborhood Meeting Offer Required? (see IDO Table 6-1-1). If yes, please refer to:

<https://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

## Process

Decision Type(s) (see IDO Table 6-1-1): Zoning Map Amendment - EPC

Specific Procedure(s)\*: 6-7(G)

*\*Please refer to specific procedures for relevant decision criteria required to be addressed.*

Decision Making Body/ies: EPC

Is this a PRT requirement? Yes

## Handouts Provided

- |  |   |  |   |
|--|---|--|---|
| <input checked="" type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Site Plan Amendments | <input type="checkbox"/> Site Plan- EPC  | <input type="checkbox"/> Site Plan- DRB |
| <input type="checkbox"/> Site Plan- Admin                | <input type="checkbox"/> Variance-ZHE         | <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Subdivision    |
| <input type="checkbox"/> Site History/Research           | <input type="checkbox"/> Transportation       | <input type="checkbox"/> Hydrology       | <input type="checkbox"/> Fire           |

*If you have additional questions, please contact Staff at [planningprt@cabq.gov](mailto:planningprt@cabq.gov) or at (505) 924-3860. Please include the PA# with your inquiry.*

## Additional Notes:

- Associated Site Plan and Zone Change: Project # 1008203 Site Plan for Subdivision & PR-2019-003120 ZMA M-XL to MX-T
- For a Zoning Map Amendment from MX-T to NR-C, the applicant is **required to go to Zoning Map Amendment – EPC**. Tracts A-1 and A-2 are approximately 5.74 acres.
- For a proposed future development of a self-storage facility and a restaurant with a drive-through, the applicant will have to follow the Design Standards of the Unser & Sage Marketplace Site Plan for Subdivision (PR # 1008203).
  - The Unser & Sage Marketplace Site Plan for Subdivision and totals approximately 10 acres. **The Site Plan was originally intended for C-1 uses, neighborhood commercial.**
  - **Changing the zoning from MX-T to NR-C will create a spot zone, with intensive uses compared to the surrounding area. A sound justification will be needed for recommended approval of this zone change.**



# City of Albuquerque

Planning Department  
Development Review Services Division

## Traffic Scoping Form (REV 12/2020)

**Project Title:** Unser & Sage ZMA **Building Permit #:** \_\_\_\_\_ **Hydrology File #:** \_\_\_\_\_  
**Zone Atlas Page:** M-10-Z **DRB#:** \_\_\_\_\_ **EPC#:** \_\_\_\_\_ **Work Order#:** \_\_\_\_\_  
**Legal Description:** Tracts A-1 and A-2, Unser and Sage Marketplace  
**City Address:** 99999 Sage Rd SW

**Applicant:** MACK ABQ I, LLC (Agent: Consensus Planning, Inc.) **Contact:** Thomas Lampo  
**Address:** 302 8th Street NW, Albuquerque, NM 87102  
**Phone#:** 505-764-9801 **Fax#:** \_\_\_\_\_ **E-mail:** lampo@consensusplanning.com

### Development Information

**Build out/Implementation Year:** 2022 **Current/Proposed Zoning:** MX-T

**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:**  
Zone map amendment for self storage facility (Tract A-1) and a drive-through restaurant (Tract A-2)

**Days and Hours of Operation (if known):** N/A

### Facility

**Building Size (sq. ft.):** N/A

**Number of Residential Units:** None

**Number of Commercial Units:** N/A

### Traffic Considerations

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

**Expected Number of Employees (if known):\*** N/A

**Expected Number of Delivery Trucks/Buses per Day (if known):\*** N/A

**Trip Generations during PM/AM Peak Hour (if known):\*** N/A

**Driveway(s) Located on:** Street Name Unser Blvd SW and Sage Rd SW

<b>Adjacent Roadway(s) Posted Speed:</b>	<u>Street Name Sage Rd SW</u>	<b>Posted Speed</b>	<u>35 MPH</u>
	<u>Street Name Unser Blvd SW</u>	<b>Posted Speed</b>	<u>40 MPH</u>

\* 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: Sage Rd SW - Major Collector; Unser Blvd SW - Principal Arterial  
(arterial, collector, local, main street)

Comprehensive Plan Center Designation: None - West Route 66 Activity Center > 1000 ft  
(urban center, employment center, activity center)

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

Adjacent Roadway(s) Traffic Volume: 1996-2004: 68679 (Sage) Volume-to-Capacity Ratio: V/C .25-.5(PM) - V/C .5-.75(AM) Sage  
2005: 10713 (Unser) (if applicable) V/C .25-.5(PM) - V/C .25-.5(AM) Unser

Adjacent Transit Service(s): Bus Route 54 Nearest Transit Stop(s): > 1000 ft (Arenal at Unser)

Is site within 660 feet of Premium Transit?: No

Current/Proposed Bicycle Infrastructure: Existing bike lane on Unser Blvd, none on Sage  
(bike lanes, trails)

Current/Proposed Sidewalk Infrastructure: Existing sidewalks along Unser Blvd and Sage (edge of property)

## 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 ☒ Borderline [ ]

Thresholds Met? Yes [ ] No ☒

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

Notes: Traffic scoping will need reevaluation when the property is developed.

 P.E.

TRAFFIC ENGINEER

3/8/2022

DATE

## **Submittal**

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

Submit by email to the City Traffic Engineer [mgrush@cabq.gov](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 v/c ratio on this form.



September 08, 2022

Environmental Planning Commission  
City of Albuquerque Planning Department  
600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102

RE: Request for a Zoning Map Amendment

Dear Mr. Chairman:

Landscape Architecture  
Urban Design  
Planning Services

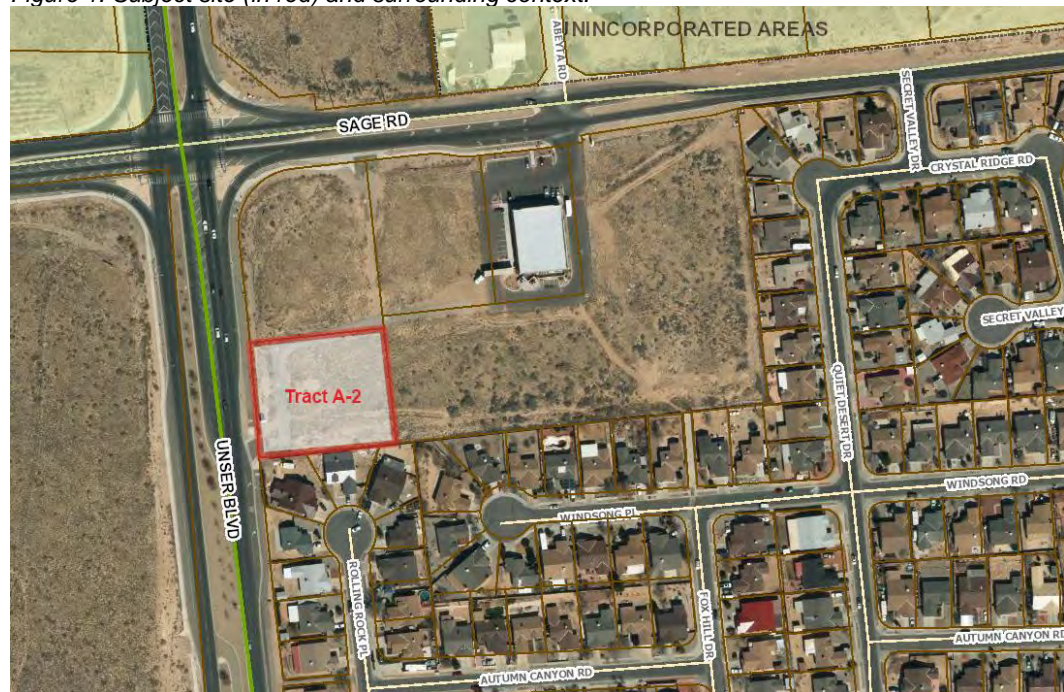
302 Eighth St. NW  
Albuquerque, NM 87102

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

On behalf of Mack ABQ I, LLC., Consensus Planning is submitting this request for approval of a Zoning Map Amendment – EPC. The purpose of this letter is to provide justification of the Applicant's request for a Zoning Map Amendment by responding to the decision criteria specified in Integrated Development Ordinance (IDO) Section 14-16-6-7(G) and outlining how this request supports and furthers the Comprehensive Plan's goals and policies. The subject property is located near the southeast corner Unser Boulevard SW and Sage Road SW (see Figure 1). The request consists of one lot, approximately 1 acre in size, and legally described as Tract A-2, Unser & Sage Marketplace.

