**Staff Report**

<table>
<thead>
<tr>
<th><strong>Agent</strong></th>
<th>AG Services</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant</strong></td>
<td>Robert Gutierrez</td>
</tr>
<tr>
<td><strong>Request</strong></td>
<td>Zoning Map Amendment – EPC</td>
</tr>
<tr>
<td><strong>Legal Description</strong></td>
<td>Lot B, plat of El Jaral Subdivision together with Tract 303-A MRGCD Map #35</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>On Montoya Rd. NW, between Maximillian Rd. NW and Interstate-40</td>
</tr>
<tr>
<td><strong>Size</strong></td>
<td>Approximately 4.6 acres</td>
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<tr>
<td><strong>Existing Zoning</strong></td>
<td>PD</td>
</tr>
<tr>
<td><strong>Proposed Zoning</strong></td>
<td>R-A</td>
</tr>
</tbody>
</table>

**Summary of Analysis**

The request is for a Zone Map Amendment from PD to RA for an approximate 4.6-acre site.

The Zone Map Amendment would allow the applicant to develop the subject site in a manner that is consistent with the character of the surrounding community and the R-A zoning nearby. Changing the zoning of the subject site to R-A would be consistent with the IDO standards.

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

The subject site is in an Area of Consistency. It is not in an Activity Center or along a corridor.

The applicant notified West Old Town Neighborhood Association and property owners as required. There is no known opposition.

Staff recommends approval.

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**Staff Recommendation**

APPROVAL of RZ-2021-00050, based on the Findings beginning on p.21.

**STAFF PLANNERS**

Leroy Duarte, Planner
Megan Jones, Planner
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I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

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<th>Zoning</th>
<th>Comprehensive Plan Area</th>
<th>Land Use</th>
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<tbody>
<tr>
<td>North</td>
<td>PD</td>
<td>Area of Consistency</td>
<td>Agriculture</td>
</tr>
<tr>
<td>South</td>
<td>R-A</td>
<td>Area of Consistency</td>
<td>Low-density Residential</td>
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<tr>
<td>East</td>
<td>Unincorporated Area</td>
<td>Area of Consistency</td>
<td>Agriculture (Residential)</td>
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<tr>
<td>West</td>
<td>Unincorporated Area</td>
<td></td>
<td>Vacant</td>
</tr>
</tbody>
</table>

Request

The request is for a Zone Map Amendment for an approximately 4.6-acre site legally described as Lot B of El Jaral Subdivision together with Tract 303-A MRGCD Map #35 and located on Montoya Rd. NW, between Maximillian Rd. NW and I-40, approximately 4.6 acres (“the subject site”). The subject site is currently zoned PD (Planned Development Zone District).

The applicant requests a Zone Map Amendment from PD (Planned Development) to R-A (Residential – Rural and Agricultural). This will allow the subject site to develop in a manner that is consistent with the character of the community and the surrounding R-A zoning. The applicant states that future development will develop in a manner that is consist of a minor subdivision.

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 approximately 4.6-acre site is located on Montoya Rd. NW, between Maximillian Rd. NW and Interstate 40. The property adjacent to the subject site to the north is zoned R-A. The properties to the south are in unincorporated Bernalillo County. The Old Town Farm, a 12-acre property continues to operate as a farm, but also holds special events and has a bike-in restaurant/coffee shop on weekends, is located a few lots south of the subject site. Maximillian Road NW is a gated development to the south of the county properties. To the east and west of the subject site are unincorporated Bernalillo County parcels and vacant land that are zoned R-A.

The subject site is surrounded by various land uses including: Residential – rural agricultural to the north, east, and west, a moderate-density residential community to the south, and vacant land directly to the south.
The subject site is located in an Area of Consistency as designated by the Comprehensive Plan.

**History**

In 2008, the vacant subject site was annexed into the City through a City Council action for annexation and establishment of zoning, and a pre-annexation agreement that included Design Requirements (see attachment). The applicant originally requested RA-2 zoning; however, the neighborhood association strongly opposed the request.

The Old Town Sector Development Plan recommended RA-1 zoning for properties annexed to the City in the area, so a compromise was found with the neighborhood association to establish SU-1 for RA-1/PDA zoning, which was less dense than RA-2 and required EPC review of a Site Development Plan. The pre-annexation agreement permitted 10 homes clustered in a Planned Commons Development (PCD) and established the Design Requirements. (Project# 1005455)

On November 5, 2014, the DRB approved a request for Site Development Plan for Subdivision that determined that Tract 303-A MRGCD Map 35 be incorporated into the subject site adding an additional lot to the original ten that were annexed in 2008. On June 17, 2015, a request was made to relinquish the EPC’s authority as the controlling body for the existing site development plan for subdivision. This Site Development Plan for Subdivision is now expired. (Project# 1005455)

In 2018 the applicant submitted a request is for a Site Development Plan for Subdivision to develop the site into 10 separate lots with a private access road and designated open space. The applicant withdrew this request. (Project# 1005455)

**Roadway System**

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

The LRRS map classifies Montoya Rd NW as a as a local street.

**Comprehensive Plan Designations**

The subject site is not within a designated Activity Center or located on a designated Corridor. However, the Old Town Activity Center and Rio Grande Blvd., a major transit comprehensive plan corridor, are within a half-mile of the subject site.

**Comprehensive Plan Community Planning Area Designation**

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

**Trails/Bikeways**

The Long-Range Bikeway System (LRBS) map, produced by the Mid-Region Metropolitan Planning Organization (MRMPO) identifies existing and proposed routes and trails. Currently, Montoya Rd NW does not contain any trails or bicycle lanes. However, there is an existing Bike
Boulevard within 0.3 miles of the subject site, along Mountain Rd NW and a proposed paved trail within a half a mile along Rio Grande Blvd SW.

**Transit**
Currently no transit routes run along Montoya Rd. NW or near the subject site. However, Bus Route 36/37 (Rio Grande Blvd. & 12th St) is within a ½ mile from the subject site. The Route Runs north and south along Rio Grande Blvd. from Griegos St. to Lomas Blvd. with a bus stop at Lomas and 12th street. Route 36 also connects to Central Blvd at Rio Grande Blvd. Bus Route 36 runs Monday – Saturday at a peak frequency of 60 minutes, from 6:30 am – 6:49 pm.

**Public Facilities/Community Services**
Please refer to the Public Facilities Map, 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**

**Amendment:** Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of any zone district or Overlay zone; or any repeal or abolition of any map, part thereof, or addition thereto.

**Low-density Residential Development:** Properties with residential development of any allowable land use in the Household Living category in Table 4-2-1 other than multi-family dwellings. Properties with small community residential facilities are also considered low-density residential development. Properties that include other uses accessory to residential primary uses are still considered low-density residential development for purposes of the IDO.

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

**Residential Zone District:** Any zone district categorized as Residential in Part 14-16-2 of this IDO. For the purposes of any Use-specific Standard in Section 14-16-4-3, this includes any lot zoned Planned Development (PD) with a Site Plan approved prior to the adoption of this IDO that allows one or more residential uses and that is developed on lots with residential development that make up at least 50 percent of the site plan area.

**Zoning**
The subject site is currently zoned PD (Planned Development), IDO 14-16-2-6(A) which was assigned upon the adoption of the IDO. The purpose of the PD zone district is to accommodate small- and medium-scale innovative projects that cannot be accommodated through the use of other zone districts, provided that those projects are consistent with the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended and include standards that would not otherwise be required of the applicant in order to provide significant public, civic, or natural resource benefits.
This zone district is applied on a case-by-case basis to reflect a negotiated agreement for uses and standards with the applicant.

A PD zone district may contain any combination of uses listed in Table 4-2-1. Allowable uses for the PD zone are negotiated on a case-by-case basis and are required to go to the EPC (Environmental Planning Commission). If approved, the R-A zone district does not require applicants to go to the EPC, therefore removing the public hearing process.

The request is to change the subject site’s zoning into R-A (Residential – Rural and Agricultural), IDO 14-16-2-3(A). The purpose of the R-A zone district is to provide for lower density single-family residential and limited agricultural uses, generally on lots of ¼ acre or larger, as well as limited civic and institutional uses to serve the surrounding residential area. The R-A zone also allows cluster development and cottage development. Allowable uses are shown in Table 4-2-1.

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

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

In this case, the Goals and policies below were included by the applicant in the justification letter. Staff finds them all applicable, and adds one more policy (denoted with a *) at the end of the analysis. Applicable Goals and policies are listed below. Staff analysis follows in bold italic text.

Chapter 4: Community Identity

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

*The request is a downzone from PD to R-A. The request would enhance the area by allowing development consistent with the surrounding community, protect the neighborhood by removing the possibility of more intense and higher density uses, and preserve the identity of the community through rural and agricultural land uses. This request furthers Goal 4.1 Character.*

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

*The request would protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of the development and character of building design by changing the zone from PD to R-A. The downzone would be consistent with the residential – rural and agricultural zoning in the immediate vicinity, and reinforces low-density development in the neighborhood. The proposed RA zone is consistent with the surrounding zoning and general lot size requirements. By changing the zoning to reflect the surrounding neighborhoods current land uses, the identity of the neighborhood is protected. The request furthers Policy 4.1.2 – Identity and Design.*
Chapter 5: Land Use

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

The zone change request would allow for a proposed single-family subdivision that is within an existing residential – rural agricultural neighborhood and in an area of consistency. Although the subject site is not in an Activity Center or along a corridor, residents living within a future residential development on the subject site would have the opportunity to live, work, learn, shop and play together based on the amenities close in proximity to the subject site. The subject site is located within .5 mile of the Old Town Activity Center and near a Major Transit corridor. The request partially furthers Goal 5.2 – Complete Communities.

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

The request would allow development to occur with land uses that are similar to the surrounding community. Any future development would be conveniently accessible to surrounding uses such as religious institutions, retail, and activity centers. Although it would be accessible to a variety of uses any future development itself would only consist of a single use; residential – agriculture, not create a mix of uses. The request partially furthers Policy 5.2.1 – Land Uses.*

Sub-policy(c): Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns.

The request would remain consistent with the characteristics of the surrounding community and establish the same standards as the surrounding Residential – rural Agricultural zoning in the neighborhood. The request furthers sub-policy(c) 5.2.1 – Land Uses.

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

The request would encourage development that is consistent with the immediately surrounding R-A development. The development standards associated with the proposed zoning will ensure that future development is compatible in form and scale to the immediate surrounding area through lot size requirements, setbacks and building height requirements. The request furthers sub-policy(h) 5.2.1 – Land Uses.*

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

The request would result in a future proposed single-family, large lot subdivision. The 4.6-acre lot is currently vacant in an area that is surrounded by residential and agricultural uses. A future residential subdivision would encourage productive use of the land. The request furthers sub-policy(n) 5.2.1 – Land Uses.
Goal 5.3 – Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The request would promote efficient use of the under-utilized vacant land that is currently exists. The future proposed residential subdivision would promote development patterns that are similar to the surrounding Neighborhood, while also using existing infrastructure that surrounds the site. The request furthers Goal 5.3 – Efficient Development Patterns. *

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

The subject site is currently surrounded by low-density residential and agricultural development. Future development of the subject site will utilize existing infrastructure, including water and sewer. Access to the subject site would be directly off Montoya Road which is a local street on the MRGCOC Long Range Roadway Systems Map. The request furthers Policy 5.3.1 – Infill Development.

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

The subject site is located in an Area of Consistency; the proposed zone change would reinforce the character and intensity of the surrounding area. The subject site is surrounded by R-A zoning, and the request would keep the character and intensity of the area the same. The request furthers Goal 5.6 – City Development Areas.

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

The request would protect and enhance the character of the existing single-family neighborhood by eliminating the opportunity to develop the subject site with higher density uses outside of a designated center. The request furthers Policy 5.6.3 – Areas of Consistency.*

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

The request would ensure that any future proposed development would reinforce the scale, intensity, and setbacks of the immediately surrounding community by making low density, large lot parcels possible. The request furthers sub-policy (b) 5.6.3 – Areas of Consistency.

Chapter 9: Housing
Policy 9.2.1 – Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design, and relationship to the street.

The request would ensure that future proposed development of the subject site would reinforce and strengthen the neighborhood characteristics and maintain appropriate densities through low
density residential- rural agricultural development that is consistent with the surrounding neighborhood and development context. The request furthers Policy 9.2.1-Compatibility. *

Chapter 11: Heritage Conservation

Policy 11.1.2 Rural Character: Protect the character of rural areas and ensure that development is sensitive to historic and cultural patterns.

Approval of the requested zone change from PD to R-A would protect the character of the adjacent rural neighborhood. The majority of the surrounding land uses are residential agricultural and a zone change to R-A would ensure that any future development on the subject site would remain sensitive to the cultural patterns of the community through implementing rural and agricultural development standards. The request furthers Policy 11.1.2-Rural Character.*

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 Map Amendment justification letter analyzed here, received on November 30, 2021, is a response to Staff’s request for a revised justification letter (see attachment). The subject site is currently zoned PD (Planned Development) and undeveloped. The requested zoning is R-A (Residential – Rural and Agricultural). The reason for the request is to obtain zoning that would be consistent with the character of the area and surrounding R-A zoning. The subject site is in an Area of Consistency.

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

A. 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: The proposed zone map amendment is consistent with the health, safety, and general welfare of the city as shown by furthering a preponderance of the applicable Comprehensive Plans and Policies as follows:

Staff: Consistency with the City’s health, safety, and general welfare is shown by demonstrating that the request furthers applicable Comprehensive Plan Goals and policies and does not significantly conflict with them.

Applicable Citations: Goal 4.1- Character, Policy 4.1.2 Identity and Design, Goal 5.2- Complete Communities, Policy 5.2.1 Land Uses and Sub-Policy(c) and Sub-Policy(h), Policy 5.3.1 Infill Development, Policy 5.6- City Development Areas, Policy 5.6.2 Areas of Consistency and Policy 9.2.1 Compatibility, Policy 11.1.2 Rural Character.

Non-applicable citations: none.

The applicant’s policy-based response satisfactorily demonstrates that the request furthers a preponderance of applicable Goals and policies regarding character, identity, complete communities, land uses, efficient development patterns, infill development, city development areas and compatibility and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City’s health, safety, and general welfare. The response to Criterion A is sufficient.

B. 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: The zone map amendment will reinforce the character of the area and will not permit development different than the established character by changing the zoning to RA (Residential Agricultural), which is consistent with the existing zoning directly east and north as well as within the surrounding community.

The requested zone map amendment to RA (Residential Agricultural) reinforces criterion #3 in that this request would be more advantageous to the community as articulated in the ABC plans and policies by continuing to stabilize the residential character and zoning that exist adjacent to the surrounding properties. This request will continue to implement the patterns of land use, development density and connectivity that is associated with RA (Residential Agricultural) zoning.
category. Although the existing PD (Planned Development) zoning is of a residential nature, the development density is more intense than what is allowable with the requested RA (Residential Agricultural) zoning category.

Staff: The subject site is located in an Area of Consistency. The applicant’s response demonstrates that the request would be more advantageous to the community and clearly reinforce and strengthen the established character and development of the surrounding community and would not permit development that is significantly different through infill development, utilization of existing utilities and infrastructure and maintain the development patterns of existing homes north and east of the site. The response to Criterion B is sufficient.

C. 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: 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, so this criterion does not apply. The response to Criterion C is sufficient.

D. 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: None of the permissive uses in the RA (Residential Agricultural) zone will be harmful to the adjacent property, neighborhood, or community. This zone map amendment does not include permissive uses that would be harmful to the adjacent property in that this request is consistent with the zoning adjacent to, surrounding the site and within the general surrounding community. The permissive uses with this request would continue to be consistent with and would continue to maintain the residential zoning and character of the area.

The following Land Use Table identifies residential uses allow with the existing PD (Planned Development) zoning as well as the permissive uses that are allow with the proposed zone map amendment to RA (Residential/Agricultural):

<table>
<thead>
<tr>
<th>RA (Residential/Agricultural)</th>
<th>PD (Planned Development)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permissive Uses</td>
<td>Use Specific Standards</td>
</tr>
<tr>
<td>Residential Living</td>
<td>Residential Living</td>
</tr>
<tr>
<td>Dwelling - Single family dwelling</td>
<td>Dwelling – Single Family Detached</td>
</tr>
<tr>
<td>Dwelling - Cluster Development</td>
<td>Dwelling – Cluster Development</td>
</tr>
<tr>
<td>Dwelling – Cottage</td>
<td>Dwelling – Cottage Development</td>
</tr>
<tr>
<td></td>
<td>Dwelling – Two Family Detached (Duplex)</td>
</tr>
<tr>
<td></td>
<td>Dwelling – Townhouse</td>
</tr>
</tbody>
</table>
Dwelling – Live-work

Dwelling – Multi-family

Staff: The applicant compared the existing PD zoning and the proposed R-A zoning. A PD zone district may contain any combination of uses listed in Table 4-2-1. Allowable uses for the PD zone are negotiated on a case-by-case basis and are required to go to EPC. If approved, the R-A zone only allows three (3) uses—Residential: Dwelling – single-family detached (Permissive Primary), Dwelling – cluster development (Permissive Primary), and Dwelling, cottage development (Permissive Primary). The request would remain consistent with the surrounding land uses in the area. The response to Criterion D is sufficient.

E. 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: The subject site meets criterion 1 and 2 above in that the site has adequate capacity to serve the development based on existing infrastructure improvements. It is fully understood that the developer will be responsible for any on-site infrastructure costs that would be required when development is anticipated. The onsite infrastructure required at the time of development of this subject site will bring full connectivity with the development of sidewalks and any other onsite infrastructure that the City requires.

Staff: The subject site has adequate capacity to serve the future development should this zone change be approved (requirement 1 and 2). Any additional infrastructure needed will be the responsibility of the applicant. The response to Criterion E is sufficient.

F. 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: The justification for the Zoning Map amendment is not based on the property’s location on a major street, in that the site is located on Montoya Road which is a local street on the MRGCOCG Long Range Roadway Systems Map. The downzoning to RA (Residential Agricultural) from PD (Planned Development) will be compatible with the existing zoning surrounding the site and may be less intense than what is allowable with the existing PD (Planned Development) zone. Further justification is that applicable Goals and Policies of the Comp Plan reveals that this request is consistent with the health, safety, and general welfare of the city.

