



Environmental Planning Commission

Agenda Number: 5
Project # PR-2021-005844
Case #: RZ-2021-00028
Hearing Date: October 21, 2021

Staff Report

| | |
|--------------------------|---|
| Agent | Consensus Planning |
| Applicant | Legacy Development & Management, LLC |
| Request | Zone Map Amendment (zone change) |
| Legal Description | Lots 6, 7 & 26-A, Block 25, Tract A unit B, North Albuquerque Acres |
| Location | Glendale Ave. NE, between San Pedro Dr. NE and Louisiana Blvd. NE |
| Size | Approximately 4.0-acres |
| Existing Zoning | NR-SU |
| Proposed Zoning | MX-L |

Staff Recommendation

DENIAL of RZ-2021-00028, based on the Findings beginning on p. 24

Staff Planner
Sergio Lozoya

Summary of Analysis

The request, for a zoning map amendment for an approximately 4.0-acre vacant site, was deferred for 30 days at the September 16, 2021 hearing.

The applicant wants to change the subject site's zoning from NR-SU to MX-L to facilitate future development of multi-family residential units, though a variety of other uses would also be allowed in the MX-L zone. The subject site is in an Area of Consistency.

The applicant has not adequately justified the request pursuant to the IDO zone change criteria because the responses to Criterion A, B, D and G are insufficient. The request also conflicts with several applicable Comprehensive Plan Goals and polices. Therefore, the proposed zoning would not be more advantageous to the community as a whole.

The affected neighborhood organizations are the District 4 Coalition of NAs and the Nor Este NA. Property owners within 100 feet of the subject site were also notified as required. A pre-application meeting was held on July 19th, 2021. The District 4 Coalition provided a letter of opposition and the Solid Waste Management Department submitted a letter of concern.

Staff recommends denial.



Table of Contents

I. Introduction.....8

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

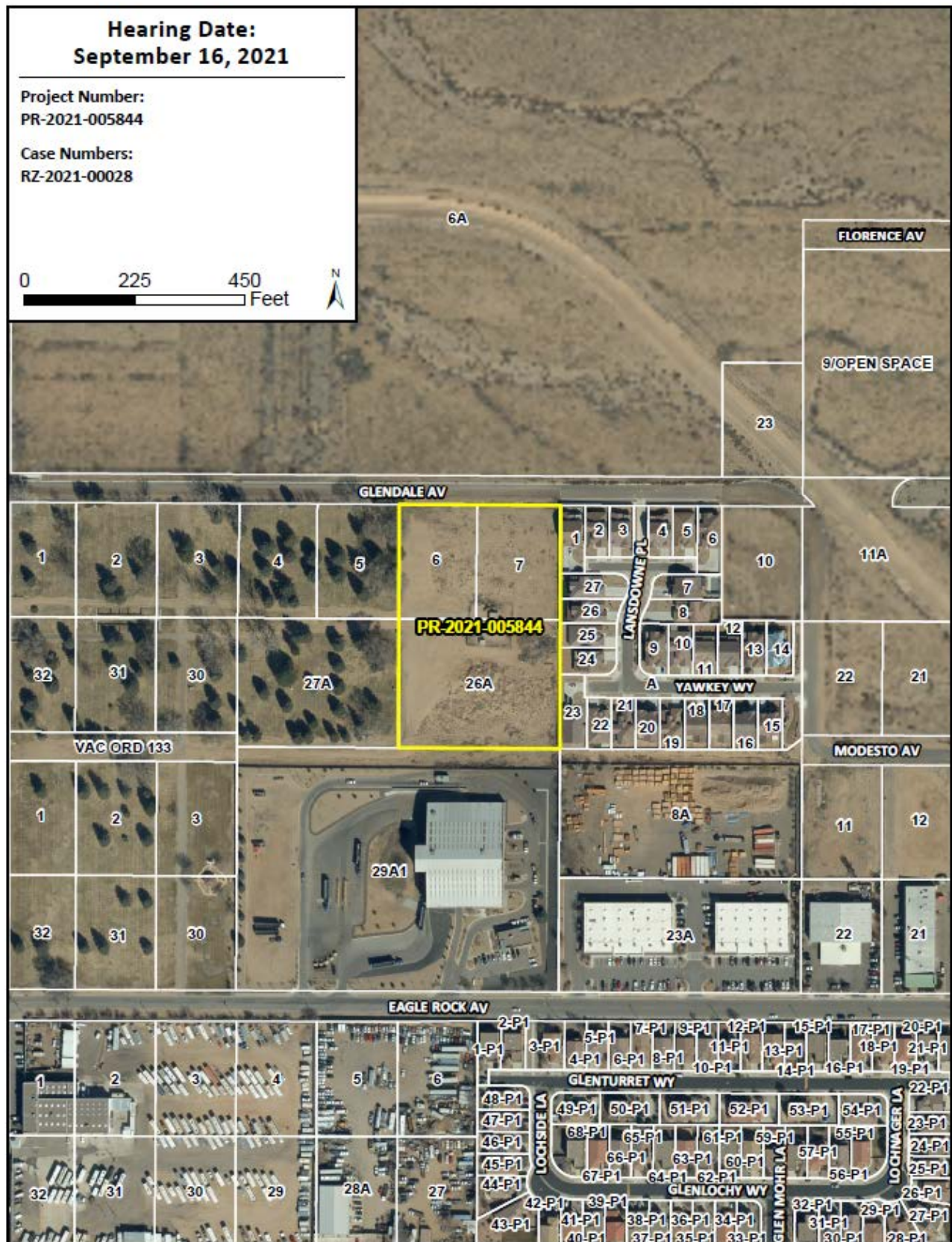
III. Agency and Neighborhood Concerns.....21

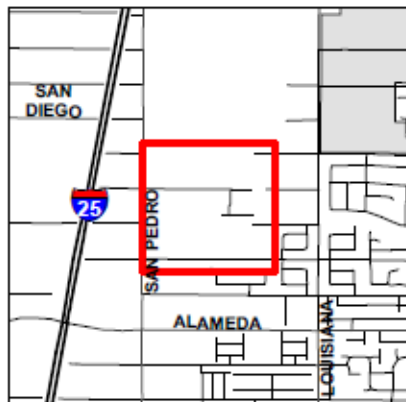
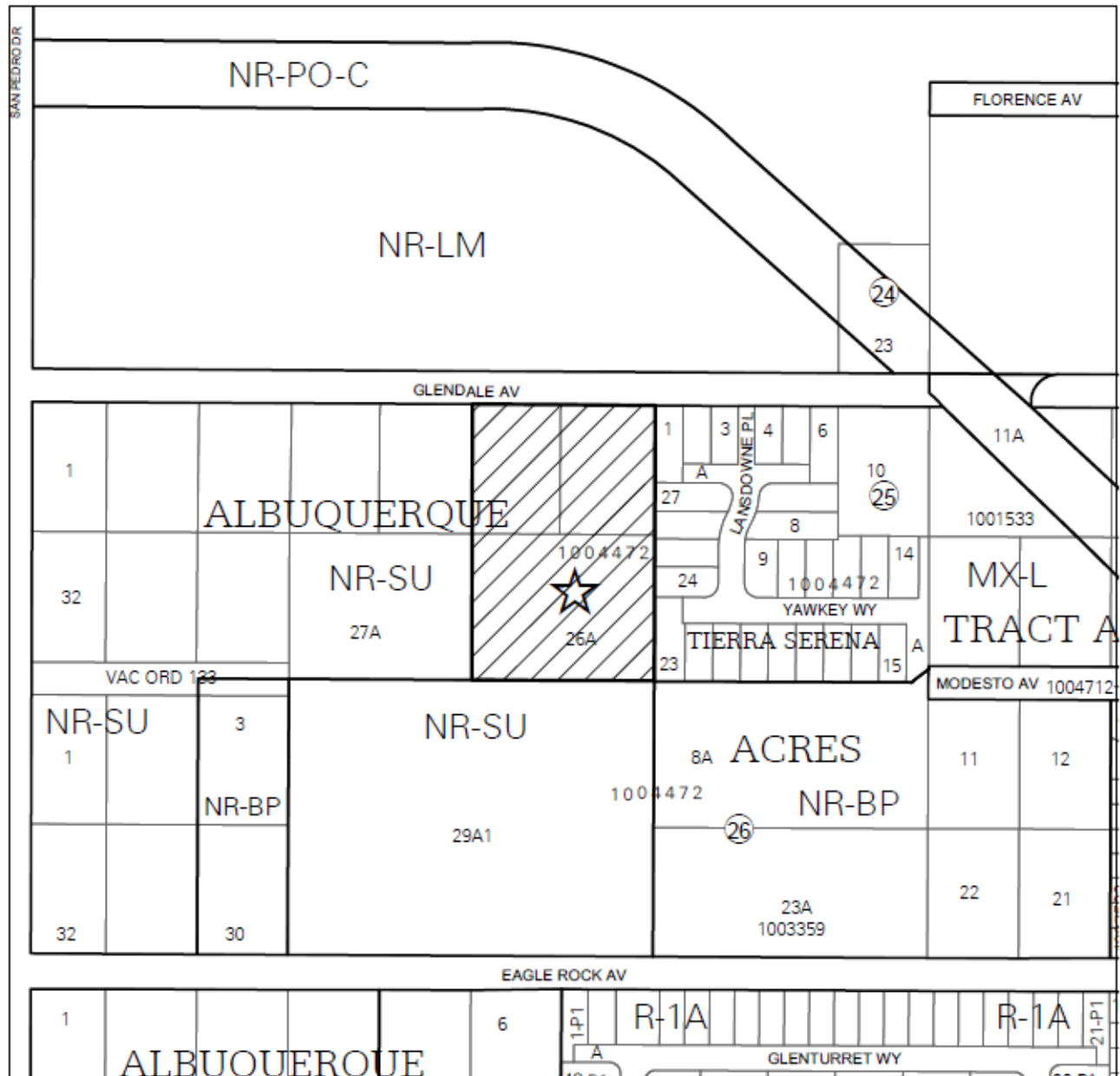
IV. Conclusion.....23

Findings and Recommendation.....24

Agency Comments.....31

Attachments





IDO ZONING MAP

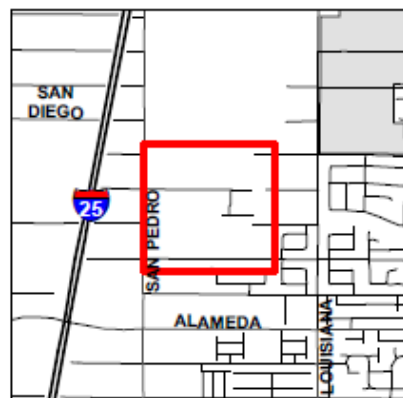
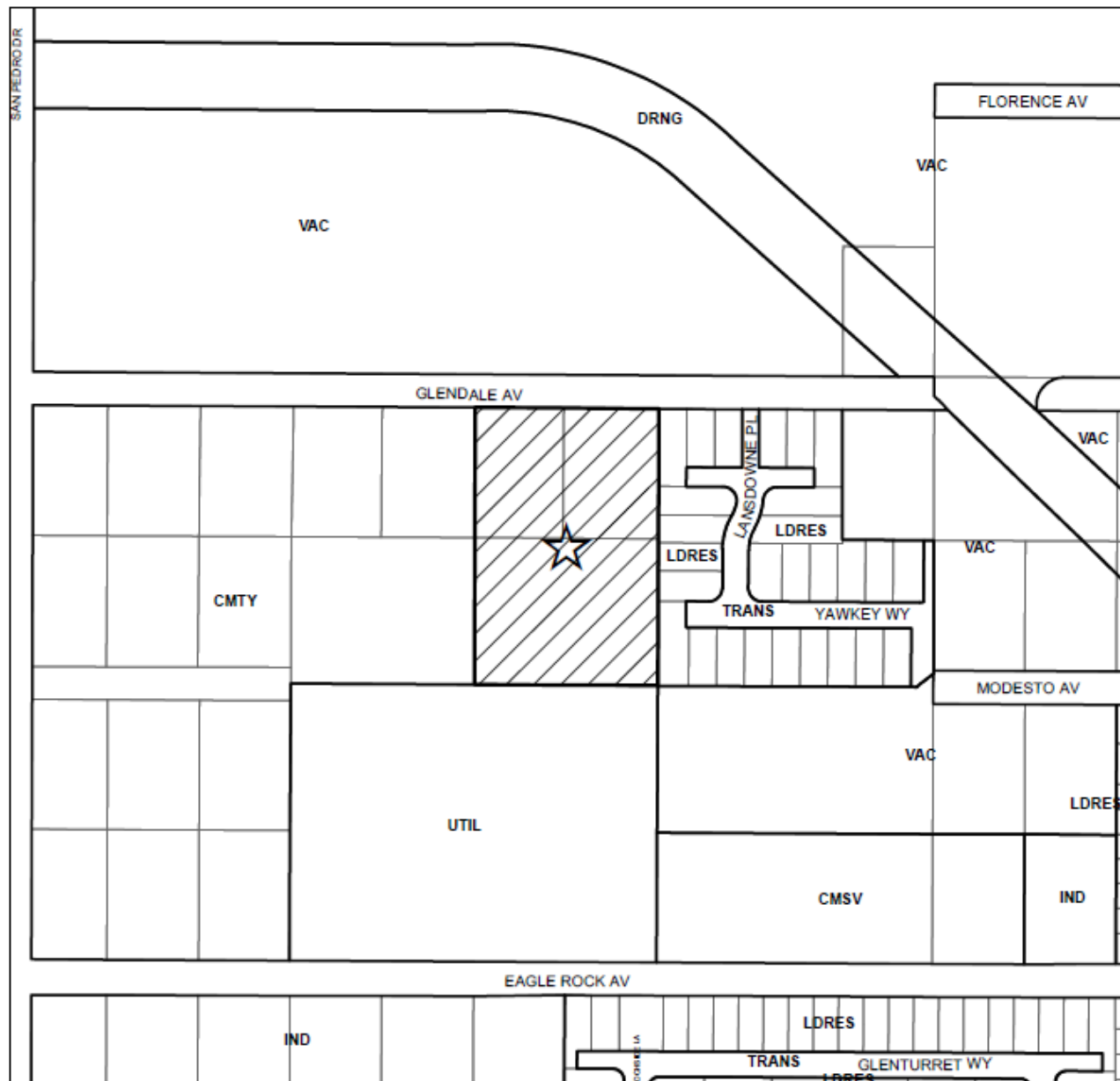
Note: Gray shading
Indicates County.



1 inch = 250 feet

Hearing Date:
9/16/2021
Project Number:
PR-2021-005844
Case Numbers:
RZ-2021-00028

Zone Atlas Page:
B-18



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 = 250 feet

Hearing Date:

9/16/2021

Project Number:

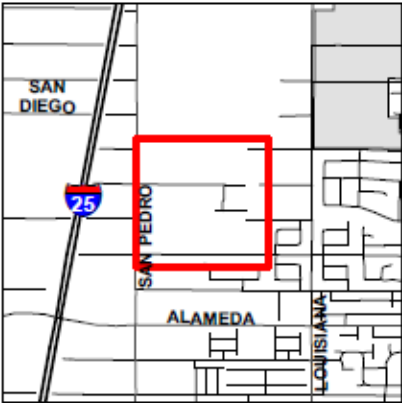
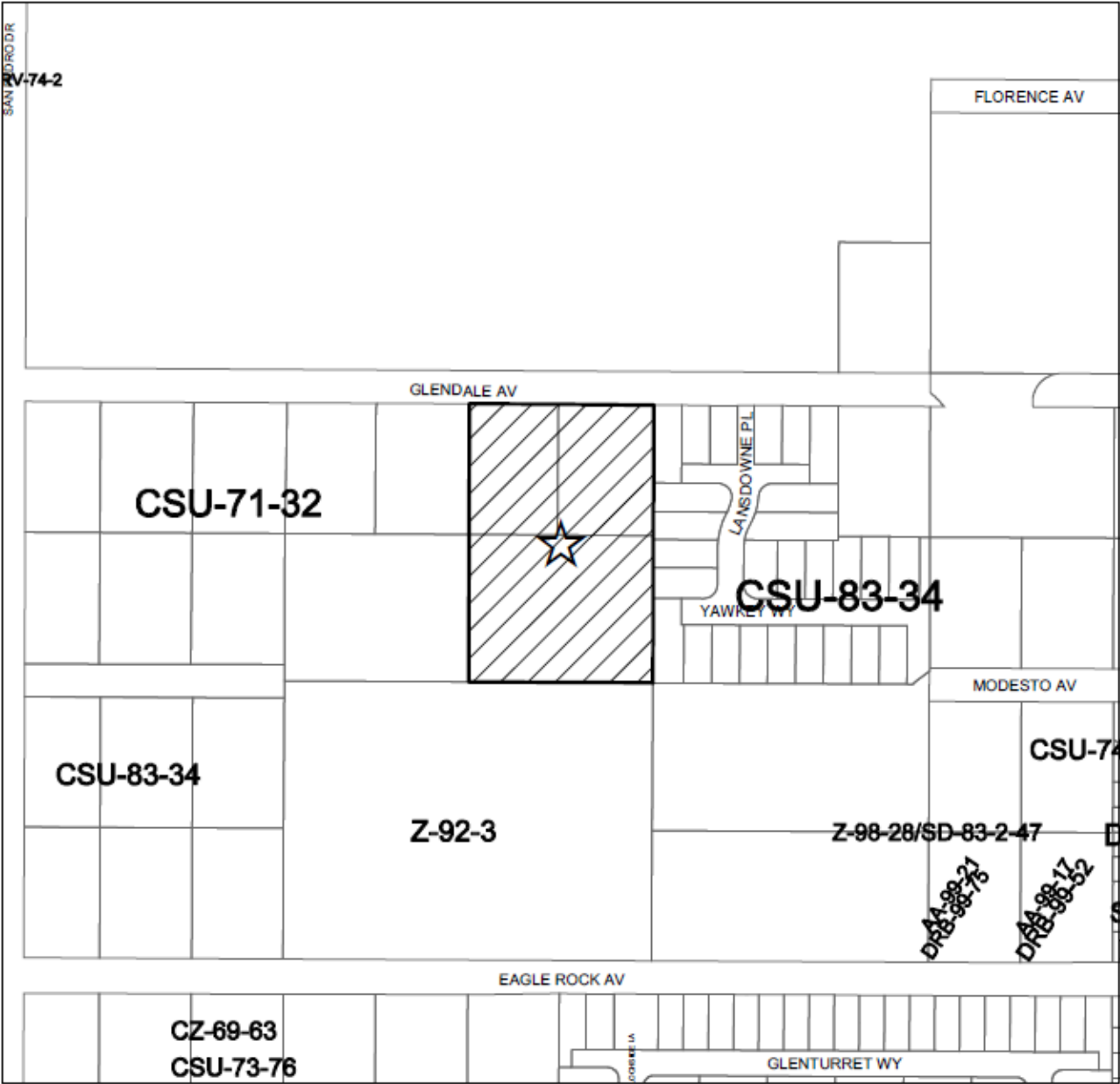
PR-2021-005844

Case Numbers:

RZ-2021-00028

Zone Atlas Page:

B-18



HISTORY MAP

Note: Gray shading
Indicates County.



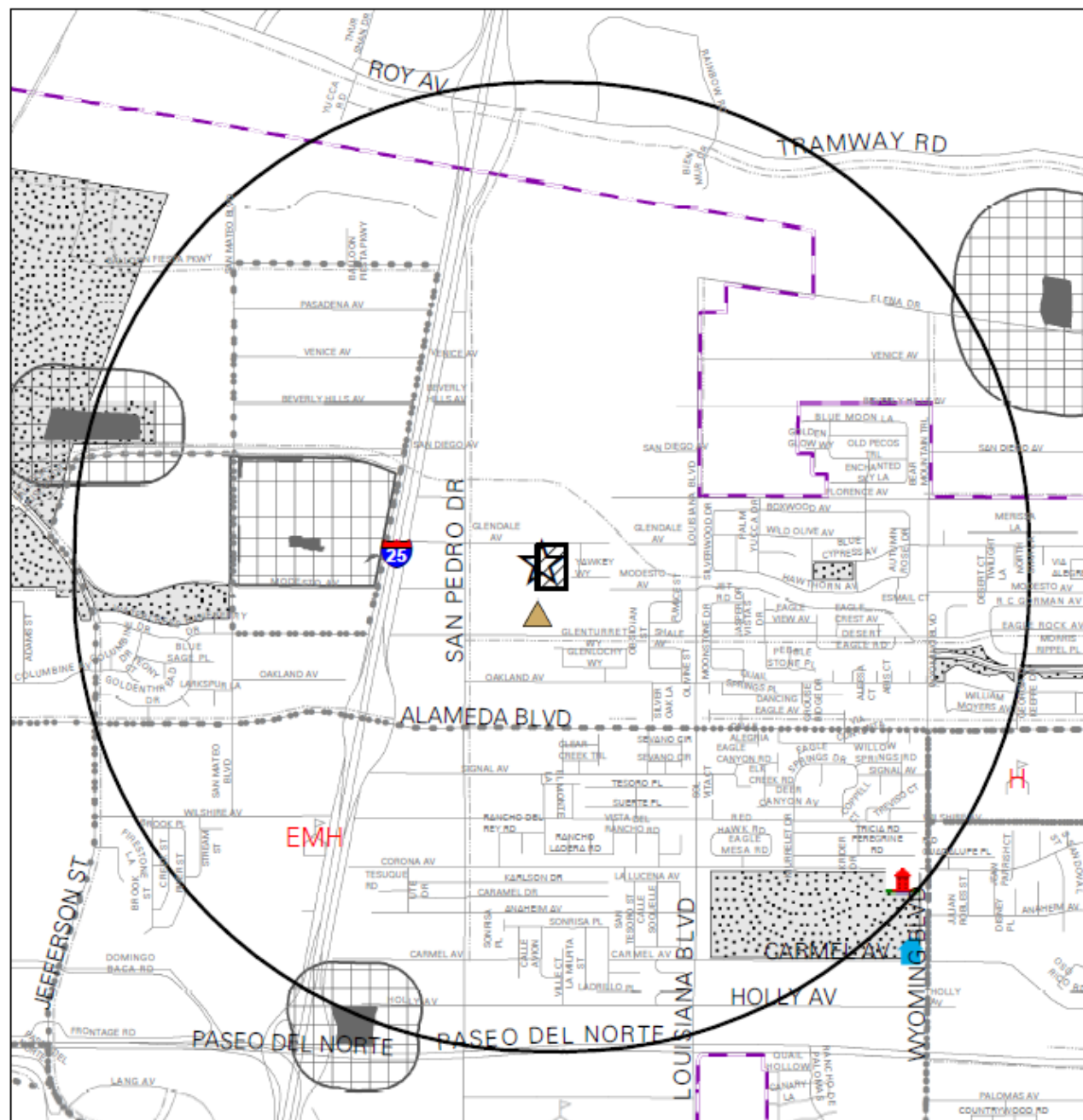
1 inch = 250 feet

Hearing Date:
9/16/2021

Project Number:
PR-2021-005844

Case Numbers:
RZ-2021-00028

Zone Atlas Page:
B-18



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 |



I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

| | <i>Zoning</i> | <i>Comprehensive Plan Area</i> | <i>Land Use</i> |
|---------------------|----------------------|---------------------------------------|------------------------|
| <i>Site</i> | NR-SU | Area of Consistency | Cemetery |
| <i>North</i> | NR-LM | Area of Consistency | Vacant |
| <i>South</i> | NR-SU | Area of Consistency | Solid Waste |
| <i>East</i> | NR-SU | Area of Consistency | Cemetery |
| <i>West</i> | MX-L | Area of Consistency | Residential |

Request

The request is for a zoning map amendment (zone change) for an approximately 4.0-acre site legally described as Lots 6, 7 & 26-A, Block 25, Tract A unit B, North Albuquerque Acres, located on Glendale Ave. NE, between San Pedro Dr. NE and Louisiana Blvd. (the “subject site”). The subject site is located in the North Albuquerque area and is part of an existing cemetery use, though it is mostly vacant.

The subject site consists of three lots located on Glendale Ave. NE (no address is assigned) that are part of the existing Sandia Memory Gardens Cemetery. The subject site is adjacent to the existing Eagle Rock Convenience Center, which is one of three solid-waste drop off facilities owned by the City and operated by the Solid Waste Management Department.

The applicant is requesting a zone change from NR-SU (Non-residential – Special Use) to MX-L (Mixed Use – Low intensity Zone District) to facilitate future development of a multi-family residential use, though other uses in the MX-L zone would also become permissive.

EPC Role

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

Context

The subject site is approximately 4.0 acres, zoned NR-SU, and is located in an Area of Consistency. The area is characterized by a variety of established zoning and land uses. Zones closer to I-25 in this area generally consist of non-residential land uses including Non-residential Light Manufacturing (NR-LM), Non-residential Business Park (NR-BP), and Non-residential – Special Use (NR-SU).

Directly abutting the site to the west is Non-residential Special Use (NR-SU), to the north is Non-residential Light manufacturing, to the east is Mixed-use – Low intensity, and to the south is NR-SU. NE. Land uses in the area include cemetery to the west, vacant lots to the north, single-family residential to the east, and a solid waste convenience center abutting to the south.

The subject site is located in the North Albuquerque Community Planning Area (CPA), just east of I-25 and north of Alameda Blvd.

History

The subject site is located within the boundaries of the North I-25 Sector plan, which was originally approved by the City Council in the 1980s shortly after the area was annexed by the City. The subject site was zoned SU-2 for Cemetery under the sector plan, though it is currently vacant.

On March 15th, 2008, the EPC recommended that the City Council repeal the 1986 Sector North I-25 Sector Development Plan and adopt the revised version, which changed zoning designation to include SU-2 for all properties in the plan area that did not have a zoning designation.

The abutting Eagle Rock Convenience Center, operated by the Solid Waste Management Department, was renovated in Spring of 2018. The City used \$850,000 in taxpayer funds to renovate the facility and provide waste disposal services for the area. The eagle Rock Convenience Center is on of the only three solid waste convenience centers and the only one north of I-40.

The subject site has not been before the EPC prior to this hearing, and remains largely unchanged since the City annexed this area. Prior to annexation, the subject site was under Bernalillo County's jurisdiction.

Transportation System

The Long-Range Roadway System (LRRS) map, produced by the Mid-Region Metropolitan Planning Organization (MRMPO), identifies the functional classification of roadways.

The LRRS classifies Glendale Ave NE as a local street, and San Pedro Dr NE as an Urban Major Collector.

Comprehensive Plan Designations

The subject site is not along any Corridors as designated by the Comprehensive Plan, though it is near the I-25 Commuter Corridor, and is roughly four city blocks north of Alameda Blvd. NE, which is designated as a Multi-Modal Corridor.