This property is currently zoned MX-T, Mixed-Use Transition, and this request is to rezone the property to MX-L, Mixed-Use Low Intensity, to allow a drive-through restaurant to locate on the site. The request meets the applicability criteria in IDO section 14-16-6-7(G), so the request is subject to approval by the Environmental Planning Commission as a Zoning Map Amendment – EPC and does not require City Council approval.

Figure 1. Subject site (in red) and surrounding context.



#### PRINCIPALS

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



## PROJECT SUMMARY

The Applicant requests a Zoning Map Amendment for the subject site located near the southeast corner Unser Boulevard SW and Sage Road SW. This property is currently zoned MX-T, Mixed-Use Transition, and the requested zone change is for MX-L, Mixed-use Low Intensity. The goal of this zoning map amendment is to facilitate the eventual development of the parcel as a drive-through restaurant.

## SITE HISTORY

Based on a review of the subject site, Consensus Planning located the following case history for the 1-acre subject property:

- PR-2019-003120
  1. On January 9, 2020, the Environmental Planning Commission (EPC) voted to APPROVE Project 2019-003120/RZ-2019-00070, Zone Map Amendment from MX-L to MX-T.
  2. The zone change to MX-T was requested in order to develop the lots within the Unser and Sage Marketplace with small scale commercial uses and lower density residential development. This development was not pursued further, and the property owner is under contract to sell the remaining vacant lots to the Applicant for the proposed commercial use.
- Project #1008203
  1. On April 8, 2010, the Environmental Planning Commission (EPC) voted to APPROVE Project #1008203 / 10EPC-40011, a site development plan for subdivision for all or a portion of Tract A Plat of Tracts A & B, Unit 1-B Lands of Albuquerque zoned C-1.
  2. This site development plan required an approved infrastructure list that included improvements to both Sage Road and Unser Boulevard. The required improvements that included sidewalks, curb/gutter, and deceleration lanes were completed.

## SITE VISION

The subject property is in the Southwest Mesa, a diverse area of Albuquerque that contains a mix of single-family and multi-family residential, offices, and smaller commercial offerings. However, the Southwest Mesa currently has an imbalance of jobs to households, and a limited capacity for vehicular crossings at the river. Both issues are identified as challenges to achieving the vision of the ABC Comprehensive Plan, and are targeted by Policies 5.2.1 and 5.4.2, among others, which specifically discourage expansion of residential uses, while simultaneously encouraging an expansion of commercial uses west of the river.

Of the five tracts within the Unser & Sage Marketplace, three have been developed with commercial service or retail uses, including a drive-through restaurant (Human Bean), preschool (Kidz Academy), and retail store (Family Dollar). The requested change is consistent with other commercial properties in the vicinity and support needed services for the surrounding neighborhood, and, if approved, will allow for an appropriate scale for development of retail services on one of the two remaining parcels within the Unser and Sage Marketplace. This development will be a natural progression for the site, a worthy infill project,

and a needed service. The proposed MX-L zoning matches the zoning on the developed portions of the shopping center site and other properties to the north and south along Unser Boulevard.

*Figure 2. Subject site facing west toward Unser.*



## PLANNING CONTEXT

The subject property is located within an “Area of Consistency,” as designated by the Comprehensive Plan, and is along Sage Road SW, a major collector, and Unser Boulevard SW, a principal arterial, and a designated Commuter Corridor. The subject property is not within an Activity, Employment, Urban, or Village Center, nor are they within a Premium Transit Area, Major Transit Corridor Area, or Main Street Area. The Arenal/86th/Benavides Major Transit Corridor is approximately one thousand feet south of the subject property, while the Coors Boulevard and Central Avenue Major Transit Corridors are east and north of the subject property, respectively.

The subject property is within the Southwest Mesa Community Planning Area, as defined within the Comprehensive Plan, and which began an assessment cycle in March 2021.

## LAND USE AND ZONING

The subject site is designated as an Area of Consistency in the 2017 Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan). Areas of low-density residential are found to the south of the subject property and are zoned R-1A. To the west is a vacant tract zoned PD. North and west of the





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

<b>NORTH</b>	<b>MX-L</b>	<b>Commercial retail, commercial services</b>
<b>EAST</b>	<b>MX-T</b>	<b>Vacant</b>
<b>SOUTH</b>	<b>R-1A</b>	<b>Single-family residential</b>
<b>WEST</b>	<b>PD, C-1 (BernCo)</b>	<b>Vacant, religious institution, single-family residential</b>

### NEIGHBORHOOD COORDINATION

Consensus Planning sent the required notifications to the following Neighborhood Coalitions and Associations:

- South West Alliance of Neighborhoods (SWAN Coalition)
- Westside Coalition of Neighborhood Associations
- South Valley Coalition of Neighborhood Associations
- Stinson Tower Neighborhood Association
- Westgate Heights Neighborhood Association

Consensus Planning has continued to coordinate with the neighbors since the offer of an initial pre-application meeting in February of 2022. This property was included within an initial notification for a zone map amendment that was withdrawn. Following submittal of the original application, which requested NR-C zoning for Tract A-2 to allow a drive-through restaurant, the Applicant met with Board members from the Stinson Tower Neighborhood Association to discuss the proposed project. Following that meeting, the Association submitted a letter of support to the EPC via email at the 48-hour deadline for the April 21, 2022 EPC hearing. Additional notices have gone to these same neighborhoods for the changed request for the adjacent lot and now this request for MX-L. It is important to note that the Applicant has continued to notify all of these Associations even though changes to notification requirements and the Neighborhood Association Recognition Ordinance now require fewer Associations to be notified of the current request.

### INTEGRATED DEVELOPMENT ORDINANCE JUSTIFICATION CRITERIA

The following explanation summarizes how the request for a Zoning Map Amendment meets the IDO criteria pursuant to IDO Section 14-16-6-7(G) Zoning Map Amendment – EPC.

**6-7(G)(3) An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria:**

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

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



This request to rezone Tract A-2 to MX-L furthers the Albuquerque/Bernalillo County Comprehensive Plan goals and policies related to desired growth, appropriate development along Commuter Corridors, infill development, and jobs-housing balance, among others.

#### **ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN**

The subject site is within the Southwest Mesa Community Planning Area, which is referred to as an emerging community, and is designated as an Area of Consistency in the 2017 Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan). Approval of the requested zone change is more advantageous to the community as articulated by, and clearly facilitates realization of, the ABC Comp Plan. The following is an analysis of the applicable ABC Comp Plan goals and policies.

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

*Applicant Response:* The request furthers this goal and its policies and sub-policies because it will allow for new growth and development of an underutilized site connected by a multi-modal network of corridors. The subject site is located off Unser Boulevard, which is a designated Commuter Corridor, and is directly north of The Arenal/86th/Benavides Major Transit Corridor. The Tower Employment Center is east of the site, and the Central Avenue Major Transit Corridor and West Route 66 Activity Center are north of the subject property. Primary access to the subject property is through Unser Boulevard, which contains several pedestrian connections, as well as bike lanes and a dedicated bike path. A bike lane has been proposed for Sage Road.

#### **Policy 5.1.1 Desired Growth, Sub-Policy 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 development of the subject property furthers this sub-policy by encouraging an increase in employment density, redevelopment of existing underutilized properties, and infill of vacant property near an Employment Center and off a Commuter Corridor. The zone change will support the development of commercial retail and commercial services.

At present, Tract A-2 is severely underutilized, and the redevelopment of this lot with MX-L permissive uses will complement the surrounding properties, which contain MX-L permissive and conditional uses. The development of this property may spur additional development on the adjacent vacant parcels, adding opportunities for new businesses.

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



*Applicant Response:* The request helps further this policy by allowing auto-oriented development to occur near the intersection of two high-traffic volume routes. Before 2020, the average daily traffic count on Unser Boulevard was above 20,000 vehicles and uses under MX-L would be well suited along such a heavily traveled corridor. The existing infrastructure and designated access points were previously approved and constructed, which will support the proposed uses, including a drive-through restaurant.

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

*Applicant Response:* This zone change request facilitates this goal because it will allow the development of the subject property to include additional retail services, which are in-demand. At present, there is an imbalance in the jobs-housing balance in the Southwest Mesa, with a lack of commercial uses to serve the growing population.

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

*Applicant Response:* This zone change request supports this policy because it will bring an additional retail use to the subject property that will be conveniently accessible for the Southwest Mesa community via automobile, walking, bicycle, and public transportation options.

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

*Applicant Response:* This request furthers this sub-policy by facilitating infill development of the property with a proposed restaurant, which will be compatible with the surrounding development that includes a drive-through restaurant, and other commercial service uses.

**Sub-policy k) Discourage zone changes to detached single-family residential uses on the West Side.**

*Applicant Response:* This request furthers this sub-policy, as this commercial zone change would eliminate the option for single-family residential on a site on the West Side.