Staff: Montoya Rd NW is classified as a local urban street; therefore, the applicants Zone Map Amendment is not based on the property’s location on a major street. Rather being based on
reinforcing and strengthening the character and land uses of the surrounding community. The response to Criterion F is sufficient.

G. 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: The requested Zone Map Amendment is not completely or predominantly based on the cost of land or economic considerations and are not determining factors for this zone change request. The justification is based on analysis of applicable Goals and Policies of the ABC Comp Plan demonstrated above. The requested downzoning from PD (Planned Development) to RA (Residential Agricultural) is justified based on being more advantageous to the community as articulated by the Comprehensive Plan. The justification for the requested RA (Residential Agricultural) zone is based predominantly on the RA (Residential Agricultural) zone being more appropriate and in line with the existing zoning adjacent to, as well as the zoning of, the overall surrounding community. Under the existing PD (Planned Development) zone density may differ in the number of allowable lots based on specific criteria being meet under the specific use for a planning residential development.

Staff: The applicant has adequately demonstrated that requested zone change is not based on the cost of land and that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them. The response to Criterion G is sufficient.

H. 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: The request Zone Map Amendment to RA (Residential Agricultural) is consistent with the existing surrounding zoning, so it cannot be considered a spot zone. This request does not apply a zone district different from the surrounding zone district and would not create a zone district spot and/or strip zone. This request clearly facilitates realization of the Comprehensive Plan goals and policies related appropriate uses and development in Areas of Consistency.

Staff: The subject site is surrounded by Residential and Agricultural uses. Properties adjacent to the subject site to the north and east are zoned R-A. The R-A zone would remain consistent with the surrounding area. The applicant has demonstrated that the request would not create a “spot zone”. The response to Criterion H is sufficient.
III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies
City departments and other agencies reviewed this application. Few agency comments were received.

Albuquerque Public Schools (APS) noted that residential development on the subject site will impact the school system (elementary, junior high, and high school). Albuquerque High School is presently approaching capacity and development will be a strain on the school.

PNM offered standard comments, which will become more important as future site plans are reviewed. Agency comments begin on p.26.

Water Utility Authority offered standard comments, which will become more important as future site plans are reviewed. Agency comments begin on p.26.

Neighborhood/Public
Notification requirements are found in 14-16-6, in the Procedures Table 6-1-1 and are further explained in 14-16-6-4(K), Public Notice. The affected, registered Neighborhood Association, West Old Town NA, was notified as required. Property owners within 100 feet of the subject site were also notified as required (see attachments).

A pre-application neighborhood meeting was not held. A facilitated meeting was not requested. However, the applicant spoke with several residents that were interested in the property owner’s future development plans, with no known objections reported.

On December 6, 2021 staff received a request for information from a neighboring property owner. The neighbor had questions about the request and how the zone change would affect the subject site and surrounding area. He requested historical information about the subject site, which Staff provided. The neighbor would like a deferral in order to have more time to understand the request and its implications.

V. CONCLUSION
The request is for Zone Map Amendment (zone change) from PD to R-A for Lot B of El Jaral Subdivision together with Tract 303-A MRGCD Map #35. The subject site is approximately 4.6 acres and located on Montoya Rd. NW, between Maximillian Rd. NW and I-40 (“the subject site”). The applicant wants to change the zoning so that future development of the subject site would be consistent with the character and land uses of the surrounding neighborhood.

The Applicant has satisfactorily justified the zoning map amendment based upon the proposed zoning being generally more advantageous to the community than the current zoning, and because it would further a preponderance of applicable Goals and policies in the Comprehensive Plan.

The affected neighborhood organization is the West Old Town NA. Property owners within 100 feet of the subject site were also notified as required. As of this writing, staff was contacted by a neighboring property owner who requested information about the request and had questions about how the zone change would affect the subject site and the surrounding area. He would like a deferral to have time to better understand the request.
Staff recommends approval.
FINDINGS – RZ-2021-00050 December 16, 2021 – Zoning Map Amendment

1. The request is for a Zoning Map Amendment, for an approximately 4.6-acre site legally described as Lot B of El Jaral Subdivision together with Tract 303-A MRGCD Map #35 and located on Montoya Rd. NW, between Maximillian Rd. NW and I-40, approximately 4.6 acres (“the subject site”).

2. The subject site is zoned PD (Planned Development). The applicant is requesting a zone change to R-A (Residential – Rural and Agricultural) to facilitate future development of a minor subdivision with large lots.

3. The subject site is in an Area of Consistency, and is not located in a designated Center or along a designated Corridor.

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

5. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 4: Community Identity

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

      The request is a downzone from PD to R-A. The request would enhance the area by allowing development consistent with the surrounding community, protect the neighborhood by removing the possibility of more intense and higher density uses, and preserve the identity of the community through rural and agricultural land uses.

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

      The request would protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of the development and character of building design by changing the zone from PD to R-A. The downzone would be consistent with the residential – rural and agricultural zoning in the immediate vicinity, and reinforces low-density development in the neighborhood. The proposed RA zone is consistent with the surrounding zoning and general lot size requirements. By changing the zoning to reflect the surrounding neighborhoods current land uses, the identity of the neighborhood is protected.

6. The request furthers the following, additional polices from Comprehensive Plan Chapter 5: Land Use.

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

      The zone change request would allow for a proposed single-family subdivision that is within an existing residential – rural agricultural neighborhood and in an area of consistency. Although the subject site is not in an Activity Center or along a corridor,
residents living within a future residential development on the subject site would have the opportunity to live, work, learn, shop and play together based on the amenities close in proximity to the subject site. The subject site is located within .5 mile of the Old Town Activity Center and near a Major Transit corridor.

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 request would allow development to occur with land uses that are similar to the surrounding community. Any future development would be conveniently accessible to surrounding uses such as religious institutions, retail, and activity centers. Although it would be accessible to a variety of uses any future development itself would only consist of a single use; residential – agriculture, not create a mix of uses.

C. **Sub-policy(c) 5.2.1 – Land Uses:** Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns.

The zone change request will remain consistent with the characteristics of the surrounding community and establish the same standards as the surrounding Residential–rural Agricultural zoning in the neighborhood.

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

The request would encourage development that is consistent with the immediately surrounding R- A development. The development standards associated with the proposed zoning will ensure that future development is compatible in form and scale to the immediate surrounding area through lot size requirements, setbacks and building height requirements.

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

The request would result in a future proposed single-family, large lot subdivision. The 4.6-acre lot is currently vacant in an area that is surrounded by residential and agricultural uses. A future residential subdivision would encourage productive use of the land.

7. The request furthers the following, additional polices regarding efficient development patterns from Comprehensive Plan Chapter 5: Land Use.

   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 promote efficient use of the under-utilized vacant land that is currently exists. The future proposed residential subdivision would promote development patterns that are similar to the surrounding Neighborhood, while also using existing infrastructure that surrounds the site.
B. **Policy 5.3.1 – Infill Development**: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is currently surrounded by low-density residential and agricultural development. Future development of the subject site will utilize existing infrastructure, including water and sewer. Access to the subject site would be directly off Montoya Road which is a local street on the MRGCOG Long Range Roadway Systems Map.

8. The request furthers the following, additional policies regarding City Development Areas from Comprehensive Plan Chapter 5: Land Use.

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

      The subject site is located in an Area of Consistency; the proposed zone change would reinforce the character and intensity of the surrounding area. The subject site is surrounded by R-A zoning, and the request would keep the character and intensity of the area the same.

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

      The request would protect and enhance the character of the existing single-family neighborhood by eliminating the opportunity to develop the subject site with higher density uses outside of a designated center.

   C. **Sub-policy(b) 5.6.3 Areas of Consistency**: Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

      The request would ensure that any future proposed development would reinforce the scale, intensity, and setbacks of the immediately surrounding community by making low density, large lot parcels possible.

9. The request furthers the following Comprehensive Plan Goal from Chapter 9: Housing

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

      The request would ensure that future proposed development of the subject site would reinforce and strengthen the neighborhood characteristics and maintain appropriate densities through low density residential- rural agricultural development that is consistent with the surrounding neighborhood and development context.
10. The request is consistent with the following Comprehensive Plan Goal from Chapter 11: Heritage Conservation.

   **Policy 11.1.2 Rural Character:** Protect the character of rural areas and ensure that development is sensitive to historic and cultural patterns.

   Approval of the requested zone change from PD to R-A would protect the character of the surrounding rural neighborhood. The majority of the surrounding land uses are residential agricultural and a zone change to R-A would ensure that any future development on the subject site would remain sensitive to the cultural patterns of the community through implementing rural and agricultural development standards.

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

   A. Criterion A: Consistency with the City’s health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant’s policy-based response demonstrates that the request furthers a preponderance of applicable Goals and policies regarding character, identity, complete communities, land uses, efficient development patterns, infill development, city development areas and compatibility. Therefore, the request is consistent with the City’s health, safety, morals and general welfare.

   B. Criterion B: The subject site is located in an Area of Consistency. The applicant’s response demonstrates that the request would further a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning.

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

   D. Criterion D: The applicant compared the existing PD zoning and the proposed R-A zoning and discussed that all higher density-residential uses would be eliminated. A PD zone district may contain any combination of uses listed in Table 4-2-1. Allowable uses for the PD zone are negotiated on a case-by-case basis and are required to go to EPC. Since the surrounding land is zoned R-A, uses that would become permissive already exist in the current zoning and are not considered to be detrimental in this setting.

   E. Criterion E: The subject site is an infill site that is adequately served by existing infrastructure and therefore meets requirement 1.

   F. Criterion F: The applicants Zone Map Amendment is not based on the property’s location on a major street. The request reinforces and strengthens the character of the area in accordance with the Comprehensive Plan.
G. Criterion G: The applicant has adequately demonstrated that requested zone change is not based on the cost of land and that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.

H. Criterion H: The applicant has demonstrated the request will match with the existing zoning of the surrounding area and therefore would not create a “spot zone”.

12. The affected, registered neighborhood organization West Old Town Neighborhood Association was notified as required. Property owners within 100 feet of the subject site were also notified as required.

13. A pre-application neighborhood meeting was not held. A facilitated meeting was not requested. However, the applicant spoke with several residents that were interested in the property owner’s future development plans, with no known objections reported.

14. On December 6, 2021 staff received a request for information from a neighboring property owner. The neighbor had questions about the request and how the zone change would affect the subject site and surrounding area. He would like a deferral in order to have more time to understand the request and its implications.

RECOMMENDATION – PR-2021-006202, RZ-2021-00050, December 16, 2021

APPROVAL of Project#2021-006202, Case#RZ-2021-00050, a zone change from PD to R-A, for Lot B, plat of El Jaral Subdivision together with Tract 303-A MRGCD Map #35, an approximate 4.61-acre site between on Montoya Rd, between Maximillian Rd. NW and Interstate-40, based on the preceding findings.

Leroy Duarte
Current Planner

Megan Jones
Current Planner

Notice of Decision CC list:

A.G. Services, gallegosadella87120@gmail.com
Robert Gutierrez, newton504@gmail.com
West Old Town NA, Glen Effertz, gteffertz@gmail.com
West Old Town NA, Gil Clarke, g.clarke45@comcast.net
Legal, kmorrow@cabq.gov
EPC file
CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning / Code Enforcement
Long Range Planning
Metropolitan Redevelopment
Transportation Development Review Services

No adverse comments to zone change.

CITY ENGINEER

Hydrology
Transportation Development Services

MUNICIPAL DEVELOPMENT DEPARTMENT (DMD) TRANSPORTATION

No adverse comments to zone change.

POLICE DEPARTMENT/PLANNING

SOLID WASTE MANAGEMENT DEPARTMENT

Project #2021-006202 RZ-2021-00050—Zoning Map Amendment (Zone Change) --- No comment at this time.

TRANSIT DEPARTMENT

No comment.

PARKS AND RECREATION

ABC WATER UTILITY AUTHORITY (ABCWUA)

1. RZ-2021-000050
   a. No adverse comment to zone changes.
   b. For information only:
      i. Intention to develop the site for a residential subdivision. Please request an Availability Statement for the site as soon as development is known. The request can be made at the link: https://www.abcwua.org/info-for-builders-availability-statements/.
      Please include a utility plan with the request/

ALBUQUERQUE PUBLIC SCHOOLS

1. Project #2021-006202
   a. EPC Description: RZ-2021-00050—Zoning Map Amendment (Zone Change).
   b. Site Information: El Jaral Subdivision, Lot B.
   c. Site Location: Located on Montoya Road NW, between Maximillian Road NW and I-40.
   d. Request Description: Zoning change from PD to R-A.
   e. Comment: Residential development at this location will impact the following schools:
      Reginald Chavez Elementary School, Washington Middle School, and Albuquerque High
School. At present, enrollment at Albuquerque High School is approaching capacity and development will be a strain on the school.

### School Capacity

<table>
<thead>
<tr>
<th>School</th>
<th>2021-2022 (40th Day) Enrollment</th>
<th>Facility Capacity</th>
<th>Space Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reginald Chavez Elementary School</td>
<td>194</td>
<td>412</td>
<td>218</td>
</tr>
<tr>
<td>Washington Middle School</td>
<td>394</td>
<td>650</td>
<td>256</td>
</tr>
<tr>
<td>Albuquerque High School</td>
<td>1,927</td>
<td>1,950</td>
<td>23</td>
</tr>
</tbody>
</table>

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 METROPOLITAN ARROYO FLOOD CONTROL (AMAFCA)**

No adverse comments.

**COUNTY OF BERNALILLO**

Bernalillo County Planning and Development Services has no adverse comments. For information purposes only, the site is immediately adjacent to unincorporated county parcels. Montoya Rd is under City of Albuquerque jurisdiction. The site includes a 20-foot-wide private access and utility easement to the county parcel at 1113 Montoya Rd NW, Lot A, El Jaral Subdivision.

**MID-REGION COUNCIL OF GOVERNMENTS (MRCOG)**
MID-REGION METROPOLITAN PLANNING ORGANIZATION (MRMPO)

MRMPO has no adverse comments.

PUBLIC SERVICE COMPANY OF NEW MEXICO

NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PNM GAS COMPANY

There are PNM facilities abutting the site and/or in easements along Interstate 40 and Montoya Rd NW. There are also PNM facilities along the southern, northern, and eastern edges of the site. Of note is a large transmission line that runs east-west through the northern portion of the site.

It is the applicant’s obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.

Any existing easements may have to be revisited and/or new easements may need to be created for any electric facilities as determined by PNM.

Any existing and/or new PNM easements and facilities need to be reflected on any resulting future Plat.

The applicant should contact PNM’s New Service Delivery Department as soon as possible to coordinate electric service regarding any proposed project. Submit a service application at https://pnmnsd.powerclerk.com/MvcAccount/Login for PNM to review.

If existing electric lines or facilities need to be moved, then that is at the applicant’s expense. Please contact PNM as soon as possible at https://pnmnsd.powerclerk.com/MvcAccount/Login for PNM to review.

PETROGLYPH NATIONAL MONUMENT

AVIATION DEPARTMENT

KIRTLAND AIR FORCE BASE
Figure 1: Sign posting looking west from Montoya Rd. to the subject site.

Figure 2: Looking north within subject site
Figure 3: Looking south within subject site.

Figure 4: Looking west within subject site.
Figure 5: Looking east within subject site.
On August 16, 2007 the Environmental Planning Commission voted to recommend approval to the City Council Project 1005455/ 07EPC 40020, a request for annexation, for Lot B, El Jaral Subdivision, based on the based Findings:

FINDINGS:

1. This is a request for annexation of Lot B, El Jaral Subdivision, an approximately 3.9 acre site located on Montoya Road NW between I-40 and Maximillian Road NW.

2. The subject site is located within the boundaries of the Old Town Sector Development Plan and the Established Urban Area as designated by the Comprehensive Plan.

3. This request furthers the following applicable Comprehensive Plan policies for Developing and Established Urban Areas:
   a. The subject site is serviceable with City utilities and vehicular access is available from Montoya Road (policy II.B.5.e).
   b. The subject site and the surrounding area have been sector planned (II.B.5.n).

4. The Old Town Sector Development Plan anticipates the annexation of all unincorporated land within the Plan boundaries.
5. The subject site is designated Established Urban by the Comprehensive Plan; areas designated Established Urban are appropriate for annexation, which is desired and encouraged. The subject site is contiguous to the City limits, has provision for convenient street access to the City, and has reasonable boundaries (R-54-1990, Section 1).

6. The applicant has gone through the County review process and has obtained approval from the Board of County Commissioners.

7. There is no known opposition to this annexation request, although neighbors have expressed concern about traffic from construction vehicles and new residents.

On August 16, 2007 the Environmental Planning Commission voted to recommend approval to the City Council Project 1005455/ 07EPC 40021, a request for a zone map amendment from County A-1 to City RA-1, for Lot B, El Jaral Subdivision be based on the following Findings:

FINDINGS:

1. This is a request to establish City RA-1 zoning for Lot B, El Jaral Subdivision, an approximately 3.9 acre site located on Montoya Road NW between I-40 and Maximillian Road NW.

2. The subject site is located within the boundaries of the Old Town Sector Development Plan and the Established Urban Area as designated by the Comprehensive Plan.

3. This request furthers the following applicable Comprehensive Plan policies for Developing and Established Urban Areas:
   a. The permissive uses in the RA-1 zone are part of the full range of urban land uses proposed by Policy II.B.5.a.
   b. The proposed zoning is of an intensity that respects existing neighborhood values (policy II.B.5.d).

4. A semi-rural residential zone is proposed for the subject site thereby furthering Objective 4 of the Old Town Sector Development Plan.

5. The Old Town Sector Development Plan recommends establishment of RA-1 zoning for properties annexed into the city.
6. This request meets all of the policies and criteria of R-270-1980:
   a. The proposed change is consistent with the health, safety, morals, and general welfare of
      the City (A).
   b. The change provides stability of land use and zoning. The applicant has provided a sound
      justification for the change (B).
   c. The proposed change is not in conflict with adopted elements of the Comprehensive Plan
      or the Old Town Sector Development Plan (C).
   d. The requested zoning is more advantageous to the community because the Old Town
      Sector Development Plan recommends RA-1 zoning for the subject site (D).
   e. Permissive uses in the requested zone category will not be harmful to adjacent properties
      or the community (E).
   f. Impact fees will ensure that this zone change will not require capital expenditures by the
      City (F).
   g. The applicant's economic situation is nor a factor in this analysis (G).
   h. The applicant is not requesting apartment, office, or commercial zoning (H).
   i. This request constitutes a justified spot zone. The zone change will clearly facilitate
      realization of the Old Town Sector Development Plan (I).
   j. Approval of this request will not create a strip zone (J).