The subject site is not located in a designated activity center.

Comprehensive Plan Community Planning Area Designation

The subject site is within the North Albuquerque Community Planning Area (CPA), as designated by the Comp Plan. The North Albuquerque CPA is characterized by breathtaking vistas and high desert setting, it has developed primarily as low-density, large lot subdivisions, with retail and institutional uses along corridors.

Overlays

The subject site is not within any Historic Preservation Overlay (HPO), Character Protection Overlay (CPO), or View Protection Overlay (VPO).

Trails/Bikeways

The Long-Range Bikeway System (LRBS) map, produced by the Mid-Region Metropolitan Planning Organization (MRMPO), identifies existing and proposed routes and trails.

There are not any bike lines directly adjacent to the site, however, there are bike paths on Louisiana Boulevard, Alameda Blvd and along the La Cueva arroyo channel which connect to new commercial development along Alameda, North Domingo Baca Park, and the La Cueva Activity Center.

Transit

The subject site is not well served by Transit. ABQ Ride Route 98 is the only route that is near the subject site, a stop for this route is located on San Pedro and Alameda and is not considered to be within walking distance from the subject site. Route 98 operates Monday through Friday, and operates once in the morning, and once in the afternoon/evening.

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

Area of Consistency: An area designated as an Area of Consistency in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended, where development must reinforce the character and intensity of existing development.

Dwelling, Townhouse: A group of 3 or more dwelling units divided from each other by vertical common walls, each having a separate entrance leading directly to the outdoors at ground level. For the purposes of this IDO, this use is considered a type of low-density residential development, whether the townhouses are platted on separate lots or not.

Infill Development: An area platted or un-platted land that includes no more than 20 acres of and where at least 75 percent of the adjacent lots are developed and contain existing primary buildings.

Multi-family Residential Development: Residential development of multi-family dwellings or uses from the Group Living Category (except small community residential facilities) in zone districts as allowed per table 4-2-1. Properties that include both multi-family dwellings and low-density residential development are considered multi-family residential development for the purposes of this IDO. Properties with other uses accessory to residential primary uses allowed per Table 4-2-1 are still considered multi-family residential development for the purposes of this IDO.

Neighborhood Edge: Any distance required by the standard in Section 14-16-5-9 (Neighborhood Edges) is measured from the nearest point on the nearest lot line of the Protected Lot to the nearest point on the Regulated lot that contains the feature being regulated.

Solid Waste Convenience Center: City-owned and operated locations for the drop-off of solid waste by residents and small commercial haulers only.

Zoning

The subject site is zoned NR-SU [Non-residential – Special Use IDO 2-5(E)] which was assigned upon the adoption of the Integrated Development Ordinance (IDO) based upon prior zoning designation of SU-2 (Special Use for Cemetery).

The purpose of the NR-SU zone is to accommodate highly specialized public, civic, institutional, or natural resource-related uses that require additional review of location, site design, and impact mitigation to protect the safety and character of surrounding properties.

The proposed zoning is MX-L (Mixed-use – Low Intensity IDO). The purpose of the MX-L zone district is to provide for the 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.

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan designates an Area of Consistency. Applicable Goals and policies are listed below. The Goals and policies listed below are cited by the applicant in the revised zone change justification letter received September 2, 2021 (see attachment). Pursuant to the IDO Subsection 14-16-6-4(E)(3), the applicant bears the burden of providing a sound justification for the request, based on substantial evidence.

Chapter 5: Land Use

Goal 5.1-Centers & Corridors

Policy 5.1.1- Desired Growth and subpolicy g

Goal 5.2- Complete Communities

Policy 5.2.1-Land Uses, subpolicies a, b, d, e, f, h, n

Goal 5.3- Efficient Development Patterns

Policy 5.3.1- Infill Development

Goal 5.4- Jobs Housing Balance

Policy 5.4.1- Housing Near Jobs

Goal 5.6- City Development Areas

Policy 5.6.3- Areas of Consistency and subpolicies b and e

Chapter 9: Housing

Goal 9.1- Supply

Policy 9.1.1- Housing Options and subpolicy a

Goal 9.3- Density

Policy 9.3.2- Other Areas and subpolicies a and b

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 analyzed here, received September 2, 2021, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned NR-SU (Non-Residential – Special Use). The requested zone is MX-L (Mixed-Use – Low Intensity). The reason for the request is to facilitate sale of the subject site for future development of multi-family housing.

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 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.

Based on the responses to these goals and policies, the request satisfies the requirements of Criterion A by providing additional housing density and mixed uses in appropriate locations that help create a more sustainable and vibrant community as envisioned by the Comprehensive Plan.

Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant's justification does not adequately demonstrate that Criterion A is satisfied. Consistency with the City's overall health, safety, and general welfare is not possible when significant conflicts with various applicable Goals and policies are present.

In this case, the request conflicts with Goals and policies regarding Centers and Corridors, desired growth, complete communities, efficient development patterns, city development areas, housing in appropriate places, and community health.

Based on information in the record, the request would facilitate future development of a multi-family use. The adjacency of a future, multi-family residential use to an existing, industrial use with known negative environmental impacts raises an equity issue because generally, renters have less choice for housing options and may have to live in an otherwise undesirable industrial area due to economic circumstance.

Applicable citations are Goals and policies relevant to the request; note that relevancy does not automatically mean that the Goal or policy is furthered. In several instances, the request presents a significant conflict with an applicable Goal and/or policy.

Applicable Citations:

Goal 5.1-Centers & Corridors, Policy 5.1.1- Desired Growth Subpolicy g, Goal 5.2- Complete Communities. Policy 5.2.1-Land Uses Subpolicies a, b, d, e, f, h, n, Goal 5.3- Efficient Development Patterns, Policy 5.3.1- Infill Development, Goal 5.4- Jobs Housing Balance, Policy 5.4.1- Housing Near Jobs, Goal 5.6- City Development Areas, Policy 5.6.3- Areas of Consistency Subpolicies b and e.

Non-Applicable Goals and Policies: *Policy 5.1.1- Regional Growth.*

Relevant Goals and Policies not cited:

Policy 5.3.7- Locally Unwanted Land Uses Subpolicy a, Goal 13.5- Community Health, Policy 13.5.1- Land Use Impacts Subpolicy b.

Staff: The applicant's justification does not adequately demonstrate that the request would further a preponderance of applicable Goals and policies and not be in significant conflict with them. All applicable Goals and policies, as well as the intent of the Comprehensive Plan, must be considered to properly evaluate the request.

Community Vision- Community health is one of the five guiding principles for the Comprehensive Plan. As a guiding principle, it firmly establishes the community's priority to protect all residents from harm where they live, work, learn, shop, and play and to ensure they have convenient access to basic services and everyday physical activity. The Comp Plan discusses conditions in the built environment that influence health outcomes: Lack of safe active transportation (i.e. walking and biking), outdoor recreation close to home, and proximity to sites with a higher risk of pollution, such as contamination from operating or former industries.

Locating multi-family dwellings, or another residential use allowed in the MX-L zone, directly adjacent to the existing Eagle Rock Convenience Center would not create a healthy, sustainable community; due to its nature and year-round operation, the solid waste convenience center generates negative environmental impacts that adversely affect surrounding properties. Developing residential land uses near a locally unwanted land use (LULU), such as the convenience center, would contribute to creating an unhealthy environment and would generally not promote the health, safety, and welfare of the City.

Land Use- Furthermore, the applicant's response relies upon developing in Centers or along Corridors. The subject site is not adjacent to any designated Activity Center and is not located

along any designated Corridor. Rather, the subject site is located along Glendale Ave. NE, a local street. Developing multi-family housing outside of Centers & Corridors is contrary to the intention of various Comprehensive Plan Goals and Policies. Though the applicant makes the argument that the multi-family development would be an appropriate transition to the abutting single-family homes, there would be no transition from the solid waste convenience center to the multi-family development, which would create a land use conflict that could last for decades.

Goals and Policies- The request conflicts significantly with a variety of applicable Comprehensive Plan Goals and Policies. The applicant intends that the request facilitate future multi-family residential development, which would be outside of a designated Activity Center and not along a designated Corridor. Centers and Corridors are the desired locations for more intense (often multi-story) residential uses and Corridors to facilitate improved choices in transportation, including transit (ex. Goal 5.1- Centers and Corridors). The request would result in a development pattern that would generally not promote the efficient use of land near the existing solid waste convenience center; failure to protect it from a future land use conflict would be contrary to the public good (ex. Goal 5.3- Efficient Development Patterns).

For many years, the area has been as an industrial and manufacturing area with a cemetery included. The North I-25 Sector Development Plan also identified the area's industrial character. Therefore, it was an appropriate location to develop a solid waste convenience center because its operation would not adversely impact residents. However, the recent encroachment of residential uses into this area is creating land use conflicts with existing industrial uses (ex. Goal 5.6- City Development Areas) and could set up future residents to live in an unpleasant and unhealthy situation due to year-round noise, odors, and heavy vehicle traffic.

The existing solid waste convenience center, considered a Locally Unwanted Land Use (LULU), is the only one north of I-40. Future residential encroachment could result in complaints about the existing use that could jeopardize its operations- which serve a large portion of the City (ex. Policy 5.3.7- Locally Unwanted Land Uses). Any future residential uses on the subject site would develop in a location that is generally inappropriate adjacent to the convenience center, an existing public facility. Finally, the request would not contribute to protecting and maintaining a safe and healthy environment because it would create a land use conflict that would adversely affect future residents and the operations of the existing solid waste convenience center (ex. Goal 13.5- Community Health, Policy 13.5.1).

Therefore, because the applicant has not demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not significantly conflict with them, there is no demonstration that the request is consistent with the City's health, safety, morals, and general welfare. The response to Criterion A is insufficient.

- 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 Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The zone change will reinforce the character of the area and will not permit development significantly different than the established character by changing the zoning to MX-L, which matches the existing zoning to the east of the subject site and the recent change to MX-L zoning to the southeast. These zones and the development permitted by them are consistent with the gradual shift toward more multi-family residential and mixed-use development occurring in this area and this request will further reinforce that character.

The request meets criterion #2 because the existing zoning is inappropriate as the NR-SU zone was established for a cemetery use that was established prior to annexation of the property by the City in 1985 and the cemetery no longer wishes to utilize this property for that purpose and is selling it to the Applicant. Selling this property, which has not been utilized for burials since annexation by the City, is consistent with an ongoing trend in the funeral industry with more people opting for cremation, which makes cemeteries less necessary. According to the National Funeral Directors Association, the percentage of burials has decreased from approximately 53% in 2010 to 45% in 2015 and was projected to be 36.6% in 2021. During this same time, cremations have increased from 40% in 2010 to 48% in 2015 and is projected to be 57% in 2021 (<https://nfda.org/news/statistics>). This trend, in conjunction with other zone changes and development from business park and industrial uses to multi-family residential and mixed-use commercial development, constitutes a significant change in neighborhood and community conditions affecting this property that justifies the requested change.

In addition, the proposed zone change to MX-L meets criterion #3 by being more advantageous to the community as articulated by the ABC Comp Plan (described in detail earlier in this justification letter). The zone change will provide a better transition between the single-family residential subdivision to the east and the remaining cemetery to the west and the Eagle Rock Convenience Center to the south. The requested zone change will provide for additional housing supply and density near an area of concentrated employment and furthers numerous other goals and policies of the Comprehensive Plan. As mentioned earlier in this letter, the 2010 Sector Development Plan that was in effect for this property prior to the IDO designated this site "NC" in addition to the cemetery use. The policies that supported that mixed-use character, which facilitated some of the changes seen in the surrounding area, have been carried forward into the 2017 Comprehensive Plan and further support this change as being more advantageous to the community rather than having the property remain vacant with an extremely limited number of potential uses, such as the cemetery.

Staff: Criterion B presents a two-part test, which the request does not meet. The applicant has not adequately demonstrated that the proposed new zone would clearly reinforce or strengthen the

established character of the surrounding Area of Consistency. The MX-L zone would permit future development that is significantly different from the area's established character as an area for industrial/wholesale/manufacturing uses, which was established with the original North I-25 sector plan in 1986 and continued with the 2010 sector plan. Though some residential uses have begun to encroach on existing industrial uses, the more this happens, the greater the conflicts will be with applicable Goals and Policies. New residential uses on the subject site, adjacent to the convenience center, would be incompatible with this existing uses that has defined the area for many years. Further residential encroachment could pose a threat to this existing industrial use, which has very few feasible locations throughout the City. The use located in an industrial area, next to a cemetery, in order to serve the larger community with solid waste disposal services and not be incompatible with adjacent land uses- which did not include living residents.

The request does not meet Criterion 3 (more advantageous to the community) because the applicant has not adequately demonstrated that the request furthers a preponderance of applicable Goals and policies and does not conflict with them. Therefore, a different zone category is not more advantageous to the community than the current zoning. Nor is Criterion 2 met. The applicant's economic argument regarding demand for burials is more a national market trend than a changed community or neighborhood condition but, since the applicant didn't meet the first part of the criterion B test, the point is moot. The response to Criterion B is insufficient.

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

The subject site 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, Criterion C 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.

| IDO Zoning Comparison: NR-SU vs. MX-L | | |
|--|-------|------|
| Use | NR-SU | MX-L |
| Dwelling, townhouse & Dwelling, multi-family | - | P |
| Dwelling, live work | - | P |
| Group Living Category (except Group home, large) | - | P |
| Adult or child day care facility | - | P |
| Cemetery | P | - |
| Community center or library | - | P |
| Correctional facility | P | - |
| Elementary or middle school; High school | - | P |
| Fire or police station | P | - |
| Museum | - | P |
| Religious institution | - | P |
| Community garden | - | P |
| Kennel | - | C |
| Veterinary hospital or other pet services | - | P |
| Bar & Tap room or tasting room | - | C |
| Health club or gym | - | P |
| Restaurant | - | P |
| Residential community amenity | - | P |
| Hotel or motel | - | P |
| Car wash | - | P |
| Light vehicle fueling station & sales and rental | - | C |
| Light vehicle repair | - | P |
| Bank | - | P |
| Club or event facility | - | P |
| Commercial services | - | P |
| Crematorium | P | - |
| Medical or dental clinic | - | P |
| Mortuary | A | C |
| Office or Personal and business services, small | - | P |
| Research or testing facility | - | P |
| Self-storage | - | C |
| Amphitheater | A | - |
| Fairgrounds | P | - |
| Stadium or racetrack | P | - |
| Art gallery | - | P |
| Bakery goods or confectionary shop | - | P |
| General retail, small; Cannabis retail; Farmer's market; and Grocery store | - | P |
| Liquor and Nicotine retail | - | A |
| Pawn shop | - | C |
| Airport | P | - |
| Artisan manufacturing | - | P |
| Cannabis cultivation and Cannabis-derived products manufacturing | - | P |
| Natural resource extraction | P | - |
| Solid waste convenience center | P | - |
| Waste and/or recycling transfer station | P | - |
| Drive-through or drive-up facility | - | A |

None of the permissive uses in the MX-L zone will be harmful to the adjacent property, neighborhood, or community. The table on the following page provides a comparison of the NR-SU and MX-L zones. The proposed MX-L will eliminate particularly impactful uses, such as a correctional facility, solid waste convenience center, and natural resource extraction. The proposed zoning also matches the zoning of the properties to the east and the recently changed zoning to the southeast where it was demonstrated that the allowable uses will not be harmful to adjacent property, the neighborhood, or the community. As a low intensity zone district, several uses of the MX-L zone are Conditional and other Use-specific standards limit the impact on neighboring properties. If approved, the Applicant intends to develop multi-family residential like what was done to the southeast. Although not required, the goal of the conceptual site plan, prepared for this development places the buildings away from the eastern property line and proposes a large landscape buffer along that edge (see Figure 5). This lessens the impact from building height because the site generally slopes down to the west and the Rio Grande.

Uses that become permissive in the MX-L zone that may be considered potentially harmful include light vehicle repair, liquor and nicotine retail, drive-through facilities, and cannabis-related uses. Use-specific standards in the IDO mitigate the impacts of these potential uses. For example, due to the site's proximity to residential uses to the east, an additional buffer is required between any building containing the vehicle repair use and the adjacent residential properties. All repair activities must also be done completely indoors within mixed-use zone districts. Liquor and nicotine retail are only allowed when accessory to another primary use such as a grocery store and include additional standards such as separation requirements and requiring a Conditional Use Approval when near residential properties. Cannabis-related uses are limited in size within mixed-use zone districts, must be conducted indoors, and include separation requirements among others. 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.

Staff: The applicant has compared the existing NR-SU zoning to the proposed MX-L zoning, noting which uses would become permissive in the new zone. The following uses would be harmful to the adjacent property that contains the Solid Waste Convenience Center: Dwelling, Townhouse; Dwelling, Multi-Family; Dwelling, Dwelling, Live-work; Group Living Category; Care Facility; School.

These residential uses, and other uses where people spend long amounts of time, could result in harm to the existing, industrial public facility. Locating such uses (especially more residential uses) directly abutting the Eagle Rock Convenience Center could threaten the existing facility. New residents and/or people associated with such uses may complain about the noise, heavy traffic, dust, and odors generated by the convenience center and pressure the City to relocate or modify operating hours.

The Solid Waste Management Department submitted comments describing potential impacts. The Eagle Rock Convenience Center generates loud noise due to the operation of on-site vehicles (ex. the CAT 926M Small Wheel Loader). The 926M has an average exterior sound pressure (ISO

6395:2008) of 101 dB(A). Its backup alarm has a sound level of 107 dB(A) at a distance of about three feet.

According to State of New Mexico Solid Waste Rules 20.9.4.12.B. NMAC, siting criteria for transfer stations prohibit locating a new transfer station within 250 feet of a permanent residence, institution, school, place of worship, or hospital. While this does not pertain to an existing facility, it shows that 250 feet is considered a reasonable distance between these uses given the nature of transfer station operations.

Furthermore, the IDO's Use Specific Standards are inadequate to mitigate the harmful impacts of excessive noise, dust, heavy vehicle traffic, and foul smell on new residential uses adjacent to the existing solid waste convenience center. 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.

This request meets both Criterion 1 and 3. There are some existing infrastructure improvements in the vicinity that have been installed by the City or other developers that will be available to serve the development made possible by this zone change. In addition, any infrastructure improvements that are necessary due to development of the subject site by this Applicant will be provided as a part of that development and an Infrastructure Improvement Agreement tied to a future site plan application. The Applicant stated in the facilitated meeting that he is willing to improve the curve off-site at Glendale Avenue and Modesto Avenue that would normally be the responsibility of the Pueblo of Sandia.

Staff: The City's existing infrastructure and public improvements will have adequate capacity to serve future development made possible by the zone change (Criterion 1). However, Albuquerque Public Schools states that future development would impact EG Ross Elementary School, Desert Ridge Middle School, and La Cueva High School. EG Ross Elementary School is operating above capacity and future residential development would be a strain on the school. 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.

The property is not located on any major streets and this justification is not based completely upon such circumstances.

Staff: The Applicant's justification is not completely based on the property's location on a major street. The property is located on Glendale Ave. NE, which is a local street.

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

The cost of land or other economic considerations are not the determining factor for this zone change request. The requested zone change is justified based on changed neighborhood and community conditions with a long-term trend reducing the need for the limited cemetery use and the increasing mixed-use character of the surrounding area that supports Comprehensive Plan goals and policies, as was described in detail in our response to Criterion B. The subject site has long been underutilized and mostly vacant since annexation by the City in 1985 and the cemetery is now selling the property consistent with a significant decrease in burials. The existing limited NR-SU zone is clearly no longer appropriate for the site and the changing neighborhood and community conditions surrounding the site, including other zone changes to mixed-use and multi-family residential development and construction of more residential and commercial service uses than were allowed when the site was annexed justify the change. Rather than relying on economic arguments, the Applicant is proposing a change that also promotes more housing density and neighborhood-scale commercial uses that will fulfill the Comprehensive Plan's vision for a more vibrant, healthy, and sustainable community through infill development, supporting transit and other multi-modal transportation, and locating needed housing near jobs.

Staff: Though economic considerations are always a factor, in this case the applicant's justification is based predominantly upon them. The applicant's main argument is that the cemetery wants to sell the property as expeditiously as possible, based on the economic consideration that, according to the National Funeral Directors Association, there is less national market demand for burials and fewer burials overall.

Furthermore, as indicated in the record, the applicant desires to proceed immediately with the development of multi-family housing with little regard to the existing, abutting industrial use. The opportunity to maintain character, not exacerbate environmental impacts upon people, and provide healthy environments where people can thrive in the long-term is being overlooked in favor of short-term gain. The response to Criterion G is insufficient

- 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.

The area of the requested zone change is nearly 4 acres in size and matches the existing zoning to the east and recently approved zoning to the southeast, so it cannot be considered a spot zone. The request clearly facilitates realization of the Comprehensive Plan goals and policies related to appropriate scale and uses; promoting more mixed-use and walkable development, particularly near Multi-modal corridors and job centers; and increasing housing options and density in appropriate locations.

Staff: The request would not result in a spot zone. Furthermore, the applicant has not demonstrated that the request clearly facilitates realization of Comprehensive Plan Goals and Policies, as there are many conflicts (see Section A). The request would create serious land use incompatibility. The response to Criterion H is insufficient.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

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

The Solid Waste Management Department (SWMD) provided significant comments (see attachment). They state that the applicant should be aware that the abutting Eagle Rock Convenience Center operates 362 days a year, 7-days a week from 8:00am – 5:00pm. There is heavy machinery in operation that emits loud noise on a consistent basis.

SWMD also cites State regulations for the location of transfer stations (solid waste convenience centers), which indicate that there should be, at a minimum, a distance of 250 feet between the transfer station and a permanent residence, institution, school, place of worship, or hospital. While this does not pertain to an existing facility, it serves to show what may be a reasonable distance between these uses given the nature of transfer station operations and their inherent, adverse effects.

The Transit Department commented that the subject site is not currently on an ABQ Ride route, and that the nearest service is the Commuter Route 98, which runs east/west on Alameda connecting the Northwest Transit Center to Kirtland AFB by way of Wyoming Boulevard. As a commuter route, it runs twice in the morning rush-hour and twice in the evening rush-hour.

Albuquerque Public Schools noted that E.G. Ross elementary school is currently operating beyond capacity, and could potentially be strained should the request be approved.

Neighborhood/Public

The affected neighborhood organizations are the District 4 Coalition of Neighborhood Associations and Nor Este Neighborhood Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.

A pre-application meeting was held on July 19th, 2021 (see attachments). The following were the main concerns held by the attendees of the meeting:

1. Building more apartments bordering a major recycling/trash facility may affect the long-term health of the occupants.
2. A lack of public transportation is still a reality.
3. With the likelihood of limited parking, there will be more overflow of occupant vehicles parked on residential streets.
4. Once these apartments are built, this ten-block area will contain over 700 apartments.
5. Property values will again diminish by the immediately adjacent proposed apartments.

Staff has received an email from the District 4 Coalition (see attachments) to express opposition to the request. The main points are:

1. The intended character of this property is tied to the long time Sensitive Use zoning that went into the establishment of the bordering cemetery, the City's major recycling center and the other industrial uses on nearby properties. None of these SU entities lend themselves to immediately adjacent multi-family apartments.
2. Utilizing this property as MX-L could also hamper both the cemetery and the recycling center should either entity determine that they need to expand their operations.
3. The NR-SU zoning was specifically developed because a number of such uses are difficult to locate with expansion capacity and to have a particular use not create problems for the surrounding property uses. The City's investment in the Eagle Rock recycling facility has been & remains substantial and needs to not be hampered in its future potential development.
4. As you will note from the Summary Report of the Facilitated Mtg., there is a single morning bus & single late afternoon bus route that services this area and no other public transportation. You will also note that the trek from this project's location to the nearest stop along that bus route is substantial.
5. There are also no bike paths or walking paths in the vicinity, which means that anyone biking or walking to a bus pickup spot or other destination will have to use the roadway or any sidewalks that are available which are non-existent close to this location.
6. There is one set of quick food & entertainment establishments within a half mile of this location but the nearest shopping area, grocery store or regular dining would require some form of personal transportation to get to them.

IV. CONCLUSION

The request is for a zoning map amendment (zone change) for an approximately 4.0-acre site legally described as Lots 6, 7 & 26-A, Block 25, Tract A unit B, North Albuquerque Acres, located on Glendale Ave. NE, between San Pedro, and Louisiana Blvd (the subject site). The subject site is located in the North Albuquerque area.

The subject site consists of three lots located at Glendale Ave NE (no address is assigned), and are part of the existing Sandia Memory Gardens Cemetery. The subject site is adjacent to the existing Eagle Rock Convenience Center, which is one of three solid-waste drop off facilities owned by the City and the only one that serves the City north of I-40.

The applicant is requesting a zone change from NR-SU (Non-residential – Special Use) to MX-L (Mixed Use – Low intensity Zone District) to facilitate future development of multi-family residential use, though other uses in the MX-L zone would also become permissive.

The affected neighborhood organizations are the District 4 Coalition of Neighborhood Associations and Nor Este Neighborhood Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.

A pre-application meeting was held on July 19th, 2021 at which neighbors expressed their concerns. Staff has received an email from the District 4 Coalition to express opposition to the request.

The applicant has not been adequately justified pursuant to the IDO Review and Decision Criteria for zone changes pursuant to IDO 14-16-6-7(G)(3). The amendment is a threat to the health and general welfare of the community; it is inconsistent with the predominant and historic land use of the area; conflicts with several, applicable Goals and policies in the Comprehensive Plan; is not more advantageous to the community; would allow permissive uses that are harmful to adjacent property because of incompatibilities; economic considerations are the determining factor for the request.

Staff recommends DENIAL.

FINDINGS – RZ-2021-00028, October 21, 2021 - Zoning Map Amendment (Zone Change).