**Sub-policy n) Encourage more productive use of vacant lots and under-utilized lots, including surface parking.**

*Applicant Response:* This request furthers this sub-policy, as this commercial zone change would facilitate a productive use of a lot which has remained vacant since annexation.



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

*Applicant Response:* The requested zone change will further this goal by promoting development on an infill site in an area which is already relatively developed. The development will support the efficient use of land by allowing for uses which are similar in scope and function to those on surrounding parcels. Streets, utilities, water, and sewer are currently installed and will be utilized with the future development of this parcel, made possible by a zone change to MX-L. The zone change will support the public good by providing employment opportunities and commercial services via the proposed development.

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

*Applicant Response:* The requested zone change furthers this policy by providing the appropriate zoning to develop this infill site. As an infill location in a developed area, existing infrastructure is available to support new development. Public facilities include City of Albuquerque drainage facilities (and associated storm drains) located to the south of the subject properties, as well as improved streets, water, and sewer services.

**Goal 5.4 Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.**

*Applicant Response:* This zone change request supports the balancing of jobs and housing by prioritizing job growth and needed retail uses west of the Rio Grande.

**Policy 5.4.2: Foster employment opportunities on the West Side.**

*Applicant Response:* This zone change request furthers Policy 5.4.2 by allowing for development which will create jobs west of the river. The Zoning Map Amendment will facilitate the commercial development of a parcel which has remained vacant since annexation, in the City's Southwest Mesa, which in turn assists in improving the jobs-housing balance west of the Rio Grande.

**6-7(G)(3)(b): If the subject property is located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character.**

**The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:**



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

*Applicant response:* Criteria 3 is met for this application, as a different zone district is more advantageous to the community as articulated by the ABC Comp Plan.

The subject site is located wholly in an Area of Consistency. However, the requested change to MX-L for Tract A-2, and the commercial development which may be facilitated as a result, will clearly reinforce the established character of the surrounding area, which includes a drive-through restaurant, a pre-school, and a retail outlet. Further, additional commercial uses and Mixed-Use zoning are found to the northeast corner of Unser Boulevard and Sage Road, to the southwest at Unser Boulevard and Sapphire Street, and to the west at 98<sup>th</sup> Street and Sage Road. It is evident throughout Albuquerque that these zones are appropriate along major corridors and near significant intersections such as the case of the subject site, which is along a designated Commuter Corridor.

The existing zoning for the subject site does not allow for the desired retail use of the property, and development with this use is clearly more advantageous to the community as articulated by the ABC Comp Plan, as described earlier in this letter.

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

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

*Applicant response:* The subject site is located wholly in an Area of Consistency, so this criterion does not apply.



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

*Applicant response:* The requested zoning of MX-L does not allow permissive uses that would be harmful to the adjacent property, neighborhood, or community. A comparison of the existing MX-T and proposed MX-L zones and a full explanation of restrictions and limitations upon potentially harmful uses are included in Table 2, below.

TABLE 2. IDO ZONING COMPARISON: MX-L VS. MX-T		
Use	MX-L	MX-T
Dwelling, single-family detached, cluster development, cottage development, two-family detached	-	P
Dormitory and Group home, medium	P	C
Sports Field, University, or college *	C	CV
Kennel	C	-
Veterinary hospital or other pet services	P	C
Restaurant	P	C
Car wash	P	-
Light vehicle fueling station, sales and rental, & repair	C/P	-
Club or event facility	P	C
Commercial services	P	-
Mortuary	C	-
Self-storage	C	-
Bakery goods or confectionery shop	P	C
Grocery Store	P	-
Liquor retail	A	C
Pawn shop	C	-
Nicotine retail	A	CA
Artisan manufacturing	P	C
Cannabis cultivation and Cannabis-derived products manufacturing	P	C

*\*Not practical due to size/property constraints.*

Many of the new uses introduced by MX-L zoning for Tract A-2 are conditional and require review and approval from the Zoning Hearing Examiner (ZHE) prior to development. In order to approve such uses, the ZHE must find that the use will not be harmful to the adjacent properties, neighborhood, or community.

Cannabis sales would require a Conditional Use Approval, as the site is within 300 feet of the Kidz Academy, a newly constructed preschool. Liquor sales would likewise be restricted on the subject properties, as state statutes require that licensees not be located within 300 feet of a school. Further, the MX-L portion of the site would only allow liquor and nicotine retail uses in conjunction with a grocery store or other general retail establishment and not as a standalone use. Proximity to the residential properties to the south and east also require any liquor and nicotine retail to be heard by the ZHE as Conditional Uses according to their use-specific standards. Pawn shops are restricted to a distance



separation of one mile, which ensures a dispersion and limitation of their potential impacts.

Artisan manufacturing, cannabis cultivation, and cannabis-derived products manufacturing are all limited to a maximum size of 10,000 square feet in Mixed-use zone districts.

Overall, the Applicant believes that the site's size, the surrounding zoning, and IDO requirements, including the use-specific standards all work together to safeguard the community from any harmful uses and impacts from the proposed Zoning Map Amendment.

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

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

*Applicant Response:* The subject property will be adequately served by the existing City infrastructure immediately adjacent to the property and in the surrounding area. This infrastructure includes roadways, water, sewer, and storm drain facilities in the Southwest Mesa neighborhood that can serve the project. These infrastructure improvements were constructed by the property owner and will finally be utilized to provide needed services.

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

*Applicant response:* The justification for this Zoning Map Amendment is not based on the property's location on a major street but rather the request being more advantageous to the community as articulated by the Comprehensive Plan.

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

*Applicant response:* The justification for this Zoning Map Amendment does not rely on the cost of land or economic considerations. However, taking advantage of investment in the infrastructure needed to serve these properties, which are both vacant lots, helps support the economic vitality of the neighborhood and will be a positive step for the neighborhood and community overall.



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

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

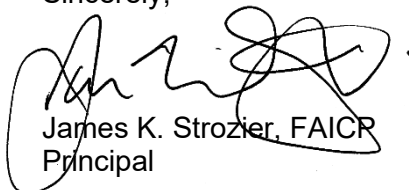
*Applicant response:* This request to change the zoning to MX-L for Tract A-2 should not be considered a spot zone due to the existing MX-L zoning on the three adjacent developed lots within the shopping center subdivision, and several additional lots in the vicinity of the subject property. The proposed zone clearly facilitates the ABC Comprehensive Plan by providing additional commercial uses, services, and jobs on the Southwest Mesa. This location is more suitable to the proposed MX-L, as it is accessed by a major collector, as well as a principal arterial that is designated as a Commuter Corridor by the Comprehensive Plan and carried approximately 20,000 vehicles per day prior to the pandemic.

The ABC Comprehensive Plan specifically discourages zone changes which allow single-family detached uses on the West Side. Such uses are permissive within MX-T zones, but are not an allowable use within MX-L.

### **CONCLUSION**

On behalf of Mack ABQ I, LLC., we respectfully request the Environmental Planning Commission’s approval of this Zoning Map Amendment for MX-L for Tract A-2 of the Unser & Sage Marketplace.

Sincerely,



James K. Strozier, FAICP  
Principal

## STAFF INFORMATION

September 30, 2022

TO: Jim Strozier, Consensus Planning

FROM: Megan Jones, Current Planner  
City of Albuquerque Planning Department

TEL: (505) 924-3935

RE: Project #2019-003120/RZ-2022-00049, Unser & Sage Tract A-2 Zone Change

---

I've completed a first review of the proposed zoning map amendment (zone change). I would like to discuss the request and the history of the applications on the site up to this point. I am available to answer questions about the process and requirements. Please provide the following:

⇒ Proof of neighborhood meeting and letter of support if you wish to include it as a reference.

**12 pm on Thursday October 6, 2022**

1) Introduction:

- A. Though I've done my best for this review, additional items may arise as the case progresses. If so, I will inform you immediately.
- B. This is what I have for the legal description: Tract A-2, Plat Of Tracts A-1 Thru A-6 Unser & Sage Marketplace, (being a replat of Tract A Unit 1-B Lands of Albuquerque South) located on Sage Rd. SW, between Unser Blvd. SW and Secret Valley Dr. SW, approximately 1.01 acres.
- C. It is my understanding that this request is for a Zone Map Amendment to MX-L (Mixed Use-Low Intensity) to allow for a drive-through restaurant in the future.

It is noted that the applicant withdrew the original request of Tracts A-1 and A-2 (the subject site) in May 2022. At that time, Staff Planners, encouraged the applicant to request a lower density zone change to MX-L, which would not create a spot zone and be more consistent with the surrounding development.

- D. It is stated in your project letter that the applicant met with the Stinson Tower Neighborhood Association and received a letter of support for the April 2022 hearing. Can you provide proof of that meeting as well as the letter?
- E. Have you received any other opposition or support for the request since this is a separate zone change request?