7. There is no known opposition to this zoning request, although neighbors have expressed concern
   about traffic from construction vehicles and new residents.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY AUGUST 31, 2007
IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE
CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS
REQUIRED AT THE TIME THE APPEAL IS FILED. IT IS NOT POSSIBLE TO APPEAL EPC
RECOMMENDATIONS TO CITY COUNCIL; RATHER, A FORMAL PROTEST OF THE EPC's
RECOMMENDATION CAN BE FILED WITHIN THE 15 DAY PERIOD FOLLOWING THE EPC's
DECISION.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental
Planning Commission acting under this ordinance and who have legal standing as defined in
Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an
appeal to the City Council by submitting written application on the Planning Department form to
the Planning Department within 15 days of the Planning Commission's decision. The date the
determination in question is issued is not included in the 15-day period for filing an appeal, and if
the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance,
the next working day is considered as the deadline for filing the appeal. The City Council may
decide to hear the appeal if it finds that all City plans, policies and ordinances have been properly
followed. If they decide that all City plans, policies and ordinances have not been properly
followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.
YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC.

Sincerely,

Richard Dineen
Planning Director

cc: Ron Garner, 2416 Rice Ave. NW, Albuq. NM 87104
Linda Dimas Jernigan, 1116 Montoya Rd. NW, Albuq. NM 87104
Ray Dimas, 1130 Montoya Rd. NW, Albuq. NM 87104
Merle Halbert, 1115 Montoya Rd. NW, Albuq. NM 87104
Lanny Tonning, 949 Montoya NW, Albuq. NM 87104
Alvin Baca, 1016 Montoya Rd. NW, Albuq. NM 87104
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a Study Session on Thursday, August 9, 2007, 3:00 p.m., in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following:

Distribution & Review — Current Land Use Matters for the August 16, 2007 Public Hearing, which include the projects listed below.

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a Public Hearing on Thursday, August 16, 2007, 8:30 a.m., in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items: [Note: these items are not in the order they will be heard]

**Project# 1004471**
07EPC-40018 SITE DEVELOPMENT - SUBDIVISION
07EPC-40019 SITE DEVELOPMENT - BUILDG PRMT

ARCH & PLAN LAND USE CONSULTANTS LLC agents for HACIENDAS AT COTTONWOOD LLC requests the above actions for all or a portion of tracts C3 A1-A1-A2, SEVEN BAR RANCH zoned SU-1 FOR IP USES located on HWY 528 BETWEEN COTTONWOOD DR NW AND ELLISON NW containing approximately 1.44 acres. (A-14) Carol Toffaleti, Staff Planner

**Project# 1005455**
07EPC-40020 ANNEXATION
07EPC-40021 AMNDT TO ZONE MAP (ESTB ZONING)

RON GARNER agent for NM BOYS AND GIRLS RANCH FOUNDATION requests annexation and establishment of zoning from A-1 to RA-2 for all or a portion of lot B, EL JARAL SUBDIVISION located on MONTOYA RD NW BETWEEN MAXMILLIAN RD NW AND I-40 containing approximately 4 acres. (H-12) Anna DiMambro, Staff Planner

**Project# 1006526**
07EPC-40022 AMEND SITE DEVELOPMENT PLAN - BLD PRMT

GARCIA/KRAEMER & ASSOCIATES agents for RANDY HENRY requests the above action for all or a portion of lot A, PALACIO DEL RIO GRANDE zoned SU-1/PRD located on PALACIO DEL RIO GRANDE NW BETWEEN SAN LORENZO NW AND GRIEGOS RD NW containing approximately .16 acre. (F-13) Carol Toffaleti, Staff Planner
Project# 1006600  
07EPC-40023 SITE DEVELOPMENT - BUILDG PRMT

GARRETT SMITH LTD agents for NEW LIFE HOMES INC requests the above action(s) for all or a portion of lot 111-C, TOWN OF ATRISCO GRANT Unit 6, zoned SU-1 PRD 20 DU-A located on DELIA RD. AVE SW BETWEEN BATAAN DR SW AND 69th ST SW containing approximately 2.4262 acres. (K-10) Anna DiMambro, Staff Planner

Project# 1006602  
07EPC-40024 SITE DEVELOPMENT - SUBDIVISION  
07EPC-40025 SITE DEVELOPMENT - BUILDG PRMT

GEORGE RAINHART ARCHITECTS AND ASSOCIATES agents for ALM LLC requests the above actions for all or a portion of lots 13-17, 18A, 19A, 20A, block 31, Tract A, Unit A, NORTH ALBUQUERQUE ACRES, zoned SU-2 / C-1 located at the SW corner of Paseo del Norte Blvd. and Ventura St. NE, containing approximately 5.44 acre. (D-20) Catalina Lehner, Staff Planner

Project# 1004675  
07EPC-40026 SITE DEVELOPMENT PLAN-SUBDIVISION  
07EPC-40027 SITE DEVELOPMENT PLAN-BUILDING PERMIT

GEORGE RAINHART ARCHITECTS AND ASSOCIATES agents for MCNANNEY BUILDING INVESTMENTS requests the above actions for all or a portion of Tract K, VISTA DE LA LUZ, zoned SU-1/PRD located on COORS BLVD NW BETWEEN WESTERN TRAILS NW AND LEARNING RD NW, containing approximately 3 acres. (F-11) Catalina Lehner, Staff Planner

Project# 1005183  
07EPC-40028 SITE DEVELOPMENT - BUILDG PRMT

St. Michael & All Angels Church requests the above action for all or a portion of lot 10-A, ZAPF VAN ADDITION NO. 10 zoned SU-1 FOR O-1 located on MONTANO RD NW BETWEEN 4TH ST AND GUADALUPE TRAIL NW containing approximately .4 acre(s). (F-14) Maggie Gould, Staff Planner

Project# 1006604  
07EPC-40029 SITE DEVELOPMENT - BUILDG PRMT

ADVANCED ENGINEERING AND CONSULTING, LLC agents for JENNIFER LIN requests the above action for all or a portion of tracts G-2-A-1, MONTGOMERY COMPLEX zoned SU-1 FOR C-2 USES located on MONTGOMERY BLVD NE BETWEEN CARLISLE BLVD NE AND NORTH DIVERSION CHANNEL containing approximately 1.5607 acres. (F-16) Maggie Gould, Staff Planner
TIERRA WEST LLC agents for KRANIA LLC requests the above actions for all or a portion of lot 27, block 9, Tract O, ORIGINAL TOWNSITE OF WESTLAND a zone map amendment from SU-2 / IP to SU-2 / PCA located on 98TH ST NW BETWEEN CENTRAL AVE NW AND VOLCANO STREET NW containing approximately 8.051 acres. (K-9) Carmen Marrone, Staff Planner

JOSH SKARSGARD, ESQ agent for BANDELIER EQUITIES requests the above action for all or a portion of lot 28, Tract A, Unit A, NORTH ALBUQUERQUE ACRES, a zone map amendment from R-D to C-1 located on PALOMAS AVE NE BETWEEN SAN PEDRO NE AND LOUISIANA NE containing approximately 1.5 acres. (D-18) Carol Toffaleti, Staff Planner

TIERRA WEST LLC agents for TACO CABANA requests the above action for all or a portion of Tract B-1-B, VIDEO ADDITION zoned C-2 located on EUBANK BLVD SE BETWEEN CENTRAL BLVD SE AND SOUTHERN BLVD SE containing approximately .675 acre. (L-21) Anna DiMambro, Staff Planner

Details of these applications may be examined at the Development Services Division of the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street, NW between 8:00 a.m. and 5:00 p.m., Monday through Friday, or you may call April Candelaria at 924-3886. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should contact April Candelaria 924-3886.

Jeff Jesionowski, Chairman
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL JULY 25, 2007.

APPROVED

C. Marrone
Carmen Marrone, Senior Planner
Planning Department
ITEM # 9

PROJECT # 1005455 APPLICATION # 15-70226

RE: Lot B, El Jaral

The site is zoned SU-1 for RA-1/ PDA (not RA-1).
The annexation was conditioned upon execution of a pre-annexation
agreement to include design regulations (the submitted agreement is
unsigned).
The annexation was conditioned upon a site plan approved by EPC in
full compliance with the design regulations.
The design regulations require this site is to be developed as a
Private Commons Development with exceptions as noted; refer to
Section 14-16-3-16 of the Zoning Code.
Based on the pre-annexation agreement, Tract 303A should not be
included in EPC application or incorporated into the site plan (limited
to 10 homes).
Several Subdivision Design Variances will be required for Montoya
Street right of way, pavement width, and waiver of sidewalk curb &
gutter, as well as for the interior road (even with a reduction to 10 lots
with 3 accessing Montoya, the easement will be providing access for
9 lots counting the parcel to the north and one to the west).
There are significant tress on-site that could be preserved with a
more creative access, e.g. two 18 ft aisles with trees in ‘median’
where appropriate for tree preservation. A double loaded access,
centrally located, may be more efficient – see examples on page 2 of
Exhibit A/ Design Regulations.

Jack Cloud, DRB Chairman
924-3880/ jcloud@cabq.gov
CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
November 5, 2014
DRB Comments

ITEM # 8
PROJECT # 1005455 APPLICATION # 14-70371

RE: Lot B, El Jaral

Refer to PRT comments: per the annexation agreement, at least a Site Development Plan for Subdivision must be approved by EPC; it will be up to the Planning Commission to allow site plans for building permits to be approved by the Planning Department. Refer to attached site plan checklist; regarding the checklist note for delegation of future EPC approval, minimum standards from the annexation are NOT optional. Of particular concern is how open space and setback standards are to be met as these are not clear or shown on submitted sketch. The sliver parcel Tract 303A should be included in EPC application, for a zone change to be zoned same as Lot B and to be incorporated into the site plan. A Subdivision Design Variance would be required for 9 lots on a 32 foot easement. Given existing trees along the south boundary, additional easement width will be needed to allow meandering vehicular and separated pedestrian access. If a single loaded street is pursued along south boundary it needs to be extended 60’ – 100’ to the west to minimize exaggerated ‘pie-shaped’ lots; a double loaded access, centrally located, may be more efficient.

Jack Cloud, DRB Chairman
924-3880/ jcloud@cabq.gov
June 9, 2015

Jack Cloud, Chair
City of Albuquerque
Development Review Board
600 2nd St NW
Albuquerque NM

RE: Project #1005455 - Lots 1 thru 11, Fina Subdivision

Mr. Cloud and members of the Board:

I would like to request Sketch Plat review for a Site Plan for Subdivision for the above referenced property.

The property was annexed into the City in 2008 with design requirements and the authorization to subdivide the site into ten (10) lots. There was not a site development plan associated with the annexation. RA-1 zone was established in accordance with the Old Town Sector Development Plan. The site was determined to meet all the technical requirements of the City’s annexation policies, and the established zoning.

The request was presented before the Board at its November 5, 2014 meeting. It was determined that adjacent lot to the north (Tract 303-A, MRGCD Map 35) be incorporated into the request with an option of adding one additional lot to the existing ten as a compromise. This area will dedicate 20,197 square feet of open space.

A Pre-application Review Team meeting occurred on January 13, 2015 to discuss comments and options of the DRB meeting. As a result, the current configuration was created for review by the Board.

As part of this process we would like to request that building permits be delegated to the Planning Department rather than having to go back to the Environmental Planning Commission for approval. The pre-annexation agreement is included in packet which describes design standards to be incorporated into subdivision.

The site is located west of Montoya Rd NW, between Maximillian Rd NW and Interstate 40, zoned SU-1 RA-1/PDA and RA-2 and is currently vacant on approximately 4.54± acres.

Sincerely,

Derrick Archuleta, MCRP
BY THE DEVELOPMENT REVIEW BOARD (DRB) AT WHICH TIME THE PRE-PLAT CAN BE REVIEWED W/ THE REQ'D INFRASTRUCTURE LIST FOR ON-SITE + ADJACENT STREET INFRASTRUCTURE. (PER SUBDIVISION ORDINANCE + THOSE LISTED IN ORDINANCE)

# OF LOTS ALLOWED ON SITE IS 10. NO MORE. CAN NOT HAVE THE # ON PROPOSED SITE PLAN (12). CHANGES TO THE ORDINANCE CAN NOT BE HANDLED ADMINISTRATIVELY (DESIGN REGULATIONS)

* COULD INCORPORATE PARCEL TO THE NORTH BUT TO INCLUDE ADD'L LOTS, THEY MUST STAND ALONE ON PARCEL. CAN NOT INCLUDE ACREAGE + ADD LOTS TO THE 4.69 PARCEL.

DRB 11.5.2014 TALK TO JACK RE: 12 VS 10.

WALL HT LONG NORTH BOUNDARY = 8' HT.
PRE-ANNEXATION AGREEMENT

THIS AGREEMENT is made this the 19th day of May, 2008, by and between the City of Albuquerque, New Mexico ("City"), whose address is P. O. Box 1293, One Civic Plaza, Albuquerque, New Mexico 87103, and ROBERT GUTIERREZ LLC, (Developer) a Domestic Limited Liability Corporation, whose address is 804 Lead Avenue SW Albuquerque NM 87102 and whose telephone number is 505-263-1706, in Albuquerque, New Mexico, and is entered into as of the date of final execution of this Agreement.

RECIDALS:

A. WHEREAS, Developer is developing certain lands outside the City of Albuquerque, Bernalillo County, New Mexico, known as GF# 07-01072532-B-LM, recorded on in the records of Bernalillo County Bernalillo County, Document # 2007101, ("Developer's Property"). The Developer certifies that the Developer's Property is owned by Robert Gutierrez, L.L.C. ("Owner").

B. WHEREAS, Developer has applied for annexation of Developer's Property into the Albuquerque City limits under annexation AX 07EPC-40020/ 07EPC-40021; and

C. WHEREAS, under Albuquerque City Council Resolution R-68 Enactment No. 54-1990 annexation of areas planned to be less than urban intensity of development will be approved when certain policies are satisfied including the availability of appropriate zone categories for regulation of Developer's Property in accordance with planned and appropriate land development patterns; and

D. WHEREAS, the City and Developer desire to enter into this Agreement to satisfy the conditions of City policy for annexation of Developer's Property into the City.

THEREFORE, in consideration of the foregoing promises, THE CITY AND DEVELOPER AGREE:

E. Zoning and Site and Design Requirements. Developer has agreed to apply for and develop Developer's Property under SU-1 RA-1 for Planned Development Area zoning as permitted in the Old Town Sector Plan, and pursuant to the site and design requirements attached hereto as Exhibit A. In the event of a conflict between the site and design requirements attached hereto and the City’s zone code and the Old Town Sector Plan, the City’s zone code and Old Town Sector Plan shall control.

F. Site Development Plan Application. Developer shall submit the attached site and design requirements with any site development plan application for Developer's Property to the City.
G. Process. On-site and adjacent street infrastructure shall be determined by the City’s Development Review Board at the time of site development plan approval or subdivision plat approval.

H. Covenant. This Agreement shall be a covenant running with the title to the Developer’s Property and shall be binding upon the Developer, its heirs, personal representatives, successors and assigns.

I. Event of Default. In the event of default by the Developer, the City shall be entitled to all legal and equitable remedies provided by law, including but not limited to the rescission of this annexation.

J. Notice. For purposes of giving formal written notice, including notice of change of address, the Developer’s and the City’s addresses are as stated in the first paragraph of this Agreement. Notice may be given either in person or by certified U.S. mail, postage paid. Notice will be considered to have been received within three (3) days after the notice is mailed if there is no actual evidence of receipt.

K. Entire Agreement. This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

L. Changes to Agreement. Changes to this Agreement are not binding unless made in writing, signed by both parties.

M. Construction and Severability. If any part of this Agreement is held to be invalid or unenforceable, the remainder of the Agreement will remain valid and enforceable if the remainder is reasonably capable of completion.

N. Captions. The captions to the sections or paragraphs of this Agreement are not part of this Agreement and will not affect the meaning or construction of any of its provisions.

O. Forms Not Changed. Developer agrees that changes to this form are not binding unless initialed by the Developer and signed by the City's Legal Department on this form.

P. Authority to Execute. If the Developer signing below is not the Owner of the Developer's Property, the City may require the Developer to provide the City with satisfactory proof of Developer's authority to execute this Agreement.

Q. Assignment. This Agreement shall not be assigned without the prior written consent of the City and the Developer and the express written concurrence of any surety, which has undertaken to guarantee the completion of the Improvements. The City's approval will not be withheld unreasonably. If so assigned, this Agreement shall extend to and be binding upon the successors and assigns of the parties hereto.
R. Recitals. The Recitals are a material part of this Agreement and are incorporated herein by reference.

Executed on the date stated in the first paragraph of this Agreement.

DEVELOPER

By: __________________________
Name: __________________________
Title: __________________________
Dated: ________________________

CITY OF ALBUQUERQUE

Bruce J. Perlman, Ph.D.
Chief Administrative Officer
Dated: ________________________

APPROVED BY

Richard Dourte
City of Albuquerque Engineer

DEVELOPER'S NOTARY

STATE OF NEW MEXICO )
COUNTY OF BERNALILLO )

This instrument was acknowledged before me on this ______ day of __________, 200__, by __________________________ for __________________________, a New Mexico __________________________.

(SEAL)

Notary Public
My Commission Expires:

CITY'S NOTARY

STATE OF NEW MEXICO )
COUNTY OF BERNALILLO )

This instrument was acknowledged before me on this ______ day of __________, 200__, by Bruce J. Perlman, Ph.D., Chief Administrative Officer for the City of Albuquerque, a municipal corporation.
(SEAL)

Notary Public

My Commission Expires:
Exhibit A. Montoya Road Annexation Agreement, Site and Design Regulations.

Zoning:

Zoning shall be SU-1 for RA-1/PDA as allowed in the Old Town Sector Plan.

Design Requirements:

1. The design requirements of this attachment to the annexation agreement include site requirement procedures, architectural and design elements. These rules are in addition to the requirements set-forth in the City Zoning Code for RA-1.