1. The request is for a Zoning Map Amendment (zone change) for an approximately 4.0-acre site legally described as Lots 6,7, & 26-A, Block 5, Tract A unit B, North Albuquerque Acres, located at Glendale Ave. NE, between San Pedro Rd. NE and Louisiana Blvd. NE (the subject site).
2. The subject site is vacant and zoned NR-SU (Non-Residential – Special Use Zone District). The applicant is requesting a zone change to MX-L (Mixed-Use – Light Intensity) to facilitate future development of multi-family housing.
3. The subject site is in an Area of Consistency as designated by the Comprehensive Plan and is in the North Albuquerque CPA. It is not in a designated Activity Center or along a designated Corridor.
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. Community health, one of the Comprehensive Plan’s five guiding principles, firmly establishes the priority to protect all residents from harm where they live, work, learn, shop, and play. One condition that influences health outcomes is proximity to sites with a higher risk of pollution and adverse effects. By its nature and year-round operation, the solid waste convenience center generates negative environmental impacts to surrounding properties. Locating multi-family dwellings, or another residential use allowed in the MX-L zone, directly adjacent to the existing Eagle Rock Convenience Center would contribute to an unhealthy environment that would not promote the health, safety, and welfare of the City.
6. The request conflicts with the following, applicable Goals and Policies from Chapter 5: Land Use, regarding Centers and Corridors, as follows:
 - A. Goal 5.1 Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The subject site is not located within any designated Centers and is not located along any designated Corridors. The applicant intends that the request facilitate future development of multi-family residential; multi-family residential uses are intended to be, and are more appropriate, in Activity Centers and along Corridors with good access to transit and other uses. The request would facilitate growth in an area contrary to Goal 5.1.
 - B. Subpolicy 5.1 (g): Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership.

The request would facilitate a multi-family use on a site that is not adjacent to a Center or along a Corridor and therefore would not support transit ridership. Transit service in the neighborhood is very limited.

7. The request conflicts with the following, applicable Goals and Policies from Chapter 5: Land Use, regarding Complete Communities, as follows:

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

This request would facilitate development of multi-family housing. Though there are existing residential uses in this area, the area is mostly characterized by intense non-residential uses that are industrial in character. Future residents would have to travel by car to reach amenities where they could work, learn, shop or play together.

- B. 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 subject site is adjacent to the Eagle Rock Convenience Center, and several other intense uses that are industrial in character. The request and subsequent development of a multi-family residential use would not create a healthy, sustainable, and distinct community because of the incompatible industrial land uses nearby.

- C. Subpolicy 5.2.1 (a): Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

The request would facilitate development with multi-family residential housing. Though the site would be accessible by the surrounding neighborhoods, there are no other goods, services, or amenities available within walking and biking distance. Additionally, the area is not conducive to walking or biking given the intensity of surrounding industrial uses.

- D. Subpolicy 5.2.1 (b): Encourage development that offers choice in transportation, work areas, and lifestyles.

The subject site is currently only served by one transit route, ABQ Ride Route 98. The nearest bus stop is along Alameda Blvd NE, just east of San Mateo Blvd. NE, and is not considered to be within walking distance of the subject site. The area is characterized by intense, non-residential uses, and do not lend themselves to be diverse in work areas or lifestyle.

- E. Subpolicy 5.2.1 (e): Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request would facilitate the development of multi-family residential housing in an area that is largely characterized by intense, industrial uses. Locating multi-family dwellings directly adjacent to the Eagle Rock Convenience Center would not create a healthy, sustainable community, as there is there are inherent environmental impacts generated by the solid waste convenience center to surrounding properties.

- F. Subpolicy 5.2.1 (f): Encourage higher density housing as an appropriate use in the following situations:

- iii. In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses, and where adequate infrastructure is or will be available;
- v. In areas where a transition is needed between single-family homes and much more intensive development.

The request would encourage higher density in an area where it is incompatible. The subject site is adjacent to Eagle Rock Convenience Center, which is operated by Solid Waste 7-days a week from 8:00am – 5:00pm. The solid waste center generates loud noise, dust, and often strong unpleasant smells. Though the subject site could be a transition from the solid waste convenience center to the adjacent single-family development, there would be no transition from the convenience center to the multi-family development.

- G. Subpolicy 5.2.1 (h): Encourage infill development that adds complimentary uses and is compatible in form and scale to the immediately surrounding development.

The request would facilitate and encourage infill development. However, the development of multi-family residential directly abutting a Solid Waste Convenience Center, a cemetery, and other properties zoned NR-LM (Non-residential – Light Manufacturing) would further the encroachment of incompatible uses in this area.

- 8. The request conflicts with the following, applicable Goals and Policy from Chapter 5: Land Use, regarding development patterns, as follows:

- 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 request would facilitate the development of multi-family housing in an area that is largely characterized by non-residential, industrial, and intense land uses. Should the request be approved, it would endanger the Eagle Ranch Convenience Center, which is a long-standing public facility that serves the City. The Solid Waste Convenience Center should be protected in support of the public good, as there are only three convenience centers in the greater Albuquerque area, and limited NR-SU zones.

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

The request would support additional growth in an area with some existing infrastructure, and public facilities. However, the public facility adjacent to the subject site is the Eagle Rock Convenience Center, which is operated by Solid Waste. The Eagle Rock Convenience Center has inherent environmental impacts to surrounding uses including: noise, dust, and unpleasant smells. Also, there are infrastructure improvements needed along Glendale Ave NE, specifically, a deficiency of asphalt, curb, and gutter.

- 9. The request conflicts with the following Goal and Policy from Chapter 9: Housing, regarding housing density as follows:

- A. Goal 9.3.2 – Density: Support increased housing density in appropriate places with adequate services and amenities.

The request would support increased housing density, as a zone change to MX-L from NR-SU would facilitate the development of multi-family housing. However, the development would not be in an appropriate place as it is directly abutting a high intensity use directly to the south. The Eagle Rock Convenience Center has inherent environmental impacts, which would negatively affect nearby residents.

- B. Policy 9.3.2 – Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

The requested zone map amendment from NR-SU to MX-L would facilitate the development of multi-family housing, however it would not be located near appropriate uses or services and would not maintain the scale of the abutting Eagle Rock Convenience Center, or abutting single-family homes.

10. The request conflicts with the following Goal and Policies from Chapter 13: Resilience and Sustainability, as follows:

- A. Goal 13.5 – Community Health: Protect and maintain safe and healthy environments where people can thrive.

The requested zone map amendment from NR-SU to MX-L would allow a variety of low intensity uses such as restaurants, low-density multi-family housing, offices, etc.; all of which are incompatible with the abutting Solid Waste Convenience Center. The request would create an unhealthy environment for future tenants.

- B. Policy 13.5.1 – Land Use Impacts: Prevent environmental hazards related to land uses.

The request would facilitate the development of multi-family housing directly abutting with a high intensity industrial use. The solid waste convenience center has the potential to be environmentally hazardous to any abutting residential, low intensity land uses.

- C. Subpolicy 13.5.1 (b): Protect public health, safety, and welfare by discouraging incompatible land uses in close proximity, such as housing and industrial activity.

The requested zone map amendment from NR-SU to MX-L would not protect the public health, safety, and welfare because it would encourage residential (and other low intensity) land uses to develop directly abutting the Eagle Rock Convenience Center. Should the request be approved, it would allow housing to develop in close proximity to a heavy industrial use.

11. The applicant has not adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

- A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. Consistency with the City's overall health, safety, and general welfare is not possible when significant conflicts with various applicable Goals and policies are present.

The request conflicts with Goals and policies regarding efficient development patterns, Centers and Corridors, and community health. Locating residential uses in industrial areas can cause a land use conflict that could impact both residential and industrial uses negatively for decades. Due to conflicts with many applicable Goals and policies, the request would create serious land use incompatibility.

- B. Criterion B: The applicant has not adequately demonstrated that the proposed, new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency because the request conflicts with several applicable Comprehensive Plan Goals and policies and the Guiding Principle regarding Community Health. Therefore, a different zone category is not more advantageous to the community than the current zoning.
- 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 has compared the existing NR-SU zoning to the proposed MX-L zoning. The following uses would be harmful to the adjacent property (ex. the Solid Waste Convenience Center), the neighborhood, and the community: Dwelling, Townhouse; Dwelling, Multi-Family; Dwelling, Dwelling, Live-work; Group Living Category; Care Facility; School.

Locating such uses (especially more residential uses), and other uses where people spend long amounts of time, could result in harm to the existing, industrial public facility (the Solid Waste Convenience Center) that abuts the subject site. New residents and/or people associated with such uses may complain about the noise, heavy traffic, dust, and odors generated by the convenience center and pressure the City to relocate the facility or modify its operating hours.

Furthermore, the IDO's Use Specific Standards are inadequate to mitigate the harmful impacts of excessive noise, dust, heavy vehicle traffic, and foul smell on new residential uses abutting the existing solid waste convenience center.

- E. Criterion E: The City's existing infrastructure and public improvements will generally have adequate capacity to serve future development made possible by the zone change (Criterion 1). However, Albuquerque Public Schools states that future development would impact EG Ross Elementary School, Desert Ridge Middle School, and La Cueva High School. EG Ross Elementary School is operating above capacity and future residential development would be a strain on the school.

F. Criterion F: The applicant's justification is not completely based on the property's location on a major street. The subject site is located on Glendale Ave. NE, which is a local street.

G. Criterion G: The applicant's justification is based predominantly upon economic considerations and/or the cost of land, as noted and explained in the record. Though economic considerations are always a factor, they are one of the applicant's main arguments in this case. The cemetery wants to sell the property as expeditiously as possible, based on the economic consideration that there is less national market demand for burials and fewer burials overall.

Furthermore, as indicated in the record, the applicant desires to proceed immediately with the development of multi-family housing with little regard to the existing, abutting industrial use. The opportunity to not exacerbate environmental impacts, and to provide healthy environments where people can thrive in the long-term is being overlooked in favor of short-term gain.

H. Criterion H: The request would not apply a spot zone because there is other MX-L zoning in the larger area. However, the applicant has not adequately demonstrated that the request clearly facilitates realization of Comprehensive Plan Goals and Policies.

12. The zoning map amendment is not justified because the applicant has not adequately demonstrated that the request would further a preponderance of applicable Comprehensive Plan Goals and policies and not be in conflict with them (Criterion A). The applicant has not adequately shown that the proposed, new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency (Criterion B). The applicant did not sufficiently discuss the proposed vs. existing zones and the issues of harm (Criterion D), and the justification relies predominantly on economic factors and/or the cost of land (Criterion G).
13. The affected neighborhood organizations are the District 4 Coalition of Neighborhood Associations and Nor Este Neighborhood Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
14. A facilitated meeting was held on July 19, 2021 with representatives of the Nor Este Neighborhood Association and the District 4 Coalition of Neighborhood Associations. Attendees expressed concerns regarding limited public transportation to serve future development, the effect of the Solid Waste Convenience Center on the long-term health of future residents, and the availability of parking in the area.
15. Staff received an email from the District 4 Coalition to express opposition to the request. The letter discusses the long-standing industrial character of the area and states that residential uses are incompatible with it. The District 4 Coalition acknowledges that the Solid Waste Convenience Center is a public investment and a use that should be protected. They note that transit, walking paths, and bike trails near the subject site are very limited.

16. The Solid Waste Management Department (SWMD) provided significant comments. They state that the applicant should be aware that the abutting Eagle Rock Convenience Center operates 362 days a year, 7-days a week from 8:00am – 5:00pm. Heavy machinery operates and emits loud noise on a consistent basis. SWMD also cites State regulations for the location of solid waste convenience centers (transfer stations), which indicate that there should be, at a minimum, a distance of 250 feet between such a convenience center and a permanent residence, institution, school, place of worship, or hospital.

RECOMMENDATION - RZ-2021-00028, October 21, 2021

DENIAL of Project #: 2021-005844, Case #RZ-2021-00028, a zone change from NR-SU to MX-L for Lots 6,7, & 26-A, Block 5, Tract A unit B, North Albuquerque Acres, an approximately 4.0-acre site, located on Glendale Ave. NE, between San Pedro Rd. NE and Louisiana Blvd. NE, based on the preceding Findings.

Sergio Lozoya

**Sergio Lozoya
Current Planner**

Notice of Decision cc list:

cc: District 4 Coalition of NAs, Mildred Griffiee, mgriffiee@noreste.org
District 4 Coalition of NAs, Daniel Regan, dlreganabq@gmail.com
Nor Este NA, Gina Pioquinto, rpmartinez003@gmail.com
Nor Este NA, Uri Bassan, uri.bassan@noreste.org
Legacy Development & Management, LLC, fkassam@legacydm.net
Consensus Planning Inc., fishman@consensusplanning.com
Legal, kmorrow@cabq.gov
EPC file

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Long Range Planning

CITY ENGINEER

Transportation Development

Hydrology Development

New Mexico Department of Transportation (NMDOT)

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning- No adverse comment to zone change.

Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:

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

The Solid Waste Management Department (SWMD) takes great pride in operating a well-run, safe, and convenient location for residents and small businesses to drop off refuse and recycling. Site personnel collect and load these materials into trucks and haul them to the Cerro Colorado Landfill or recycling end users, saving customers the nearly 90-minute roundtrip. Because of the disparate land uses between the City's Eagle Rock Convenience Center (ERCC) and the proposed zoning change which would allow for apartment development, and potential future conflicts with apartment residents, SWMD respectfully submits the following comments regarding Case Number PR-2021-005844, RZ-2021-00028 as proposed. Please see the attached Display Board 1 and 2 for the site's operations and traffic flows. I have also included a photograph taken from the NE corner/property line of the site, which is shared by the subject property.

Background: ERCC was first permitted by the New Mexico Environment Department in 1992 and has operated continuously to date. It is a popular site, providing essential services to the public. It is open 7 days per week, 362 days per year (closing only for Thanksgiving Day, Christmas Day, and New Year's Day). Staff begin operations at 7 AM and work up to 6 PM. Public hours are 8 AM to 5 PM. All required safety and security protocols are followed. These include exterior site lighting, equipment backup alarms, and 3-strand barb wire topping the chain link perimeter fence.

Noise may be a concern to new residential neighbors. One piece of equipment used extensively on site, both inside and outside of the convenience center building is a CAT 926M Small Wheel Loader. This is used to push waste from the tipping floor into transfer trailers for transporting off site to the landfill. According to product specifications, the 926M has an average exterior sound pressure (ISO 6395:2008) of 101 dB(A). Its backup alarm has a sound level of 107 dB(A) at a distance of about three feet.

Although the Eagle Rock Convenience Center, also called a transfer station, is already in operation, according to State of New Mexico Solid Waste Rules 20.9.4.12.B. NMAC, siting criteria for transfer stations prohibit locating a **new** transfer station within **250 feet** of a permanent residence, institution, school, place of worship, or hospital. While this does not pertain to an existing facility, it serves to show what may be a reasonable distance between these uses given the nature of transfer station operations. If you look at the current zoning of adjacent properties, ERCC is zoned special use along with the properties to the north and west of the site. This helps to mitigate conflicts with nearby uses, as the majority of them are currently non-residential.

Code enforcement/Dispatch Supervisor

The Builder and client need to be made aware they are building next to Eagle Rock Convenience Facility. This site is open 7-days a week from 8AM to 5PM. This will have to be noted on the site plan. Where on this site will their tenants be disposing of their trash, and recycle? A site plan to scale approved for access will be required. If this development has gates, how will the refuse driver enter and exit the property (Access card, clicker, gate code, etc)?

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Not on a corridor, not on a route. Nearest service is the Commuter Route 98 which runs east-west on Alameda connecting the Northwest Transit Center to Kirtland AFB by way of Wyoming Boulevard. As a commuter, it runs twice in the morning rush-hour and twice in the evening rush-hour.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY PUBLIC WORKS/TRANSPORTATION PLANNING

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No adverse comments.

ALBUQUERQUE PUBLIC SCHOOLS

- a. Development at this location will impact EG Ross Elementary School, Desert Ridge Middle School, and La Cueva High School. EG Ross Elementary School is over-capacity and Desert Ridge Middle is approaching capacity. Development at this location will be a strain on these schools.
 - i. **Residential Units: 120**
 - ii. **Est. Elementary School Students: 31**
 - iii. **Est. Middle School Students: 13**
 - iv. **Est. High School Students: 13**
 - v. **Est. Total # of Students from Project: 57**

*The estimated number of students from the proposed project is based on an average student generation rate for the entire APS district.

School Capacity

| School | 2019-2020 Enrollment | Facility Capacity | Space Available |
|------------------------------|-----------------------------|--------------------------|------------------------|
| E. G. Ross Elementary School | 478 | 464 | -14 |
| Desert Ridge Middle School | 996 | 1,050 | 54 |
| La Cueva High School | 1,804 | 2,043 | 239 |

To address overcrowding at schools, APS will explore various alternatives. A combination or all of the following options may be utilized to relieve overcrowded schools.

- Provide new capacity (long term solution)
 - Construct new schools or additions
 - Add portables
 - Use of non-classroom spaces for temporary classrooms
 - Lease facilities
 - Use other public facilities
- Improve facility efficiency (short term solution)
 - Schedule Changes
 - Double sessions
 - Multi-track year-round

- Other
 - Float teachers (flex schedule)
- Shift students to Schools with Capacity (short term solution)
 - Boundary Adjustments / Busing
 - Grade reconfiguration
- Combination of above strategies

All planned additions to existing educational facilities are contingent upon taxpayer approval.

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY (ABCWUA)

MID-REGION METROPOLITAN PLANNING ORGANIZATION – TRANSPORTATION

MID-REGION COUNCIL OF GOVERNMENTS

No adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO



Figure 1: Sign posting on Glendale Ave NE.

Figure 2: Looking south from Glendale Ave NE to the subject site.



Figure 3: Looking east to the subject site from the western boundary (Sandia Memory Gardens).



Figure 4: Looking west from within the subject site.



Figure 5: Looking south from within the subject site, towards Eagle Rock Convenience Center.



Figure 6: Looking north from within the subject site, towards Glendale Ave NE

ZONING

For information regarding the NR-SU zone, please refer to IDO 14-16-2-5(E).

For information regarding the MX-L zone, please refer to IDO 14-16-2-4(B).

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) |
| | | |
| | | Appeals |
| | | <input type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A) |

APPLICATION INFORMATION

| | | |
|---|-----------|--------------------------------------|
| Applicant: Legacy Development & Management, LLC | | Phone: (505) 243-6000 |
| Address: 5051 Journal Center Blvd, Suite 500 | | Email: fkassam@legacydm.net |
| City: Albuquerque | State: NM | Zip: 87109 |
| Professional/Agent (if any): Consensus Planning, Inc. | | Phone: (505) 764-9801 |
| Address: 302 8th Street NW | | Email: fishman@consensusplanning.com |
| City: Albuquerque | State: NM | Zip: 87102 |
| Proprietary Interest in Site: Contract Purchaser | | List all owners: SMI ABQ Assets, LLC |

BRIEF DESCRIPTION OF REQUEST

Zoning Map Amendment request from NR-SU to MX-L.

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

| | | |
|---|------------------------|--|
| Lot or Tract No.: Lots 6, 7, and 26-A | Block: 25 | Unit: Tract A, Unit B |
| Subdivision/Addition: North Albuquerque Acres | MRGCD Map No.: | UPC Code: 101806529002040101 101806535001140103 |
| Zone Atlas Page(s): B-18 | Existing Zoning: NR-SU | Proposed Zoning: MX-L |
| # of Existing Lots: 3 | # of Proposed Lots: 3 | Total Area of Site (acres): Approx. 3.77 acres |

LOCATION OF PROPERTY BY STREETS

| | | |
|--|-----------------------------|-----------------------------|
| Site Address/Street: 99999 Glendale Ave NE | Between: San Pedro Drive NE | and: Louisiana Boulevard NE |
|--|-----------------------------|-----------------------------|

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

Project #1004472, CSU-71-32, and CSU-83-34

| | |
|--|---|
| Signature: | Date: 8/5/21 |
| Printed Name: Jacqueline Fishman, AICP | <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 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: 

Date: 8/5/21

Printed Name: Jacqueline Fishman, AICP

☐ Applicant or ☒ Agent

FOR OFFICIAL USE ONLY

Project Number:

Case Numbers

-

-

-

Staff Signature:

Date:



August 4, 2021

Tim MacEachen, Chair
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

Dear Mr. Chairman:

The purpose of this letter is to authorize Consensus Planning, Inc. to act as the agent for SMI – ABQ Assets, LLC for a Zoning Map Amendment, Site Plan-DRB, and all other related applications for property located along Glendale Avenue NE legally described as follows:

- LT 26-A BLK 25 BULK LAND PLAT OF LOTS 8-A, 26-A & 27-A, BLOCK 26 TRACT A UNIT B NORTH ALBUQUERQUE ACRES 1.9997 AC; and
- A portion of LT 1 THRU 7 & 30 THRU 32 BLK 25 & LTS 2 THRU 3 & 30 THRU 32 BLK 26 & PORT OF VAC MODESTO AVE NE TRACT A UNIT B NORTH ALBUQUERQUE ACRES

SMI – ABQ Assets, LLC is the contract seller of the above-referenced property. Thank you for your consideration.

Sincerely,



SMI – ABQ Assets, LLC

By: W. Clark Harlow

Title: Vice President Finance – US, Secretary, & Treasurer

August 3, 2021

Tim MacEachen, Chair
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

Dear Mr. Chairman:

The purpose of this letter is to authorize Consensus Planning, Inc. to act as the agent for Legacy Development & Management, LLC for a Zoning Map Amendment, Site Plan-DRB, and all other related applications for property located along Glendale Avenue NE legally described as follows:

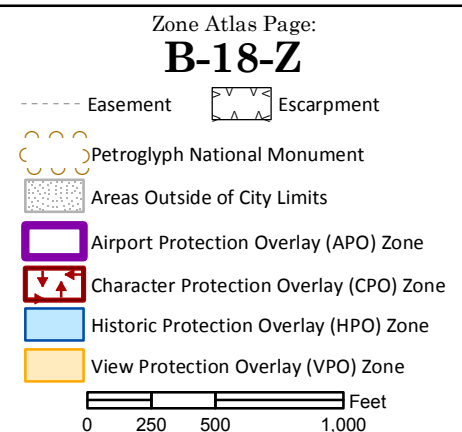
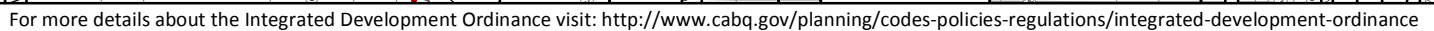
- LT 26-A BLK 25 BULK LAND PLAT OF LOTS 8-A, 26-A & 27-A, BLOCK 26 TRACT A UNIT B NORTH ALBUQUERQUE ACRES 1.9997 AC; and
- A portion of LT 1 THRU 7 & 30 THRU 32 BLK 25 & LTS 2 THRU 3 & 30 THRU 32 BLK 26 & PORT OF VAC MODESTO AVE NE TRACT A UNIT B NORTH ALBUQUERQUE ACRES

Legacy Development & Management is the contract purchaser of the property. Thank you for your consideration.

Sincerely,



Faizel Kassam
Managing Member
Legacy Development & Management, LLC





August 5, 2021 (Updated September 2, 2021)

Tim MacEachen, Chairman
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Zoning Map Amendment (PR-2021-005844)

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

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

Dear Mr. Chairman:

On behalf of Legacy Development & Management, LLC, Consensus Planning submits 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(F)(3). The subject site is located on the south side of Glendale Avenue NE east of San Pedro Drive and legally described as Lots 6, 7, and 26-A, Block 25, Tract A, Unit B, North Albuquerque Acres (see Figure 1).

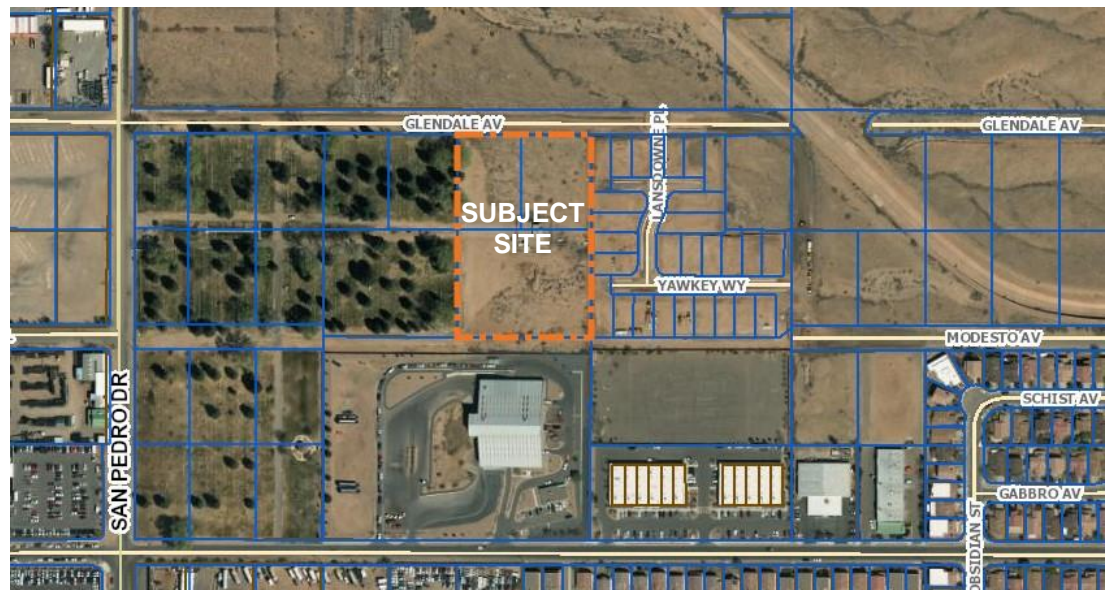


Figure 1. Subject site.

LAND USE CONTEXT AND PROJECT SUMMARY

The subject site is approximately 3.77 acres in size and mostly vacant with a modular maintenance building and related equipment storage for the cemetery located in the center. The property is currently owned by SMI – ABQ Assets, LLC as part of the larger cemetery property to the west. As part of the cemetery, the site is zoned NR-SU: Non-residential Sensitive Use. The Applicant is proposing a zone change for the subject site to MX-L: Mixed-use Low Intensity zone district, which matches the existing zoning to the east and another recently approved zone change on the property to the southeast.

PRINCIPALS

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

If the zone change is approved, the Applicant intends to submit a Site Plan – DRB application for a multi-family residential development on the subject site. This development is intended to be a second phase to the multi-family residential development that has been approved for the MX-L property to the southeast on Modesto Avenue NE.

The property is within the North Albuquerque Community Planning Area and is designated as an “Area of Consistency” in the 2017 Albuquerque/Bernalillo County Comprehensive Plan. Approximately 0.30 miles south of the subject site, Alameda Boulevard is designated as a Multi-modal Corridor. I-25, to the west of the subject site, and Alameda Boulevard west of I-25 are Commuter Corridors. The site is approximately one mile east of the North I-25 Employment Center and one mile northwest of the La Cueva Activity Center.

The North I-25 corridor is primarily commercial with several large employers located west of the Interstate, including Presbyterian Healthcare and General Mills among others. Many smaller office, warehouse, and industrial uses are located within three business parks in the area. Recently, new development east of I-25 has trended toward mixed-use including several single-family residential subdivisions and multi-family apartment complexes with more in development, as well as commercial retail and services (i.e. Tin Can Alley and Stone Age Climbing Gym along Alameda Boulevard).