2) Process:

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

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

- B. Timelines and EPC calendar: the EPC public hearing for October is on the 20<sup>th</sup> at 8:40 AM. Final staff reports will be available one week prior, on October 13th.
- C. Note that, if a zone change request is denied, you cannot reapply again for one year.
- D. Agency comments will be distributed as staff receives them. I will email you a copy of the comments.

### 3) Notification & Neighborhood Issues:

*Notification requirements for a zone change are explained in Section 14-16-6-4(K), Public Notice (IDO, p. 378). The required notification consists of: i) an emailed letter to neighborhood representatives indicated by the ONC, and ii) a mailed letter (first-class) to property owners within 100 feet of the subject site.*

- A. It appears that notification offering the pre-application facilitated meeting is complete.
- B. It looks like a pre-application facilitated meeting was not requested. Is that correct? Did anyone respond and say “no thanks”?
- D. The notification to property owners also appears complete. Thank you for providing photos of the certified mail receipts and a list of the neighbors within a 100’ buffer.
- E. The sign posting agreement specifies the sign posting period as October 5, 2022 to November 4, 2022. Please take photos of your signs and send them to me as proof of posting. Staff will be conducting Site Visits as well.
- F. Have any neighborhood representatives or members of the public contacted you so far?

### 4) Project Letter:

- A. The project letter is good. Thank you for providing history of the site and updated information about neighborhood notification.

### 5) Zone Map Amendment (zone change)- Overview:

*Note: A zone change justification is about the requirements of the zone change criteria 14-16-6-7 (g)(3) and how a proposed project can be demonstrated to fulfill them. The merits of the project itself and planning and/or market trends, generally do not belong in this discussion.*

- A. The task in a zone change justification is to choose applicable Goals and policies from the Comprehensive Plan and demonstrate how the request furthers (makes a reality) each applicable Goal and policy. Furthering is shown by providing explanations using “because” statements and tailoring the response to match the wording of the Goal or policy.
- B. Responses to Goal 5.4 and 5.4.2 are fairly weak. If you would like to strengthen them you may. Please read through and ensure that you have given adequate justification to each goal and policy you have listed. If you choose to do so please provide these to me by Thursday October 6 at 12:00 PM.

## NOTIFICATION

From: [Carmena, Dalaina L.](#)  
To: [Michael Vos](#)  
Subject: 99999 Sage Road SW Public Notice Inquiry Sheet Submission  
Date: Thursday, September 8, 2022 9:43:14 AM  
Attachments: [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[IDOZonaAtlasPage\\_M-10-7\\_Tract A-2.pdf](#)

**PLEASE NOTE:**

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

Dear Applicant:

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

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
South West Alliance of Neighborhoods (SWAN Coalition)	Luis	Hernandez Jr.	<a href="mailto:luis@wccdg.org">luis@wccdg.org</a>	5921 Central Avenue NW	Albuquerque	NM	87105		
South West Alliance of Neighborhoods (SWAN Coalition)	Jerry	Gallegos	<a href="mailto:jgallegoswccdg@gmail.com">jgallegoswccdg@gmail.com</a>	5921 Central Avenue NW	Albuquerque	NM	87105	5053855809	5058362976
Westgate Heights NA	Matthew	Archuleta	<a href="mailto:mattearchuleta1@hotmail.com">mattearchuleta1@hotmail.com</a>	1628 Summerfield Place SW	Albuquerque	NM	87121	5054016849	5058367251
Westgate Heights NA	Christoper	Sedillo	<a href="mailto:navrnc6@aol.com">navrnc6@aol.com</a>	605 Shire Street SW	Albuquerque	NM	87121	6193155051	

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

Please note the following:

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

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s):

<http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

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

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

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you.



**Dalaina L. Carmona**

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



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

From: [webmaster=cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org) <[webmaster=cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org)> **On Behalf Of** [webmaster@cabq.gov](mailto:webmaster@cabq.gov)

Sent: Thursday, September 8, 2022 8:02 AM

To: Office of Neighborhood Coordination <[vos@consensusplanning.com](mailto:vos@consensusplanning.com)>

Cc: Office of Neighborhood Coordination <[onc@cabq.gov](mailto:onc@cabq.gov)>

Subject: Public Notice Inquiry Sheet Submission

[EXTERNAL] Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Public Notice Inquiry For:

Environmental Planning Commission

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name

Michael Vos

Telephone Number

(505) 764-9801

Email Address

[vos@consensusplanning.com](mailto:vos@consensusplanning.com)

Company Name

Consensus Planning, Inc.

Company Address

302 8th Street NW

City

**From:** [Michael Vos](#)  
**To:** [jgallegoswccdg@gmail.com](mailto:jgallegoswccdg@gmail.com); [luis@wccdg.org](mailto:luis@wccdg.org); [arzate.boyles2@yahoo.com](mailto:arzate.boyles2@yahoo.com); [STNA](#); [mattearchuleta1@hotmail.com](mailto:mattearchuleta1@hotmail.com); [navrmc6@aol.com](mailto:navrmc6@aol.com)  
**Cc:** [Tom Lampo](#); [Jim Strozier](#)  
**Subject:** EPC Application Notice for Zoning Map Amendment for Tract A-2 at Unser and Sage  
**Date:** Thursday, September 8, 2022 11:12:00 AM  
**Attachments:** [Emailed Notice Packet - Tract A-2 at Unser and Sage.pdf](#)

---

Good morning Neighbors,

Continuing our ongoing work at the southeast corner of Unser and Sage, Consensus Planning has applied to the Environmental Planning Commission (EPC) for Tract A-2, Unser & Sage Marketplace located to the south of the recently built Human Bean coffee shop. The request is for approval of a Zoning Map Amendment from the MX-T zone to the MX-L (Mixed-use Low Intensity) zone with the intent to develop the lot with a restaurant. This request is separate from and subsequent to the request for a self-storage facility on the abutting lot that is being heard by the EPC next week.

Additional information required by the city along with a copy of the proposed plans for the project are attached to this email.

The EPC hearing for this application will be held on October 20, 2022, beginning at 8:30 AM via Zoom. You may join the Zoom meeting using the following information:

Join Zoom Meeting: <https://cabq.zoom.us/j/2269592859>

To call in: (301) 715-8592

Meeting ID: 226 959 2859

Additional information, including a copy of the staff report and meeting agenda will be available on the EPC webpage approximately one week before the hearing:

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

Please let Tom Lampo and Jim Strozier (copied on this email) know if you have any questions or need additional information.

Sincerely,

**Michael Vos, AICP**

**CONSENSUS PLANNING, INC.**

302 Eighth Street NW

Albuquerque, NM 87102

phone (505) 764-9801

[vos@consensusplanning.com](mailto:vos@consensusplanning.com)



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



**PART I - PROCESS**

Use [Table 6-1-1](#) in the Integrated Development Ordinance (IDO) to answer the following:

Application Type: Zoning Map Amendment - EPC

Decision-making Body: Environmental Planning Commission (EPC)

Pre-Application meeting required: ☐ Yes ☒ No

Neighborhood meeting required: ☒ Yes ☐ No

Mailed Notice required: ☒ Yes ☐ No

Electronic Mail required: ☒ Yes ☐ No

Is this a Site Plan Application: ☐ Yes ☒ No **Note: if yes, see second page**

**PART II – DETAILS OF REQUEST**

Address of property listed in application: 99999 Sage Road SW (southeast corner of Unser Blvd and Sage Road)

Name of property owner: Unser & Sage, LLC

Name of applicant: M Square Development/Mack ABQ I, LLC (Agent: Consensus Planning, Inc.)

Date, time, and place of public meeting or hearing, if applicable:

October 20, 2022 at 8:30 AM - see second page for Zoom information and link to agendas for any changes.

Address, phone number, or website for additional information: Please contact Tom Lampo or

Jim Strozier for more information at [lampo@consensusplanning.com](mailto:lampo@consensusplanning.com) and [cp@consensusplanning.com](mailto:cp@consensusplanning.com) or by calling (505) 764-9801.

**PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE**

☒ Zone Atlas page indicating subject property.

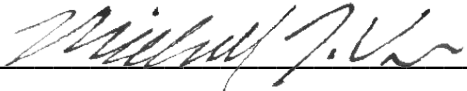
☐ Drawings, elevations, or other illustrations of this request.

☐ Summary of pre-submittal neighborhood meeting, if applicable. N/A. A pre-submittal meeting was not requested.

☒ Summary of request, including explanations of deviations, variances, or waivers.

**IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO [SUBSECTION 14-16-6-4\(K\)](#) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.**

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

 (Applicant signature) September 8, 2022 (Date)

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



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



**PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY**

Provide a site plan that shows, at a minimum, the following:

- ☐ a. Location of proposed buildings and landscape areas.
- ☐ b. Access and circulation for vehicles and pedestrians.
- ☐ c. Maximum height of any proposed structures, with building elevations.
- ☐ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential development:
  - ☐ Total gross floor area of proposed project.
  - ☐ Gross floor area for each proposed use.

October 20, 2022 EPC Zoom Meeting Information:

To join online with video: <https://cabq.zoom.us/j/2269592859>

To call in: (301) 715-8592

Meeting ID: 226 959 2859

Additional information, the staff report, and meeting agenda can be found online approximately one week before the hearing on the following website:

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

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

## Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed/Emailed to a Neighborhood Association

Date of Notice\*: September 8, 2022

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

Neighborhood Association (NA)\*: See attached list of affected associations

Name of NA Representative\*: See attached

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: See attached

### Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address\* 99999 Sage Road SW  
Location Description Southeast corner of Unser Blvd and Sage Rd (south of Human Bean)
2. Property Owner\* Unser & Sage, LLC
3. Agent/Applicant\* *[if applicable]* Consensus Planning, Inc. / Mack ABQ I, LLC
4. Application(s) Type\* per IDO [Table 6-1-1](#) *[mark all that apply]*  
☒ Zoning Map Amendment  
☐ Other: \_\_\_\_\_

Summary of project/request<sup>2</sup>\*: \_\_\_\_\_

Zoning Map Amendment to change the zoning from MX-T (Mixed-use Transition)  
to MX-L (Mixed-use Low Intensity).

5. This application will be decided at a public hearing by\*:

☒ Environmental Planning Commission (EPC) ☐ City Council

This application will be first reviewed and recommended by:

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

☒ Not applicable (Zoning Map Amendment – EPC only)

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

<sup>2</sup> Attach additional information, as needed to explain the project/request.

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

Date/Time\*: October 20, 2022 at 8:40 a.m. MST

Location\*<sup>3</sup>: Zoom: <https://cabq.zoom.us/j/2269592859> or by calling 1 301 715 8592 and entering Meeting ID: 226 959 2859

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

To contact staff, email [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found\*<sup>4</sup>:

Please contact Tom Lampo and Jim Strozier with Consensus Planning for more information at [lampo@consensusplanning.com](mailto:lampo@consensusplanning.com) and [cp@consensusplanning.com](mailto:cp@consensusplanning.com) or by calling (505) 764-9801

**Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):**

1. Zone Atlas Page(s)\*<sup>5</sup> M-10-Z
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant\*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project\*:

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

Explanation\*:

No variances or waivers are anticipated at this time.

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): ☒ Yes    ☐ No

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

A pre-submittal neighborhood meeting was not requested.

<sup>3</sup> Physical address or Zoom link

<sup>4</sup> Address (mailing or email), phone number, or website to be provided by the applicant

<sup>5</sup> Available online here: <http://data.cabq.gov/business/zoneatlas/>

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

**Additional Information [Optional]:**

From the IDO Zoning Map<sup>6</sup>:

1. Area of Property [typically in acres] Approximately one acre
  2. IDO Zone District Existing: MX-T (Mixed-use Transition), Proposed: MX-L (Mixed-use Low)
  3. Overlay Zone(s) [if applicable] N/A
  4. Center or Corridor Area [if applicable] Unser Boulevard Commuter Corridor
- Current Land Use(s) [vacant, if none] Vacant

**NOTE:** For Zoning Map Amendment – EPC only, pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955.

**Useful Links**

**Integrated Development Ordinance (IDO):**

<https://ido.abc-zone.com/>

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Cc: \_\_\_\_\_ [Other Neighborhood Associations, if any]

---

---

---

---

---

---

---

---

<sup>6</sup> Available here: <https://tinurl.com/idozoningmap>

From: [Carmena, Dalaina L.](#)  
To: [Michael Vos](#)  
Subject: 99999 Sage Road SW Public Notice Inquiry Sheet Submission  
Date: Thursday, September 8, 2022 9:43:14 AM  
Attachments: [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image007.png](#)  
[IDCZoneAtlasPage\\_M-10-7\\_Tract A-2.pdf](#)

**PLEASE NOTE:**

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

Dear Applicant:

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

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
South West Alliance of Neighborhoods (SWAN Coalition)	Luis	Hernandez Jr.	<a href="mailto:luis@wccdg.org">luis@wccdg.org</a>	5921 Central Avenue NW	Albuquerque	NM	87105		
South West Alliance of Neighborhoods (SWAN Coalition)	Jerry	Gallegos	<a href="mailto:jgallegoswccdg@gmail.com">jgallegoswccdg@gmail.com</a>	5921 Central Avenue NW	Albuquerque	NM	87105	5053855809	5058362976
Westgate Heights NA	Matthew	Archuleta	<a href="mailto:mattearchuleta1@hotmail.com">mattearchuleta1@hotmail.com</a>	1628 Summerfield Place SW	Albuquerque	NM	87121	5054016849	5058367251
Westgate Heights NA	Christoper	Sedillo	<a href="mailto:navrnc6@aol.com">navrnc6@aol.com</a>	605 Shire Street SW	Albuquerque	NM	87121	6193155051	

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

Please note the following:

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

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s):

<http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

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

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

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you.



**Dalaina L. Carmona**

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



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

From: [webmaster=cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org) <[webmaster=cabq.gov@mailgun.org](mailto:webmaster=cabq.gov@mailgun.org)> **On Behalf Of** [webmaster@cabq.gov](mailto:webmaster@cabq.gov)

Sent: Thursday, September 8, 2022 8:02 AM

To: Office of Neighborhood Coordination <[vos@consensusplanning.com](mailto:vos@consensusplanning.com)>

Cc: Office of Neighborhood Coordination <[onc@cabq.gov](mailto:onc@cabq.gov)>

Subject: Public Notice Inquiry Sheet Submission

[EXTERNAL] Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Public Notice Inquiry For:

Environmental Planning Commission

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name

Michael Vos

Telephone Number

(505) 764-9801

Email Address

[vos@consensusplanning.com](mailto:vos@consensusplanning.com)

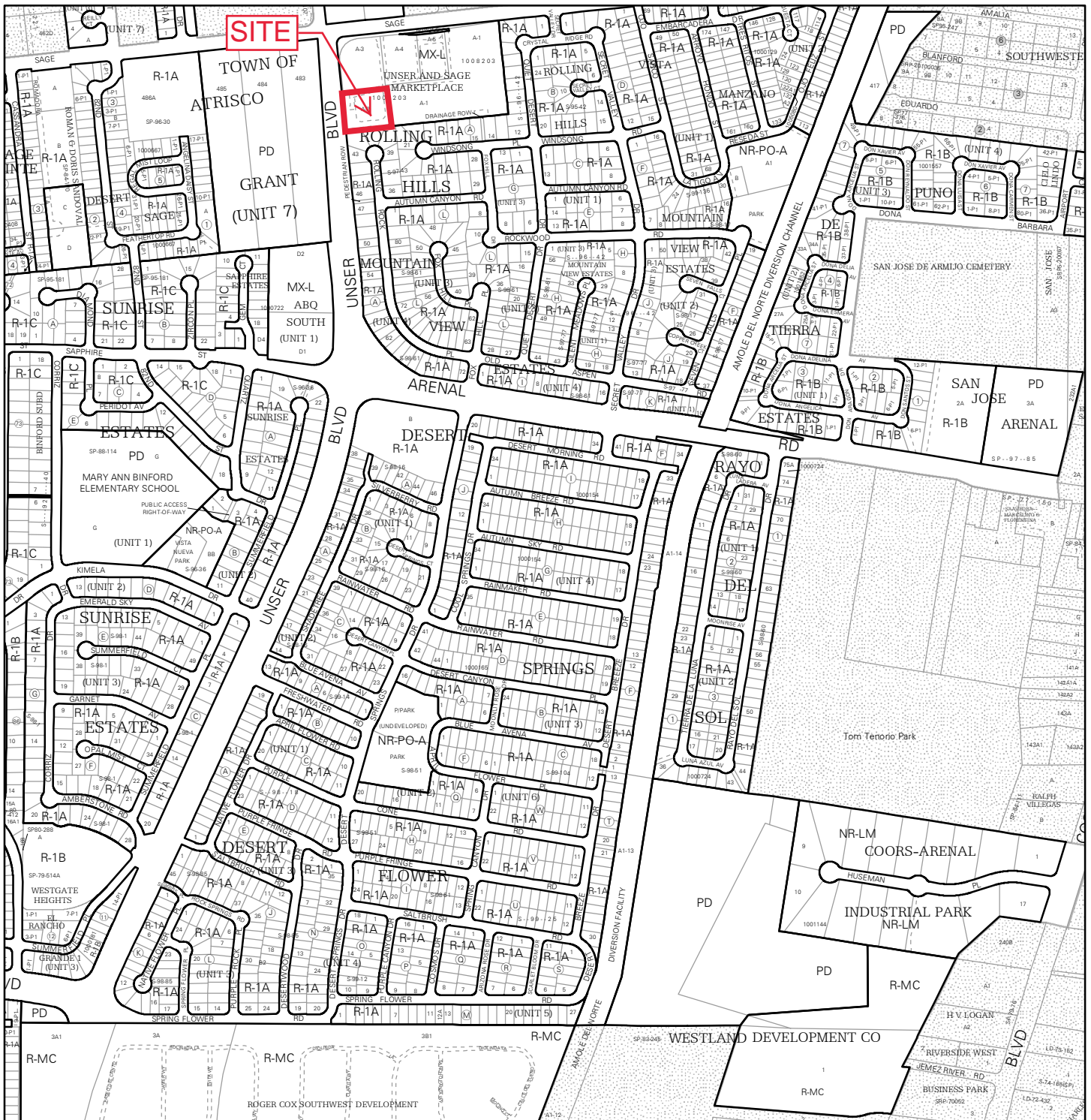
Company Name

Consensus Planning, Inc.