2. The Developer shall include the site and design requirements attached as Exhibit A. to any site development plant submitted to the City of Albuquerque. The subject site shall comply with these site and design regulations including site plans for private commons development.
Private Commons Development:

1. The Developer shall develop under a Private Commons Development and shall comply with §14-16-3-16 ROA 1994 of the Zoning Code.

PCD Examples:

Figure 1. (Dwelling Units located in the middle of the Development with required open space surrounding the dwelling units).

Figure 2. (Dwelling units located toward the rear of the development).

2. A site development shall also comply with all regulations of this Exhibit A to the Annexation Agreement.
Open Space/Landscape: (The following Open Space/Landscape requirements shall apply in lieu of the Open Space Requirements specified in the RA-1 zone and the Private Commons Development Regulations.)

1. Twenty thousand square feet of open space shall be provided if the annexation site is replatted as a Private Commons Development per §14-16-3-16 ROA 1994. Of the 20,000 square feet of open space, 12,000 shall be located on the annexed property, the remaining amount may be met by the alternatives established in §14-16-3-8(A).

2. The open space shall be pervious.

3. Eighty percent of the open space shall either be planted for agriculture or ornamental plants and trees.

4. For every 5000 square feet of open space there shall be a minimum of 1 tree. The tree, at the time of planting shall have a 3 inch caliper measured 3 feet above the root ball.

5. Ten homes are allowed on the site. There shall be no more than 10 homes. The Planning Director may reduce the number of homes on the site if it is determined there is an overarching need to do so to protect the public’s health, welfare and safety.
Setbacks (In addition to the setbacks in the RA-1 or the private commons development the following shall apply.)

1. Minimum structure setbacks from the boundary line of the annexed property shall be as follows:
   a. 50 feet from the eastern boundary,
   b. 40 feet from the northern boundary and
   c. 30 feet from the southern and western boundaries.
2. Subdivision fencing setbacks shall be 50 feet from the eastern boundary line and 40 feet from the north south and west boundaries, unless the fence complies with 1a and 1b of the Fence Design Requirements of Page 5 of this Exhibit A.

Site Access

1. There shall be provided, a four foot dedication of right of way along the Montoya Road frontage.
2. All streets constructed within the annexed property shall be private streets 24 feet in width.
3. The initial 25 feet of private road from Montoya Road shall be paved, as a minimum, with 2 inches of asphalt on compacted sub-grade as shown in the Standard Drawings. The remainder of the roadway may be gravel.
4. Private streets and easements shall have open access to the public. Private easements that access to two or more lots shall not be gated.
5. A circular turn around must be provided at the end of the private road. See the Development Process Manual Table 23.5.3 and City Standard 2510 for further information.
Fences

1. Fences shall comply with §14-16-3-19 of the City Zoning Code except for those fences along the boundaries of this annexation that are within 50 feet from the property line. Fences within 50' of the annexation boundaries shall either be:
   a. Upright wood support posts spaced a minimum of 6' apart (unless impeded by a mail box or tree) with wire mesh between the posts,
   b. Upright wood support posts spaced a minimum of 6' apart (unless impeded by a mail box or tree) with horizontal wood railings adjoined to and connecting the posts. The wood railings shall be spaced at a minimum of two horizontal feet and
   c. The same style of fence as what exists on the property at time of annexation.
Structure Façade: Structure facades are restricted to the following designs.

1. Pueblo Revival: to include the following minimum design elements.

   a. Exterior shall imitate traditional adobe construction, using adobe brick or other materials,
   b. Walls shall be stucco with round edges and painted in tones of either brown or beige,

---

Figure 3. Pueblo Revival Façade.

Figure 4. brown stucco wall.

Figure 5. rounded edge wall.
c. Flat roof,

Figure 6. flat roof pueblo revival home.

d. The second story shall be stepped back a minimum of 25% from the roof line edge along the building front and

Figure 7. second story step back 25%.
e. Rounded Parapet.

Figure 8. Parapet on a flat roof.

Figure 9. Exterior of round parapet above spouts.
2. Northern New Mexico (Pitched Roof Territorial Architecture.)

Figure 10. Northern New Mexico Style home with corrugated metal pitched roof, porch and gables projecting from the roof.

a. Corrugated metal pitched roof,
b. Stucco walls painted a shade of brown or beige,
c. A porch adjacent to the house,
d. Square beams or round posts supporting the porch,
e. Doors and windows flush with the exterior walls,
f. Gables with windows projecting from the roof and
g. Wood trimmed windows.

Figure 11. Wood trimmed windows.
3. New Mexico Territorial: to include the following minimum design elements:

![Figure 12. Front façade Santa Fe Territorial Style Home.](image)

![Figure 13. Rear Façade Santa Fe Territorial Style Home.](image)

a. Adobe or stucco walls shall be painted a shade of brown or beige,
b. Flat roof,
c. Sharp, angular building corners,

![Figure 14 sharp angular building corners.](image)
d. Second story shall be stepped back a minimum of 25% from the roof line edge along the building front (See Pueblo Revival design requirements),

Figure 15. Brick Coping (lining) along building and Chimney tops.

e. Brick coping shall be along the top of the structure and chimneys,

f. Doors and windows shall be flush with the exterior wall and trimmed with wood and

g. Porches shall be trimmed with wood and supported with wood posts or beams.
CITY of ALBUQUERQUE
SEVENTEENTH COUNCIL

COUNCIL BILL NO. F/S O-07-118 ENACTMENT NO. 

SPONSORED BY: Debbie O’Malley

ORDINANCE

1 ANNEXATION, 07EPC-40020 / 07EPC-40021, ANNEXING FOUR (4) ACRES, 
2 MORE OR LESS, LOCATED ON MONTOYA ROAD NW, BETWEEN 
3 MAXIMILLIAN ROAD NW, AND I-40, AMENDING THE ZONE MAP TO 
4 ESTABLISH SU-1 FOR RA-1/PDA ZONING, DESIGNATING THE CROSS 
5 SECTION FOR A PORTION OF MONTOYA ROAD. 
6 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF 
7 ALBUQUERQUE:
8
9 Section 1. AREA PROPOSED FOR ANNEXATION. The owner of the area 
10 annexed hereby presented a properly signed petition to annex the following 
11 territory: 4-acres, more or less, located on Montoya Road NW between 
12 Maximillian Road NW and I-40; and more particularly described as follows:
13 (A) Lot B, El Jaral Subdivision,
14 (B) All of the right-of-way adjoining the land described in A of this 
15 section to the extent it is not already in the City.
16
17 The above-described territory is contiguous to the City of Albuquerque.
18
19 Section 2. ANNEXATION ACCEPTED. The area specified in Section 1 
20 above is designated Established Urban in the Comprehensive Plan, which 
21 makes it suitable for annexation. Furthermore, the petition for annexation 
22 meets the requirements of Resolution 54-1990 (City’s Annexation Policy). 
23 Therefore the area specified in Section 1 above is hereby annexed.
24
25 Section 3. ZONE MAP AMENDED. The zone map adopted by Section 14-
26 16-1-1 et Seq. ROA 1994 is hereby amended establishing SU1 for RA-1/
27 Planned Development Area (PDA). This designation requires an application for 
28 subdivision and/or building is conditional upon adoption, by the 
29 Environmental Planning Commission of a site plan for the subject site that is 

in full compliance with the design regulation attached as Exhibit A. The request for annexation is justified per Resolution 54-1990. The request for SU-1 for RA-1/PDA zoning is justified per Resolution 270-1980. The Old Town Sector Development Plan recommends RA-1 zoning for newly annexed properties within the Sector Plan boundaries. The SU-1 for PDA designation applies to residential development in which special use, height, area, setback, or other regulations should be imposed, provided the site contains three acres. These design regulations establishing area, height and set back restrictions are consistent with sector plan for the area and are to be applied to a parcel larger than three acres.

Section 4. FINDINGS ACCEPTED. The following zone map amendment findings shall be adopted by the Council:

(A) This is a request for annexation of approximately 4 acres of agricultural land located on Montoya Road NW between Maximillian Road NW and I-40, hereinafter called the "property". The site is designated Established Urban in the Comprehensive Plan, is within the boundaries of the Old Town Sector Development Plan, and is currently zoned County A-1. The proposed zone category is consistent with the recommendations of the Old Town Sector Development Plan and is compatible with zoning of neighboring properties and establishes design regulations that protect the historic character of the property.

(B) The applicant requests the annexation and SU-1 for RA-1/PDA zoning in order to enter the City of Albuquerque jurisdiction and develop the property for single-family residential use.

(C) On June 12, 2007, the Board of County Commissioners reviewed and approved annexation of the subject site.

(D) The applicant's agent has adequately addressed the policies of Resolution 54-1990 in support of the annexation request as follows:

POLICY A: The land is within the Established Urban Area as designated by the Comprehensive Plan and is therefore particularly suitable for annexation.
Policy A1: All public policies for land dedication for public facilities will be assured through the standard subdivision process as regulated by the Development Process Manual.

Policy A2: The development of this site is not dependent on future utilities.

Policy A4: The eastern boundary of the site is contiguous to the City Limits.

Policy A5: Montoya Road is a city-owned right-of-way therefore the subject site is adjacent to paved public streets.

Policy A6: The proposed annexation provides for reasonable service boundaries in that the property comprises a portion of an area that is an island of unincorporated land within the City.

Policy A7: The annexation plat is based upon existing recorded plats and will provide a definite boundary to the city limits.

(E) The annexation has adequately addressed the policies of Resolution 270-1980 Policy's A and C for the proposed zoning is consistent with the policies of the Comprehensive Plan and the Old Town Sector Development Plan, furthering the health, safety, morals and general welfare of the City.

(F) The request furthers Comprehensive Plan policies for Established Urban Areas:

Policy a: Allows residential land use on property adjacent to City limits that will result in an overall gross density up to 5 dwelling units per acre.

Policy d: Proposes zoning of an intensity that respects existing neighborhood values.

Policy e: Allows for new growth on vacant land contiguous to existing or programmed urban facilities and services where the integrity of existing neighborhoods can be ensured; and

Policy f: Homes are clustered to provide shared open areas.

(G) The request furthers Policy B of the Old Town Sector Development Plan by proposing a semi-rural residential zone.
(H) The cross section and right of way of Montoya Road between Maximilian Avenue NW and the southern right of way line of Interstate 40 are below the width standards established in the Development Process Manual. They are consistent with the rural and historic character of the area. Policy m of the Comprehensive Plan Transit and Transportation Goal that states “In rural areas, an all-weather circulation system allowing year-round access to existing and planned development shall be established with construction standards based on a hierarchy of uses. Roads should fit the topography of the area traversed as well as the scale of travel needs. A possible technique for implementing the goal is to investigate alternate width and shoulder requirements for rural roads.”

(I) The design regulations attached to this ordinance require the construction of a turnout to provide adequate right of way to change the direction of large vehicles or fire apparatus, on either Montoya Road adjacent to the annexed property or on a public roadway or private drive-lane accessible to the public that is within the annexed property.

Section 5. CONDITION. The annexation is conditional upon final execution of a pre-annexation agreement between the Applicant and the City of Albuquerque in which the applicant agrees to the zoning SU-1-RA-1/PDA and the site and design regulations all as set forth in Exhibit A attached.

Section 6. SITE PLAN APPROVAL. Site plan for development for the annexed property requires approval and sign off from the Design Review Board.

Section 7. MONTOYA ROAD CROSS SECTION STANDARDS. The existing cross section of Montoya Road north of Maximilian Road shall not be expanded beyond 8 feet.

Section 8. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.
Section 9. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect five days after publication by title and general summary and when a plat of the territory hereby annexed is filed in the office of the County Clerk.
FINDINGS - 07EPC 40020, August 16 -- Annexation

1. This is a request for annexation of Lot B, El Jaral Subdivision, an approximately 3.9 acre site located on Montoya Road NW between I-40 and Maximillian Road NW.

2. The subject site is located within the boundaries of the Old Town Sector Development Plan and the Established Urban Area as designated by the Comprehensive Plan.

3. This request furthers the following applicable Comprehensive Plan policies for Developing and Established Urban Areas:
   a. The subject site is serviceable with City utilities and vehicular access is available from Montoya Road (policy II.B.5.e).
   b. The subject site and the surrounding area have been sector planned (II.B.5.n).

4. The Old Town Sector Development Plan anticipates the annexation of all unincorporated land within the Plan boundaries.

5. The subject site is designated Established Urban by the Comprehensive Plan; areas designated Established Urban are appropriate for annexation, which is desired and encouraged. The subject site is contiguous to the City limits, has provision for convenient street access to the City, and has reasonable boundaries (R-54-1990, Section 1).

6. The applicant has gone through the County review process and has obtained approval from the Board of County Commissioners.

7. There is no known opposition to this annexation request, although neighbors have expressed concern about traffic from construction vehicles and new residents.

RECOMMENDATION - 07EPC 40020, August 16

That a recommendation of APPROVAL of 07EPC 40020, a request for annexation, for Lot B, El Jaral Subdivision, be forwarded to the City Council, based on the preceding Findings.
FINDINGS — 07EPC 40021, August 16, 2007 — Zone Map Amendment

1. This is a request to establish City RA-1 zoning for Lot B, El Jaral Subdivision, an approximately 3.9 acre site located on Montoya Road NW between I-40 and Maximillian Road NW.

2. The subject site is located within the boundaries of the Old Town Sector Development Plan and the Established Urban Area as designated by the Comprehensive Plan.

3. This request furthers the following applicable Comprehensive Plan policies for Developing and Established Urban Areas:

   a. The permissive uses in the RA-1 zone are part of the full range of urban land uses proposed by Policy II.B.5.a.

   b. The proposed zoning is of an intensity that respects existing neighborhood values (policy II.B.5.d).

4. A semi-rural residential zone is proposed for the subject site thereby furthering Objective 4 of the Old Town Sector Development Plan.

5. The Old Town Sector Development Plan recommends establishment of RA-1 zoning for properties annexed into the city.

6. This request meets all of the policies and criteria of R-270-1980:

   a. The proposed change is consistent with the health, safety, morals, and general welfare of the City (A).

   b. The change provides stability of land use and zoning. The applicant has provided a sound justification for the change (B).

   c. The proposed change is not in conflict with adopted elements of the Comprehensive Plan or the Old Town Sector Development Plan (C).

   d. The requested zoning is more advantageous to the community because the Old Town Sector Development Plan recommends RA-1 zoning for the subject site (D).
e. Permissive uses in the requested zone category will not be harmful to adjacent properties or the community (E).

f. Impact fees will ensure that this zone change will not require capital expenditures by the City (F).

g. The applicant’s economic situation is not a factor in this analysis (G).

h. The applicant is not requesting apartment, office, or commercial zoning (H).

i. This request constitutes a justified spot zone. The zone change will clearly facilitate realization of the Old Town Sector Development Plan (I).

j. Approval of this request will not create a strip zone (J).

7. There is no known opposition to this zoning request, although neighbors have expressed concern about traffic from construction vehicles and new residents.

RECOMMENDATION - 07EPC 40021, August 16, 2007

That a recommendation of APPROVAL of 07EPC 40021, a request for a zone map amendment from County A-1 to City RA-1, for Lot B, El Jaral Subdivision be forwarded to the City Council, based on the preceding Findings.

Anna DiMambro
Planner

cc: Ron Gamer, 2416 Rice Ave. NW, Albuq. NM 87104
NM Boys and Girls Ranch Foundation,

Attachments
ENACTMENT 270-1980

ADOPTING POLICIES FOR ZONE MAP CHANGE APPLICATIONS AND APPEALS OF ENVIRONMENTAL PLANNING COMMISSION DECISIONS; SUPERSEDING CITY COUNCIL RESOLUTIONS 217-1975 AND 182-1978 RELATING TO ZONE CHANGE APPLICATIONS AND APPEALS.

WHEREAS, the usefulness of the Comprehensive City Zoning Code in implementing the City’s Comprehensive Plan and promoting health, safety, morals, and general welfare is enhanced by a reasonable flexibility in order to deal reasonably with changes in the physical, economic, and sociological aspects of the city; and

WHEREAS, certain general policies for consideration of zone map changes and other zoning regulation changes should be recognized as determinative.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. The following policies for deciding zone map change applications pursuant to the Comprehensive City Zoning Code are hereby adopted:

A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

B. Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made.

C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.

D. The applicant must demonstrate that the existing zoning is inappropriate because;

   (1) there was an error when the existing zone map pattern was created, or

   (2) changed neighborhood or community conditions justify the change, or

   (3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) or (2) above do not apply.

E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.

F. A proposed zone change which, to be utilized through land development, requires major and un-programmed capital expenditures by the City may be;

   (1) denied due to lack of capital funds, or
(2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.

G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

H. Location on a collector or major street is not in itself sufficient justification of apartment, office, or commercial zoning.

I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

(1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or

(2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone.

J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:

(1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan, and

(2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

Section 2. City Council Resolutions 217-1975 and 182-1978 adopting policies for zone map change applications and appeals of (the) Environmental Planning Commission are hereby superseded.
APPENDIX C

CITY OF ALBUQUERQUE
NINTH COUNCIL

COUNCIL BILL NO. R-68 ENACTMENT NO. 54-1990

SPONSORED BY: Pauline K. Gubbels

RESOLUTION

ADOPTING POLICIES ON ANNEXATION TO THE CITY OF ALBUQUERQUE AND REPEALING PREVIOUS POLICIES ON ANNEXATION.