Located to the east of the subject site is the Tierra Serena single-family residential subdivision. West of the site is a cemetery, of which the subject site is an unused portion. South of the site is the City of Albuquerque Eagle Rock Convenience Center and to the southeast is currently vacant land that was recently rezoned to MX-L by the Environmental Planning Commission (EPC) and approved for development of a multi-family residential community by the Development Review Board (DRB). North of the subject site, across Glendale Avenue, are vacant lands owned by the Pueblo of Sandia.

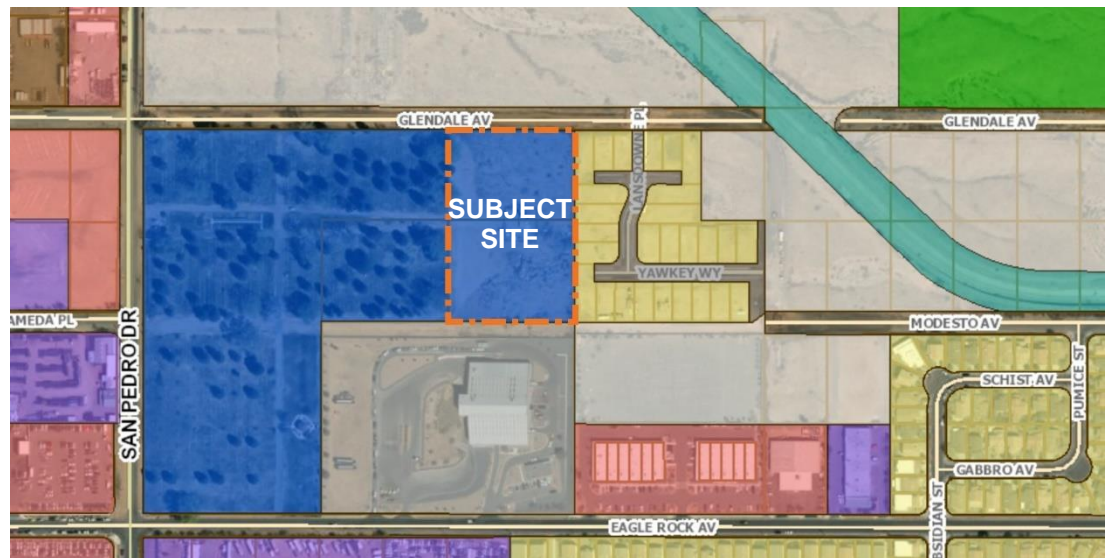


Figure 2. Land Use Context.

Site History and Zoning

As previously mentioned, the current zoning of the subject site is NR-SU, Non-residential Sensitive Use zone. The Eagle Rock Convenience Center to the south is also zoned NR-SU. From the IDO, “The purpose of the NR-SU zone district is to accommodate highly specialized public, civic, institutional, or natural resource-related uses that require additional review of location, site design, and impact mitigation to protect the safety and character of surrounding properties.” As an unused portion of the cemetery property, the NR-SU zoning is no longer appropriate for the subject site and needs to be changed because the NR-SU zone limits the use to a very few specific uses that are not planned or appropriate in this location. The Tierra Serena subdivision to the east is zoned MX-L and the property to the southeast was recently changed to MX-L in November 2020 (formerly NR-BP). The Pueblo of Sandia land to the north is zoned NR-LM (see Figure 3).

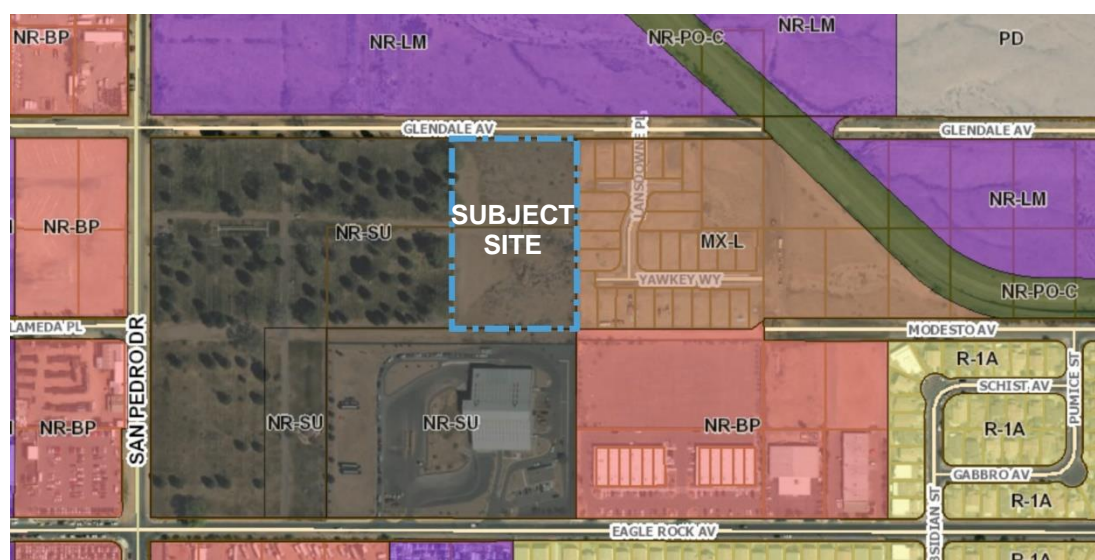


Figure 3. Existing Zoning (area of zone change bounded in blue).

| TABLE 1. Surrounding Zoning & Land Use | | |
|--|----------------|--|
| NORTH | NR-LM | Vacant |
| EAST | MX-L | Single-family residential |
| SOUTH | NR-SU and MX-L | COA Solid Waste Convenience Center and multi-family residential (approved) |
| WEST | NR-SU | Cemetery |

The case history indicates that the existing developed portions of the cemetery were authorized under Special Use Permits approved by Bernalillo County prior to annexation by the City of Albuquerque (CSU-71-32 and CSU-83-34). The property was annexed by Ordinance 64-1985 on October 21, 1985 and was subsequently zoned along with other properties in the area as part of the North I-25 Sector Development Plan. The purpose of the most recent 2010 North I-25 Sector Plan was to guide the future development of the area “as a regional employment center and to buffer the residential development that has grown up within the area on its eastern boundary.” The plan accomplished this by adding a Land Use District



Overlay and applying design standards to all future development, whether done by the underlying zoning of each property or the Overlay districts.

The 2010 North I-25 Sector Development Plan introduced a wider array of commercial and mixed-use areas with varying intensities than the previous 1986 plan. A lower intensity Neighborhood Commercial (NC) district was applied to most of the properties east of I-25 near existing residential areas, including the subject site to “create a transition zone between residential and non-residential uses.”

Under the Sector Development Plan, the subject site was zoned “SU-2 Cemetery or NC,” which would have allowed redevelopment of the site without the need for a zone change by using the NC Overlay designation. By reference to the old Comprehensive Zoning Code designations of Residential-Commercial, Office, and Neighborhood Commercial zoning, the NC designation would have allowed for development of single-family and multi-family residential, as well as a wide variety of low intensity commercial uses. This is what occurred to the east, as the property now developed as the Tierra Serena subdivision was also zoned “SU-2 Cemetery or NC” at the time of development. When the IDO became effective, the zoning conversion of each property was made on a case-by-case basis based on the existing land use and/or ownership due to the dual zoning designations of the Sector Plan. Since the subject site was still owned and part of the cemetery at the time, it converted to NR-SU for the SU-2 Cemetery designation while the Tierra Serena subdivision converted to MX-L based upon the alternative NC designation and non-cemetery development.

Summary of Request

The Applicant is requesting a Zoning Map Amendment – EPC to MX-L, Mixed-Use Low Intensity for the subject property. The requested MX-L zone will allow for development of this underutilized property with a variety of residential densities, including townhouses and multi-family residential development, as well as low intensity, neighborhood commercial uses. It is the intent of the Applicant to pursue approval of a Site Plan-DRB for multi-family development if the zone change is approved by the EPC.

The proposed MX-L zoning will match the zoning to the east and development of the site will provide an improved transition between the Tierra Serena single-family subdivision and the adjacent cemetery and convenience center uses. As discussed earlier, the 2010 North I-25 Sector Plan designated this property for neighborhood commercial and mixed uses. However, due to the remaining underlying 1986 zoning entitlements and a desire not to make the cemetery use non-conforming or prohibit it from expanding, the IDO conversion applied the NR-SU zone and reduced the opportunities for alternative development of the subject site.

As shown in this justification letter, the Applicant believes that the NR-SU zone is no longer appropriate for the subject site due to changed community conditions and that the proposed change to the MX-L zone is more advantageous to the community. This request is supported by Comprehensive Plan goals and policies, is justified, and meets the requirements for a Zoning Map Amendment – EPC per IDO Section 14-16-6-7(G) as described below.



ZONING MAP AMENDMENT JUSTIFICATION

This request for a Zoning Map Amendment complies with the criteria outlined in Section 14-16-6-7(G)(3) of the Integrated Development Ordinance (IDO) as follows:

CRITERION 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's Response: The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering a preponderance of the applicable Comprehensive Plan goals and policies, as follows:

Comprehensive Plan 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 because it will allow for new growth and development of an underutilized site that is conveniently located between the North I-25 Employment Center and La Cueva Activity Center, just north of the Alameda Boulevard Multi-modal Corridor. The purpose of Multi-modal corridors is *"to encourage the redevelopment of aging, auto-oriented commercial strip development to a more mixed-use, pedestrian-oriented environment that focuses heavily on providing safe, multi-modal transportation options."* The request furthers this goal because changing the zoning from NR-SU and its narrow, limited uses to a more mixed-use, low-intensity zone that allows for neighborhood commercial and multi-family uses will support the desired transformation along the Alameda Corridor to the south by providing density that will support and utilize multi-modal transportation options, including easy access to Interstate 25 and nearby bicycle trails. The request also more specifically furthers this goal through the following policies.

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

Applicant Response: The request furthers this policy because it will allow for additional density and activity to occur in a convenient location near several designated Centers and Corridors. There is an enormous demand for additional housing the Albuquerque market to accommodate additional growth in the region, and the subject site is an appropriate location to accommodate some of that regional growth and new housing stock in accordance with this policy, and more specifically by the following sub-policy:

Sub-policy g): Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership

Applicant Response: The subject site is in a neighborhood just north of the Alameda Boulevard Multi-modal Corridor. The request furthers the Sub-policy because it allows for more housing density and opportunities for mixed-use development near a Multi-modal Corridor on an underutilized site that is bordered by existing development and mixed-use zoning. Future businesses or residents at the site will have convenient access to bicycle facilities, such as bike lanes on Louisiana Boulevard and along the La Cueva Arroyo Channel,

connecting them to new commercial development along Alameda Boulevard, North Domingo Baca Park, and the La Cueva Activity Center, as well as employment opportunities to the west in the North I-25 Employment Center. Additional multi-family development and appropriate densities may incentivize an increase in transit service along Alameda Boulevard in what is becoming a much more mixed-use destination.

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

Applicant Response: The requested zoning map amendment from NR-SU to MX-L furthers this goal because it will allow for an expanded number of uses for an underutilized site, which will allow for more places for people to live, work, learn, shop, and play. Creating new housing will provide places to live near jobs in the North I-25 corridor, and additional neighborhood-scale commercial could provide jobs and places to shop near existing residences.

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: The request furthers this policy because changing the zoning from the limited NR-SU zone to MX-L adds to the increasing mix of uses that are conveniently accessible from surrounding neighborhoods, thus creating a healthy and distinct community. Expanding the options for development beyond the limited uses of the NR-SU zone also further this policy as described through consistency with the following sub-policies:

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

Applicant Response: This sub-policy is furthered because promoting additional neighborhood-scale commercial and multi-family development as allowed by the MX-L zone will add uses providing additional goods, services, and amenities to the site, which is within walking and biking distance of several neighborhoods within the larger Nor Este area and along the Alameda Boulevard corridor.

Sub-policy b): Encourage development that offers choice in transportation, work areas, and lifestyles.

Applicant Response: Sub-policy b is furthered because additional residential density in this location will support and encourage additional commercial services to locate in this area and increased transit service that could be more viable with higher ridership, thus offering greater choices in transportation, work areas, and lifestyles.

Sub-policy d): Encourage development that broadens housing options to meet a range of incomes and lifestyles.

Applicant Response: Sub-policy d is furthered by allowing for future development of multi-family residential development that will help meet a range of incomes and lifestyles in a location that has historically developed over the last 20 years by and large with single-family residential subdivisions.

Sub-policy e): Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Applicant Response: The proposed zone change to MX-L will allow for a greater number of uses and additional residential density that will add to the increasing vibrancy of this area of Albuquerque not currently permitted through the specific use limitations of the NR-SU zone district related to the adjacent cemetery use. This additional mix of uses will create a healthy and sustainable community by being conveniently accessible to surrounding neighborhoods in Nor Este and along the Alameda Boulevard and San Pedro Drive corridors.

Sub-policy f): Encourage higher density housing as an appropriate use in the following situations:

- iii. In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses, and where adequate infrastructure is or will be available;
- v. In areas where a transition is needed between single-family homes and much more intensive development.

Applicant Response: Sub-policy f is furthered by providing a transition between the Tierra Serena subdivision and the existing cemetery use to the west and City of Albuquerque Eagle Rock Convenience Center to the south. In addition, this request is following a pattern of mixed density that has been created over time with the development of other nearby multi-family residential developments, mixed-use zone districts, and multi-family residential zone districts, thus it is compatible with existing area land uses. Adequate infrastructure exists or will be available for future development of the site as other neighboring sites have already been developed and are served by roadways, water, sewer, and other services. Any extensions of those services from the adjacent properties to the subject site will be done at the expense of the developer, as described in response to Criterion E.

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

Applicant Response: Sub-policy h is furthered because the zone change will facilitate development of an underutilized site with development that is compatible with the surrounding area, including other recently approved multi-family residential developments, and provide adequate transitions between the developed NR-SU parcels and the Tierra Serena subdivision. The form and scale will be maintained by utilizing the same zone district that matches building heights and setbacks of the neighboring properties already zoned MX-L, and this will be further reinforced through IDO protections such as the neighborhood edge and requiring buffering from the subject site to the convenience center property to the south.

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

Applicant Response: The request furthers Sub-policy n by allowing additional uses to develop on a mostly vacant, long underutilized property. The cemetery was originally approved prior to annexation by the City in 1985 and this property has remained undeveloped and essentially unchanged since then. The owner of the cemetery is attempting to sell the property and this zone change will facilitate a transition to a more productive use.

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

Applicant Response: The zone change will further Goal 5.3 by maximizing use of existing infrastructure along Glendale Avenue NE, which is currently only serving the Tierra Serena subdivision. In addition, the request will allow for development of a long-underutilized parcel of land with its highest and best use providing needed housing for the Albuquerque market, which supports the public good.

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

Applicant Response: The zone change will further Policy 5.3.1 by supporting the development of the site, which is surrounded on three sides by other development and with access to existing infrastructure, including water and sewer, as well as convenient multi-modal access to the numerous public facilities at North Domingo Baca Park, including tennis courts, a multigenerational center, fire station, and skate park. An aquatic facility is currently in the planning and development phase.

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: The request furthers this goal by allowing for and encouraging additional residential growth near the North I-25 Employment Center and with easy access to the I-25 and Alameda Boulevard Commuter Corridors that provide access across the region to other areas of employment such as the Journal Center.

Policy 5.4.1 Housing near Jobs: Allow higher-density housing and discourage single-family housing near areas of concentrated employment.

Applicant Response: The North I-25 corridor area is a major employment area for Albuquerque. The requested zone change furthers this policy by providing opportunities for additional higher-density housing near an area of concentrated employment without further overburdening river crossings due to the site's location east of the Rio Grande.

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.

Applicant Response: The request is located within the City of Albuquerque and an Area of Consistency. The proposed change from NR-SU to MX-L reinforces the character and intensity of the surrounding area, which has been transitioning to more mixed-use and higher density residential over time consistent with the prior Sector Development Plan Neighborhood Commercial designation and other recent zoning map amendments for nearby properties.

Policy 5.6.2 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.

Applicant Response: The request furthers this policy by enhancing the character of the area surrounding the subject site near an existing single-family neighborhood and as further described through consistency with the following sub-policies.

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

Applicant Response: The request furthers this sub-policy by utilizing the same MX-L zone district as found in the immediately surrounding context. Using the same zoning designation results in the same scale, setbacks, building height limits, and other development standards and the adjacent properties.

Sub-policy e): In areas with predominantly non-residential land uses, carefully consider zone changes from non-residential to mixed-use or residential zones for potential impact on land use compatibility with abutting properties, employment opportunities, and historic development patterns.

Applicant Response: The zone change furthers this sub-policy through the careful consideration of the request to downzone to a mixed-use district in an area that currently includes predominantly non-residential zoning and land uses adjacent to or near single-family residential. The area has been transitioning to a more mixed-use character over time and approval of the requested change will ensure land use compatibility with the abutting properties to the east, which are also zoned MX-L. The site has been long underutilized, and the NR-SU limits the possible uses, so the proposed change will not reduce employment opportunities or disrupt historic development patterns.

Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

Applicant Response: The zone change will further Goal 9.1 by allowing for the development of higher density residential, which will provide for a variety of housing at different price levels over time. This area of Albuquerque has developed over the last couple decades with mostly single-family subdivisions, including the property immediately to the east, which limits the available housing stock in the area and is contrary to this goal. There is an enormous need for additional housing in Albuquerque and approval of this request will allow for more of that needed housing supply to be built to provide more balanced housing options between multi-family and single-family development in the far north and northeast parts of the city.

Policy 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

Applicant Response: The request furthers this policy by allowing for development of the subject site with multi-family residential housing. Creating additional housing supply allows for different types of residents and households find appropriate housing at a variety of income levels as newer units may rent at higher rates and the market dynamics shift with older properties becoming more accessible to moderate income renters. This request more specifically furthers this policy as outlined in the response to the following sub-policy.

Sub-policy a): Increase the supply of housing that is affordable for all income levels.

Applicant Response: The requested Zoning Map Amendment to MX-L allows for the development of multi-family residential, which will further this policy to allow for new multi-family development in an area that has historically been underserved by such development. According to the CBRE January 2019 Multi-family Market Survey, the North I-25 area (MLS Areas 21, 100, and 102) have a combined 935 units, both market rate and affordable, with an occupancy rate of approximately 94.8% (see Figure 4 below). Most of the multi-family residential development in Albuquerque is located south of Paseo del Norte on the east side of the Rio Grande with a significant number of units near the Cottonwood Mall. The zone change is consistent with this policy by supporting the development of additional multi-family housing options farther north, east of the Rio Grande, and closer to the employment in the North I-25 Employment Center, which is appropriate and contributes to the balancing of housing options. As more units are developed at different price points, the market will respond and a greater supply of housing will be available for all income levels.

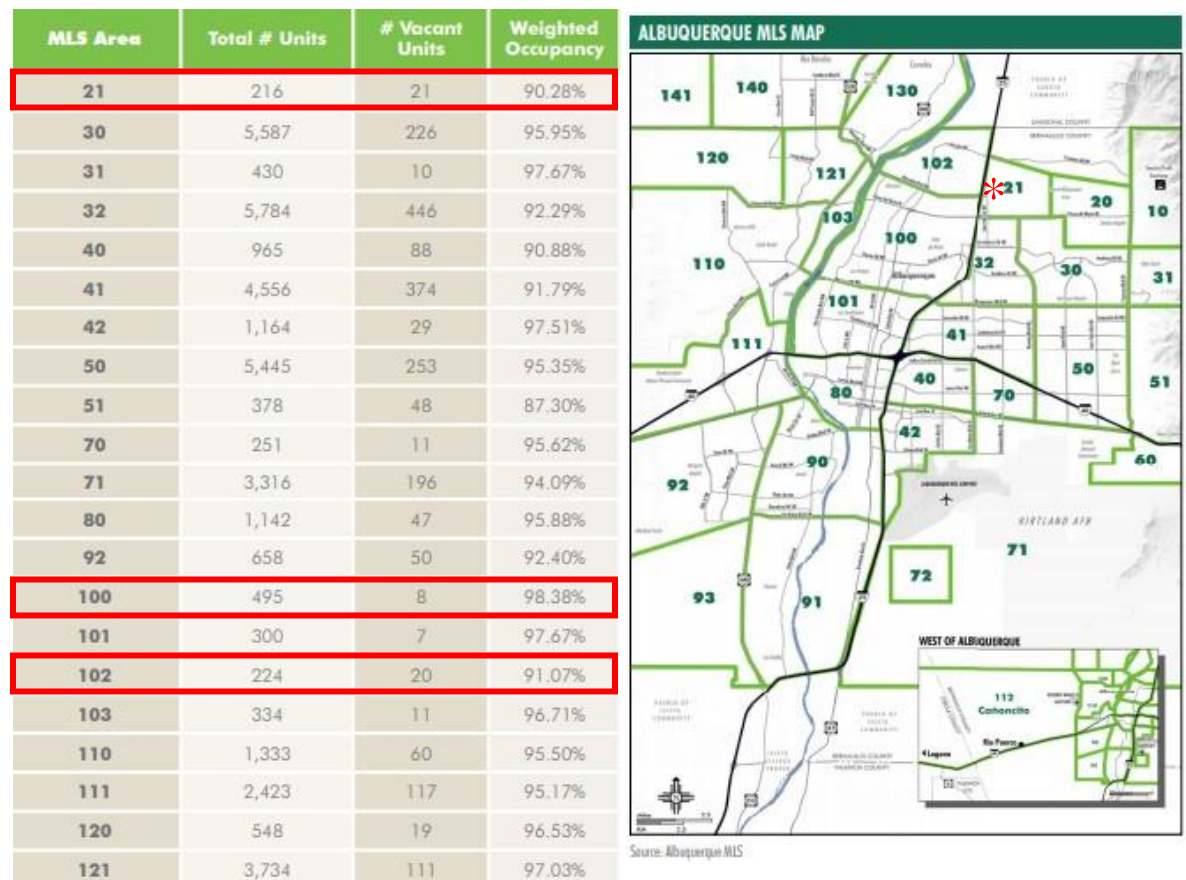


Figure 4. Excerpt from the January 2019 Albuquerque Multi-family Market Survey report. Approximate location of the subject site identified by asterisk (Source: CBRE).

Goal 9.3 Density: Support increased housing density in appropriate places with adequate services and amenities.

Applicant Response: This goal is furthered because the zone change will allow for development of multi-family residential uses that increases the housing density in an appropriate location situated between the North I-25 Employment Center and La Cueva Activity Center, which has been transitioning to a more mixed-use character over time. This new housing will have convenient access to a variety of services and amenities along the Alameda Multi-modal Corridor and I-25 and Alameda Commuter Corridors, including jobs and commercial services in addition to a variety of amenities such as the North Domingo Baca Multigenerational Center within the La Cueva Activity Center, which is within convenient bicycling distance.

Policy 9.3.2 Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

Applicant Response: The zone change furthers this policy because it will allow increased density through the development of multi-family residential that is located near appropriate uses and services, such as other existing multi-family residential, La Cueva High School, and single-family residential where it serves as a transition to more intense uses such as the City of Albuquerque Eagle Rock Convenience Center. The request maintains the scale of surrounding development by utilizing the same zoning designation to the east, so building heights, setbacks, buffer requirements, and neighborhood edge protections will be the same and ensure compatibility.

Sub-policy a): Encourage higher-density residential and mixed-use development as appropriate uses near existing public facilities, educational facilities, job centers, social services, and shopping districts.

Applicant Response: The zone change will further this sub-policy by providing mixed-use and multi-family residential development opportunities near a large job center – North I-25 - and an up-and-coming commercial district along the Alameda Boulevard corridor, as well as La Cueva High School and retail shopping opportunities in the La Cueva Activity Center.

Sub-policy b): Encourage multi-family and mixed-use development in areas where a transition is needed between single-family homes and more intense development.

Applicant Response: The zone change will further this sub-policy by creating a transition between existing single-family homes and the cemetery and City of Albuquerque Eagle Rock Convenience Center.

Based on the responses to these goals and policies, the request satisfies the requirements of Criterion A by providing additional housing density and mixed-uses in appropriate locations that help create a more sustainable and vibrant community as envisioned by the Comprehensive Plan.

CRITERION 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 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 zone change will reinforce the character of the area and will not permit development significantly different than the established character by changing the zoning to MX-L, which matches the existing zoning to the east of the subject site and the recent change to MX-L zoning to the southeast. These zones and the development permitted by them are consistent with the gradual shift toward more multi-family residential and mixed-use development occurring in this area and this request will further reinforce that character.

The request meets criterion #2 because the existing zoning is inappropriate as the NR-SU zone was established for a cemetery use that was established prior to annexation of the property by the City in 1985 and the cemetery no longer wishes to utilize this property for that purpose and is selling it to the Applicant. Selling this property, which has not been utilized for burials since annexation by the City, is consistent with an ongoing trend in the funeral industry with more people opting for cremation, which makes cemeteries less necessary. According to the National Funeral Directors Association, the percentage of burials has decreased from approximately 53% in 2010 to 45% in 2015 and was projected to be 36.6% in 2021. During this same time, cremations have increased from 40% in 2010 to 48% in 2015 and is projected to be 57% in 2021 (<https://nfda.org/news/statistics>). This trend, in conjunction with other zone changes and development from business park and industrial uses to multi-family residential and mixed-use commercial development, constitutes a significant change in neighborhood and community conditions affecting this property that justifies the requested change.

In addition, the proposed zone change to MX-L meets criterion #3 by being more advantageous to the community as articulated by the ABC Comp Plan (*described in detail earlier in this justification letter*). The zone change will provide a better transition between the single-family residential subdivision to the east and the remaining cemetery to the west and the Eagle Rock Convenience Center to the south. The requested zone change will provide for additional housing supply and density near an area of concentrated employment and furthers numerous other goals and policies of the Comprehensive Plan. As mentioned earlier in this letter, the 2010 Sector Development Plan that was in effect for this property prior to the IDO designated this site "NC" in addition to the cemetery use. The policies that supported that mixed use character, which facilitated some of the changes seen in the surrounding area, have been carried forward into the 2017 Comprehensive Plan and further support this change as

being more advantageous to the community rather than having the property remain vacant with an extremely limited number of potential uses, such as the cemetery.

CRITERION 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:

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

CRITERION 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 16-16-0 associated with that use will adequately mitigate those harmful impacts.