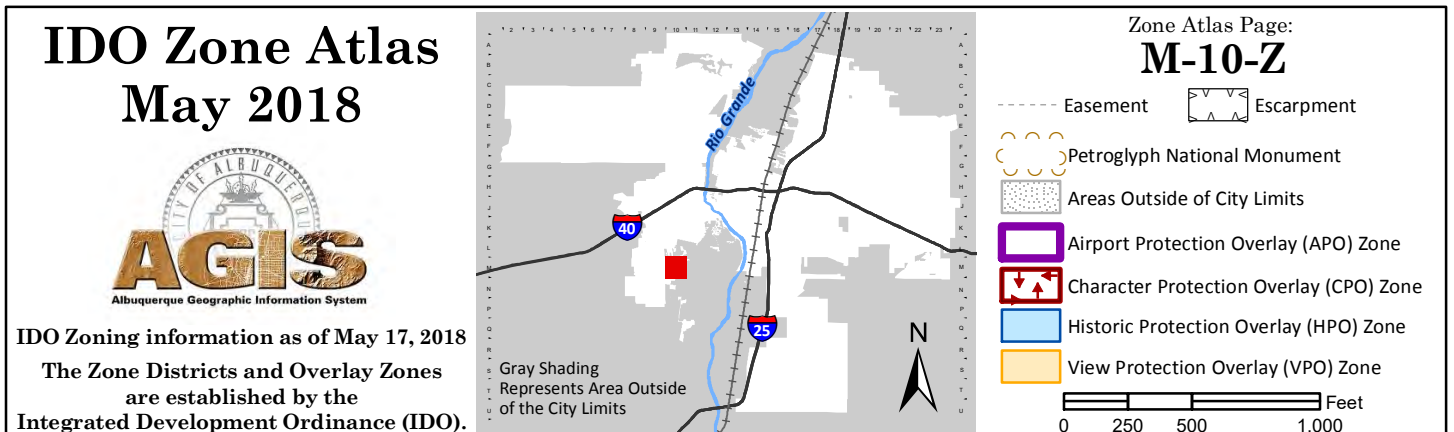
Company Address

302 8th Street NW

City



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





# Property Owner Buffer



## Legend

- Bernalillo County Parcels
- Primary Streets
  - Freeway
  - Principal Arterial
  - Minor Arterial
  - Local Streets
  - BN and SF Railroad
- Other Streets
- Municipal Limits
  - Corrales
  - Edgewood
  - Los Ranchos
  - Rio Rancho
  - Tijeras
  - UNINCORPORATED

## Notes

Prepared by Consensus Planning 9/7/22

150 0 75 150 Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
9/7/2022 © City of Albuquerque

1: 902

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/abq-data-disclaimer-1> for more information.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

UPC	Owner	Owner Address	Owner Address 2	SITUS Address	SITUSADD2	Legal Description	Acres
101005511645720205	AMIRHAMZEH ENTERPRISES LLC	9605 SOMMER PL	OAKDALE CA 95361	UNSER	ALBUQUERQUE NM 87121	TRS 483 484 & 485 UNIT NO 7 ATRISCO GRANT CONT 15.000 AC	15
101005518544521144	BECERRIL JORGE GABRIEL & CABALLERO VANESSA	1405 ROLLING ROCK PL SW	ALBUQUERQUE NM 87121-3540	1405 ROLLING ROCK PL SW	ALBUQUERQUE NM 87121	LT 43 BLK A PLAT FOR ROLLING HILLS SUBDIVISION UNIT THREECONT 6,941 SF	0.1593
101005520145321141	ESTRADA EMETERIO	1404 ROLLING ROCK PL SW	ALBUQUERQUE NM 87121	1404 ROLLING ROCK PL SW	ALBUQUERQUE NM 87121	LT 40 BLK A PLAT FOR ROLLING HILLS SUBDIVISION UNIT THREECONT 8,769 SF	0.2013
101005521149821177	KIDZ ACADEMY PRESCHOOL LADERA REAL ESTATE LLC	1621 20TH AVE SE	RIO RANCHO NM 87124-1842	7800 SAGE RD SW	ALBUQUERQUE NM 87121	TR A-4 PLAT OF TRS A-1 THRU A-6 UNSER & SAGE MARKETPLACE(BEING A REPL OF	1.1023
101005519445421142	LEDEZMA MARIA D	1400 ROLLING ROCK PL SW	ALBUQUERQUE NM 87121	1400 ROLLING ROCK PL SW	ALBUQUERQUE NM 87121	LT 41 BLK A PLAT FOR ROLLING HILLS SUBDIVISION UNIT THREECONT 7,500 SF	0.1722
101005520244621140	LUJAN PEDRO L	1408 ROLLING ROCK PL SW	ALBUQUERQUE NM 87121-3539	1408 ROLLING ROCK PL SW	ALBUQUERQUE NM 87121	LT 39 BLK A PLAT FOR ROLLING HILLS SUBDIVISION UNIT THREECONT 5,929 SF	0.1361
101005521045221122	NIETO MARIA	7809 WINDSONG PL SW	ALBUQUERQUE NM 87121-3532	7809 WINDSONG PL SW	ALBUQUERQUE NM 87121	LT 21 BLK A PLAT FOR ROLLING HILLS SUBDIVISION UNIT THREECONT 9,452 SF	0.217
101005518645321143	SANCHEZ JESUS M & REYNA KARINA GONZALES	1401 ROLLING ROCK PL SW	ALBUQUERQUE NM 87121-3540	1401 ROLLING ROCK PL SW	ALBUQUERQUE NM 87121	LT 42 BLK A PLAT FOR ROLLING HILLS SUBDIVISION UNIT THREECONT 9,739 SF	0.2236
101005519249321176	TRES LOBOS REAL ESTATE LLC	1621 20TH AVE SE	RIO RANCHO NM 87124-1842	1300 UNSER BLVD SW	ALBUQUERQUE NM 87121	TR A-3 PLAT OF TRS A-1 THRU A-6 UNSER & SAGE MARKETPLACE(BEING A REPL OF	1.3693
101005519247421175	UNSER & SAGE LLC	6300 JEFFERSON ST NE	ALBUQUERQUE NM 87109-3480	SAGE RD SW	ALBUQUERQUE NM 87121	TR A-2 PLAT OF TRS A-1 THRU A-6 UNSER & SAGE MARKETPLACE(BEING A REPL OF	1.0086
101005524548221179	UNSER & SAGE LLC	6300 JEFFERSON ST NE	ALBUQUERQUE NM 87109-3480	SAGE RD SW	ALBUQUERQUE NM 87121	TR A-1 PLAT OF TRS A-1 THRU A-6 UNSER & SAGE MARKETPLACE(BEING A REPL OF	4.7931
101005521645621121	WADE DANIEL B JR	7805 WINDSONG PL SW	ALBUQUERQUE NM 87121	7805 WINDSONG PL SW	ALBUQUERQUE NM 87121	LT 20 BLK A PLAT FOR ROLLING HILLS SUBDIVISION UNIT THREECONT 7,818 SF	0.1795