WHEREAS, annexation is a proper and important tool for facilitating sound urban development; and

WHEREAS, the City is interested in annexing those areas that can be served within a reasonable time for the mutual benefit of individual residents, the City, and the County; and

WHEREAS, it can be mutually advantageous to the City and to land owners to annex land so that planning can proceed under City zoning regulations and other City policies, even though City capital funds cannot be programmed for the area for some years; and

WHEREAS, the City and Bernalillo County have adopted a Comprehensive Plan as well as other, more detailed plans and guidelines for urban and open space development; and

WHEREAS, Sections 3-7-1 to 3-7-18 and 3-57-1 to 3-57-8, New Mexico Statutes Annotated, 1978, as amended, define a number of ways in which the City of Albuquerque can annex land.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as Central Urban, Established Urban, and Developing Urban are particularly appropriate for the range of urban services which the City can provide, and annexation of such areas into the City is desired and encouraged. More specifically, annexation of areas planned to be urban intensity of development will be approved when the following policies are met, unless the City concludes that the anticipated delay in provision of City services is so far into the future as to be speculative and therefore an unreasonable basis to provide for annexation:

a. Compliance with City policy regarding land dedication for public facilities is assured;

b. The applicant shall agree in writing to timing of capital expenditures for necessary major streets, water, sanitary sewer, and storm-water-handling facilities:

   (1) The timing to be per a written City statement of intent as to when it or another public body will be able to provide such capital facilities, such City statement to be issued prior to annexation; and/or

   (2) The timing to remain indefinite but a substantial number of years in the future, based on a
written City statement, made prior to annexation, that it will provide the facilities but no timing can be
assured; and/or

(3) A commitment by the land owner that he or his successors in interest will, in a manner that
satisfies City standards, install and pay for such facilities or cause them to be installed and paid.

c. The City may decline an annexation if necessary capital expenditures fall all or partly under
paragraph b(2), above, and the City concludes that it would be unreasonable to make land owners wait for
basic utilities and facilities as long as would probably be the case;

d. Land annexed shall be to some extent contiguous to the City limits, except land owned by the
City may be annexed when it is not contiguous where this is allowed by state statutes;

e. Land to be annexed shall have provision for convenient street access to the City;

f. Land to be annexed shall have reasonable boundaries so that providers of public services can
determine with ease where the City boundary is located and so that public services can be delivered under
appropriate service extension policies at reasonable operating and capital cost to the City;

g. City boundaries shall be established along platted lines which will make definite what the city
limits are; annexation plats need not meet all requirements of a subdivision plat as specified by the
Subdivision Ordinance.

Section 2. Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as
Reserve are appropriate for annexation if they meet the guidelines established in the Reserve Area section
(II-B-2) of the Plan, so as to create high quality, mixed use, largely self-sufficient planned communities.
More specifically, such areas will be approved when the following policies are met:

a. The policies stated in the subsections of Section 1 above;

b. Applications are accompanied or preceded by satisfactory plans for each community proposed.

Section 3. Areas which are designated by the Albuquerque/Bernalillo County Comprehensive Plan as
Semi-Urban and as Rural are appropriate for annexation where the policies of the Semi-Urban and Rural
Areas sections of the plan are furthered or where the general public welfare clearly is better served by
annexation. Zoning appropriate for a low intensity area, as indicated by the Comprehensive Plan, will be
assigned. More specifically, annexation in areas planned to be less than urban intensity of development
will be approved when the following policies are met:

a. The policies stated in the subsection of Section 1 above;

b. Since the eventual annexation of all these areas is unlikely, special care shall be taken to maintain
reasonable, compact boundaries in these areas. To this end, the City will not annex such land unless it:

(1) has at least ten percent of its boundary contiguous to the City boundary; or

(2) does not create an arm of the City’s incorporate area which is at any point less than 1,000 feet
wide.

c. Barring exceptional conditions, the City will not annex land on one side of a public street without
also annexing the land on the other side of the street; and

d. Land shall not be annexed unless appropriate City zone categories are available for regulation of
development in accord with planned and appropriate land development patterns.

Section 4. Areas which are outside Bernalillo County may be appropriate for annexation when the following policies have been met:

a. The policies stated in the subsection of Section 1 and above;

b. The Environmental Planning Commission and the City Council find that the area to be annexed:
   (1) is suitable for urban intensity land uses and is near areas in Bernalillo County Comprehensive Plan; or
   (2) the land is a City-owned park of open space.

c. The long term benefits to the City from the proposed annexation are deemed to outweigh City costs; and

d. The subject property owner’s reasons for desiring annexation demonstrate a net benefit to the City and to the public welfare if the annexation is approved.

Section 5. The City may annex land even though some or all of the above policies are not where the Environmental Planning Commission and City Council find:

a. that there is a particular hazard to the health of persons, that such hazard would be removed or materially alleviated by the City upon annexation, and that no other adequate and timely remedy for the removal or material alleviation of such hazard is available; or

b. that City-owned land used for a public purpose is being annexed to better facilitate that use.

Section 6. Council Resolution 254-1980, annexation policies enacted by the City Commission on November 17, 1980, are hereby repealed.

Section 7. That if any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

PASSED AND ADOPTED THIS 7th DAY OF May, 1990.

BY A VOTE OF 8 FOR AND 0 AGAINST.

Yes: 8
Excused: Kline

sig/Steve D. Gallegos
Steve D. Gallegos, President
City Council

APPROVED THIS 25th DAY OF May, 1990
ATTEST:

sig/Karen Aceves
City Clerk
To: Anna DiMambro, Albuquerque Planning Department

From: Sandy F., Bernalillo County Zoning, Building, Planning & Environmental Health Director

Re: Project #1005455, NM Boys and Girls Ranch Foundation Annexation

The Bernalillo County Board of Commissioners reviewed the above referenced annexation request on June 12, 2007. The proposed annexation was approved by the Board with the following comments:

1. Zoning should be based on the policies of the Old Town Sector Development Plan, which calls for annexed property in this area to receive RA-1 zoning, rather than the RA-2 zoning requested in the application.

2. Annexation of this property would not change the City of Albuquerque’s maintenance of Montoya Road and would require the City of Albuquerque to maintain any public road created to serve the development within this property.

3. Water and sanitary sewer service lines exist in Montoya Road abutting this property and the developer should coordinate line extensions with the Albuquerque Bernalillo County Water Utility Authority.

4. Any new development should be coordinated with the County Floodplain Administrator to insure that the drainage needs of the adjacent unincorporated area are adequately addressed.

5. Grading and drainage plans associated with this development should be provided to Bernalillo County Public Works Division for review.

Please include these comments in the information transmitted to the Environmental Planning Commission for this case. You can contact me at 314-0354 if you have any questions.
PETITION FOR ANNEXATION

INSTRUCTIONS: TYPE OR PRINT IN BLACK INK ONLY. Use additional sheets if necessary. The applicant must provide an exhibit that accurately describes the boundaries of property to be annexed. This requires a property boundary survey prepared by a licensed professional surveyor unless the exact boundaries of the property are already platted. Other attachments may include a Site Development Plan. Provide thirty (30) copies of any required attachment if it is larger than 11 x 17 inches. One (1) copy only is needed if it is smaller. Please fold large format attachments to 8-1/2 x 14 inches maximum.

1. LEGAL DESCRIPTION OF AREA PROPOSED FOR ANNEXATION:
   
   
2. TOTAL ACREAGE OF AREA: 3.9488

3. REASON FOR ANNEXATION: (Briefly summarize the letter of explanation submitted with your application.)
   
   Annexation of an Established Urban Area, as designated by the Albuquerque/Bernalillo County Comprehensive Plan, from the County into the City; as RA-2 zoning.

4. CAPITAL IMPROVEMENTS FOR STREETS, WATER, SANITARY SEWER AND STORM DRAINAGE.

   THE APPLICANT(S) AND CITY AGREE THAT:
   
   A. Capital improvements will be funded by special assessment districts and/or other funding sources.
   B. The City provides funding through the Capital Improvements Program, and unless a project is specifically identified in the Capital Improvements Program, the timing of City funded improvements is indefinite.
   C. In the absence of public funding for required improvements, the land owner(s) or their successors in interest shall install, or cause to be installed, any such improvements in a manner that satisfies City policies and standards.
   D. If the annexation will result in four (4) residential dwelling units or more, a Pre-Annexation Agreement for the provision of certain infrastructure improvements is required, pursuant to Resolution 04-127. A W-9 Form must accompany the Pre-Annexation Agreement. The Pre-Annexation Agreement must be completed and reviewed by the City Engineer prior to the EPC hearing of the annexation request.


6. SIGNATURE(S):
   
   A. OWNER
      
      
   B. OWNER/AGENT
      
      
   C. OWNER
      
      
   Attach additional signatures as necessary.

Revised 11/04
NOTIFICATION OF DECISION
BOARD OF COUNTY COMMISSIONERS

June 13, 2007

New Mexico Boys & Girls Ranch Foundation
6209 Hendrix Rd NE
Albuquerque, NM 87110

SUBJECT: FILE NO: AXBC-70-003

LEGAL DESCRIPTION: AXBC 70-003 Ron Garner and Ron Hensley, agents for the New Mexico Boys and Girls Ranch Foundation, request annexation to the City of Albuquerque of Lot B, Plat of El Jaral subdivision, located at 1115 Montoya Road NW, containing approximately 4 acres, currently zoned County A-1 with proposed zoning of City RA-2 (H-15).

ACTION: APPROVED

To Whom It May Concern:

On June 12, 2007, the Board of County Commissioners reviewed and approved your application for annexation into the City of Albuquerque.

This project may now proceed through the City’s annexation process, with consideration of the following issues raised during the County’s review:

1. Zoning should be based on the policies of the Old Town Sector Development Plan, which calls for annexed property in this area to receive RA-1 zoning, rather than the RA-2 zoning requested in the application (see attached letter from Los Duranes Neighborhood Association).

2. Annexation of this property would not change the City of Albuquerque’s maintenance of Montoya Road and would require the City of Albuquerque to maintain any public road created to serve the development within this property.

3. Water and sanitary sewer service lines exist in Montoya Road abutting this property and the developer should coordinate line extensions with the Albuquerque Bernalillo County Water Utility Authority.

4. Any new development should be coordinated with the County Floodplain Administrator to insure that the drainage needs of the adjacent unincorporated area are adequately addressed.
5. Grading and drainage plans associated with this development should be provided to Bernalillo County Public Works Division for review.

Please contact City of Albuquerque Planning Department at 924-3860 for details of the city's approval process.

If you have any questions, please feel free to contact me at 314-0350.

Very truly yours,

Sanford Fish, AICP
Director, Zoning, Building Planning
And Environmental Health

cc: File
Ron Garner & Ron Hensley, 2416 Rice Ave NW, Albuquerque, NM 87104
Los Duranes Neighborhood Association
   Beverly Schoonover 3308 Beach Rd NW, Albuquerque, NM 87104
   William C Herring, 3104 Coca Rd NW, Albuquerque, NM 87104
June 13, 2007

Richard Dineen, Director
Planning Department
City of Albuquerque
600 Second NW, Suite 300
Albuquerque, NM 87102

Dear Mr. Dineen

At their June 12, 2007, meeting the Bernalillo County Board of County Commissioners reviewed one pending annexation pursuant to 3-7-3 NMSA, 1978 as amended. The law states that no municipality may annex territory within a class A county with a population of more than three hundred thousand persons unless the annexation is approved by the Board of County Commissioners for that county.

The Board approved the following annexation: Ron Garner and Ron Hensley, agents for the New Mexico Boys and Girls Ranch Foundation, request annexation to the City of Albuquerque of Lot B, Plat of El Jara subdivision, located at 1115 Montoya Road NW, containing approximately 4 acres, currently zoned County A-1 with proposed zoning of City RA-2 (H-15).

This project may now proceed through the City's annexation process, with consideration of the following issues raised during the County's review:

1. Zoning should be based on the policies of the Old Town Sector Development Plan, which calls for annexed property in this area to receive RA-1 zoning, rather than the RA-2 zoning requested in the application (see attached letter from Los Duranes Neighborhood Association).

2. Annexation of this property would not change the City of Albuquerque's maintenance of Montoya Road and would require the City of Albuquerque to maintain any public road created to serve the development within this property.

3. Water and sanitary sewer service lines exist in Montoya Road abutting this property and the developer should coordinate line extensions with the Albuquerque Bernalillo County Water Utility Authority.
4. Any new development should be coordinated with the County Floodplain Administrator to insure that the drainage needs of the adjacent unincorporated area are adequately addressed.

5. Grading and drainage plans associated with this development should be provided to Bernalillo County Public Works Division for review.

Final action on all annexation cases should include notice to the County of Bernalillo so that the public safety agencies can be advised that these properties are within the City of Albuquerque’s jurisdiction.

Sincerely,

[Signature]

Sanford Fish, AICP
Zoning, Building and Planning Director

cc: Laura Mason, Council Services Director
Sheran Matson, City Planning Department
Tom Menicucci, Policy Analyst II, City Council Office
Thaddeus Lucero, County Manager
Tim West, County Public Works Division Director
Yvette Chavez, Agenda Coordinator
May 7, 2007

Alan Armijo, Chairman
Board of County Commissioners
Bernalillo County
City/County
Albuquerque, NM 87103

Re: AXBC-70003; Request for Annexation and Establishment of Zoning for Lot B, Plat of El Jaral Subdivision

Dear Chairman Armijo:

The purpose of this letter is to express the Los Duranes Neighborhood Association’s position on the Boys and Girls Ranch Foundation of New Mexico’s petition for annexation and establishment of zoning. The property covered by this request is south of I-40 and east of Gabaldon Drive. It is zoned County A-1 and located within the West Old Town Sector Plan area.

The LDNA and West Old Town Neighborhood Association have worked together in the past on planning and zoning issues, particularly on zoning requests along Gabaldon Drive and I-40. The LDNA is concerned because West Old Town Neighborhood Association has become defunct, and it is unclear whether the neighborhood’s interests are being represented.

In 1988, the Old Town Sector Development Plan was amended in regard to annexations. The current sector plan policy, as amended, states that as lands are annexed into the City, they shall be zoned RA-1. This zoning district requires 20,000 square feet of open space per lot, of which 8,000 square feet must be on-lot. The remaining required open space may be met by one of several methods as provided by the City Comprehensive Zoning Code, which includes payment of cash in lieu of dedication, dedication of open space in an area identified by the City, etc. It does not appear that the applicant is aware of this policy.

The area, both north and south of I-40, has undergone a very rapid rate of development with large new subdivisions on previously vacant County land. More development is
anticipated, with the High Lonesome Ranch (Project #1000122; 18 acres zoned RA-1 and 3 acres zoned SU-1 for O-1) located along Gabaldon Drive and other subdivisions west of Gabaldon. The streets in this area, in particular Mountain Road, Montoya, Gabaldon, etc., are extremely narrow and unable to withstand a large increase in traffic. We ask that the City and County carefully assess each request for increased density to ensure the community’s health, safety, and welfare is protected in regard to providing emergency services to an area with limited accessibility.

The letter sent to the LDNA did not state what the intent of the Boys and Girls Ranch Foundation is regarding development of this property, however, it appears the intent is for an increase in density. It should be noted that the property is limited to one access point at Montoya and Mountain Road. The request is for annexation and establishment of RA-2 zoning, which is contrary to the West Old Town Sector Development Plan.

The LDNA recently adopted an interim policy of opposing zone map amendments until the Los Duranes Sector Plan has been updated. As you know, our goal is to update our sector plan to better reflect our community goals and have it adopted by both the City and County. Our neighborhood is comprised of City and County land, and our goal is to preserve the County area as low density, semi-rural character.

We ask that the Board of County Commissioners consider these issues when deciding whether to allow annexation of this property. While we respect and support the work the Boys and Girls Ranch Foundation does for the youth of our community, we ask that any increase in density be viewed with caution and concern for maintaining the character of this area and the public’s health, safety, and welfare. Thank you for your consideration.

Sincerely,

[Signature]
William Herring, President
Los Duranes Neighborhood Association
3104 Coca Road NW
Albuquerque NM 87104
(505) 243-4664 (fax) 243-7654

cc: Jeff Jesionowski, Chairman, Environmental Planning Commission
Carmen Marrone, City of Albuquerque, Senior Planner
Subject: Request annexation to the City of Albuquerque (project # 1005455).
Legal Description: Lot B of El Jaral subdivision containing approximately 4 acres.

To whom it may concern,

On June 12, 2007, the Board of County Commissioners reviewed and approved the subject property for annexation into the City of Albuquerque.

The following are justifications for annexation which adhere to the policies contained in "Resolution 54-1990".

> The area is designated Established Urban by the "Albuquerque/Bernalillo County Comprehensive Plan". Resolution 54-1990 states that the "annexation of such areas [Established Urban] into the City is desired and encouraged".

> Annexation of this property will not change the City of Albuquerque's maintenance of Montoya Road, which will provide access to the subject property.

> Water and Sanitary Sewer service lines exist in Montoya Road abutting the subject property.

> More than 50% of the subject property perimeter is abutted, and contiguous, to City property.

> The subject property has convenient street access to the city, via Montoya Road.

> The land to be annexed has reasonable boundaries so that providers of public services can determine, with ease, where the City boundary is located and so that public services can be delivered under appropriate service extension policies at reasonable operating and capital costs to the City.

Respectfully Submitted,

Ron Garner, agent
for
NM Boys and Girls Ranch of New Mexico, Inc.
and/or Robert Gutierrez
Subject: Request Zone Change from County A-1 to City RA-1 (project # 1005455).
Legal Description: Lot B of El Jaral subdivision containing approximately 4 acres.

Dear EPC chairman,

On June 12, 2007, the Board of County Commissioners reviewed and approved the subject property for annexation into the City of Albuquerque. The area is designated Established Urban by the “Albuquerque/Bernalillo County Comprehensive Plan”. Resolution 54-1990 states that the “annexation of such areas [Established Urban] into the City is desired and encouraged”. The Comprehensive Plan says, “The Goal [of Established Urban areas] is to create a quality urban environment which perpetuates the tradition of identifiable, individual, but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment”.

The following are justifications, for the zone change to RA-1, which adhere to the policies contained in “Resolution 270-1980”.

A) Since RA-2 zoning is the dominant existing zoning in this specific area, a proposed zone change of RA-1 should be even more consistent with the health, safety, morals and general welfare of the City because the density of RA-1 is potentially less than RA-2, which is the dominant zoning in the immediate area. Water and Sanitary Sewer service lines already exist in Montoya Road abutting the subject property.

B) The proposed RA-1 zoning keeps uniformity with the existing stability of land use and zoning and appeases the Old Town Sector Development Plan which requests that all annexations from the County to the City be allowed RA-1 zoning and since more than 50% of the abutting, or adjacent, properties are RA-2 this would seem very reasonable.

C) The proposed RA-1 zoning will be in congruence with adopted elements of the Albuquerque/Bernalillo County Comprehensive Plan and will be congruent with The Old Town Sector Development Plan resolution 44-1994 (annexed properties to be RA-1).