Applicant's Response: None of the permissive uses in the MX-L zone will be harmful to the adjacent property, neighborhood, or community. The table on the following page provides a comparison of the NR-SU and MX-L zones. The proposed MX-L will eliminate particularly impactful uses, such as a correctional facility, solid waste convenience center, and natural resource extraction. The proposed zoning also matches the zoning of the properties to the east and the recently changed zoning to the southeast where it was demonstrated that the allowable uses will not be harmful to adjacent property, the neighborhood, or the community. As a low intensity zone district, several uses of the MX-L zone are Conditional and other Use-specific standards limit the impact on neighboring properties. If approved, the Applicant intends to develop multi-family residential like what was done to the southeast. Although not required, the goal of the conceptual site plan prepared for this development places the buildings away from the eastern property line and proposes a large landscape buffer along that edge (see Figure 5). This lessens the impact from building height because the site generally slopes down to the west and the Rio Grande.

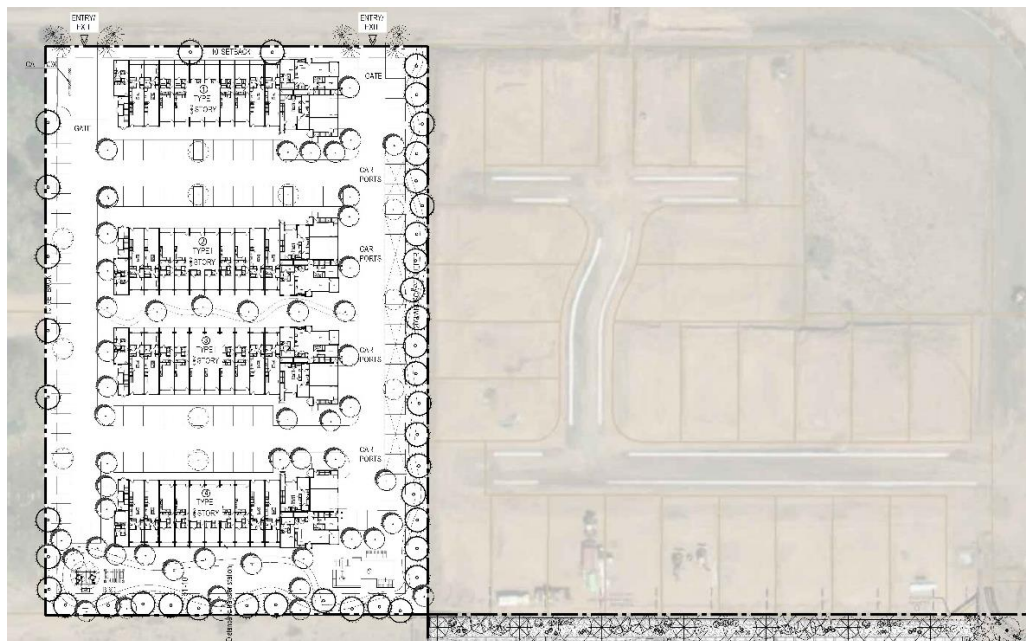


Figure 5. Conceptual development plan.

| IDO Zoning Comparison: NR-SU vs. MX-L | | |
|--|-------|------|
| Use | NR-SU | MX-L |
| Dwelling, townhouse & Dwelling, multi-family | - | P |
| Dwelling, live work | - | P |
| Group Living Category (except Group home, large) | - | P |
| Adult or child day care facility | - | P |
| Cemetery | P | - |
| Community center or library | - | P |
| Correctional facility | P | - |
| Elementary or middle school; High school | - | P |
| Fire or police station | P | - |
| Museum | - | P |
| Religious institution | - | P |
| Community garden | - | P |
| Kennel | - | C |
| Veterinary hospital or other pet services | - | P |
| Bar & Tap room or tasting room | - | C |
| Health club or gym | - | P |
| Restaurant | - | P |
| Residential community amenity | - | P |
| Hotel or motel | - | P |
| Car wash | - | P |
| Light vehicle fueling station & sales and rental | - | C |
| Light vehicle repair | - | P |
| Bank | - | P |
| Club or event facility | - | P |
| Commercial services | - | P |
| Crematorium | P | - |
| Medical or dental clinic | - | P |
| Mortuary | A | C |
| Office or Personal and business services, small | - | P |
| Research or testing facility | - | P |
| Self-storage | - | C |
| Amphitheater | A | - |
| Fairgrounds | P | - |
| Stadium or racetrack | P | - |
| Art gallery | - | P |
| Bakery goods or confectionary shop | - | P |
| General retail, small; Cannabis retail; Farmer's market; and Grocery store | - | P |
| Liquor and Nicotine retail | - | A |
| Pawn shop | - | C |
| Airport | P | - |
| Artisan manufacturing | - | P |
| Cannabis cultivation and Cannabis-derived products manufacturing | - | P |
| Natural resource extraction | P | - |
| Solid waste convenience center | P | - |
| Waste and/or recycling transfer station | P | - |
| Drive-through or drive-up facility | - | A |

Uses that become permissive in the MX-L zone that may be considered potentially harmful include light vehicle repair, liquor and nicotine retail, drive-through facilities, and cannabis-related uses. Use-specific standards in the IDO mitigate the impacts of these potential uses. For example, due to the site's proximity to residential uses to the east, an additional buffer is required between any building containing the vehicle repair use and the adjacent residential properties. All repair activities must also be done completely indoors within mixed-use zone districts. Liquor and nicotine retail are only allowed when accessory to another primary use such as a grocery store and include additional standards such as separation requirements and requiring a Conditional Use Approval when near residential properties. Cannabis-related uses are limited in size within mixed-use zone districts, must be conducted indoors, and include separation requirements among others. 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.

CRITERION 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 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 (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's Response: This request meets both Criterion 1 and 3. There are some existing infrastructure improvements in the vicinity that have been installed by the City or other developers that will be available to serve the development made possible by this zone change. In addition, any infrastructure improvements that are necessary due to development of the subject site by this Applicant will be provided as a part of that development and an Infrastructure Improvement Agreement tied to a future site plan application. The Applicant stated in the facilitated meeting that he is willing to improve the curve off-site at Glendale Avenue and Modesto Avenue that would normally be the responsibility of the Pueblo of Sandia.

CRITERION 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's Response: The property is not located on any major streets and this justification is not based completely upon such circumstances.

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

Applicant's Response: The cost of land or other economic considerations are not the determining factor for this zone change request. The requested zone change is justified based on changed neighborhood and community conditions with a long-term trend reducing the need for the limited cemetery use and the increasing mixed-use character of the surrounding area that supports Comprehensive Plan goals and policies, as was described in detail in our response to Criterion B. The subject site has long been underutilized and mostly vacant since annexation by the City in 1985 and the cemetery is now selling the property consistent with a significant decrease in burials. The existing limited NR-SU zone is clearly no longer appropriate for the site and the changing neighborhood and community conditions surrounding the site, including other zone changes to mixed-use and multi-family residential development and construction of more residential and commercial service uses than were allowed when the site was annexed justify the change. Rather than relying on economic arguments, the Applicant is proposing a change that also promotes more housing density and neighborhood-scale commercial uses that will fulfill the Comprehensive Plan's vision for a more vibrant, healthy, and sustainable community through infill development, supporting transit and other multi-modal transportation, and locating needed housing near jobs.

CRITERION 6-7(G)(3)(h): The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the 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's Response: The area of the requested zone change is nearly 4 acres in size and matches the existing zoning to the east and recently approved zoning to the southeast, so it cannot be considered a spot zone. The request clearly facilitates realization of the Comprehensive Plan goals and policies related to appropriate scale and uses; promoting more mixed-use and walkable development, particularly near Multi-modal corridors and job centers; and increasing housing options and density in appropriate locations.

NEIGHBORHOOD COORDINATION

The Applicant notified the Nor Este Neighborhood Association and District 4 Coalition about this request on June 30, 2021. A facilitated meeting was requested and held on July 19, 2021. A copy of the meeting report is included in the application. Some of the discussion centered on the condition of Glendale Avenue, which is only paved on the north side. This was done for drainage purposes with the Tierra Serena subdivision. The corner to the east is also in an unpaved or poor condition. The Applicant has committed to installing the necessary improvements



along his street frontage if this development moves forward. In addition, there is a commitment to participate with some additional right-of-way infrastructure that may mitigate any issues off-site from the development. Lastly, the Applicant committed to provide notice to the Tierra Serena HOA representative in addition to the required Neighborhood Associations, and to include the justification letter in that notice.

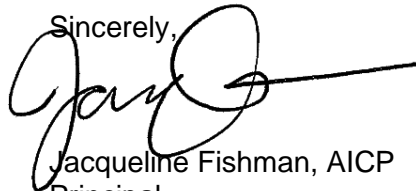
The Applicant also met with the Solid Waste Director, Deputy Director, and Eagle Rock Convenience Center Manager on June 25, 2021 to discuss the plan to develop this property for multi-family residential use. The discussion specifically included the planned buffer between the shared property line and the planned southernmost building on the subject site and the previous vacation of the 60-foot Modesto Avenue right-of-way (which staff was unaware of) through the subject property and the City's property that provides an additional buffer between Eagle Rock Convenience Center and future development of the subject site.

CONCLUSION

The request for a Zoning Map Amendment from NR-SU to MX-L reinstates uses that were lost in the IDO conversion from the 2010 North I-25 Sector Development Plan and creates an appropriate transition to the remaining cemetery use and Eagle Rock Convenience Center. It responds to and is justified by changed neighborhood or community conditions for a reduced need for the cemetery use and an increase in multi-family residential and mixed-uses in the area, as well as being more advantageous to the community by furthering the goals and policies of the Comprehensive Plan.

On behalf of Legacy Development & Management LLC, we respectfully request that the Environmental Planning Commission approve this request based on the information provided.

Thank you for your consideration.

Sincerely,

Jacqueline Fishman, AICP
Principal

PRE-APPLICATION MEETING

From: [Ewell, Diego](#)
To: [Michael Vos](#)
Cc: [Jackie Fishman](#)
Subject: RE: PRT Application for 99999 Glendale Ave NE
Date: Friday, July 23, 2021 10:42:06 AM

Hello Michael,

I do apologize about the delayed response I was out sick for the past week.

Your application has been received. We have had an influx of request therefore your application will be submitted on Wednesday, August 4th, 2021 after 12:00 PM. At this time there are no in person meetings taking place, the team will review your application and provide note/comments in regards to your request. I will then email the completed packet once the team has finalized the application.

Your PRT Request # 21-152

Thank You,



Diego Ewell
senior office assistant
administration
o 505.924.3811
e dewell@cabq.gov
cabq.gov/planning

From: Michael Vos <Vos@consensusplanning.com>
Sent: Friday, July 23, 2021 10:36 AM
To: Ewell, Diego <dewell@cabq.gov>
Cc: Jackie Fishman <fishman@consensusplanning.com>
Subject: RE: PRT Application for 99999 Glendale Ave NE

External

Diego,
Checking in to make sure this application was received. I do not believe I've seen a confirmation.

Thanks,
Michael

From: Michael Vos
Sent: Wednesday, July 21, 2021 8:43 AM
To: Ewell, Diego <dewell@cabq.gov>
Cc: Jackie Fishman <fishman@consensusplanning.com>
Subject: PRT Application for 99999 Glendale Ave NE

Diego,
Please see attached for a PRT application. Let us know if there are any questions.

Thanks,
Michael Vos, AICP
CONSENSUS PLANNING, INC.
302 Eighth Street NW
Albuquerque, NM 87102
phone (505) 764-9801
vos@consensusplanning.com

PRE-APPLICATION REVIEW TEAM (PRT) MEETING REQUEST

Pre-application Review Team (PRT) Meetings are available to help applicants identify and understand the allowable uses, development standards, and processes that pertain to their request. ***PRT Meetings are for informational purposes only; they are non-binding and do not constitute any type of approval.*** Any statements regarding zoning at a PRT Meeting are not certificates of zoning. The interpretation of specific uses allowed in any zone district is the responsibility of the Zoning Enforcement Officer (ZEO).

When you submit PRT notes to meet a Pre-application Meeting requirement in Table 6-1-1, you will be charged a \$50 PRT fee.

Official Use only

PA#: _____ Received By: _____ Date: _____

APPOINTMENT DATE & TIME: _____

Applicant Name: Legacy Development Phone#: (505) 764-9801 Email: vos@consensusplanning.com

Agent: Consensus Planning

PROJECT INFORMATION:

For the most accurate and comprehensive responses, please complete this request as fully as possible and submit any relevant information, including site plans, sketches, and previous approvals.

Size of Site: ~4 acres Existing Zoning: NR-SU Proposed Zoning: MX-L

Previous case number(s) for this site: CSU-71-32, CSU-83-34, and 1004472

Applicable Overlays or Mapped Areas: N/A

Residential – Type and No. of Units: +/- 120 dwelling units

Non-residential – Estimated building square footage: _____ No. of Employees: _____

Mixed-use – Project specifics: _____

LOCATION OF REQUEST:

Physical Address: 99999 Glendale Ave NE Zone Atlas Page (Please identify subject site on the map and attach) B-18

BRIEFLY DESCRIBE YOUR REQUEST (What do you plan to develop on this site?)

Zoning Map Amendment to allow multi-family residential development and subsequent site plan for development of the property.

QUESTIONS OR CONCERNS (Please be specific so that our staff can do the appropriate research)

Is there an existing site plan approval for the cemetery and NR-SU zoning of the property? Does it cover these lots such that an amendment will be required?



City of Albuquerque

Planning Department
Development Review Services Division

Traffic Scoping Form (REV 07/2020)

Project Title: Markana Glendale

Building Permit #: _____ Hydrology File #: _____

Zone Atlas Page: B-18 DRB#: _____ EPC#: _____ Work Order#: _____

Legal Description: Lots 6, 7, and 26A, Block 25, North Albuquerque Acres Tract A Unit B

Development Street Address: 99999 Glendale Ave NE (south side of Glendale, east of San Pedro Drive)

Applicant: Legacy Development & Management (Agent: Consensus Planning, Inc.) Contact: Michael Vos, AICP

Address: 302 8th Street NW, Albuquerque, NM 87102

Phone#: (505) 764-9801 Fax#: _____

E-mail: vos@consensusplanning.com

Development Information

Build out/Implementation Year: 2022-2023 Current/Proposed Zoning: NR-SU/MX-L

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

Change of Zoning: (X)

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

Describe development and Uses:

Zoning Map Amendment from Non-residential Sensitive Use to Mixed-use Low Intensity.

Multi-family residential is the currently intended final development to be pursued following the zoning change.

Days and Hours of Operation (if known): _____

Facility

Building Size (sq. ft.): _____

Number of Residential Units: Approximately 120 dwelling units.

Number of Commercial Units: _____

Traffic Considerations

ITE Trip Generation Land Use Code 220 and 221 (combination of 2- and 3-story multi-family buildings)

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

Expected Number of Employees (if known):* _____

Expected Number of Delivery Trucks/Buses per Day (if known):* _____

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

Driveway(s) Located on: Street Name Glendale Avenue NE

ITE Land Use #220 Multi Family Housing (low-rise) generates the greatest traffic in the peak hours. Using this code for all units presents a worst case condition. Assuming all units are #220
AM peak 49 trips
PM peak 65 trips.

Adjacent Roadway(s) Posted Speed: Street Name Glendale Ave / Modest Ave Posted Speed 15 mph at corners east
Street Name Posted Speed of site

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

Roadway Information (adjacent to site)

Comprehensive Plan Corridor Designation/Functional Classification: Local Street
(arterial, collector, local, main street)

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

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

Adjacent Roadway(s) Traffic Volume: San Pedro ADT19: 4,573 Volume-to-Capacity Ratio (v/c): 0.25-0.5 (San Pedro)
(west) AWDT: 5,036 (if applicable)

Adjacent Transit Service(s): N/A Nearest Transit Stop(s): San Pedro and Alameda

Is site within 660 feet of Premium Transit?: No

Current/Proposed Bicycle Infrastructure: Proposed bicycle lanes on San Pedro and multi-use trail along the La Cueva channel
(bike lanes, trails)

Current/Proposed Sidewalk Infrastructure: Glendale mostly undeveloped with existing sidewalks along the frontages of the adjacent subdivision.

Relevant Web-sites for Filling out Roadway Information:

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

Comprehensive Plan Corridor/Designation: See GIS map.

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

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

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

TIS Determination

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

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

Thresholds Met? Yes [] No ☒

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

Notes:

M. P. E.

8/5/2021

TRAFFIC ENGINEER

DATE

Submittal

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

Submit by email to plndrs@cabq.gov and to the City Traffic Engineer mgrush@cabq.gov. Call 924-3362 for information.

Site Plan/Traffic Scoping Checklist

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

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

STAFF INFORMATION

August 20, 2021

TO: Consensus Planning
FROM: Sergio Lozoya, Planner
City of Albuquerque Planning Department
TEL: (505) 924-3935
RE: Glendale Ave Zone Map Amendment

I am the Staff Planner reviewing your application for project #2021-005844, RZ-2021-00028, a zone map amendment (zone change) for the subject site located on Glendale Ave NE, between Glendale Ave NE, and Eagle Rock Ave NE. The zone change is from NR-SU to MX-L to the facilitate the development of the subject site.

Although I have done my best for this review, additional items may arise as the case progresses. If so, I will inform you immediately. After review of the application material including the justification letter, the following comments are provided along with changes or additions requested.

The response to some of the Goals and Policies need to be expanded/adjusted in order to justify the proposed Zone Map Amendment while others listed do not further the Comprehensive Plan Goals and Policies.

Please provide the following:

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

9 am on Friday August 27, 2021.

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

1) Introduction:

This is what I have for the legal description and request: Consensus Planning, agent for Legacy Development & Management LLC, requests a zoning map amendment from NR-SU to M-XL for all or a portion of Lots 6, 7 & 26-A, Block 25, Tract A unit B, North Albuquerque Acres, located on Glendale Ave. NE, between San Pedro, and Louisiana Blvd., approximately 4.0-acres (B-18-Z). Is that correct?

2) Resources/Process:

A. Note: The City has a publicly available GIS based map viewer that you can use to query a variety of land use and zoning topics:

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

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

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

- C. Timelines and EPC Calendar: the EPC public hearing for September 16th. Final staff reports will be available one week prior, on September 9th.
- D. Agency comments will be distributed around Wednesday, August 25th. I will email you a copy of the comments and will forward any late ones to you.

3) Notification and Neighborhood Issues:

Notification requirements for a zone change are explained in section 14-16-6-4(K), Public Notice. 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. I found that each person on the ONC list received, via email: cover letter, required meeting request form, letter of explanation, and zone atlas page.
- B. I saw that the facilitated meeting notes, thank you for including those.
- C. Were the facilitated meeting notes/summary sent to property owners and NA representatives?
IDO 6-4 (K)
- D. Other than the facilitated meeting notes, the notification to property owners also appears to be complete. Thank you for providing scans of the postage receipts.
- E. Please ensure that the sign is posted for the appropriate dates, 15 consecutive days before the EPC.
- F. Have you had any other neighborhood representatives or members of the public contact you so far?

4) Project Letter:

In general, I can follow the project letter. I have a few comments regarding the policy analysis in the next section.

5) Zone Map Amendment (zone change) – Overview:

- 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. Please note: Responding to the zone change criteria is more of a legal exercise than anything else. It is critical to “hit the nail on the head” both conceptually and in terms of form. This can be done by:
 - i: Answering the questions in a customary way (see examples).
 - ii: Using a conclusory statement such as “because _____”
 - iii: Re-phrasing the requirement itself in the response, and

iv: Choosing an option when needed to respond to a requirement.

C. Version 1 submitted August 5th, 2021 of the justification is a good start but a strengthened and expanded policy analysis is needed to fulfill Criterion A.

6) Zone Map Amendment (zone change) – Section by Section :

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

- Explain how the proposed change contributes to the goal or policy by specifically addressing the language found in the goals or policies.
- Be precise in the language used in the policy analysis, less policies with stronger connections are better than more policies with weak connections. We will discuss a few examples during our meeting.
- Explore other relevant goals/policies which would strengthen this analysis.

Be sure to include a conclusory statement regarding the entirety of Criterion A

A. Criterion A (refine): Please see comments listed under each Goal or policy as the arguments/response need to be strengthened in order to justify request.

Chapter 5 Land Use:

Some Goals and policies from this chapter are relevant to the Zone Map Amendment.

Goal 5.1: Centers and Corridors

The subject site is not located within a Center or along a Corridor so I am having difficulty seeing that this Goal is furthered.

Policy 5.1.1 Desired Growth

There are two portions of this policy that I don't see being furthered. The subject site is not in any Center or Corridor, and an apartment complex is typically not considered regional growth. The subject site is relatively small, and regional growth would have a significant impact on the population and/or economy.

Subsequent sub-policies would not be furthered.

Policy 5.1.11 Multi-Modal Corridors

The request does not further this goal because zone changes do not include design, and there will be no changes to Alameda in direct relation to this request.

Goal 5.2:

Generally speaking, if there are policies that are furthered the relevant Goals are included in the analysis as well.

Policy 5.2.1:

Ensure that the policy is rephrased and directly addressed in the justification. I.e., How does the zone change further the creation of healthy, sustainable, and distinct communities...?

Sub-Policy a-e: Please demonstrate how the zone change would further this sub policy by directly addressing the language within it.

Sub-Policy f: This is listed as sub-policy e, please correct. Also, please address directly the language found in the sub-policy in the justification, including the portion about adequate existing infrastructure.

Sub-Policy h: The sub-policy reads “compatible in form and scale”, how will the zone change ensure that the form and scale of potential development will be compatible?

Goal 5.3: Discuss in more detail how this request would promote development patterns that maximize the use of existing public facilities, and the efficient use of land to support the public good.

Policy 5.3.1: Are there existing public facilities nearby?

Goal 5.4: Generally speaking, if a policy is applicable then the relevant goal is also applicable and should be included in the policy analysis.

Goal 5.6: Generally speaking, if a policy is applicable then the relevant goal is also applicable and should be included in the policy analysis.

Policy 5.6.2 and sub-policies: Please address each individually, in this case it would be three separate responses. Ensure that the language from the policy and sub-policy are directly addressed in the response.

Chapter 9 Housing:

Goal 9.1: Please address the language from the goal within the response. Discuss the neighboring single-family residential development and how this zone change would tie into the existing, available housing.

Policy 9.1.1: Please provide an answer per goal/policy/sub-policy.

Sub-Policy a: Will this zone change facilitate the development of housing that is affordable for all income levels?

Goal 9.3: Please address the “adequate services and amenities” portion of this goal.

Policy 9.3.2: Please respond directly to each Goal/policy/sub-policy, and ensure to address the language from the Goal/policy/sub-policy.

Sub-policy a: Please address in more detail the near existing public facilities, educational facilities, social services, and shopping districts.

Please provide a summary demonstrating that criterion A was met (a summary of the policy analysis).

B. Criterion B (refine): The subject site is located within an area of consistency. Please specify which criteria (one through three) is met by the request.

C. Criterion C (sufficient): The response is sufficient.

D. Criterion D (refine): Please provide a brief discussion regarding the potential for harmful uses, should the zone change be approved. For example: Restaurant, car wash, light vehicle repair, and all cannabis related uses.

E. Criterion E (sufficient): The response is sufficient.

F. Criterion F (good): The response is sufficient.

G. Criterion G (strengthen): Please discuss the reasoning/benefits of the request further.

H. Criterion H (sufficient): The response is sufficient.

NEIGHBORHOOD MEETING

From: Carmona, Dalaina L.
To: Michael Vos
Subject: 99999 Glendale NE Neighborhood Meeting Inquiry
Date: Wednesday, June 23, 2021 10:19:04 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image006.png
IDOZoneAtlasPage B-18-Z Site.pdf

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 |
|---|------------|-----------|-------------------------|-------------------------|-------------|-------|-------|--------------|------------|
| District 4 Coalition of Neighborhood Associations | Mildred | Griffiee | mgriffiee@noreste.org | PO Box 90986 | Albuquerque | NM | 87199 | 5052800082 | |
| District 4 Coalition of Neighborhood Associations | Daniel | Regan | dlreganabq@gmail.com | 4109 Chama Street NE | Albuquerque | NM | 87109 | 5052802549 | |
| Nor Este NA | Gina | Pioquinto | rpmartinez003@gmail.com | 9015 Moonstone Drive NE | Albuquerque | NM | 87113 | 5052385495 | 5058560926 |
| Nor Este NA | Uri | Bassan | uri.bassan@noreste.org | 9000 Modesto Avenue NE | Albuquerque | NM | 87122 | 5054179990 | |

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

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: <https://www.cabq.gov/planning/urban-design-development/public-notice>. 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#page=393>

Thanks,



Dalaina L. Carmona

Senior Administrative Assistant

Office of Neighborhood Coordination

Council Services Department

1 Civic Plaza NW, Suite 9087, 9th Floor

Albuquerque, NM 87102

505-768-3334

dlcarmona@cabq.gov or ONC@cabq.gov

Website: 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] **On Behalf Of** webmaster@cabq.gov

Sent: Tuesday, June 22, 2021 1:41 PM

To: Office of Neighborhood Coordination <vos@consensusplanning.com>

Cc: Office of Neighborhood Coordination <onc@cabq.gov>

From: [Jackie Fishman](#)
To: mgriffie@noreste.org; dlreganabq@gmail.com; rpmartinez003@gmail.com; uri.bassan@noreste.org
Cc: [Michael Vos](#)
Subject: Preapplication Notification - Markana Glendale
Date: Wednesday, June 30, 2021 5:26:09 PM
Attachments: [IDOZoneAtlasPage_B-18-Z_Site.pdf](#)
[Neighborhood Meeting Information \(002\).pdf](#)

Dear Neighbors,

This email is notification that Consensus Planning is preparing an application for a Zone Map Amendment on behalf of Legacy Development for property legally described as Lots 6, 7, and 26-A, Block 25, Tract A, Unit B, North Albuquerque Acres and located on Glendale Avenue NE east of San Pedro Drive (see attached zone atlas page).

The subject property is currently zoned NR-SU (Non-Residential Sensitive Use) for a cemetery. The proposed Zone Map Amendment request will be to rezone the site to MX-L (Mixed-use Low Intensity), which matches the zoning of the Tierra Serena subdivision located adjacent to the project site's east boundary and the Markana Modesto multi-family project to the southeast. A subsequent application will be submitted to the DRB for a multi-family residential development with buildings similar to the Markana Modesto project. The conceptual site plan is attached along with other required information.

In accordance with the IDO, we are providing you an opportunity to discuss these applications prior to submittal. Should you desire to request a meeting regarding these requests, please do not hesitate to email me at fishman@consensusplanning.com or contact me by phone at (505) 764-9801. Per the IDO, you have 15 days or until July 15, 2021, to request a meeting.