AMIRHAMZEH ENTERPRISES LLC  
9605 SOMMER PL  
OAKDALE CA 95361

BECERRIL JORGE GABRIEL & CABALLERO  
VANESSA  
1405 ROLLING ROCK PL SW  
ALBUQUERQUE NM 87121-3540

ESTRADA EMETERIO  
1404 ROLLING ROCK PL SW  
ALBUQUERQUE NM 87121

KIDZ ACADEMY PRESCHOOL LADERA  
REAL ESTATE LLC  
1621 20TH AVE SE  
RIO RANCHO NM 87124-1842

LEDEZMA MARIA D  
1400 ROLLING ROCK PL SW  
ALBUQUERQUE NM 87121

LUJAN PEDRO L  
1408 ROLLING ROCK PL SW  
ALBUQUERQUE NM 87121-3539

NIETO MARIA  
7809 WINDSONG PL SW  
ALBUQUERQUE NM 87121-3532

SANCHEZ JESUS M & REYNA KARINA  
GONZALES  
1401 ROLLING ROCK PL SW  
ALBUQUERQUE NM 87121-3540

TRES LOBOS REAL ESTATE LLC  
1621 20TH AVE SE  
RIO RANCHO NM 87124-1842

UNSER & SAGE LLC  
6300 JEFFERSON ST NE  
ALBUQUERQUE NM 87109-3480

WADE DANIEL B JR  
7805 WINDSONG PL SW  
ALBUQUERQUE NM 87121



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



**PART I - PROCESS**

Use [Table 6-1-1](#) in the Integrated Development Ordinance (IDO) to answer the following:

Application Type: Zoning Map Amendment - EPC

Decision-making Body: Environmental Planning Commission (EPC)

Pre-Application meeting required: ☐ Yes ☒ No

Neighborhood meeting required: ☒ Yes ☐ No

Mailed Notice required: ☒ Yes ☐ No

Electronic Mail required: ☒ Yes ☐ No

Is this a Site Plan Application: ☐ Yes ☒ No **Note: if yes, see second page**

**PART II – DETAILS OF REQUEST**

Address of property listed in application: 99999 Sage Road SW (southeast corner of Unser Blvd and Sage Road)

Name of property owner: Unser & Sage, LLC

Name of applicant: M Square Development/Mack ABQ I, LLC (Agent: Consensus Planning, Inc.)

Date, time, and place of public meeting or hearing, if applicable:

October 20, 2022 at 8:30 AM - see second page for Zoom information and link to agendas for any changes.

Address, phone number, or website for additional information: Please contact Tom Lampo or

Jim Strozier for more information at [lampo@consensusplanning.com](mailto:lampo@consensusplanning.com) and [cp@consensusplanning.com](mailto:cp@consensusplanning.com) or by calling (505) 764-9801.

**PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE**

☒ Zone Atlas page indicating subject property.

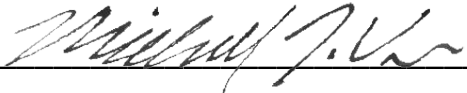
☐ Drawings, elevations, or other illustrations of this request.

☐ Summary of pre-submittal neighborhood meeting, if applicable. N/A. A pre-submittal meeting was not requested.

☒ Summary of request, including explanations of deviations, variances, or waivers.

**IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO [SUBSECTION 14-16-6-4\(K\)](#) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.**

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

 (Applicant signature) September 8, 2022 (Date)

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



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



**PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY**

Provide a site plan that shows, at a minimum, the following:

- ☐ a. Location of proposed buildings and landscape areas.
- ☐ b. Access and circulation for vehicles and pedestrians.
- ☐ c. Maximum height of any proposed structures, with building elevations.
- ☐ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential development:
  - ☐ Total gross floor area of proposed project.
  - ☐ Gross floor area for each proposed use.

October 20, 2022 EPC Zoom Meeting Information:

To join online with video: <https://cabq.zoom.us/j/2269592859>

To call in: (301) 715-8592

Meeting ID: 226 959 2859

Additional information, the staff report, and meeting agenda can be found online approximately one week before the hearing on the following website:

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

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

## Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed to a Property Owner

Date of Notice\*: September 8, 2022

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

Property Owner within 100 feet\*: \_\_\_\_\_

Mailing Address\*: \_\_\_\_\_

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

1. Subject Property Address\* 99999 Sage Road SW  
Location Description Southeast corner of Unser Boulevard and Sage Road - south of the Human Bean
2. Property Owner\* Unser & Sage, LLC
3. Agent/Applicant\* [if applicable] Consensus Planning, Inc. / Mack ABQ I, LLC
4. Application(s) Type\* per IDO [Table 6-1-1](#) [mark all that apply]  
☒ Zoning Map Amendment  
☐ Other: \_\_\_\_\_

Summary of project/request<sup>1</sup>\*:

Zoning Map Amendment from MX-T to MX-L to match the zoning of Human Bean, Kidz Academy, and Family Dollar, and allow development with a restaurant/drive-through.

5. This application will be decided at a public hearing by\*:

☒ Environmental Planning Commission (EPC) ☐ City Council

This application will be first reviewed and recommended by:

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

☒ Not applicable (Zoning Map Amendment – EPC only)

Date/Time\*: October 20, 2022 at 8:30 AM

Location\*<sup>2</sup>: Join Zoom Meeting: <https://cabq.zoom.us/j/2269592859>

To call in: (301) 715-8592  
Meeting ID: 226 959 2859

<sup>1</sup> Attach additional information, as needed to explain the project/request.

<sup>2</sup> Physical address or Zoom link

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

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

To contact staff, email [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found<sup>\*3</sup>:

Please contact Tom Lampo of Jim Strozier with Consensus Planning at [lampo@consensusplanning.com](mailto:lampo@consensusplanning.com) and [cp@consensusplanning.com](mailto:cp@consensusplanning.com) or call (505) 764-9801 for more information.

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

1. Zone Atlas Page(s)<sup>\*4</sup> M-10 (attached)
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant<sup>\*</sup>: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project<sup>\*</sup>:

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

Explanation<sup>\*</sup>:

No variances or waivers are anticipated at this time.

---

---

---

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): ☒ Yes    ☐ No

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

An original pre-application notice was sent to the affected Neighborhood Associations on February 8, 2022 notifying them of the Zoning Map Amendment, but no requests for a pre-submittal meeting were received. The original application for NR-C was withdrawn and seperated into two. Additional notice was sent for the adjacent tract and this notice is now for Tract A-2 only, requesting MX-L to acheive the same purpose as originally described, to include a restaurant use on Tract A-2.

---

---

<sup>3</sup> Address (mailing or email), phone number, or website to be provided by the applicant

<sup>4</sup> Available online here: <http://data.cabq.gov/business/zoneatlas/>

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

### Additional Information:

From the IDO Zoning Map<sup>5</sup>:

1. Area of Property [typically in acres] Approximately one acre
  2. IDO Zone District Existing: MX-T (Mixed-use Transition), Proposed: MX-L (Mixed-use Low)
  3. Overlay Zone(s) [if applicable] N/A
  4. Center or Corridor Area [if applicable] Unser Boulevard Commuter Corridor
- Current Land Use(s) [vacant, if none] Vacant
- 