D-3) Policy “a” (page II-23), of the “Albuquerque/Bernalillo County Comprehensive Plan”, states that “Established Urban Areas as shown by the Plan map shall allow a full range of urban uses, resulting in an overall gross density up to 5 dwelling units per acre”. The proposed RA-1 zoning will not allow development to exceed the 5 dwelling units per acre density recommendation of the Comprehensive Plan, and is clearly in unison with the Comprehensive Plan and is as suggested by the Old Town Sector Development Plan

Respectfully Submitted,

Ron Garner agent
for
NM Boys and Girls Ranch Foundation, Inc.
and/or Robert Gutierrez
March 14, 2007

To the City of Albuquerque,

Regarding a certain portion of land described as Lot B Plat of Jaral Subdivision together with tract 303-A MRGCD map #35 containing 4.5437 acres, I hereby authorize Ron Hensley and Ron Garner to act as agents on behalf of the New Mexico Boys and Girls Ranch Foundation, Inc.; for the sole purpose of annexation, subdivision, and zone change.

NEW MEXICO BOYS & GIRLS RANCH

Signature: Foundation.

Date: 3/14/07

Signature: My. Official Treasurer

Date: 3/20/07
July 1, 2007

To the City of Albuquerque,

Regarding a certain portion of Land described as Lot B Plat of El Jaral Subdivision, MRGCD Map # 35, I hereby authorize Ron Garner to act as agent on behalf of myself, or any subsequent entity in which I hold ownership interest, for the sole purpose of annexation, subdivision, and/or zone change.

Signature: ___________________________ Date: 7-01-07

[Signature]

[Handwritten Signature]
Please note: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter—you will need to get an updated letter from our office. It is your responsibility to provide current information—outdated information may result in a deferral of your case.

Date: June 14, 2007

Planning Department
Plaza Del Sol Building
600 Second St. NW
Second Floor (924-3860)

This letter will serve to notify you that on June 14, 2007

TO CONTACT NAME: Ren Garner
COMPANY/AGENCY: Ren Garner
ADDRESS/ZIP: 2410 Rue Ave NW Suite 4 Albuquerque, NM 87104
PHONE/FAX #: (505)-280-3321 (505) 822-0734 (fax)

Contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at Lot B Plat of El Jardal Subdivision

Our records indicate that as of June 14, 2007 there were no Recognized Neighborhood Associations in this area.

If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

OFFICE OF NEIGHBORHOOD COORDINATION
EPC NOTIFICATION LETTER

July 17, 2007

TO: William C. Herring and Beverly Schoonover, Los Duranes Neigh. Assoc.

This letter will serve as your association's notification from the City of Albuquerque under provisions of 0-92 (Neighborhood Recognition Ordinance) pertaining to:

*Case:* 07EPC-40020 and 40021  
*Project #:* 1005455  
*Agent:* Ron Garner at 505-280-3321  
*Applicant:* New Mexico Boys and Girls Ranch Foundation

*Type of request:* Request an Annexation from County A-1 to proposed zoning of City RA-2 and Amendment to Zone Map (Established Zoning/Zone Change).

*Location:* Approximately 3.9488 acre(s) located on the west side of Montoya Road NW between Maxmillian Road NW and I-40 Freeway.

*Zone Map:* H-12  
*City Planner:* Arina DiMambro at 505-924-3924  
*E-mail:* adimambro@cabq.gov

City Planning accepted application for this proposed action on July 5, 2007. The owner/applicant certified at the time of application that they had notified you of the proposed action by certified mail, return receipt requested.

Please be advised that his application is scheduled for a hearing before the Environmental Planning Commission (EPC) at 8:30 a.m. on Thursday, August 16, 2007, in the Planning Hearing Room, Room 160, Plaza Del Sol Building, Basement Level. You should contact the above-mentioned planner in the Planning Department to confirm this date and time -AND- to seek any further information.

There will be a Pre-Hearing Discussion on this item on Wednesday, July 25, 2007, at 1:30 p.m. in the Planning Department Large Conference Room, 3rd Floor, Plaza del Sol Building, 600 Second St. NW.
Letter to Neighborhood Association Representatives for Project #1005455  
July 17, 2007  
Page 2

It is very important that your association notify the developer and the planner of your association's initial reaction to Project #1005455 prior to the "EPC Hearing" so that your concerns or comments may be noted at the Public Hearing. It is possible that the Project may be rescheduled at EPC if concerns are identified which cannot be dealt with prior to the initially scheduled EPC Hearing.

If you have any questions -OR- have not been contacted by the applicant, please call Stephani Winklepleck at 924-3902 or by e-mail at swinklepleck@cabq.gov.

Sincerely,

Stephani J. Winklepleck  
Neighborhood Liaison  
OFFICE OF NEIGHBORHOOD COORDINATION  
PLANNING DEPARTMENT

cc:  Anna DiMambro, Staff Planner, Planning Department
July 24, 2007

Los Duranes Neighborhood Association

William Herring
3104 Coca Road NW
Albuquerque, NM  87104

Beverly Schoonover
3308 Beach NW
Albuquerque, NM 87104

Mr. Herring and Ms. Schoonover,

I am writing to correct an error that was made as it pertains to your neighborhood association. You recently received notification of project number 1005455 and the fact that it would be heard before the EPC in the very near future.

The agent for this property has requested annexation and establishment of zoning for all or a portion of lot(s) B, El Jaral Subdivision zoned A-1 to RA-2 located on Mountain Road between Maximillian Road NW and I-40. This property does not border the established boundaries of the Los Duranes Neighborhood Association and therefore notification was not required. The neighborhood association that should have been notified would have been the West Old Town Association however the association has not existed since August, 2006.

Therefore, please disregard the notice you received since you should not have been officially notified.

Should you have any questions please contact me at 924-3908.

Sincerely,

Patrick Montoya
Interim Division Manager
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

cc: Ron Garner, agent
Stephani Winklepleck, ONC
Anna DiMambro, Staff Planner
LOS DURANES NEIGHBORHOOD ASSOCIATION

May 7, 2007

Alan Armijo, Chairman
Board of County Commissioners
Bernalillo County
City/County
Albuquerque, NM 87103

Re: AXBC-70003; Request for Annexation and Establishment of Zoning for Lot B, Plat of El Jaral Subdivision

Dear Chairman Armijo:

The purpose of this letter is to express the Los Duranes Neighborhood Association's position on the Boys and Girls Ranch Foundation of New Mexico's petition for annexation and establishment of zoning. The property covered by this request is south of I-40 and east of Gabaldon Drive. It is zoned County A-1 and located within the West Old Town Sector Plan area.

The LDNA and West Old Town Neighborhood Association have worked together in the past on planning and zoning issues, particularly on zoning requests along Gabaldon Drive and I-40. The LDNA is concerned because West Old Town Neighborhood Association has become defunct, and it is unclear whether the neighborhood's interests are being represented.

In 1988, the Old Town Sector Development Plan was amended in regard to annexations. The current sector plan policy, as amended, states that as lands are annexed into the City, they shall be zoned RA-1. This zoning district requires 20,000 square feet of open space per lot, of which 8,000 square feet must be on-lot. The remaining required open space may be met by one of several methods as provided by the City Comprehensive Zoning Code, which includes payment of cash in lieu of dedication, dedication of open space in an area identified by the City, etc. It does not appear that the applicant is aware of this policy.

The area, both north and south of I-40, has undergone a very rapid rate of development with large new subdivisions on previously vacant County land. More development is
anticipated, with the High Lonesome Ranch (Project #1000122; 18 acres zoned RA-1 and 3 acres zoned SU-1 for O-1) located along Gabaldon Drive and other subdivisions west of Gabaldon. The streets in this area, in particular Mountain Road, Montoya, Gabaldon, etc., are extremely narrow and unable to withstand a large increase in traffic. We ask that the City and County carefully assess each request for increased density to ensure the community’s health, safety, and welfare is protected in regard to providing emergency services to an area with limited accessibility.

The letter sent to the LDNA did not state what the intent of the Boys and Girls Ranch Foundation is regarding development of this property, however, it appears the intent is for an increase in density. It should be noted that the property is limited to one access point at Montoya and Mountain Road. The request is for annexation and establishment of RA-2 zoning, which is contrary to the West Old Town Sector Development Plan.

The LDNA recently adopted an interim policy of opposing zone map amendments until the Los Duranes Sector Plan has been updated. As you know, our goal is to update our sector plan to better reflect our community goals and have it adopted by both the City and County. Our neighborhood is comprised of City and County land, and our goal is to preserve the County area as low density, semi-rural character.

We ask that the Board of County Commissioners consider these issues when deciding whether to allow annexation of this property. While we respect and support the work the Boys and Girls Ranch Foundation does for the youth of our community, we ask that any increase in density be viewed with caution and concern for maintaining the character of this area and the public’s health, safety, and welfare. Thank you for your consideration.

Sincerely,

William Herring, President
Los Duranes Neighborhood Association
3104 Coca Road NW
Albuquerque NM 87104
(505) 243-4664 (fax) 243-7654

cc: Jeff Jesionowski, Chairman, Environmental Planning Commission
    Carmen Marrone, City of Albuquerque, Senior Planner
Ms. Anna DiMambro, Planner  
Environmental Planning Commission  
City of Albuquerque  
600 Second Street NW 3rd Floor  
Albuquerque, New Mexico 87102

Dear Ms. DiMambro:

Enclosed please find an original and a copy of a petition responding to the application of the Boys and Girls Ranch requesting the zone change from A-1 to RA-2 in El Jaral Subdivision for Project 1005455. The petition was signed by 75 residents and heirs that reside on Montoya Road North of Mountain Road, and some adjacent properties that will be impacted by residential expansion. Every residence on Montoya Road, as described, is represented on the petition.

While the applicant has amended the request to a configuration of less density, residents of Montoya Road urge the EPC to admonish developers and construction entities to proceed with caution during the construction phases. Montoya Road is still largely an agricultural community that utilizes acequias for watering. Montoya Road also has a number of senior citizens and this circumstance requires extra caution on the part of workers and new residents.

Montoya Road is a single lane Road and requires that residents slow down and pass one another with due caution. Traffic is easily disrupted by heavy equipment as illustrated by the photos. Residents would appreciate coordinating the flow of tasks so as to avoid bottlenecks during the construction phases.

Thank you for your consideration in these matters.

Yours Truly,

Alvin Baca
PETITION TO UPHOLD EL JARAL
FARMLAND AND/RESIDENTIAL ZONING DESIGNATION
July 24, 2007

Whereas, the El Jaral section of the Villa Del Albuquerque was founded in 1706 for the purpose of farming and agricultural activities as a source of food supplies; and

Whereas, the Acequia Madre De Duranes, hereinafter referred to as "Acequia" was constructed to provide water to irrigate the said farmlands; and

Whereas, since the founding date the residents of El Jaral have farmed the area utilizing the Acequia and utilize the water for the same intended purpose today; and

Whereas, El Jaral is designated as a "greenbelt" area for the purpose of farming and maintaining livestock; and

Whereas, El Jaral is starting to suffer adverse environmental and economic impacts resulting from urban sprawl; and

Whereas, the New Mexico Boys and Girls Ranch is requesting a zone change from A-1 to RA-2 for all or a portion of lot B in El Jaral Subdivision, located on Montoya Road NW for approximately 4 acres; and

Whereas, such a zone change would enable the construction of at least thirteen (13) residential units under RA-2 as opposed to designated utilization under A-1; and

Whereas, access to the proposed residential expansion is severely inadequate from Montoya Road because it is a one lane road; and

Whereas, accommodating the needed changes to Montoya Road will impose extensive changes to the existing residences and property lines of existing residences; and

Whereas, access from any other road is logistically unrealistic and cost prohibitive; and

Whereas, the addition of thirteen (13) to sixteen (16) additional residential units on the proposed site of Montoya Road will inflict a substantial change away from the rural characteristics of farming and agricultural activities that are currently utilized by many residents today:
NOW, THEREFORE, BE IT RESOLVED that: the undersigned residents of the Villa Real De Albuquerque petition the City of Albuquerque Planning Commission to uphold the existing A-1 designation for project # 1005455, in lieu of 07EPC-40020 ANNEXATION.

NAME

ADDRESS

Linda Thornton 949 Montoya Rd NW

Wayne Trask 949 Montoya Rd NW

William Rance Zinn 928 Beech St, E. Lansing, MI 48823

Cheryl B. Zinn 928 Beech St, E. Lansing, MI 48823

Michelle Baca 1016 Montoya Rd NW

Michele L. Hardy 1016 Montoya Rd NW

Wayne Sulka 944 Montoya St NW

Mary Sanders 944 Montoya St NW

Mark Halbert 1115 Montoya Rd NW 87104

Christina Halbert 1115 Montoya Rd NW 87104

Jay O. Mas 1130 Montoya Rd NW

Darlene Dimas 1130 Montoya St NW

(Cheryl) Dimas Bacigalupi 1116 Montoya St NW

Gris Borela 1116 Montoya St NW

Joy Dimas 1130 Montoya St NW

Karen Zimmerman 2530 Thompson Loop NW 488 NW 87104

Jacques Zimmerman
<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
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<tbody>
<tr>
<td>Robin Steinberg</td>
<td>624 Montoya NW, Alt, WA 87104</td>
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<tr>
<td>Misty Duke</td>
<td>624 Montoya NW, Alt, WA 87104</td>
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<tr>
<td>April Carpenter</td>
<td>620 Montoya NW, Alt, WA 87104</td>
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<tr>
<td>Liz Miles</td>
<td>616 Montoya NW, Alt, WA 87104</td>
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<tr>
<td>Phyllis Rasa</td>
<td>922 Montoya NW, Alt, WA 87104</td>
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<tr>
<td>Paul Moe</td>
<td>627 Montoya NW, Alt, WA 87104</td>
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<tr>
<td>Marry Elaine Baca</td>
<td>806 Montoya NW, Alt, WA 87104</td>
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<tr>
<td>Christopher Barca</td>
<td>1116 Montoya RD, Alt, WA 87104</td>
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<tr>
<td>Edmund</td>
<td>1000 Capitola NW, Alt, WA 87104</td>
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<tr>
<td>Matt Castillo</td>
<td>1000 Montoya St NW, Alt, WA 87104</td>
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<tr>
<td>David Costa</td>
<td>1000 Montoya St NW, Alt, WA 87104</td>
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<tr>
<td>Eric Dandey</td>
<td>Mill Table 715, Alt, WA 87104</td>
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<tr>
<td>Gayle Newman</td>
<td>907 Greenacres Pl NW, Alt, WA 87104</td>
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<tr>
<td>Jean Gregson</td>
<td>905 Greenacres Pl NW, Alt, WA 87104</td>
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<tr>
<td>Jan Montoya</td>
<td>2623 Mountain Pd NW, Alt, WA 87104</td>
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<tr>
<td>Ramona Diritti</td>
<td>715 Montoya NW, Alt, WA 87104</td>
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<tr>
<td>Louise Brewer</td>
<td>1016 Montoya NW, Alt, WA 87104</td>
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<tr>
<td>Louis I. Villa</td>
<td>8342 612 Montoya NW, Alt, WA 87104</td>
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<tr>
<td>Harold Arden</td>
<td>2804 Maximillian Rd NW, Alt, WA 87104</td>
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<tr>
<td>John O'Leary</td>
<td>2804 Maximillian NW, Alt, WA 87104</td>
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<tr>
<td>Damaris S. Palmer</td>
<td>2820 Maximillian Rd NW, Alt, WA 87104</td>
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<tr>
<td>NAME</td>
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<tr>
<td>Jan C. Lejos</td>
<td>1113 Montgomery NW 87104</td>
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<tr>
<td>Suzanna Francis</td>
<td>1113 Montgomery NW 87104</td>
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<tr>
<td>Alain Brea</td>
<td>1016 Montoya Road NW 87104</td>
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<tr>
<td>Malik Baca</td>
<td>4387 Altona Vista, Cabe 87110</td>
</tr>
<tr>
<td>Sara Schultz</td>
<td>414 Montoya 87104</td>
</tr>
<tr>
<td>Yolanda (Sue)</td>
<td>805 Montoya Rd NW 87104</td>
</tr>
<tr>
<td>Delilta Mandi</td>
<td>805 Montoya Rd NW 87104</td>
</tr>
<tr>
<td>Joseph Robboto</td>
<td>505 Montoya NW 87104</td>
</tr>
<tr>
<td>Laura Bonham</td>
<td>2501 Mountain Rd NW 87104</td>
</tr>
<tr>
<td>Walt B. Perry</td>
<td>440 Hillspring Ct NW 87100</td>
</tr>
<tr>
<td>Maureen Bowman</td>
<td>3916 Remains Drive NW 87120</td>
</tr>
<tr>
<td>Susan Buchanan</td>
<td>17 calle vedado NW 87120</td>
</tr>
<tr>
<td>Peter Saltman</td>
<td>901 Montoya St NW</td>
</tr>
</tbody>
</table>
A.L.T.A./A.C.S.M. LAND TITLE SURVEY
LOT "B" LANDS OF EL JARAL SUBDIVISION
AND
TRACT 303-A, M.R.G.C.D. MAP No. 35
PROJECTED SECTION 12, T. 10 N., R. 2 E., N.M.P.M.
TOWN OF ATRISCO GRANT
CITY OF ALBUQUERQUE
BERNALILLO COUNTY, NEW MEXICO
FEBRUARY 2007
Date: June 14, 2007

Planning Department
Plaza Del Sol Building
600 Second St. NW
Second Floor (924-3860)

This letter will serve to notify you that on June 14, 2007
(date)

TO CONTACT NAME: Ron Garner
COMPANY/AGENCY: Ron Garner
ADDRESS/ZIP: 2410 Pueb. AVE NW Suite A Albuquerque NM 87104
PHONE/FAX #: (505) 280-3321 (505) 872-0734 (fax)

Contacted the Office of Neighborhood Coordination requesting the contact names for any Recognized Neighborhood Associations affected by their request concerning a Zoning Action or Site Development Plan, etc. at LOT 8 Plat of El Jeral Subdivision

zone map page(s) 11-12.

Our records indicate that as of June 14, 2007 there were no Recognized Neighborhood Associations in this area.

If you have any questions about the information provided, please contact our office at (505) 924-3914 or by fax at 924-3913.