Sincerely,

Jacqueline Fishman, AICP
Principal
Consensus Planning, Inc.
302 Eighth Street NW
Albuquerque, NM 87102
P: 505.764.9801

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

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

Date of Request*: June 24, 2021

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

Neighborhood Association (NA)*: Nor Este Neighborhood Association and District 4 Coalition

Name of NA Representative*: See attached

Email Address* or Mailing Address* of NA Representative¹: See attached

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

Email address to respond yes or no: fishman@consensusplanning.com

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

Meeting Date / Time / Location:

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

1. Subject Property Address* 99999 Glendale Ave NE (9500 San Pedro Drive)
Location Description South side of Glendale east of San Pedro (vacant land behind cemetery)
2. Property Owner* SMI Assets ABQ, LLC
3. Agent/Applicant* [if applicable] Consensus Planning, Inc. / Legacy Development & Management
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - ☐ Conditional Use Approval
 - ☐ Permit _____ (Carport or Wall/Fence – Major)
 - ☒ Site Plan
 - ☐ Subdivision _____ (Minor or Major)

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

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

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

- ☐ Vacation _____ (Easement/Private Way or Public Right-of-way)
- ☐ Variance
- ☐ Waiver
- ☒ Zoning Map Amendment
- ☐ Other: _____

Summary of project/request^{3*}:

Zoning Map Amendment from NR-SU to MX-L to allow multi-family residential.

Site Plan - DRB to follow zone change for proposed multi-family residential development.

5. This type of application will be decided by^{*}: ☐ City Staff
- OR at a public meeting or hearing by:
- ☐ Zoning Hearing Examiner (ZHE) ☒ Development Review Board (DRB)
 - ☐ Landmarks Commission (LC) ☒ Environmental Planning Commission (EPC)
 - ☐ City Council

6. Where more information about the project can be found^{*4}:

Please contact Jackie Fishman with Consensus Planning at fishman@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)^{*5} B-18
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant^{*}: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards will be requested for this project^{*}:
- ☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

Explanation:

No variances or waivers are anticipated at this time.

4. An offer of a Pre-submittal Neighborhood Meeting is required by [Table 6-1-1](#)^{*}: ☒ Yes ☐ No

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

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

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

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

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

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

Additional Information:

1. From the IDO Zoning Map⁶:

- a. Area of Property [typically in acres] Approximately 3.77 acres
- b. IDO Zone District NR-SU
- c. Overlay Zone(s) [if applicable] N/A
- d. Center or Corridor Area [if applicable] N/A

2. Current Land Use(s) [vacant, if none] Vacant

Useful Links

Integrated Development Ordinance (IDO):

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

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

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

From: Carmona, Dalaina L.
To: Michael Vos
Subject: 99999 Glendale NE Neighborhood Meeting Inquiry
Date: Wednesday, June 23, 2021 10:19:04 AM
Attachments: image001.png
image002.png
image003.png
image004.png
image006.png
IDOZoneAtlasPage B-18-Z Site.pdf

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 |
|---|------------|-----------|-------------------------|-------------------------|-------------|-------|-------|--------------|------------|
| District 4 Coalition of Neighborhood Associations | Mildred | Griffiee | mgriffiee@noreste.org | PO Box 90986 | Albuquerque | NM | 87199 | 5052800082 | |
| District 4 Coalition of Neighborhood Associations | Daniel | Regan | dlreganabq@gmail.com | 4109 Chama Street NE | Albuquerque | NM | 87109 | 5052802549 | |
| Nor Este NA | Gina | Pioquinto | rpmartinez003@gmail.com | 9015 Moonstone Drive NE | Albuquerque | NM | 87113 | 5052385495 | 5058560926 |
| Nor Este NA | Uri | Bassan | uri.bassan@noreste.org | 9000 Modesto Avenue NE | Albuquerque | NM | 87122 | 5054179990 | |

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

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: <https://www.cabq.gov/planning/urban-design-development/public-notice>. 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#page=393>

Thanks,



Dalaina L. Carmona

Senior Administrative Assistant
Office of Neighborhood Coordination
Council Services Department
1 Civic Plaza NW, Suite 9087, 9th Floor
Albuquerque, NM 87102
505-768-3334
dlcarmona@cabq.gov or ONC@cabq.gov
Website: 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] **On Behalf Of** webmaster@cabq.gov
Sent: Tuesday, June 22, 2021 1:41 PM
To: Office of Neighborhood Coordination <vos@consensusplanning.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>

**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 and Site Plan - DRB

Decision-making Body: Environmental Planning Commission (EPC) and Development Review Board (DRB)

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 Glendale Ave NE (9500 San Pedro Drive)

Name of property owner: SMI Assets ABQ, LLC

Name of applicant: Legacy Development & Management, LLC (Agent: Consensus Planning, Inc.)

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

Address, phone number, or website for additional information:

Please contact Jackie Fishman with Consensus Planning at fishman@consensusplanning.com or call (505) 764-9801 for more information.

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE

☒ Zone Atlas page indicating subject property.

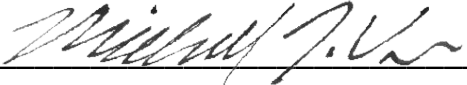
☒ Drawings, elevations, or other illustrations of this request.

☒ Summary of pre-submittal neighborhood meeting, if applicable.

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

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

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

 (Applicant signature) June 24, 2021 (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.

From: [Dan Regan](#)
To: [Jackie Fishman](#); thummell@cabq.gov
Cc: mgriffie@noreste.org; dlreganabq@gmail.com; rpmartinez003@gmail.com; uri.bassan@noreste.org; [Michael Vos](#); ["Michael Pridham"](#); ["Jim Griffie"](#)
Subject: FW: Preapplication Notification - Markana Glendale
Date: Monday, July 5, 2021 11:28:54 AM
Attachments: [IDOZoneAtlasPage B-18-Z Site.pdf](#)
[Neighborhood Meeting Information \(002\).pdf](#)
Importance: High

Jackie and Tyson,

I have been asked by Uri Bassan, NENA President, to request a pre-application Facilitated Neighborhood Meeting to discuss the EPC application for the proposed zone change indicated in Jackie's email below.

If at all possible and allowed, it might be helpful for this to be an in-person meeting and not a ZOOM.

We also request that the scheduling of this meeting be done in a manner that allows for the greatest amount of time between the scheduling and the meeting itself. This will allow NENA the time needed to notify all of the residents most proximally impacted by the requested zone change.

Jackie, would it be possible for us (the recipients in the Cc line) to receive Consensus' list of those residents who were notified because their property is within 100 feet of the plot(s) involved in this zone change request. Thanks for your assistance with this request.

Thanks to both of you for your help with all of the above.

Dan Regan
District 4 Coalition
Zoning / Development Committee, Chair

From: Jackie Fishman [<mailto:fishman@consensusplanning.com>]
Sent: Wednesday, June 30, 2021 5:26 PM
To: mgriffie@noreste.org; dlreganabq@gmail.com; rpmartinez003@gmail.com; uri.bassan@noreste.org
Cc: Michael Vos <Vos@consensusplanning.com>
Subject: Preapplication Notification - Markana Glendale

Dear Neighbors,

This email is notification that Consensus Planning is preparing an application for a Zone Map Amendment on behalf of Legacy Development for property legally described as Lots 6, 7, and 26-A, Block 25, Tract A, Unit B, North Albuquerque Acres and located on Glendale Avenue NE east of San Pedro Drive (see attached zone atlas page).

The subject property is currently zoned NR-SU (Non-Residential Sensitive Use) for a cemetery. The proposed Zone Map Amendment request will be to rezone the site to MX-L (Mixed-use Low Intensity), which matches the zoning of the Tierra Serena subdivision located adjacent to the project site's east boundary and the Markana Modesto multi-family project to the southeast. A subsequent application will be submitted to the DRB for a multi-family residential development with buildings similar to the Markana Modesto project. The conceptual site plan is attached along with other required information.

In accordance with the IDO, we are providing you an opportunity to discuss these applications prior to submittal. Should you desire to request a meeting regarding these requests, please do not hesitate to email me at fishman@consensusplanning.com or contact me by phone at (505) 764-9801. Per the IDO, you have 15 days or until July 15, 2021, to request a meeting.

Sincerely,

Jacqueline Fishman, AICP
Principal
Consensus Planning, Inc.
302 Eighth Street NW
Albuquerque, NM 87102
P: 505.764.9801

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

LEGACY GLENDALE APARTMENTS

Project: Pre-application

Property Description/Address: 9500 San Pedro NE (south of Glendale, east of San Pedro)

Date Submitted: July 22, 2021

Submitted By: Philip Crump and Jocelyn M. Torres

Meeting Date/Time: July 19, 2021, 5:30 PM- 7:30 PM

Meeting Location: Via Zoom

Facilitator: Philip Crump

Co-facilitator: Jocelyn M. Torres

Applicant: Faizel Kassan – SMI Assets/Legacy Development (Legacy)

Agent: Jackie Fishman, Principal/Co-Owner & Michael Vos, Senior Planner, Consensus Planning

Neighborhood Associations/Interested Parties – Nor Este Neighborhood Association (Nor Este) – Uri Bassan & Members, District 4 Coalition (District 4) – Dan Regan & Members, Albert Cortez, Tierra Serena HOA.

Background Summary:

Legacy is applying for a Zone Map Amendment to be filed with the Environmental Planning Commission (EPC). Legacy seeks to change the zoning from NR-SU to MX-L for the purpose of building multi-family apartments on approximately four acres. It is located west of the Pulte single-family subdivision, north of the City's Solid Waste convenience center and south of Glendale and the Sandia Pueblo lands. This land is being sold by the cemetery to the west. The zoning for surrounding property is becoming more mixed use and less industrial. Upon obtaining EPC approval, Legacy will proceed to the Development Review Board (DRB) for the site plan review.

This is the second phase of the Modesto project. Legacy is planning for 120 units. Its size, appearance and design will be similar to that of the first phase but will likely be less dense. Legacy responded to comments received from Solid Waste by pushing the buildings as far north from the edge as possible. Until informed by Consensus Planning, Solid Waste was unaware that the Modesto 35 foot easement had been vacated. This provides a wider buffer. There will be 168 feet of separation between the convenience center and apartment buildings and a 62 foot highly landscaped buffer, with several evergreen trees because of the adjacent transfer station. The phase one northern buffer which separates the apartments from the Pulte homes will be located on the east side of these apartments to maintain the same separation.

In terms of building elevation, it's the same type of building with two stories on the ends and three stories in the middle. Legacy is looking into having more interior garages on each end of the building, west side garage access and carports on the eastern edge.

Road access from Glendale, instead of Modesto, helps dispense traffic. Landscaping is wider for this phase. There is also a walking path along the east edge, with an amenity area. The parking layout is not yet determined.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Neighbor Questions/Concerns:

1. Building more apartments bordering a major recycling/trash facility may affect the long term health of the occupants.
2. A lack of public transportation is still a reality.
3. With the likelihood of limited parking, there will be more overflow of occupant vehicles parked on residential streets.
4. Once these apartments are built, this ten block area will contain over 700 apartments.
5. Property values will again diminish by the immediately adjacent proposed apartments.

Outcomes:

- ***Areas of Agreement:***
- Legacy will address action items.
- ***Unresolved Issues & Concerns:***
- Neighbor concerns include: apartment overcrowding in that location; buffer between apartments and Solid Waste; potential health risks from convenience center dust and debris; meeting notice; parking; traffic; Glendale pavement, curbs and gutters; and infrastructure.

Meeting Specifics (*Italicized Q/C designate question/comment; NA/NC designate neighbor answer/comment*):

1. Introduction.

Facilitator: Philip Crump's email address is: phcrumpsf@gmail.com. Email address for Co-facilitator Jocelyn M. Torres is: nmlawyer09@comcast.net. Facilitators asked that participants email or post their names, affiliations and email addresses in order to receive a report. Philip Crump and Jocelyn M. Torres are neutral contract facilitators for the City of Albuquerque. Philip is a mediator and facilitator. Jocelyn is an attorney, mediator and facilitator.

Developer Faizel Kassan and Agents Jackie Fishman and Michael Vos attended on behalf of Legacy. Members and representatives of Nor Este NA, District 4 Coalition and Tierra Serena HOA also attended. Names and affiliations provided by participants are included in this report.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

2. Apartment Design, Location and Infrastructure.

- a. *Q: May I ask for clarification, please. You mentioned the architecture. It is two stories on the ends and three in the middle. That's really two stories in the middle, but it's an extra high vaulted ceiling in the middle of that upper unit. Is that correct?*

A: That is my understanding. It's accessed through a corridor along the first floor that goes up the stairs and then you access the second floor over in the center. But there there's not a different unit on the third story. The center includes the second floor and the third floor is part of the same unit.

- b. *Q: What about the question concerning the apartments bordering the trash facility.*

A: The vacation of that 35 foot easement provides more distance between the trash facility and the apartments. Solid waste was unaware that the easement was vacated until we discovered and disclosed that information.

- c. *Q: It's my understanding that the large trucks/trailers to be loaded with refuse/ debris come in from the south of this facility, run along the west side and get loaded on the west side of that building. They're going to come out of the facility, turn around and head down Eagle Rock every day. I'm talking about the 18 wheelers that load on the west side of the building. Everything that gets dumped inside the building eventually goes out the west side of the building in very large trucks/trailers. My question is about locating these apartments near that dust and debris. It's the same question I had with Modesto. You're placing living quarters next to a large recycling center that creates dust.*

A: You might all be interested in my conversations with Solid Waste people; specifically the Associate Director. After the issue came up with Modesto, they are looking at installing additional landscape on their side of the property. It was pointed out to them that they actually don't meet the City's requirements for landscape and so they are apparently going to install some new trees in this area.

- d. *Q: When land is vacated does that mean no one can use it? Or does it have to be reacquired before it can be used. How does that work?*

A: The City still owns the land that is no longer encumbered by the easement.

- e. *Q: Does it have to go to the DRB for the City to make changes on their land?*

A: I'm not sure if they go through that approval process. We have gone through great pains to beef up the landscaping and push the buildings away from the edge. I just pointed out, where is the City's landscaping on your edge? If the Solid Waste Department, did propose a change to the site plan, they would have to comply with the landscape, buffering requirements. So they might be able to build something closer to that north property line. They would also have to increase the current width of the buffer. We don't know whether the City would be required to go through the DRB to make modifications, but we can research it. *See Action Item.*

- f. *Q: Since there are two apartment complexes being built, will the City expand the utility infrastructure to accommodate the new buildings?*

A: The developer is responsible for infrastructure extensions: water; sewer; dry utilities. The City won't be improving the roadway to the north so the developer will also do that.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

- g. *Q: What if the system in that area is inadequate?*

A: We will ask for a serviceability letter from the water utility authority. They will tell us what the capacity is in that area and what it will take to serve this property. Any cost associated with that is 100% borne by the developer.

- h. *Q: With your screen picture, Glendale looks like it is dirt. That's an old picture because there are no homes in the multi slots. So at this point, is that a paved Road?*

A: The northern edge of Glendale along the Pulte subdivision is paved on both sides; the North and South. Going west of the Pulte subdivision, only the north side is paved, with curb and gutter. The south side is not. Then, you can see how there's one lot between the two edges of Pulte where it rounds the corner; to the north and south of that rounded edge. There's no asphalt on either side, no curb and gutter. It's a mix/match of right of way asphalt, curb and gutter. I do believe most of the utilities are in the street. I don't think it's a matter of me connecting to it, but there is a definite deficiency of contiguous asphalt, curb and gutter.

- i. *Q: Would that fall to you guys to get it done?*

A: Whatever borders my property, obviously, I'm going to have to do. Keep in mind it's the last street. It's the last vacant parcel. Where the road rounds, right there is owned by Sandia Pueblo so I doubt they're going to provide any additional asphalt, curb and gutter infrastructure. I want to commit to additional infrastructure. There was a comment on the Modesto apartment complex, about seven eight months ago, about finishing off some of the roadway and the missing pieces. If I build this, I will participate in additional right of way infrastructure so it's a better driving experience for everyone. It will also help on drainage.

- j. *Q: Has there been any discussion about paving the road north of the cemetery? Any advanced thinking or talk about paving the rest of Glendale?*

A: That would be up to the City. The cemetery still has the capacity. I doubt the City's going to force the cemetery to do additional offsite improvements. There's no trigger in place for the cemetery to do that.

- k. *C: Reading between the lines means that we go to our council person and see if we can start making recommendations for that to be funded by a future bond.*

A: Yeah, I think it would improve the area.

3. Parking.

- a. *Q: A lack of public transportation is still a reality. With the proposed parking, it will be more overflow of occupant vehicles parked on residential streets. It was mentioned that the parking site plans are not finished and that you'll provide more parking than required by the Integrated Development Ordinance (IDO). Can you explain that?*

A: I haven't counted the number of parking slots on the (site) sketch. Our site planning process takes months to prepare. We will meet or exceed the minimum IDO requirement.

- b. *C: My comment is similar to the Modesto comments. The City requires one and a half spaces for apartments. As with Modesto, I don't think that meets minimum parking requirements where there is no public transportation. You're going to have people who*

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

work outside the area and it's about six blocks to Alameda.

A: That location is in the I-25 corridor where there are many employment opportunities. It is also near Louisiana.

- c. *C: There are only two buses (on Louisiana), one in the morning and one in the afternoon. I think we're selling the City its next set of problems.*

A: We will take these comments to heart in working out the parking layout.

- d. *Q: What do you recommend?*

NA: I don't know what kind of stats Faizel keeps on his apartments but I can't believe that people in two-bedroom apartments only own one and a half cars. You have Markana with 500 apartments; phase two with 367 apartments, Modesto with 180, another apartment has 120 units and now you plan to build 120 additional apartments.

A: The other apartment with 120 units is not ours. It belongs to another developer.

4. *NC: Putting so many apartment buildings in one space is not good planning.*

A: Markana phases one and two have never been under-parked.

- a. *Q: Have they parked on the street?*

A: No. Prior street parking was done by the construction crew. It is no longer a problem now that the work is done. They were parking on Oakland not Eagle Rock.

5. **Markana.**

- a. *Q: Markana has a new name, Olympus Alameda. Can you comment on that?*

A: No comment.

6. **Meeting Notice, Apartment Density and Other Concerns**

- a. *Q: I am the President of Tierra Serena. Why were we not notified of this meeting? I'm concerned that you were trying to hide this meeting against us. I was notified by a friend. You said you know for a fact that Sandia Pueblo will not modify that road. There's going to be a high increase of traffic. There have already been a couple of traffic incidents and someone hit a wall on the northside of our community. You said the convenience center may install trees as a barrier between the apartments. The convenience center has dirt debris and smell. Small trees take years to grow into full size trees that would actually act as a barrier. I don't see that being pushed. I don't expect the cemetery would build industrial buildings, as we discussed with Modesto.*

A: There was no plan to hide the meeting. Established neighborhood associations receive notice. Tierra Serena will either need to join or create a recognized neighborhood association. When we file the application, property owners within 100 feet will be notified. Bernalillo County still has Pulte as the property owner, not the HOA, and it appears that Pulte received notice. We will check with them regarding whether the HOA should be the point of contact. *See Action Item.*

- b. *C: You may want to check with the Nor Este NA. I'm not sure if HOAs are entitled to receive notice under the IDO.*

NA: I signed up for that NA in 2019.

- c. *C: They work on an annual basis. Uri (Bassan) may be of assistance on that.*

NC: I also asked Legacy to contact me.

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

- d. *Q: What is your address?*
A: Albert Cortez provided his home and email address at the meeting and in Chat.
- e. *C: OK we will make sure you're on our list to notify.*
- f. *C: I want to respond to your comments about the trees. I'm a landscape designer. Trees take a while to grow but I think it's positive that the project pushed the City to add landscape to their site. It will take a while to grow but it's better than not having landscape. It may be several years but it should be an improvement to this site.*
- g. *NC: There is no guaranty.*
A: We had an informal conversation (with Solid Waste) and will check with them regarding the status on adding landscape. *See Action Item.*
- h. *NC: There's very little chance Sandia Pueblo will improve that very dangerous curb.*
- i. *NC: We'll need to work with the City on funding and building out that pavement.*
- j. *NC: Neighbors can voice their concerns at the EPC meeting. There's where you have negotiation leverage. There is not much leverage after this rezoning is done because the DRB is not truly a judicial process.*
- k. *C: If it would help, the Developer will gladly install the asphalt with curbs on either side. Solid Waste is providing an additional setback. I listened to your concerns about density and parking counts. I am listening. I do apologize for not contacting you Mr. Cortez.*
- l. *Q: Please respond to the NA question regarding apartment density in that area. This will be the fourth immediately adjacent apartment complex to be constructed in that location. This diminishes property values. A few people have moved from their homes. Neighbors are concerned about crime in this area.*
A: I don't agree that luxury apartments renting for \$180 and \$190 per square foot will cause those problems.
- m. *Q: What's the quickest way to receive notice of the justification letter? The EPC is a one-shot deal and we want that information prior to the hearing.*
A: We will include a link to that letter in our notice of the EPC Application filing.

Meeting Adjourned.

Application and Hearing details:

- **EPC Application will be submitted either: August 5, 2021, with a September 16, 2021 hearing date; or September 9, 2021, with an October 21, 2021 hearing date.**
- DRB application will be submitted if zone change is approved.

Action Items:

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

- Legacy/Agent will research whether City Solid Waste Department is required to go through the DRB to make modifications.
- Legacy/Agent will check with Pulte regarding whether the Tierra Serena HOA should be the point of contact.
- Legacy/Agent will check with Solid Waste regarding the status of adding a landscape barrier.

Names & Affiliations of Attendees and Interested Parties:

| | |
|------------------|-----------------------------|
| Faizel Kassam | Legacy Development |
| Dan Regan | District 4 Coalition of NAs |
| Jackie Fishman | Consensus Planning |
| Michael Vos | Consensus Planning |
| Jim Griffee | NorEste NA |
| Uri Bassan | NorEste NA |
| Albert Cortez | Tierra Serena HOA |
| Jocelyn M Torres | Land Use Facilitator |
| Philip Crump | Land Use Facilitator |
| Tyson Hummell | COA ADR Coordinator |
| Adam Gromer | |
| Linda Winona | |
| Regina Pioquinto | |
| Deborah Ehrlich | |

FACILITATED MEETING REPORT AMENDMENT

Legacy Glendale Apartments

Date Submitted: 24 July 2021
Original Submission: 22 July 2021
Submitted By: Philip Crump
Facilitator: Philip Crump
Co-facilitator: Jocelyn Torres
Project Number: EPC Zone Map Amendment Pre-Application
Meeting Date and Time: 19 July 2021

Provide the following clarifying language to the existing, as highlighted--

2. Apartment Design, Location and Infrastructure.

h. Q: With your screen picture, Glendale looks like it is dirt. That's an old picture because there are no homes in the multi slots. So at this point, is that a paved Road?

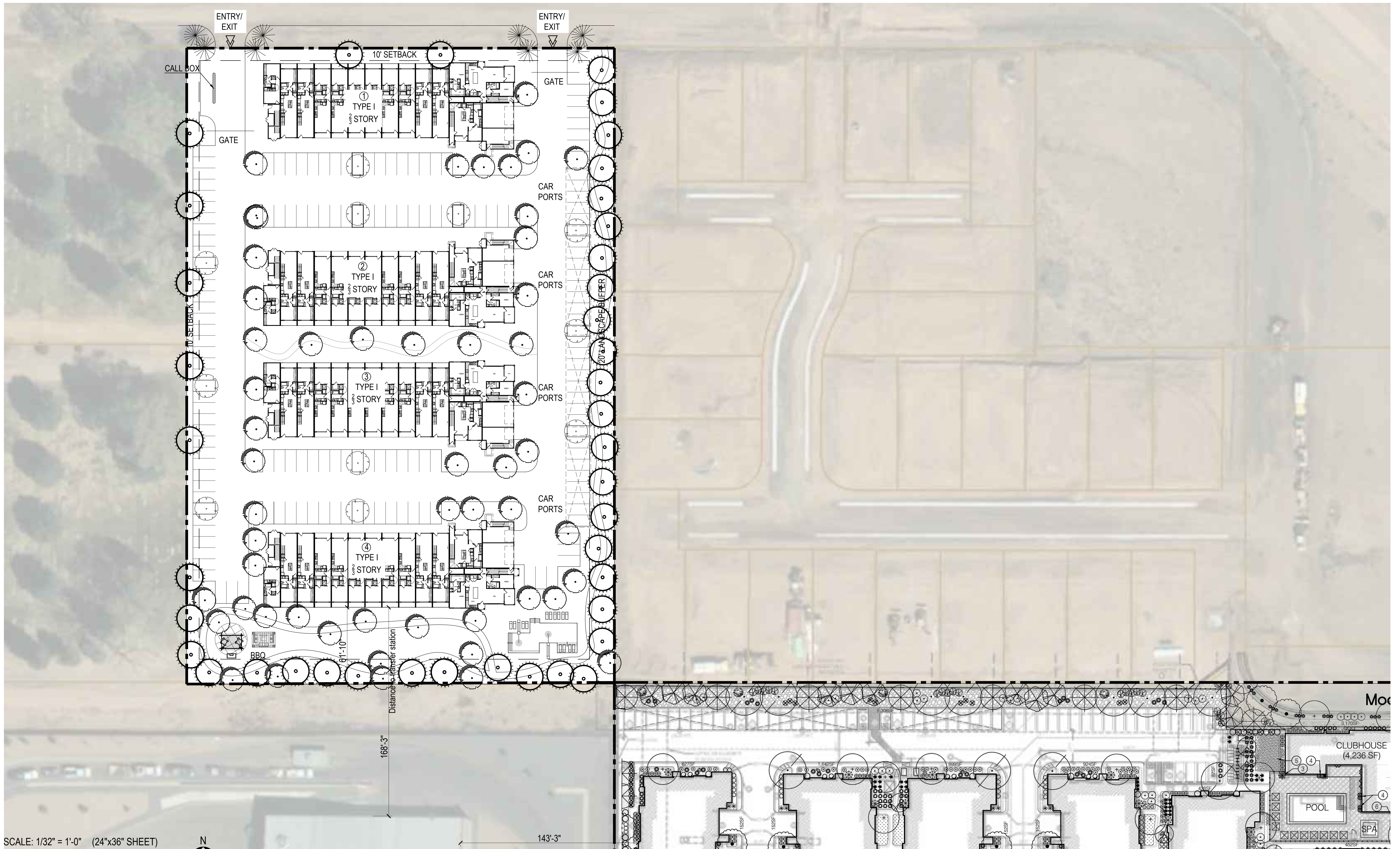
A: The northern edge of Glendale along the Pulte subdivision is paved on both sides; the North and South. Going west of the Pulte subdivision, only the north side is paved, with curb and gutter. The south side is not. Then, you can see how there's one lot between the two edges of Pulte where it rounds the corner; to the north and south of that rounded edge. There's no asphalt on either side, no curb and gutter. It's a mix/match of right of way asphalt, curb and gutter. I do believe most of the utilities are in the street. I don't think it's a matter of me connecting to it, but there is a definite deficiency of contiguous asphalt, curb and gutter.

i. Q: Would that fall to you guys to get it done?