**NOTE:** For Zoning Map Amendment – EPC only, pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3955.

### Useful Links

#### Integrated Development Ordinance (IDO):

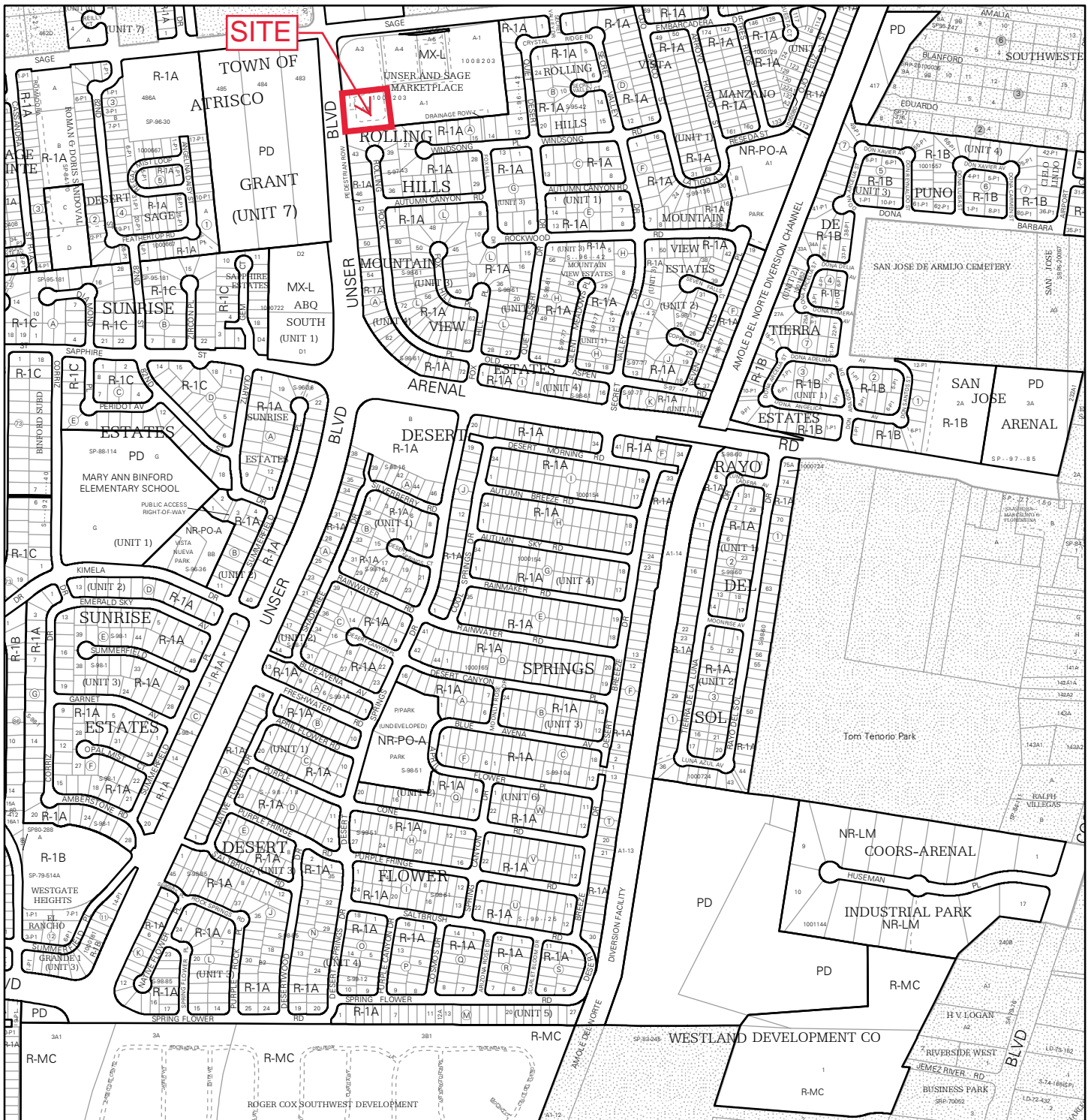
<https://ido.abc-zone.com/>

#### IDO Interactive Map

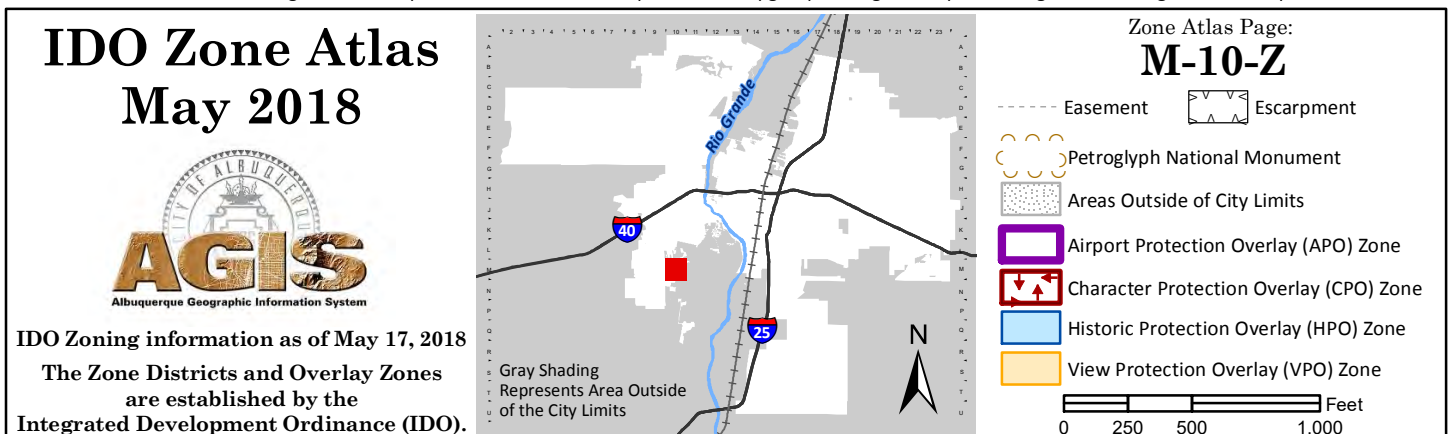
<https://tinyurl.com/IDOzoningmap>

---

<sup>5</sup> Available here: <https://tinurl.com/idozoningmap>



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



7021 0350 0000 8539 5743

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only
For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services &amp; Fees (check box, add fee as appropriate)

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

Postmark  
Here

Postage

\$

Total

\$

Sent To

Street

City, State

LUJAN PEDRO L  
1408 ROLLING ROCK PL SW  
ALBUQUERQUE NM 87121-3539

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

See Reverse for Instructions

7021 0350 0000 8539 5712

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only
For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services &amp; Fees (check box, add fee as appropriate)

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

Postmark  
Here

Postage

\$

Total P

\$

Sent To

Street

City, State

AMIRHAMZEH ENTERPRISES LLC  
9605 SOMMER PL  
OAKDALE CA 95361

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

See Reverse for Instructions

7021 0350 0000 8539 5750

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only
For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services &amp; Fees (check box, add fee as appropriate)

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

Postmark  
Here

Postage

\$

Total P

\$

Sent To

Street

City, State

LEDEZMA MARIA D  
1400 ROLLING ROCK PL SW  
ALBUQUERQUE NM 87121

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

See Reverse for Instructions

7021 0350 0000 8539 5729

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only
For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services &amp; Fees (check box, add fee as appropriate)

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

Postmark  
Here

Postage

\$

Total Po

\$

Sent To

Street

City, State

BECERRIL JORGE GABRIEL & CABALLERO  
VANESSA  
1405 ROLLING ROCK PL SW  
ALBUQUERQUE NM 87121-3540

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

See Reverse for Instructions

7021 0350 0000 8539 5781

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only
For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services &amp; Fees (check box, add fee as appropriate)

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

Postmark  
Here

Postage

\$

Total Post

\$

Sent To

Street

City, State

SANCHEZ JESUS M & REYNA KARINA  
GONZALES  
1401 ROLLING ROCK PL SW  
ALBUQUERQUE NM 87121-3540

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

See Reverse for Instructions

7021 0350 0000 8539 5736

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only
For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services &amp; Fees (check box, add fee as appropriate)

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

Postmark  
Here

Postage

\$

Total F

\$

Sent To

Street

City, State

ESTRADA EMETERIO  
1404 ROLLING ROCK PL SW  
ALBUQUERQUE NM 87121

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

See Reverse for Instructions

7021 0350 0000 8539 5804

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

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

**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

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

Postage

\$

Total P

\$

Sent To

Street &

City, St

WADE DANIEL B JR  
 7805 WINDSONG PL SW  
 ALBUQUERQUE NM 87121

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

See Reverse for Instructions

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

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

**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

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

Postage

\$

Total Pos

\$

Sent To

Street an

City, Stai

TRES LOBOS REAL ESTATE LLC  
 1621 20TH AVE SE  
 RIO RANCHO NM 87124-1842

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

See Reverse for Instructions

7021 0350 0000 8539 5798

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

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

**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

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

Postage

\$

Total Pos

\$

Sent To

Street an

City, Stai

UNSER & SAGE LLC  
 6300 JEFFERSON ST NE  
 ALBUQUERQUE NM 87109-3480

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

See Reverse for Instructions

7021 0350 0000 8539 5767

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

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

**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

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

Postage

\$

Total Pos

\$

Sent To

Street an

City, Stai

KIDZ ACADEMY PRESCHOOL LADERA  
 REAL ESTATE LLC  
 1621 20TH AVE SE  
 RIO RANCHO NM 87124-1842

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

See Reverse for Instructions

7021 0350 0000 8539 5811

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

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

**OFFICIAL USE**

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

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

Postage

\$

Total P

\$

Sent To

Street &

City, St

NIETO MARIA  
 7809 WINDSONG PL SW  
 ALBUQUERQUE NM 87121-3532

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

See Reverse for Instructions

## SIGN POSTIGN AGREEMENT

# SIGN POSTING AGREEMENT

## REQUIREMENTS

### POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the Integrated Development Ordinance are responsible for the posting and maintaining of one or more signs on the property which is subject to the application, as shown in Table 6-1-1. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application for a \$10 fee per sign. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign(s).

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

#### 1. LOCATION

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

#### 2. NUMBER

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

#### 3. PHYSICAL POSTING

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

#### 4. TIME

Signs must be posted from 10-5-22 To 11-4-22

#### 5. REMOVAL

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

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



Thomas Lampo, Consensus Planning, Inc

(Applicant or Agent)

9/8/22

(Date)

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

**PROJECT NUMBER:** PR-2019-003120