Sincerely,

[Signature]

OFFICE OF NEIGHBORHOOD COORDINATION

planning.norecognized.na.form(07/04)
CURRENT ZONING
Please refer to IDO Section 14-16-2-6(A) for the PD Zone District

PROPOSED ZONING
Please refer to IDO Section 14-16-2-3(A) for the R-A Zone District
APPLICANT INFORMATION
# Development Review Application

**City of Albuquerque**

**DEVELOPMENT REVIEW APPLICATION**

Effective 4/17/19

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**Administrative Decisions**

- [ ] Archaeological Certificate (Form P3)
- [ ] Historic Certificate of Appropriateness – Minor (Form L)
- [ ] Alternative Signage Plan (Form P3)
- [ ] Minor Amendment to Site Plan (Form P3)
- [ ] WTF Approval (Form W1)

**Decisions Requiring a Public Meeting or Hearing**

- [ ] Site Plan - EPC including any Variances - EPC (Form P1)
- [ ] Master Development Plan (Form P1)
- [ ] Historic Certificate of Appropriateness – Major (Form L)
- [ ] Historic Design Standards and Guidelines (Form L)
- [ ] Wireless Telecommunications Facility Waiver (Form W2)

**Policy Decisions**

- [ ] Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
- [ ] Adoption or Amendment of Historic Designation (Form L)
- [ ] Amendment of IDO Text (Form Z)
- [ ] Annexation of Land (Form Z)
- [ ] Amendment to Zoning Map – EPC (Form Z)
- [ ] Amendment to Zoning Map – Council (Form Z)

**Appeals**

- [ ] Decision by EPC, LC, ZHE, or City Staff (Form A)

---

**APPLICATION INFORMATION**

**Applicant:**

- Robert Gutierrez
- Phone: (505) 263-1706
- Email: newton504@gmail.com

**Address:**

- 2114 Matthew Avenue, NW
- Albuquerque, NM 87104

**City:**

- Albuquerque
- State: NM
- Zip: 87104

**Professional/Agent (if any):**

- A.G. Services
- Phone: (505) 702-5077
- Email: gallegosadele@gmail.com

**Address:**

- 5509 Kachina Street NW

**City:**

- Albuquerque
- State: NM
- Zip: 87120

**Proprietary Interest in Site:**

- None

**List all owners:**

- None

---

**BRIEF DESCRIPTION OF REQUEST**

Zone map amendment from PD (Planned Development) to

RA (Residential Agricultural)

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**SITE INFORMATION**

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

- **Lot or Tract No.:** Lot B, El Joral Subdivision
- **Block:**
- **Unit:**
- **Subdivision/Addition:** El Joral Subdivision
- **MRGCD Map No.:**
- **UPC Code:** 101205940397400600
- **Zone Atlas Page(s):** H1R2
- **Existing Zoning:** PD
- **Proposed Zoning:** RA

**# of Existing Lots:**

- 1

**# of Proposed Lots:**

- Total Area of Site (acres): 4.6 acres

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**LOCATION OF PROPERTY BY STREETS**

**Site Address/Street:** N/A

**Between:** Maxmillian St. and: I-40

---

**CASE HISTORY**

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

- Adelle Billy

**Signature:**

- Adelle Billy

**Date:** 11/20/2021

**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@cebg.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? _____ 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 mailed 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 mailed 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: [Signature]
Printed Name: [Adelle Kelly, A.G. Services]
Date: 11/21/2021

FOR OFFICIAL USE ONLY

Project Number: ______
Case Numbers: ______

Staff Signature: ______
Date: ______

Effective 5/17/18
PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 21-148 Date: 08/30/21 Time: N/A (sent via email to)
Address: Montoya Rd NW

AGENCY REPRESENTATIVES
Planning: Catalina Lehner (CLEHNER@cabq.gov) James Aranda (jamaranda@cabq.gov)
Zoning/Code Enforcement: Carl Garcia (cagarcia@cabq.gov)
Fire Marshal: Antonio Chinchilla (achinchilla@cabq.gov) or call 505-924-3611 (if needed)
Transportation: Jeanne Wolfenbarger (jwolfenbarger@cabq.gov)
Hydrology: Ernest Armijo, P.E. (earmijo@cabq.gov)
Solid Waste: Herman Gallegos (hgalllegos@cabq.gov)
Water Authority: David Gutierrez - dkgutierrez@abcwua.org or call 505.289.3307; 505.241.9630

PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!
THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL.
Additional research may be necessary to determine the exact type of application and/or process needed.
Factors unknown at this time and/or thought of as minor could become significant as the case progresses.

REQUEST: Zoning Map Amendment

SITE INFORMATION:
Zone: PD
Size: Approx. 4.6 acres
Use: Planned Development
Overlay zone: N/A
Comp Plan Area of: Consistency
Comp Plan Corridor: N/A
Comp Plan Center: N/A
MPOS or Sensitive Lands: X Flood Zone
Paying: 14-16 5-5
MR Area: Central ABQ
Landscaping: 14-16 5-6
Street Trees: 14-16 5-6(D)(1)

Use Specific Standards: Allowable Uses, Table 4-2-1
Dimensional Standards: PD - As applicable to the most similar use or district as shown in Section 14-16-5-1, unless different standards are approved in the PD approval process.

*Neighborhood Organization/s: West Old Town NA
*This is preliminary information only. Neighborhood Organization information is only accurate when obtained from the Office of Neighborhood Coordination (ONC) at www.cabq.gov/neighborhoods.resources.

PROCESS:
Type of Action: 6-7(G) ZONING MAP AMENDMENT
Review and Approval Body: EPC Is this a PRT requirement? Yes (Table 6-1-1)
NOTES:
See the Integrated Development Ordinance

Download Forms & Applications
https://www.cabq.gov/planning/online-forms

New Public Notice Forms

We have created forms for all email/mailed public notice and for Pre-submittal Neighborhood Meetings. Please complete these forms for public notice:


Records requests
To request a site plan and/or Notice of Decision, please use ABQ Records web page:
https://www.cabq.gov/clerk/public-records
Please include the site's address and the Case Tracking #s (see Zoning Comments) in your request.

Requests to Inspect Public Records
Any person may submit their request to inspect public records to the Office of the City Clerk by clicking on the following link to request records using our ABQ Records portal. https://cabq.nextrequest.com/
This enables us to respond to requests in the order in which they are received. Plus, it's a better way to share large files.

File Submittal
For Administrative Amendments, DRB, EPC, hydrology and traffic submittals, e-mail electronic files to PLNDRS@cabq.gov. For questions about an application submittal or the submittal process itself, please contact Jay Rodenbeck at jrodenbeck@cabq.gov and/or to Maggie Gould at mgould@cabq.gov.

For other questions, please contact the Planning representative at the top of the PRT Notes.

For Building Safety Plan Review, contact Building Safety at 924-3963. Website:
https://www.cabq.gov/planning/building-safety-permits
PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 21-148 Date: 08/30/21 Time: N/A (sent via email)

Address: Montoya Rd NW

Zoning Comments

PRT 21-148

PROPERTY INFORMATION

- Address: 99999 MONTOYA RD NW
- Lot: B Block: 0000
- Subdivision: EL JARAL
- Drainage Area
- Type: Consistency
- Calculated GIS Acres: 4.6449
- IDO Zoning: PD Requesting ZONE change to R-A
- Old Zoning Designation: SU-1
- Old Zoning Description: RA-1/PLANNED DEVELOPMENT AREA (PDA)
- Old Zoning Category: RESIDENTIAL / AGRICULTURAL

CASE HISTORY

- 1005455

APPLICANT'S QUESTIONS

- Contact Development Services to initiate this process; talk to Jay or Maggie 505-924-3994 or 505-924-3880

PROCESS

- 6-7(G) ZONING MAP AMENDMENT – EPC

As always, if you have specific questions pertaining to zoning and/or development standards you are encouraged to reach out to the zoning counter at (505) 924-3857 option 1.

Transportation Development Comments

Please see PDF Attachment

If you would have additional questions or would like to schedule a follow-up Zoom meeting please contact Diego Ewell at dewell@cabq.gov
PRT 21-148(DRB 1005455)

Information for Site Development – Transportation Development
For additional information contact Jeanne Wolfenbarger (924-3991)

General comments below:
Contact Jeanne Wolfenbarger for questions/comments/Discussions.

General Comments below on Residential Unit Development:

Curb Cuts
- Follow DPM guidelines for residential/commercial curb cuts.
- Location of drive with respect to intersection depends on classification of the street.
  (See attached table.) Classification of street is according to the Long Range Master Plan
  developed by MRCOG.
- All existing driveway will need to be current/updated ADA accessible.

Clear Sight Triangle at Access Points and Intersections
- Clear sight triangle (See attached hand-outs.) Nothing opaque should be in the triangle.

Private Site and Parking Lot Design
- Follow DPM and IDO Guidelines for Site and Parking Lot Design. Current ADA standards
  must be followed including required number of handicapped parking spaces and drive
  aisles, ADA access to public right-of-way, and ADA access to on-site buildings.
- See the Traffic Circulation Layout (TCL) Checklist. A TCL is required for any change or
  addition to a building > 500 sq. ft. or if the parking or circulation is changed. (This
  includes a repaving of parking lot.) Drawing must be stamped by a registered engineer
  or architect.
- When developing a parking lot layout, include all dimensioning for construction
  purposes. Also include all curb, curb ramp and signage details.
- Parking Calculations must be provided and per the requirements in the IDO. Number of
  vehicular spaces, motorcycle spaces, and bicycle spaces shall be specified and follow
  IDO requirements.
• Shared access/parking agreement is required if access/parking is shared with parking lot adjacent to site. (This can be established on a plat if submittal of a plat is required or by an agreement.)

• Existing driveways that are not being used are required to be removed and replaced with standard curb and sidewalk to match existing.

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

Platting and Public Infrastructure Requirements for Roadways
• When submitting to DRB, all public roadway improvements that are required shall be shown on an infrastructure list. Public improvements must be included on a public work order set of drawings.

• All public roadway facilities must be within public right-of-way including the entire width of the public sidewalk, all public curb ramps, overhead utilities, traffic signals and lighting, etc.

• Curb and sidewalk are required along entire frontage of property. Follow IDO/DPM for specific width requirements.

• Depending on site’s use of an adjacent alleyway and on type of use for proposed site, alleyway improvements are required. This would include paving and/or proper right-of-way dedication to meet current width standards.

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

• Due to sight distance concerns and to construct sufficient curb ramps, right-of-way dedication is required to add curves to corners of properties at intersections if they are not already developed. See Table 23.3 of the DPM.

• Any private structures that are located within public right-of-way such as fences and walls shall either be removed or else a revocable permit with the City is required in which an annual fee is paid per year, based on square footage of the encroachment.
September 10, 2021

Environmental Planning Commission
c/o City of Albuquerque Planning Department
Plaza Del Sol Bldg.
600 2nd Street NW
Albuquerque, New Mexico 87102

Ref: Lot B, El Jaral Subdivision
Request for Zone Map Amendment
From PD to RA

TO WHOM IT MAY CONCERN:

I am the owner of the vacant 4.6 acre parcel, (Lot B, El Jaral Subdivision), located off of Montoya Road NW between I-40 and Maximillian Road NW. I am hereby authorizing Adella Gallegos, A G Services to act as my agent for the processing of a request for a Zone Map Amendment from PD to R-A for the above noted site.

Please call or direct any concerns with this submittal to Adella Gallegos, A G Services, via email at galleceadela87120@gmail.com, mailing address at 5509 Kachina St. NW, Albuquerque, NM 87120 or by phone (505) 702-5077.

Sincerely,

Robert Gutierrez
West Old Town Neighborhood Association Representatives Effertz & Clarke:

Attached is the "Neighborhood Meeting Request for a Proposed Project in the City of Albuquerque." The owner is requesting a zone map amendment from PD to RA for a 4.3 acre tract of land located on the west side of Montoya Road b/w I-40 and Maximillian Rd. SW. (See attached zone atlas map).
IDO Zone Atlas
May 2018

IDO Zoning information as of May 17, 2011
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).

For more details about the Integrated Development Ordinance visit:
http://www.city.gov/planning/codes-policies-regulations/integrated-development-ordinance
October 20, 2021

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

RE: ZONE MAP AMENDMENT- PD (PLANNED DEVELOPMENT) TO RA (RESIDENTIAL AGRICULTURAL)

A G Services, agent for Robert Gutierrez, respectfully requests your review and approval of a Zone Map Amendment from PD (Planned Development) to RA (Residential Agricultural) for property legally described as Lot B, El Jaral Subdivision, consisting of approximately 4.3 acres. The purpose of this letter is to provide justification for the Applicant’s request for a Zoning Map Amendment by responding to decision criteria specified in the Integrated Development Ordinance (“IDO”) Section 14-16-6-7. The subject site is located on the west side of Montoya Road between Maximillian Road and Interstate 40 (“I-40”). The

Land Use

The property owner, Mr. Gutierrez, is proposing a zone change for the subject site to RA (Residential Agricultural) zone district which is consistent with the surrounding zoning to the east, north and west of the subject site. If approval is given to the owner of this zone map amendment, the owner proposes to possibly subdivide the property to the allowable limits allowed with the RA (Residential Agricultural) zoning.

The subject site located in an “Area of Consistency” as designated by the 2017 Albuquerque/Bernalillo County Comprehensive Plan (“ABC Comp Plan”). The site is not located in any designated Corridors or within any Centers. The properties immediately surrounding the site are predominately zoned RA (Residential Agricultural), specifically on the east, west and north of the subject site. The property adjacent to the south of the subject site is within the Bernalillo County jurisdiction and is vacant and is zoned A-1 (Agricultural). The property within the Bernalillo County jurisdiction is completely surrounded by the Municipal Limits.

The immediate surrounding areas are generally rural/agricultural with minimal residential development and a large amount of vacant undeveloped land. The subject site is vacant and is located on the west side of Montoya Road, directly adjacent to west and south exists A-1 (Agricultural) zoning that appears to be developed a single-family dwelling and within the Bernalillo County jurisdiction; and, to the north and
east exists predominately RA (Residential Agricultural) zoning developed with a minimal amount of residential single-family dwellings.

**Site Zoning & History**

The original zoning of the site was A-1 and was within the Bernalillo County jurisdiction. A request for annexation and establishment of zoning was approved for this site in 2007, establishing SU-1 for RA-1/PDA. At that time a Pre-Annexation Agreement was executed between the City of Albuquerque and the owner. Mr. Gutierrez purchased the subject site and in 2017 submitted a request for site development plan approval for the development of possibly 10 units as called. This request for a Site Development Plan approval ultimately was withdrawn. However, upon adoption of the Integrated Development Ordinance (“IDO”), the zoning established for this parcel was PD (Planned Development) and the surrounding zoning was established as RA (Residential/Agricultural).

**Table of Surround Zoning and Land Use**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RA</td>
<td>1 single family dwelling, I-40 Interchange, vacant land</td>
</tr>
<tr>
<td>East</td>
<td>RA</td>
<td>Minimal number of single-family dwellings and vacant land</td>
</tr>
<tr>
<td>West</td>
<td>A-1</td>
<td>(Bernalillo County Jurisdiction) 1 single family dwelling &amp; vacant land</td>
</tr>
<tr>
<td>South</td>
<td>A-1</td>
<td>(Bernalillo County Jurisdiction) vacant land – Farm – Single Family Dwelling</td>
</tr>
</tbody>
</table>

**Summary of Request**

The applicant is requesting approval of a zone map amendment from PD (Planned Development) to RA (Residential Agricultural) for the subject site. The request RA zone will allow for development of a future subdivision of this site and would have to be developed in accordance with IDO requirements.

This request for a RA (Residential Agricultural) zoning is a downzone from the existing PD (Planned Development) zoning in that the Planned Development zoning would allow for more density and other related uses. PD (Planned Development) zoning allows a number of residential uses, such as a two-family detached (duplex), townhouse, live work, and multi-family (meeting specific IDO criteria) that would not be allowed with the requested RA (Residential/Agricultural) zone. As shown in this justification letter, the applicant believes that the proposed change of zone to RA is more advantageous to the community in that the lot area requirements would be in keeping with the existing RA (Residential/Agricultural) zoned parcels that surround the subject site and that the size lot size requirements would possibly be acceptable to the property owners of the surrounding RA (Residential/Agricultural) zoned parcels.

This request is supported by the Comprehensive Plan goals and policies, is justified, and meets the requirements for a Zone Map Amendment per IDO Section 14-16-6-7(H) because the request is consistent with the health, safety, and general welfare of the city as shown by furthering a preponderance of the applicable Comprehensive Plans and Policies and will continue to promote the development of a quality single-family subdivision that will continue to preserve the rural/agricultural nature of the surrounding neighborhoods with similar large lot sizes and setbacks.

**ZONE MAP AMENDMENT JUSTIFICATION**
This request for a Zone Map Amending complies with the criteria outline in Section 14-16-6-7(H)(3) of the Integrated Development Ordinance (ID)) as follows:

**Criterion 6-7-(H)(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 Albuquerque/Bernalillo County Comprehensive Plan (“ABC Comp Plan”), as amended, and other applicable plans adopted by the City.

**Response:** The proposed zone map amendment is consistent with the health, safety, and general welfare of the city as shown by furthering a preponderance of the applicable Comprehensive Plans and Policies as follows:

**Comprehensive Plan Policies:**

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

**Response:** The request downzone to RA (Residential Agricultural) will limit the number of new uses for development of the site and promote the development of a quality single-family subdivision that will preserve the rural/agricultural nature of the surrounding neighborhoods with similar lot sizes and setbacks. The existing PD (Planned Development) zoning category has more intense uses that would include allowable density requirements different than would be allowed with the requested RA (Residential/Agricultural) zone.

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

**Response:** The request further this policy because a downzone will reinforce the low-density scale and character of the surrounding area, which is primarily for residential and agricultural uses. The proposed RA zone is consistent with the surrounding zoning and general lot size requirements for development under the RA zoning designation.

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

**Response:** This requested zone map amendment furthers this goal by providing housing on vacant land will allow development of housing choice in a community with an existing residential/agricultural character.

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

**Response:** This request for a zone map amendment furthers this policy by providing residential development in an appropriate location that is convenient and accessible to a variety of institutional, educational, and retail commercial uses with nearby activity centers. The area schools are in proximity and the existence of the commercial node at the intersections of Mountain Road, Rio
Grande Boulevard and Central Avenue can provide needed essential uses to the neighboring residential community.