A: Whatever borders my property, obviously, I'm going to have to do. Keep in mind it's the last street. It's the last vacant parcel. Where the road rounds, right there is owned by Sandia Pueblo so I doubt they're going to provide any additional asphalt, curb and gutter infrastructure. I want to commit to additional infrastructure. There was a comment on the Modesto apartment complex, about seven eight months ago, about finishing off some of the roadway and the missing pieces. If I build this, I will participate in additional right of way infrastructure so it's a better driving experience for everyone. It will also help on drainage.

The developer indicated that he is willing to commit to installing asphalt on the curve in Glendale at the NE corner of Pulte Homes, with curb on both sides.

EXHIBIT





NOTIFICATION

From: [Carmona, Dalaina L.](#)
To: [Michael Vos](#)
Subject: 99999 Glendale NE Public Notice Inquiry
Date: Wednesday, August 4, 2021 4:40:55 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image007.png](#)
[IDOZoneAtlasPage_B-18-Z_Site.pdf](#)
[IDOZoneAtlasPage_B-18-Z_Site.pdf](#)

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 |
|---|------------|-----------|-------------------------|-------------------------|-------------|-------|-------|--------------|------------|
| District 4 Coalition of Neighborhood Associations | Mildred | Griffiee | mgriffiee@noreste.org | PO Box 90986 | Albuquerque | NM | 87199 | 5052800082 | |
| District 4 Coalition of Neighborhood Associations | Daniel | Regan | dlreganabq@gmail.com | 4109 Chama Street NE | Albuquerque | NM | 87109 | 5052802549 | |
| Nor Este NA | Gina | Pioquinto | rpmartinez003@gmail.com | 9015 Moonstone Drive NE | Albuquerque | NM | 87113 | 5052385495 | 5058560926 |
| Nor Este NA | Uri | Bassan | uri.bassan@noreste.org | 9000 Modesto Avenue NE | Albuquerque | NM | 87122 | 5054179990 | |

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

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. <https://www.cabq.gov/planning/urban-design-development/public-notice>. 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):
<https://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#page=393>

Thanks,



Dalaina L. Carmona

Senior Administrative Assistant
Office of Neighborhood Coordination
Council Services Department
1 Civic Plaza NW, Suite 9087, 9th Floor
Albuquerque, NM 87102
505-768-3334
dlcarmona@cabq.gov or ONC@cabq.gov
Website: 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] **On Behalf Of** webmaster@cabq.gov
Sent: Wednesday, August 04, 2021 2:07 PM
To: Office of Neighborhood Coordination <vos@consensusplanning.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Public Notice Inquiry Sheet Submission

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

5057649801

Email Address

vos@consensusplanning.com

Company Name

Consensus Planning, Inc.

Company Address

302 8th Street NW

City

Albuquerque

State

NM

ZIP

87102

Legal description of the subject site for this project:

Lots 6, 7, and 26A, Block 25, North Albuquerque Acres Tract A Unit B

Physical address of subject site:

99999 Glendale NE

Subject site cross streets:

Glendale and San Pedro

Other subject site identifiers:

South of Glendale east of San Pedro

This site is located on the following zone atlas page:

B-18

**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) and the Development Review Board (DRB)

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 Glendale Ave. NE (9500 San Pedro Drive)

Name of property owner: SMI Assets ABQ, LLC

Name of applicant: Legacy Development & Management, LLC Agent: Consensus Planning, Inc

Date, time, and place of public meeting or hearing, if applicable: Thursday, September 16, 2021 @ 8:30 a.m. via hybrid format.

Zoom : <https://cabq.zoom.us/j/2269592859>. In-person: Plaza del Sol hearing room at 600 2nd St. NW., 87102

Address, phone number, or website for additional information:

Please contact Jacqueline Fishman at fishman@consensusplanning.com or Michael Vos at vos@consensusplanning.com. Both may be contacted by phone at 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. <https://www.dropbox.com/t/ftljZC7DYb7YvTWn>

☒ 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) August 5, 2021 (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.

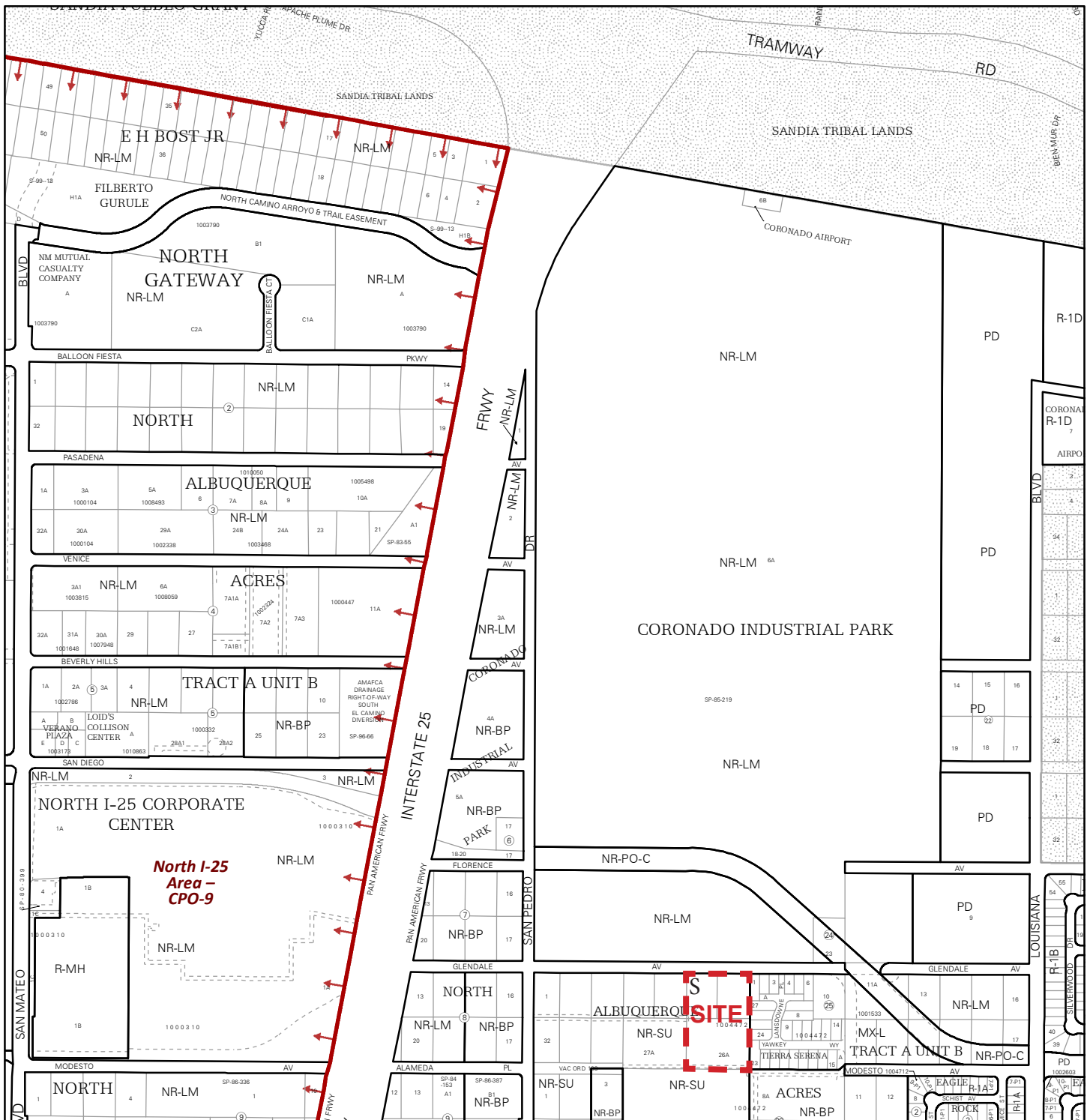
**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

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

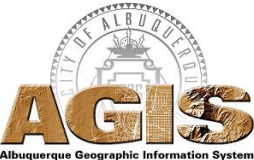
- ☐ a. Location of proposed buildings and landscape areas.
- ☐ b. Access and circulation for vehicles and pedestrians.
- ☐ c. Maximum height of any proposed structures, with building elevations.
- ☐ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential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



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

IDO Zone Atlas

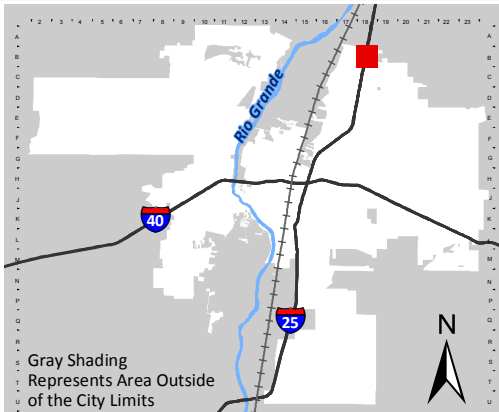
May 2018



AGIS
Albuquerque Geographic Information System

IDO Zoning information as of May 17, 2018

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



Gray Shading Represents Area Outside of the City Limits

Zone Atlas Page:
B-18-Z

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

Feet
0 250 500 1,000

From: [Jackie Fishman](#)
To: mgriffie@noreste.org; dlreganabq@gmail.com; rpmartinez003@gmail.com; uri.bassan@noreste.org; cortez1025@gmail.com
Cc: [Michael Vos](#)
Subject: Application Notification - Modesto Glendale
Date: Thursday, August 5, 2021 11:43:24 AM
Attachments: [NA_Public Notice Package.pdf](#)

Dear Neighbors,

This email is notification that Consensus Planning submitted an application for a Zoning Map Amendment on behalf of Legacy Development & Management for property legally described as Lots 6, 7, and 26-A, Block 25, Tract A, Unit B, North Albuquerque Acres and located on Glendale Avenue NE, east of San Pedro (see the Zone Atlas page).

The subject property is currently zoned NR-SU (Non-Residential Sensitive Use) for a cemetery. The Applicant is proposing to rezone the property to MX-L (Mixed-Use Low Intensity) for multi-family development. The request matches the zoning of the Tierra Serena subdivision located adjacent to the project site and the Markana Modesto multi-family development to the southeast.

The item will be heard at the September 16, 2021 Environmental Planning Commission Hearing at 8:30 a.m. via Zoom and in-person. Please see the hearing information on the attached notices.

Please use the following link to download the facilitated meeting report and justification letter:
<https://www.dropbox.com/t/ftljZC7DYb7YvTWn>

Sincerely,

Jacqueline Fishman, AICP
Principal
Consensus Planning, Inc.
302 Eighth Street NW
Albuquerque, NM 87102
P: 505.764.9801

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

**Public Notice of a Proposed Project in the City of Albuquerque
for Decisions Requiring a Meeting or Hearing
Mailed/Emailed to a Neighborhood Association**

Date of Notice*: August 5, 2021

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)*: Please see attached list of Neighborhood Associations

Name of NA Representative*: Please see attached list of NA Representatives

Email Address* or Mailing Address* of NA Representative¹: Please see attached list of NA Representatives

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

1. Subject Property Address* 99999 Glendale Ave. NE (9500 San Pedro Drive)
Location Description _____
2. Property Owner* SMI Assets ABQ, LLC
3. Agent/Applicant* *[if applicable]* Consensus Planning, Inc / Legacy Development & Management LLC
4. Application(s) Type* per IDO [Table 6-1-1](#) *[mark all that apply]*
 - ☐ Conditional Use Approval
 - ☐ Permit _____ (Carport or Wall/Fence – Major)
 - ☐ Site Plan
 - ☐ Subdivision _____ (Minor or Major)
 - ☐ Vacation _____ (Easement/Private Way or Public Right-of-way)
 - ☐ Variance
 - ☐ Waiver
 - ☒ Other: Zoning Map Amendment - EPC

Summary of project/request²*: _____

Zoning Map Amendment to MX-L (Mixed-Use Low Intensity) from NR-SU (Non-Residential Sensitive use)

for Lots 6, 7 and 26-A, Block 25, Tract A, Unit B, North Albuquerque Acres to allow for multi-family residential development.

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

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

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

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

- ☐ Zoning Hearing Examiner (ZHE) ☐ Development Review Board (DRB)
☐ Landmarks Commission (LC) ☒ Environmental Planning Commission (EPC)

Date/Time*: September 16, 2021 at 8:30 a.m. via hybrid format

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

In-person: Plaza del Sol hearing room at 600 2nd St. NW., 87102

Location*³:
Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

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

6. Where more information about the project can be found*⁴:

Please contact Jacqueline Fishman at fishman@consensusplanning.com or Michael Vos at vos@consensusplanning.com. Both may be contacted by phone at 505-764-9801.

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

1. Zone Atlas Page(s)*⁵ B-18-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*:

None 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 facilitated meeting was held on July 19, 2021. The facilitated meeting report can be downloaded at: <https://www.dropbox.com/t/ftljZC7DYb7YvTWn>

³ Physical address or Zoom link

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

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

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

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

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

Additional Information [Optional]:

From the IDO Zoning Map⁶:

1. Area of Property [typically in acres] Approximately 3.77 acres
 2. IDO Zone District NR-SU
 3. Overlay Zone(s) [if applicable] N/A
 4. Center or Corridor Area [if applicable] N/A
- Current Land Use(s) [vacant, if none] Vacant
-

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

Useful Links

Integrated Development Ordinance (IDO):

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

IDO Interactive Map

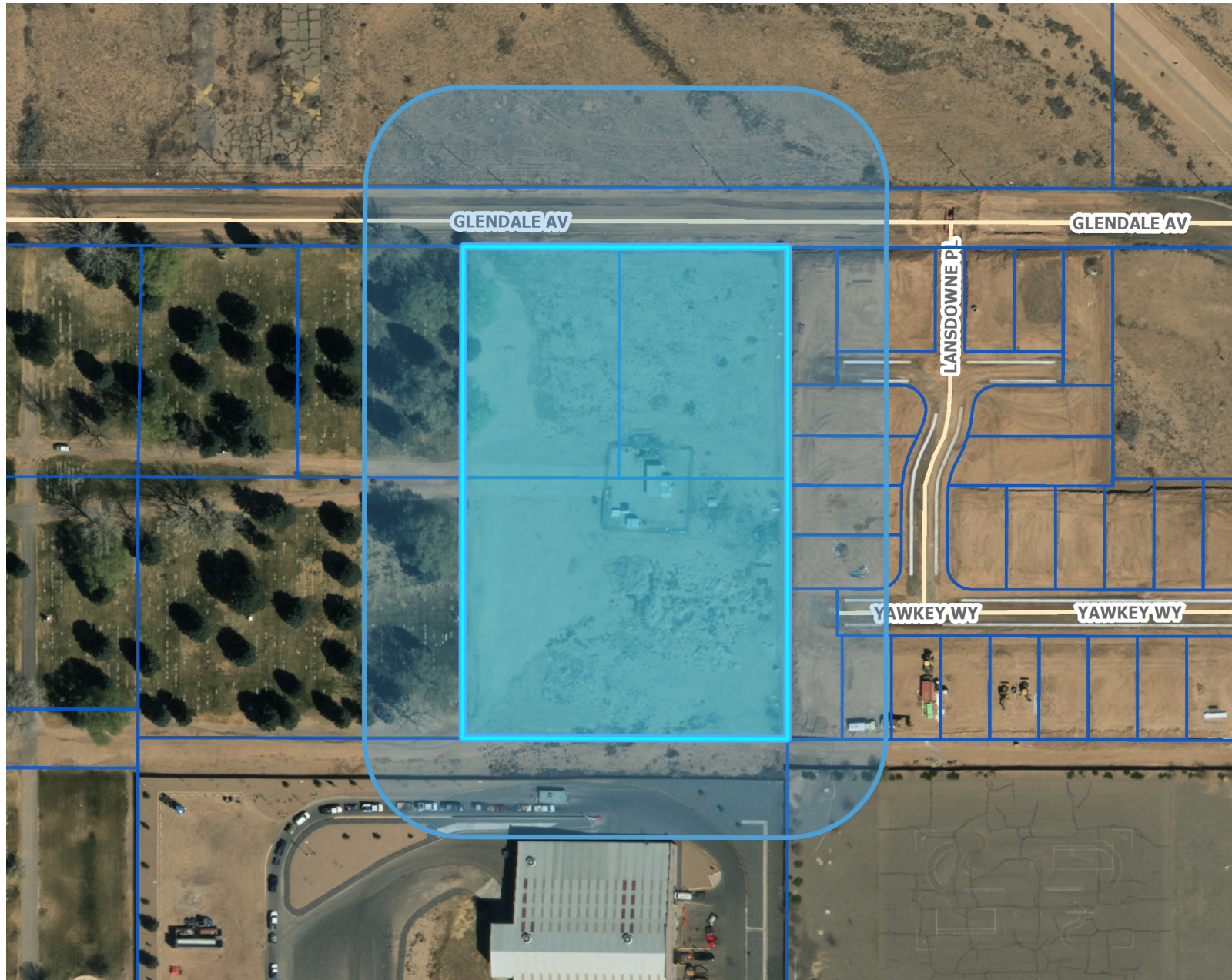
<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

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



Glendale 100-Foot Buffer Map



Legend

- City Parcels
- 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
- World Street Map

Notes

301 0 150 301 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
8/4/2021 © City of Albuquerque

1: 1,803

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

| Owner | Owner Address |
|--|---------------------------------------|
| BUSH GARY M & KARLA MELENDEZ | 9127 LANSDOWNE PL NE |
| CITY OF ALBUQUERQUE | PO BOX 2248 |
| EHRlich DAVID A & DEBORAH L | 9115 LANSDOWNE PL NE |
| HEGGEN ALEXANDER & LESLIE | 9101 LANSDOWNE PL NE |
| KASSAM LAND ACQUISITION 9 LLC | 5051 JOURNAL CENTER BLVD NE SUITE 500 |
| LACOUTURE ELIZABETH | 9109 LANSDOWNE PL NE |
| LITHILUXA VLLAYPHONE & AIR | 9123 LANSDOWNE PL NE |
| MEYER ROSS E & MARYANNE | 6604 YAWKEY WAY NE |
| MORRIS BARBARA CAROL | 9105 LANSDOWNE PL NE |
| PULTE HOMES | 7601 JEFFERSON ST NE SUITE 320 |
| SHEPARD NICOLE ANN | 6600 YAWKEY WAY NE |
| SMI ABQ ASSETS LLC DBA DANIELS FUNERAL SERVICES | 1100 COAL AVE SE |
| SMI ABQ ASSETS LLC DBA DANIELS FUNERAL SERVICES | 1100 COAL AVE SE |
| SMI ABQ ASSETS LLC DBA DANIELS FUNERAL SERVICES | 1100 COAL AVE SE |
| UNITED STATES OF AMERICA IN TRUST FOR PUEBLO OF SANDIA | 481 SANDIA LOOP RD |
| WRIGHT JEREMY B & ELYSA L | 9119 LANSDOWNE PL NE |

| Owner Address 2 |
|---------------------------|
| ALBUQUERQUE NM 87113-3202 |
| ALBUQUERQUE NM 87103-2248 |
| ALBUQUERQUE NM 87113-3202 |
| ALBUQUERQUE NM 87113-3202 |
| ALBUQUERQUE NM 87109-5915 |
| ALBUQUERQUE NM 87113-3202 |
| ALBUQUERQUE NM 87113-3202 |
| ALBUQUERQUE NM 87113-3200 |
| ALBUQUERQUE NM 87113-3202 |
| ALBUQUERQUE NM 87109 |
| ALBUQUERQUE NM 87113-3200 |
| ALBUQUERQUE NM 87106-5208 |
| ALBUQUERQUE NM 87106-5208 |
| ALBUQUERQUE NM 87106-5208 |
| BERNALILLO NM 87004 |
| ALBUQUERQUE NM 87113-0000 |

**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) and the Development Review Board (DRB)

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 Glendale Ave. NE (9500 San Pedro Drive)

Name of property owner: SMI Assets ABQ, LLC

Name of applicant: Legacy Development & Management, LLC Agent: Consensus Planning, Inc

Date, time, and place of public meeting or hearing, if applicable: Thursday, September 16, 2021 @ 8:30 a.m. via hybrid format.

Zoom : <https://cabq.zoom.us/j/2269592859>. In-person: Plaza del Sol hearing room at 600 2nd St. NW., 87102

Address, phone number, or website for additional information:

Please contact Jacqueline Fishman at fishman@consensusplanning.com or Michael Vos at vos@consensusplanning.com. Both may be contacted by phone at 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. <https://www.dropbox.com/t/FB36dJfmlcFhEjyY>

☒ 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) August 5, 2021 (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.

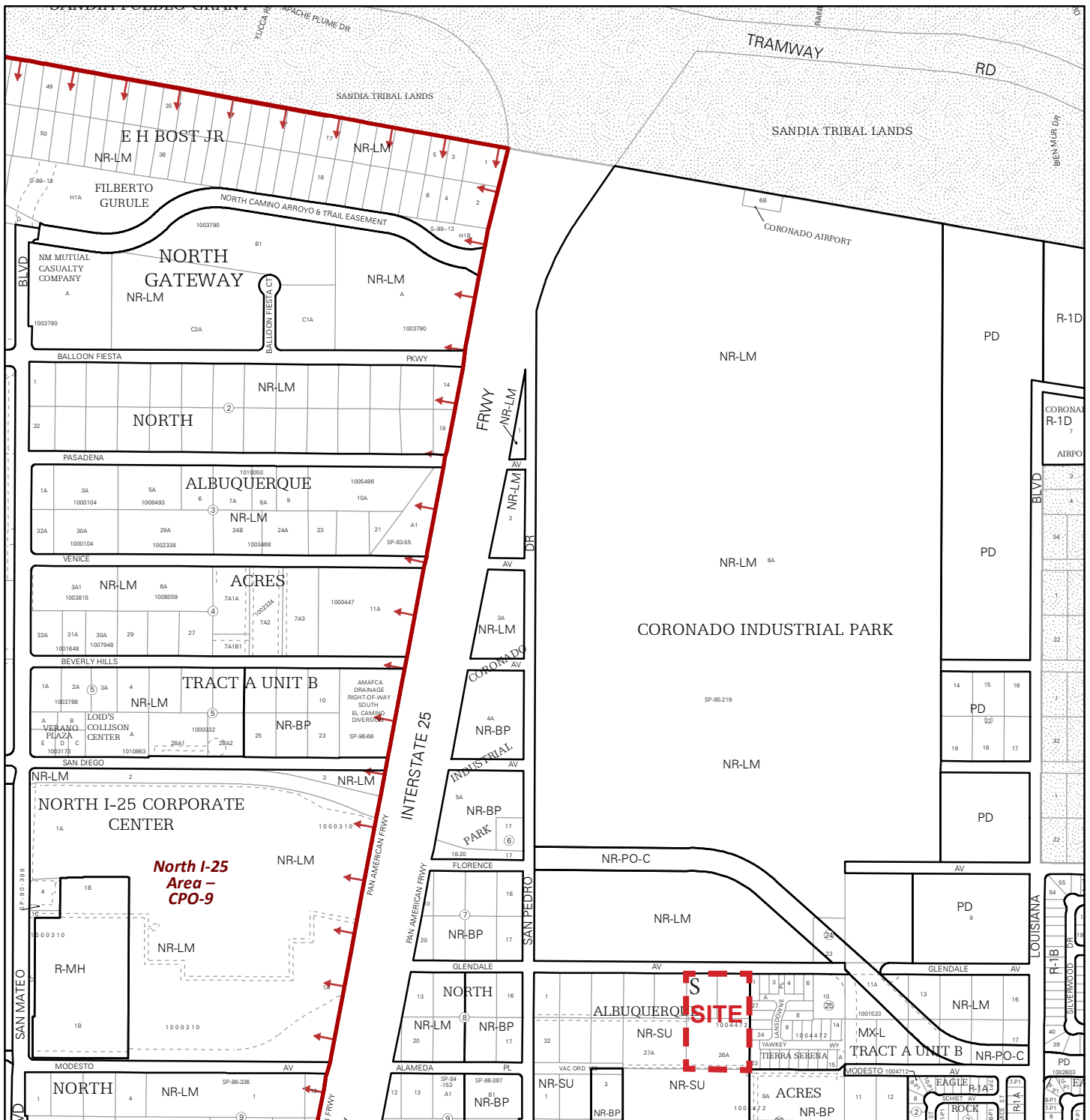
**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

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

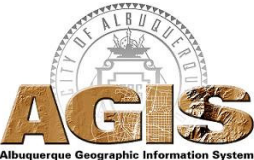
- ☐ a. Location of proposed buildings and landscape areas.
- ☐ b. Access and circulation for vehicles and pedestrians.
- ☐ c. Maximum height of any proposed structures, with building elevations.
- ☐ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential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



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

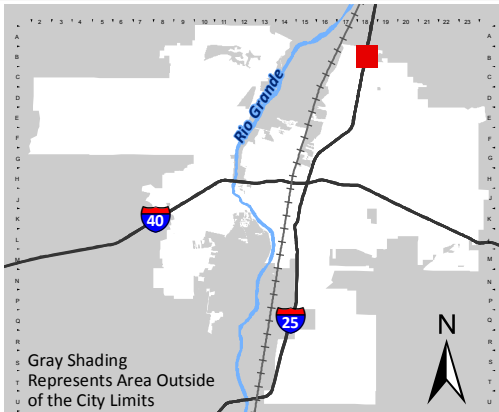
IDO Zone Atlas

May 2018



IDO Zoning information as of May 17, 2018

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



Gray Shading Represents Area Outside of the City Limits

Zone Atlas Page:
B-18-Z

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

0 250 500 1,000 Feet

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

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

Date of Notice*: August 5, 2021

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 Glendale Ave. NE (9500 San Pedro Drive)
Location Description _____
2. Property Owner* SMI Assets ABQ, LLC
3. Agent/Applicant* *[if applicable]* Consensus Planning, Inc / Legacy Development & Management LLC
4. Application(s) Type* per IDO [Table 6-1-1](#) *[mark all that apply]*
 - ☐ Conditional Use Approval
 - ☐ Permit _____ (Carport or Wall/Fence – Major)
 - ☐ Site Plan
 - ☐ Subdivision _____ (Minor or Major)
 - ☐ Vacation _____ (Easement/Private Way or Public Right-of-way)
 - ☐ Variance
 - ☐ Waiver
 - ☒ Other: Zoning Map Amendment - EPC

Summary of project/request¹*:

Zoning Map Amendment to MX-L (Mixed-Use Low Intensity) from NR-SU (Non-Residential Sensitive Use)

for lots 6, 7, and 26-A, Block 25, Tract A, Unit B, North Albuquerque Acres to allow for multi-family development.

5. This application will be decided at a public meeting or hearing by*:
 - ☒ Zoning Hearing Examiner (ZHE)
 - ☐ Development Review Board (DRB)
 - ☐ Landmarks Commission (LC)
 - ☐ Environmental Planning Commission (EPC)

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

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

Date/Time*: September 16, 2021 at 8:30 a.m. via hybrid format

Location*²: Zoom : <https://cabq.zoom.us/j/2269592859>.

In-person: Plaza del Sol hearing room at 600 2nd St. NW., 87102

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

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

6. Where more information about the project can be found*³:

Please contact Jacqueline Fishman at fishman@consensusplanning.com or Michael Vos at vos@consensusplanning.com.

Both can be reached by phone at (505)764-9801

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

1. Zone Atlas Page(s)*⁴ B-18-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*:

None 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 facilitated meeting was held on July 19, 2021. The facilitated meeting report can be

downloaded at: <https://www.dropbox.com/t/FB36dJfmlcFhEjyY>

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

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

² Physical address or Zoom link

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

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

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

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

Additional Information:

From the IDO Zoning Map⁵:

1. Area of Property [typically in acres] Approximately 3.77 acres
 2. IDO Zone District NR-SU
 3. Overlay Zone(s) [if applicable] N/A
 4. Center or Corridor Area [if applicable] N/A
- Current Land Use(s) [vacant, if none] N/A
-

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

Useful Links

Integrated Development Ordinance (IDO):

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

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

⁵ Available here: <https://tinyurl.com/idozoningmap>

7018 0360 0000 1718 8958

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

For delivery information, visit our website at www.usps.com®.

Bernalillo, NM 87004

| | |
|--|--------|
| Certified Mail Fee | \$3.60 |
| Extra Services & Fees (check box, add fee as appropriate) | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.55

Total Postage and Fees \$7.00

08/05/2021

UNITED STATES OF AMERICA IN TRUST FOR
PUEBLO OF SANDIA
481 SANDIA LOOP RD
BERNALILLO NM 87004

See Reverse for Instructions

7018 0360 0000 1718 8941

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

For delivery information, visit our website at www.usps.com®.

Albuquerque, NM 87112

| | |
|--|--------|
| Certified Mail Fee | \$3.60 |
| Extra Services & Fees (check box, add fee as appropriate) | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.55

Total Postage and Fees \$7.00

08/05/2021

HEGGEN ALEXANDER & LESLIE
9101 LANSLOWNE PL NE
ALBUQUERQUE NM 87113-3202

See Reverse for Instructions

7018 0360 0000 1718 8866

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

For delivery information, visit our website at www.usps.com®.

Albuquerque, NM 87112

| | |
|--|--------|
| Certified Mail Fee | \$3.60 |
| Extra Services & Fees (check box, add fee as appropriate) | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.55

Total Postage and Fees \$7.00

08/05/2021

SHEPARD NICOLE ANN
6600 YAWKEY WAY NE
ALBUQUERQUE NM 87113-3200

See Reverse for Instructions

7018 0360 0000 1718 8897

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

For delivery information, visit our website at www.usps.com®.

Albuquerque, NM 87112

| | |
|--|--------|
| Certified Mail Fee | \$3.60 |
| Extra Services & Fees (check box, add fee as appropriate) | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.55

Total Postage and Fees \$7.00

08/05/2021

LITHILUXA VLLAYPHONE & AIR
9123 LANSLOWNE PL NE
ALBUQUERQUE NM 87113-3202

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

7018 0360 0000 1718 8903

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

For delivery information, visit our website at www.usps.com®.

Albuquerque, NM 87109

| | |
|--|--------|
| Certified Mail Fee | \$3.60 |
| Extra Services & Fees (check box, add fee as appropriate) | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.55

Total Postage and Fees \$7.00

08/05/2021

KASSAM LAND ACQUISITION 9 LLC
5051 JOURNAL CENTER BLVD NE SUITE 500
ALBUQUERQUE NM 87109-5915

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

See Reverse for Instructions

7018 0360 0000 1718 8972

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

For delivery information, visit our website at www.usps.com®.

Albuquerque, NM 87112

| | |
|--|--------|
| Certified Mail Fee | \$3.60 |
| Extra Services & Fees (check box, add fee as appropriate) | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.55

Total Postage and Fees \$7.00

08/05/2021

BUSH GARY M & KARLA MELENDEZ
9127 LANSLOWNE PL NE
ALBUQUERQUE NM 87113-3202

See Reverse for Instructions

7018 0360 0000 1718 8996

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

For delivery information, visit our website at www.usps.com®.

Albuquerque, NM 87106

| | |
|--|--------|
| Certified Mail Fee | \$3.60 |
| Extra Services & Fees (check box, add fee as appropriate) | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.55
 Total Postage and Fees \$7.00

SMI ABQ ASSETS LLC DBA DANIELS FUNERAL SERVICES
 1100 COAL AVE SE
 ALBUQUERQUE NM 87106-5208

See Reverse for Instructions



7018 0360 0000 1718 8873

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

For delivery information, visit our website at www.usps.com®.

Albuquerque, NM 87113

| | |
|--|--------|
| Certified Mail Fee | \$3.60 |
| Extra Services & Fees (check box, add fee as appropriate) | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.55
 Total Postage and Fees \$7.00

MORRIS BARBARA CAROL
 9105 LANSLOWNE PL NE
 ALBUQUERQUE NM 87113-3202

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

See Reverse for Instructions



7018 0360 0000 1718 8965

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

For delivery information, visit our website at www.usps.com®.

Albuquerque, NM 87109

| | |
|--|--------|
| Certified Mail Fee | \$3.60 |
| Extra Services & Fees (check box, add fee as appropriate) | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.55
 Total Postage and Fees \$7.00

PULTE HOMES
 7601 JEFFERSON ST NE SUITE 320
 ALBUQUERQUE NM 87109

See Reverse for Instructions



7018 0360 0000 1718 8927

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

For delivery information, visit our website at www.usps.com®.

Albuquerque, NM 87103

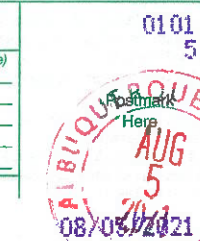
| | |
|--|--------|
| Certified Mail Fee | \$3.60 |
| Extra Services & Fees (check box, add fee as appropriate) | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.55
 Total Postage and Fees \$7.00

CITY OF ALBUQUERQUE
 PO BOX 2248
 ALBUQUERQUE NM 87103-2248

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

See Reverse for Instructions



7018 0360 0000 1718 8910

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

For delivery information, visit our website at www.usps.com®.

Albuquerque, NM 87113

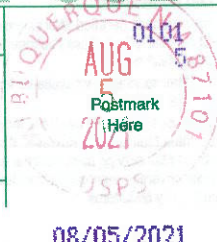
| | |
|--|--------|
| Certified Mail Fee | \$3.60 |
| Extra Services & Fees (check box, add fee as appropriate) | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.55
 Total Postage and Fees \$7.00

ACOUTURE ELIZABETH
 9109 LANSLOWNE PL NE
 ALBUQUERQUE NM 87113-3202

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

See Reverse for Instructions



7018 0360 0000 1718 8934

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

For delivery information, visit our website at www.usps.com®.

Albuquerque, NM 87113

| | |
|--|--------|
| Certified Mail Fee | \$3.60 |
| Extra Services & Fees (check box, add fee as appropriate) | \$2.85 |
| <input type="checkbox"/> Return Receipt (hardcopy) | \$0.00 |
| <input type="checkbox"/> Return Receipt (electronic) | \$0.00 |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$0.00 |
| <input type="checkbox"/> Adult Signature Required | \$0.00 |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$0.00 |

Postage \$0.55
 Total Postage and Fees \$7.00

EHRICH DAVID A & DEBORAH L
 9115 LANSLOWNE PL NE
 ALBUQUERQUE NM 87113-3202

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®.

Albuquerque, NM 87113

Certified Mail Fee \$3.60
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

\$7.00

WRIGHT JEREMY B & ELYSA L
9119 LANSDOWNE PL NE
ALBUQUERQUE NM 87113-0000

for Instructions

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

For delivery information, visit our website at www.usps.com®.

Albuquerque, NM 87113

Certified Mail Fee \$3.60
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage at \$7.00

Sent To

Street and Apt. #

City, State, ZIP+

MEYER ROSS E & MARYANNE
6604 YAWKEY WAY NE
ALBUQUERQUE NM 87113-3200

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

See Reverse for Instructions

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.

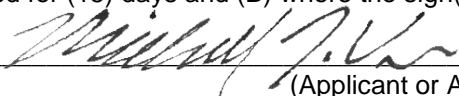
4. TIME

Signs must be posted from _____ To _____

5. REMOVAL

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

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



(Applicant or Agent)

8/5/21

(Date)

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

PROJECT NUMBER: _____

COMMENTS

From: [Holbert, Jill R.](#)
To: [Varada, Alan M.](#); [Aranda, James M.](#); [Lehner, Catalina L.](#); [Lorenzo, Sergio](#)
Cc: [Woffley, Jolene](#); [Whelan, Matthew](#)
Subject: Case Number PR-2021-005844, RZ-2021-00028
Date: Tuesday, September 07, 2021 3:44:30 PM
Attachments: [image005.png](#)
[image006.png](#)
[DISPLAY BOARD \(1\) 24X36.pdf](#)
[DISPLAY BOARD \(2\) 24X36.pdf](#)
[View of ERCC from Shared Property Line.jpg](#)
[IDO Zoning.docx](#)

Dear All:

The Solid Waste Management Department (SWMD) takes great pride in operating a well-run, safe, and convenient location for residents and small businesses to drop off refuse and recycling. Site personnel collect and load these materials into trucks and haul them to the Cerro Colorado Landfill or recycling end users, saving customers the nearly 90-minute roundtrip. Because of the disparate land uses between the City's Eagle Rock Convenience Center (ERCC) and the proposed zoning change which would allow for apartment development, and potential future conflicts with apartment residents, SWMD respectfully submits the following comments regarding Case Number PR-2021-005844, RZ-2021-00028 as proposed. Please see the attached Display Board 1 and 2 for the site's operations and traffic flows. I have also included a photograph taken from the NE corner/property line of the site, which is shared by the subject property.

Background: ERCC was first permitted by the New Mexico Environment Department in 1992 and has operated continuously to date. It is a popular site, providing essential services to the public. It is open 7 days per week, 362 days per year (closing only for Thanksgiving Day, Christmas Day, and New Year's Day). Staff begin operations at 7 AM and work up to 6 PM. Public hours are 8 AM to 5 PM. All required safety and security protocols are followed. These include exterior site lighting, equipment backup alarms, and 3-strand barb wire topping the chain link perimeter fence.

Noise may be a concern to new residential neighbors. One piece of equipment used extensively on site, both inside and outside of the convenience center building is a CAT 926M Small Wheel Loader. This is used to push waste from the tipping floor into transfer trailers for transporting off site to the landfill. According to product specifications, the 926M has an average exterior sound pressure (ISO 6395:2008) of 101 dB(A). Its backup alarm has a sound level of 107 dB(A) at a distance of about three feet.

Although the Eagle Rock Convenience Center, also called a transfer station, is already in operation, according to State of New Mexico Solid Waste Rules 20.9.4.12.B. NMAC, siting criteria for transfer stations prohibit locating a **new** transfer station within **250 feet** of a permanent residence, institution, school, place of worship, or hospital. While this does not pertain to an existing facility, it serves to show what may be a reasonable distance between these uses given the nature of transfer station operations. If you look at the current zoning of adjacent properties, ERCC is zoned special use along with the properties to the north and west of the site. This helps to mitigate conflicts with nearby uses, as the majority of them are currently non-residential.

Please feel free to contact me if you need further information.

Thank you!

Jill



JILL HOLBERT
associate director
o 505.761.8342
m 505.350.1395
cabq.gov/solidwaste

From: Williams, Brennan <bnwilliams@cabq.gov>
Sent: Wednesday, April 14, 2021 9:49 AM
To: Whelan, Matthew <mwhelan@cabq.gov>
Subject: Proposed apt development

Matthew –

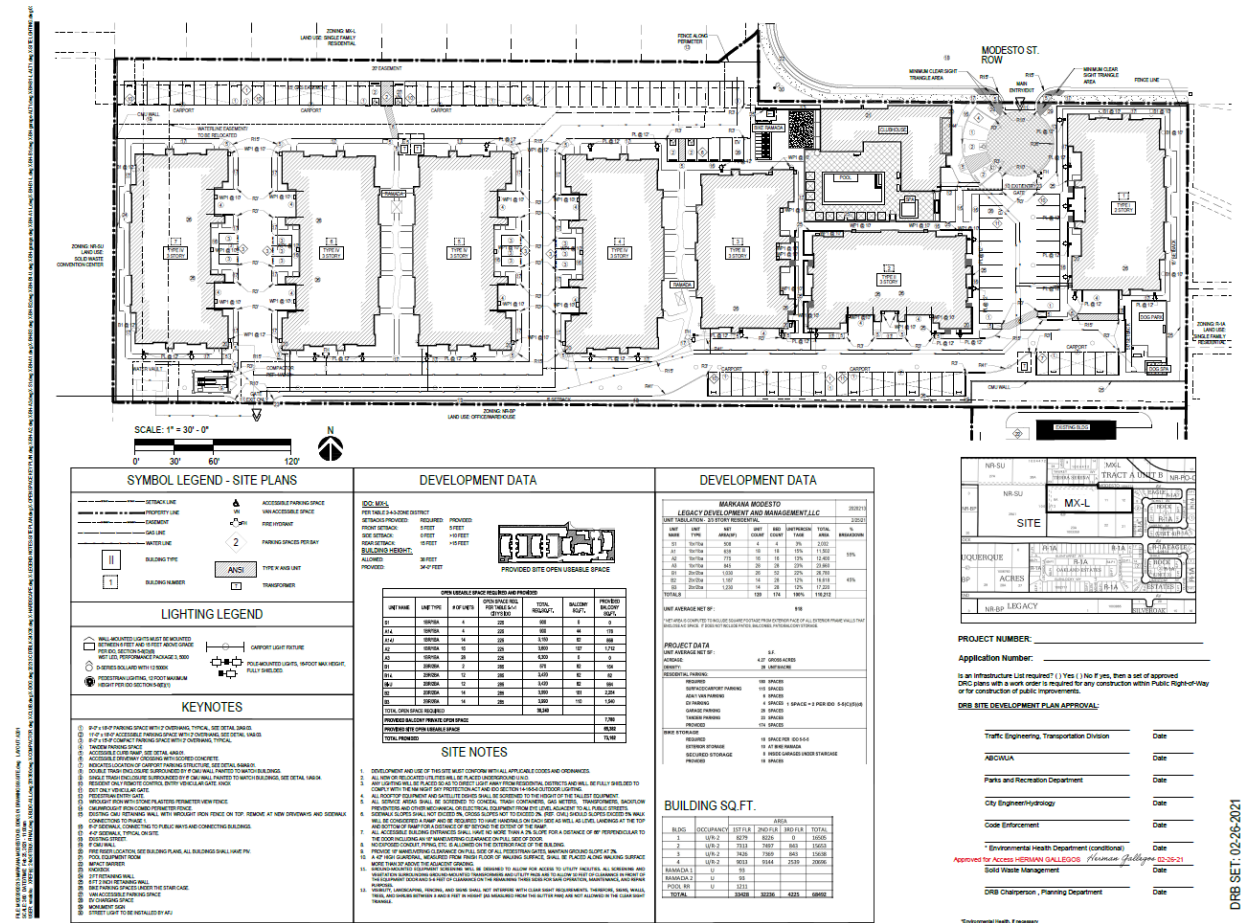
FYI; the Development Review Board (DRB) – one of our reviewing bodies that looks at development projects – is evaluating a proposed apartment development to the E/NE of the existing Eagle Rock Convenience Center (see aerial photo below). While the zoning designation of the property allows for this type of development, one of the seven apartment buildings is proposed to be just five (5) feet from the shared property line with the convenience center (see site plan below).

Because it's not uncommon for future apartment tenants to complain about certain surrounding land uses after they've moved in, DRB is wondering if Solid Waste would like to provide comments on the proposed apartment development. Comments could include things like requesting that the building on the western end of the property be relocated on the site or limited to just one story in height, that additional landscaping along the western border of the property to help screen the convenience center be provided, or a general redesign of the development to reduce the proximity of the dwelling units to the convenience center.

Comments can be emailed to the DRB Chair, Jolene Woffley, at jwoffley@cabq.gov. The subject case number is PR-2019-002761.

Please let me know if you have any questions.

Thanks,
Brennon



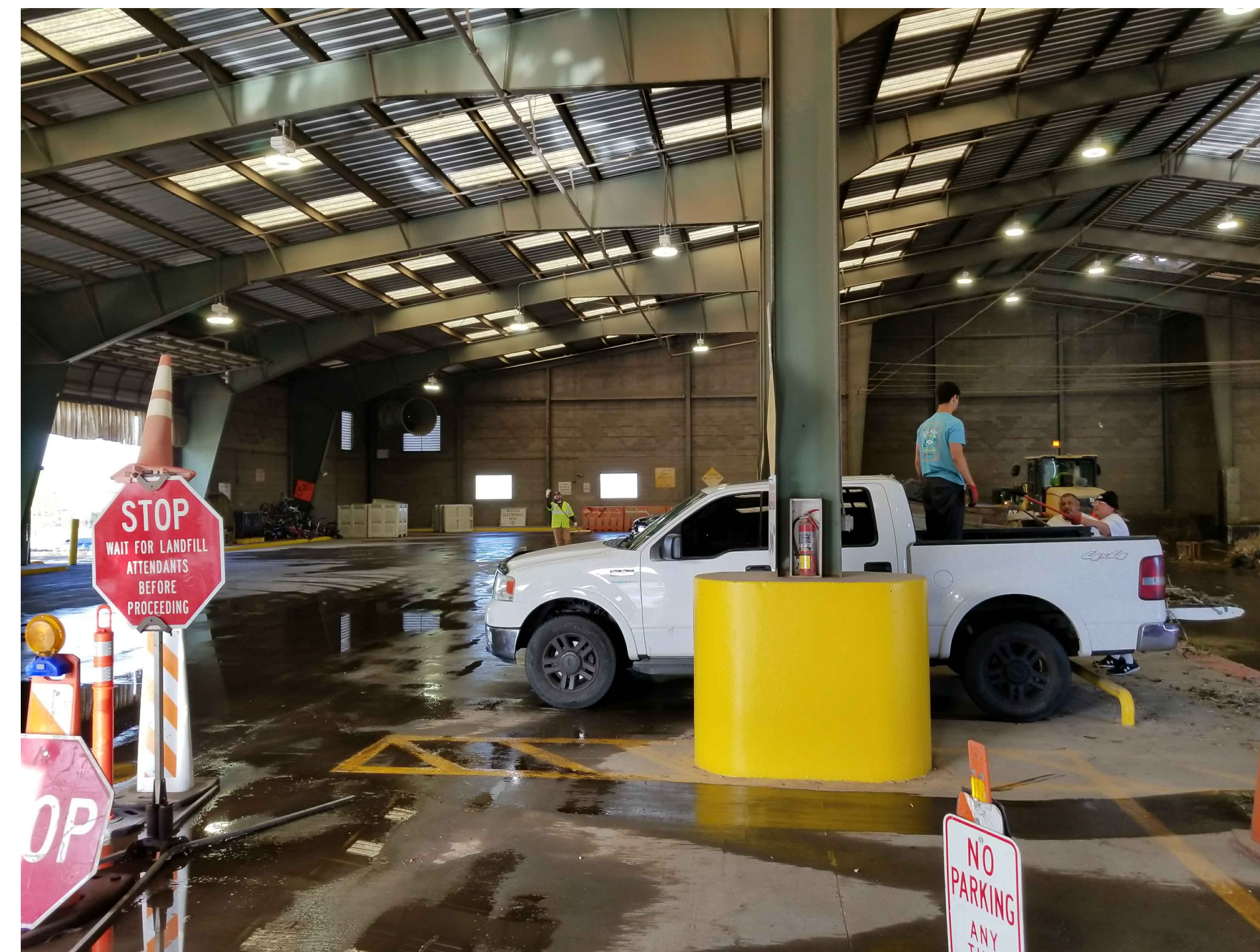
ONE ALBUQUERQUE planning

BRENNON WILLIAMS
planning director
o 505.924.3454
e bnwilliams@cabq.gov
cabq.gov/planning

DRB SET: 02-26-2021



WEST SIDE OF CENTER-TRANSPORT TRUCK LOADING BAYS



SOUTH STALLS-VEHICLE DROP OFFS



RECYCLING BIN AREA



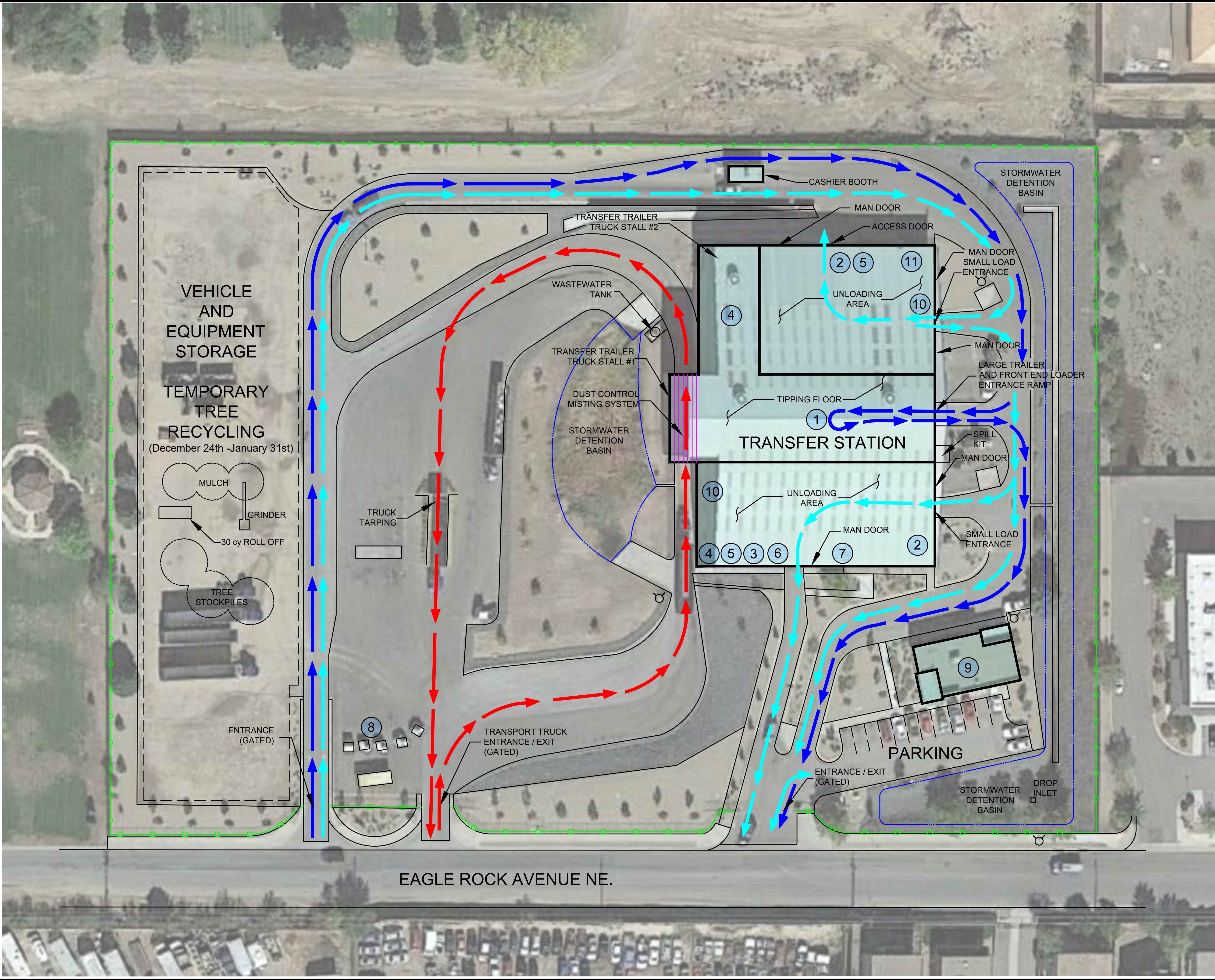
ENTRANCE-NORTH STALLS-TRAILER DROP OFFS

OPERATIONAL PHOTOS

EAGLE ROCK CONVENIENCE CENTER
ALBUQUERQUE, NEW MEXICO



333 Rio Rancho Blvd. NE
Suite 400
Rio Rancho, New Mexico,
Phone: 505-867-6990
Fax: 505-867-6991

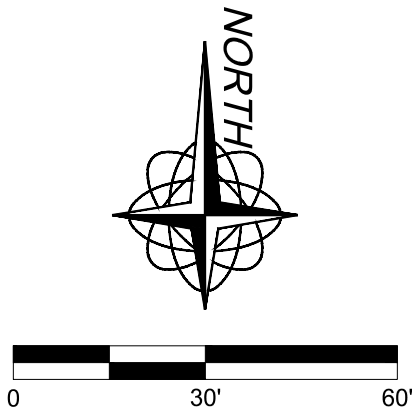


LEGEND

- EXISTING PERIMETER FENCE
- PAVED ROAD
- STORM WATER DETENTION BASIN
- LIGHT POLE
- FIRE HYDRANT
- BUILDING
- PASSENGER VEHICLE
- DUMP TRAILER
- TRACTOR TRAILER

MATERIAL HANDLING

- 1 DUMP TRAILERS & LARGE TRUCKS
- 2 PORTABLE TOILETS
- 3 LOAD CHECKING-WASTE STORAGE
- 4 METALS
- 5 BICYCLES
- 6 BATTERIES
- 7 WARMING BOOTH
- 8 RECYCLABLES COLLECTION BINS
- 9 OFFICE
- 10 E-WASTE
- 11 FIRST AID / EYEWASH STATION





ON SITE TRAFFIC FLOW

EAGLE ROCK CONVENIENCE CENTER
ALBUQUERQUE, NEW MEXICO

GORDONPSC
ENVIRONMENTAL
333 Rio Rancho Blvd. NE
Suite 400
Rio Rancho, New Mexico,
Phone: 505-867-6990
Fax: 505-867-6991



CABQMaps - Advanced Map Viewer 2.0

  Type here to search