**Sub-policy c):** Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential patterns.

**Response:** This sub-policy is furthered because the proposed RA (Residential Agricultural) zone will be required to meet established development standards consistent with the surrounding community including lot sizes, setbacks, and building heights that would be required under the IDO.

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

**Response:** This zone map amendment request furthers this policy because the proposed RA (Residential Agricultural) zone district facilitates development of the subject site with development that is compatible with the surrounding properties by development of large residential/agricultural lots. The development standards associated with the proposed zoning will ensure future development is compatible in form and scale to the immediate surrounding area through lot size requirements, setbacks, and building height requirements.

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

**Response:** This zone change will further this policy by supporting the development of this site with access to existing infrastructure, including water and sewer. Access to the subject site would be directly off Montoya Road which is a local street on the MRGCOTG Long Range Roadway Systems Map.

**Policy 5.6 City Development Area:** 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.

**Response:** The subject site is located within the City of Albuquerque and Area of Consistency. The zone map amendment from PD to RA reinforces the character and intensity of the surrounding area because this request is consistent with the existing RA (Residential/Agricultural) zoning and single family and agricultural uses surrounding the site. The purpose of the requested RA (Residential/Agricultural) zone is to provide for lower density single family residential and limited agricultural uses generally on large lots. The existing PD (Planned Development) zone includes standards that would not otherwise be required of the applicant that are negotiated on case-by-case basis.

**Policy 5.6.2 Area of Consistency:** Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, Parks and Major Public Open space.

**Response:** This request furthers this policy by continuing to enhance the existing character of the area surrounding the subject site are of a residential/agricultural nature. There are numerous vacant
The parcels and there several single-family dwelling that surround the site are zoned RA (Residential/Agricultural). The rezoning and development of this site will continue to sustain the existing the agricultural/residential character of the area.

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

**Response:** The requested downzone to RA furthers this policy by maintain and enhancing the character of the surrounding area that is predominately residential and agricultural in nature.

Based on the responses to these goals and policies, the request satisfies the requirements of Criterion A for the proposed request of a zone map amendment from PD (Planned Development) to RA (Residential Agricultural). This requested zone map amendment is compatible and consistent with the existing zoning and land uses within the surrounding community.

**Criterion 6-7(H)(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 could clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

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

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

**Response:** The zone map amendment will reinforce the character of the area and will not permit development different than the established character by changing the zoning to RA (Residential Development), which is consistent with the existing zoning directly east and north as well as within the surrounding community.

The requested zone map amendment to RA (Residential Agricultural) reinforces criterion #3 in that this request would be more advantageous to the community as articulated in the ABC plans and policies by continuing to stabilize the residential character and zoning that exist adjacent to the surrounding properties. This request will continue to implement the patterns of land use, development density and connectivity that is associated with RA (Residential Agricultural) zoning category. Although the existing PD (Planned Development) zoning is of a residential in nature, the development density is more intense than what is allowable with the requested RA (Residential Agricultural) zoning category.
**Criterion 6-7(H)(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 demonstrated that the existing is inappropriate because it meets any of the following criteria:

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

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

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

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

**Criterion 6-7(H)(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 this use will adequately mitigate those harmful impacts.

**Response:** None of the permissive uses in the RA (Residential Agricultural) zone will be harmful to the adjacent property, neighborhood, or community. This zone map amendment does not include permissive uses that would be harmful to the adjacent property in that this request is consistent with the zoning adjacent to, surrounding the site and within the general surrounding community. The permissive uses with this request would continue to be consistent with and would continue to maintain the residential zoning and character of the area.

The following Land Use Table identifies residential uses allow with the existing PD (Planned Development) zoning as well as the permissive uses that are allow with the proposed zone map amendment to RA (Residential/Agricultural):  

<table>
<thead>
<tr>
<th>RA (Residential/Agricultural)</th>
<th>PD (Planned Development)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permissive Uses</strong></td>
<td><strong>Use Specific Standards</strong></td>
</tr>
<tr>
<td>Residential Living</td>
<td>Residential Living</td>
</tr>
<tr>
<td>Dwelling - Single family dwelling</td>
<td>Dwelling – Single Family Detached</td>
</tr>
<tr>
<td>Dwelling - Cluster Development</td>
<td>Dwelling – Cluster Development</td>
</tr>
<tr>
<td>Dwelling – Cottage</td>
<td>Dwelling – Cottage Development</td>
</tr>
<tr>
<td></td>
<td>Dwelling – Two Family Detached (Duplex)</td>
</tr>
<tr>
<td></td>
<td>Dwelling – Townhouse</td>
</tr>
<tr>
<td></td>
<td>Dwelling – Live-work</td>
</tr>
<tr>
<td></td>
<td>Dwelling – Multi-family</td>
</tr>
</tbody>
</table>

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

1. Have adequate capacity to serve the development made possible by the change of zone.
2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.

3. Will have adequate capacity the applicant fulfills its obligations under the IDO, the DPM, and/or Infrastructure Agreement (IIA).

4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City Development Agreement between the City and the applicant.

Response:
The subject site meets criterion 1 and 2 above in that the site has adequate capacity to serve the development based on existing infrastructure improvements. It is fully understood that the developer will be responsible for any on-site infrastructure costs that would be required when development is anticipated. The onsite infrastructure required at the time of development of this subject site will bring full connectivity with the development of sidewalks and any other onsite infrastructure that the City requires.

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

Response: The justification for the Zoning Map amendment is not based on the property’s location on a major street, in that the site is located on Montoya Road which is a local street on the MRGCOCG Long Range Roadway Systems Map. The downzoning to RA (Residential Agricultural) from PD (Planned Development) will be compatible with the existing zoning surrounding the site and may be less intense than what is allowable with the existing PD (Planned Development) zone. Further justification is that applicable Goals and Policies of the Comp Plan reveals that this request is consistent with the health, safety, and general welfare of the city.

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

Response: The requested Zone Map Amendment is not completely or predominantly based on the cost of land or economic considerations and are not determining factors for this zone change request. The justification is based on analysis of applicable Goals and Policies of the ABC Comp Plan demonstrated above. The requested downzoning from PD (Planned Development) to RA (Residential Agricultural) is justified based on being more advantageous to the community as articulated by the Comprehensive Plan. The justification for the requested RA (Residential Agricultural) zone is based predominantly on the RA (Residential Agricultural) zone being more appropriate and in line with the existing zoning adjacent to, as well as the zoning of, the overall surrounding community. Under the existing PD (Planned Development) zone density may differ in the number of allowable lots based on specific criteria being meet under the specific use for a planning residential development.
Criterion 6-7-(H)(3)(h): The zone change does not apply a zone district different from surrounding zone district to one small 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 of the following applies:

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

2. The subject property is not suitable for 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 uses allowed in any adjacent zone.

Response
The request Zone Map Amendment to RA(Residential Agricultural) is consistent with the existing surrounding zoning, so it cannot be considered a spot zone. This request does not apply a zone district different from the surrounding zone district and would not create a zone district spot and/or strip zone. This request clearly facilitates realization of the Comprehensive Plan goals and policies related appropriate uses and development in Areas of Consistency.

NEIGHBORHOOD COORDINATION
The West Old Town Neighborhood Association was notified of this request on September 10, 2021. Shortly after the email was sent out to the West Old Town Neighborhood Association Representatives, I received calls from both representatives inquiring about the request for a Zone Map Amendment, but no meeting was requested. I have also meet on site with several the adjoining residents that were interested in the owners plans for development.

Conclusion:
This request of a downzone to RA (Residential/Agricultural) zoning is justified by being more advantageous to the community by furthering the goals and policies of the Comprehensive Plan and continuing to stabilize the residential/agricultural zoning of the surrounding area. This request would downzone the site to RA (Residential/Agricultural) thereby eliminating the possibilities that may arise from approval of a Planned Residential Development that would differ in density requirements than the standard density requirements under the RA (Residential/Agricultural) zone district. This request for approximately 4.3 acres in an Area of Consistency would allow future development to occur that would be in keeping with the existing character of the area. Future development of this site would be subject to the RA (Residential Agricultural) zone and subject to IDO requirements that would ensure proper development to occur.

This request would not have any negative effects on the surrounding community or its’ residents. For the above stated reasons, we respectfully request that the Environmental Planning Commission approve this request for a zone map amendment from PD (Planned Development) to RA (Residential Agricultural) as defined and regulated by the City of Albuquerque Integrated Development Ordinance. We believe this request is appropriate as it relates to the existing land uses in the neighborhood. As previously stated,
approval of this request supports the goals and policies of the ABC Comp Plan, as amended, IDO and related City Plans and policies.

Thank you for your consideration of this request.

Respectfully

Adella Gallegos
A G Services
STAFF INFORMATION
November, 2021

TO: Adella Gallegos, AG Services
FROM: Leroy Duarte, Current Planner
Megan Jones, Current Planner
City of Albuquerque Planning Department
TEL: (505) 924-3935
RE: Project #2021-006202/RZ-2021-00050, El Jaral Zone Change

I’ve completed a first review of the proposed zoning map amendment (zone change). I have a few questions and some suggestions regarding the justification. I am available to answer questions about the process and requirements. Please provide the following:

⇒ A revised zoning change justification letter pursuant to the zone change criteria (one copy) by:

12 pm on Wednesday, November 24, 2021.

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

1) Introduction:
A. Though I’ve done my best for this review, additional items may arise as the case progresses. If so, I will inform you immediately.

B. This is what I have for the legal description: A.G. Services, agent for Robert Gutierrez, requests a zone map amendment from PD to R-A for all or a portion of Lot B of El Jaral Subdivision together with Tract 303-A MRGCD Map #35 Located on Montoya Rd. NW, between Maximillian Rd. NW and I-40, approximately 4.6 acres (H-12-Z). Is this correct?

C. Have you done any additional background research on the subject site? If not, can you please provide a more detailed History section for the subject site in your Justification Letter. Contact Geraldine Delgado, File Room Coordinator for assistance at 505-924-3662 or gdelgado@cabq.gov

D. Please elaborate with what you are proposing. Zone map amendment to abandon previous zoning and adopt new IDO standards.

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

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

B. Timelines and EPC calendar: the EPC public hearing for December is the 16th. Final staff reports will be available one week prior, on December 9th.
C. Note that, if a zone change request is denied, you cannot reapply again for one year.

D. Agency comments will be distributed as staff receives them. I will email you a copy of the comments.

3) Notification & Neighborhood Issues:

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

A. It appears that notification offering the pre-application facilitated meeting is complete.

B. It looks like a pre-application facilitated meeting was not requested. Is that correct? Did anyone respond and say “no thanks”?

D. The notification to property owners also appears complete. Thank you for providing photos of the envelopes. Please provide the list of neighborhood associations and residents within 100 feet of the subject property from the Office of Neighborhood Coordination (ONC).

E. The sign posting agreement specifies the sign posting period as December 1 to December 31, 2021.

F. Have any neighborhood representatives or members of the public contacted you so far?

4) Project Letter:

A. Please elaborate with what you are proposing. Zone map amendment to abandon previous zoning and adopt new IDO standards.

B. Please be concise and eliminate repetitiveness in the intro and surrounding land uses and zoning.

C. Organize Justification letter- through bold titles and criterion. (see examples on provided link)

D. Please add more policies that align with zone map request. Two policies is not sufficient enough for a zone map amendment. Please look through the ABC Comp Plan and pick all policies that apply.

E. Please elaborate on goals and policy explanations, be as detailed as you can possibly be.

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

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

A. The task in a zone change justification is to choose applicable Goals and policies from the Comprehensive Plan and demonstrate how the request furthers (makes a reality) each applicable Goal and policy. Furthering is shown by providing explanations using “because” statements and tailoring the response to match the wording of the Goal or policy.
B. Please note:

C. 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 the customary way (see examples).
   ii. using conclusory statements such as “because________”.
   iii. re-phrasing the requirement itself in the response, and
   iv. choosing an option when needed to respond to a requirement.

D. Add more policies and goals that align with the request.

E. Version 1 (v.1, October 20, 2021) of the zone change justification is a good start, but a strengthened and expanded policy analysis is needed to fulfill Criterion A. The responses to Criterion D, E, F, and Criterion H are currently not meeting the requirement and also need to be strengthened.

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.

A. **Criterion A (strengthen):**

   Based on this writing at this time, the proposed zone change is not adequately justified. This is primarily because the spot zone criterion (H) states that a spot zone must “clearly facilitate” applicable Comprehensive Plan Goals and policies and the analysis in the response to Criterion A does not show that.

   • Generally, if you cite a policy, the Goal on top of it (which is more general) most always applies. Please keep this in mind and add some Goal(s) to the citations.

   • In each response to the Goals and policies, please strengthen the connection between the citation and the request. Think about how the request furthers X policy “because” or explain “why” it does.

   • To ensure a tight connection between the citation and the request, try using some of the words from the cited Goal and policy in the response. For example, in the response to Policy 5.3.1, add a “because” after the statement “The request furthers this policy because” and use some of the words in the policy, rather than go right into an explanation without first having tied the two together.

   • Please include a conclusory statement regarding the entirety of Criterion A. The one provided is not sufficient enough.

B. **Criterion B: Strengthen**

   • Elaborate on explanation. Give explanations and be as detailed as possible.

C. **Criterion C: Sufficient**
D. **Criterion D (re-do):** Criterion D is answered by providing a table of uses that would become permissive in the RA zone that are not already permissive under the current zoning. After the table, a discussion of each newly permissive use, and mitigation of any harmful impacts, follows. Please refer to examples online to see recent responses: (although this is a downzone new uses will not be applicable)


E. **Criterion E (re-do):** Explain that the request meets criteria 1 & 3. Rephrase the requirement in the response.

F. **Criterion F (re-do and be precise):** The response does not answer the question regarding “not completely based on the property’s location on a major street” list specific applicable goals and policies that further the response.

G. **Criterion G:** OK

H. **Criterion H (re-do and be precise):** Would the request result in a spot zone? Why or why not? How is a spot zone defined? Elaborate be as detailed as possible.

Conclusion: Give brief summary based on policy analysis and responses for criterion.
NOTIFICATION
Neighborhood Meeting Request
for a Proposed Project in the City of Albuquerque

Date of Request*:  September 15, 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)*:  West Old Town Neighborhood Association

Name of NA Representative*:  Gil Clarke

Email Address* or Mailing Address* of NA Representative:  gil.clarke45@comcast.net

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:  galegosadella87120@gmail.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:
  September 30, 2021 @ 10:00 am @ virtual

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

1.  Subject Property Address*  no address assigned
    Location Description  Lot B, Plat of El Jeral Subdivision

2.  Property Owner*  Robert Gutierrez

3.  Agent/Applicant* [if applicable]  Adella Gallegos, A G Services

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/request³:

________________________________________________________________________

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 found⁴:

________________________________________________________________________

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

1. Zone Atlas Page(s)⁵ H-12

2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the
proposed application, as relevant*: Attached to notice or provided via website noted above

3. The following exceptions to IDO standards will be requested for this project*:

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

Explanation:

________________________________________________________________________

________________________________________________________________________

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

---

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

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

⁵ Available online here: http://data.cabq.gov/business/zoneatlas/
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] 4.3 acres
   b. IDO Zone District
   c. Overlay Zone(s) [if applicable]
   d. Center or Corridor Area [if applicable]

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

Date of Request*: September 15, 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)*: West Old Town Neighborhood Association

Name of NA Representative*: Glen Effertz

Email Address* or Mailing Address* of NA Representative1: gteffertz@gmail.com

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: gallegosadella87120@gmail.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:
  September 29, 2021 @ 10:00 a.m. @ virtual

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

1. Subject Property Address* __ no address assigned __ Location Description Lot B, Plat of El Jeral, w/ Tract 303A, MRGCD MAP #35s

2. Property Owner* __ Robert Gutierrez __

3. Agent/Applicant* [if applicable] Adella Gallegos, A G Services

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:

Requesting a zone map amendment from PD to RA

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*:

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

1. Zone Atlas Page(s)*

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)

Explanations:

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.cabo.gov/business/zoneatlas/
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] ________________________________
   b. IDO Zone District ________________________________
   c. Overlay Zone(s) [if applicable] ________________________________
   d. Center or Corridor Area [if applicable] ________________________________

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

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://tinyurl.com/idozoningmap

CABQ Planning Dept. 3 Printed 11/1/2020

Neighborhood Meeting Request Form
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.

<table>
<thead>
<tr>
<th>Association Name</th>
<th>First Name</th>
<th>Last Name</th>
<th>Email</th>
<th>Address Line 1</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Old Town NA</td>
<td>Glen</td>
<td>Effertz</td>
<td><a href="mailto:gteffertz@gmail.com">gteffertz@gmail.com</a></td>
<td>2918 Mountain Road NW</td>
<td>Albuquerque</td>
<td>NM</td>
<td>87104</td>
<td>5059800964</td>
</tr>
<tr>
<td>West Old Town NA</td>
<td>Gil</td>
<td>Clarke</td>
<td><a href="mailto:g.clarke45@comcast.net">g.clarke45@comcast.net</a></td>
<td>2630 Aloysia Lane NW</td>
<td>Albuquerque</td>
<td>NM</td>
<td>87104</td>
<td>5058426620</td>
</tr>
</tbody>
</table>

**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.abe-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
October 20, 2021

Gii Clarke
West Old Town Neighborhood Association
2630 Aloysia Lane NW
Albuquerque, New Mexico 87104

Glen Effertz
West Old Town Neighborhood Association
2918 Mountain Road NW
Albuquerque, New Mexico 87104

Ref: Lot B, El Jaral Subdivision

Dear Neighborhood Association Representatives:

This correspondence is to notify you of a forthcoming City Application submittal for a zone map amendment request and to inform you of the date, time, and place of the public hearing. The property owner is requesting approval for a zone map amendment from PD (Planned Development) to RA (Rural and Agricultural) zoning for a 4.6 acre parcel. This site is located on the west side of Montoya Road between I-40 and Maximillian Road NW. Enclosed with this letter is the official City form with the public hearing date, time, and location, and Zone Atlas page H-12.

This request seems appropriate, is consistent with the existing zoning adjacent to the site, and with the permissive uses allowed with this request. Because the requested zone map amendment is of a residential nature, if approved, it will continue to be in keeping with the residential character of the adjoining properties and surrounding community.

Should you have any questions, please do not hesitate to contact me at (505) 702-5077 or by email gallegosadella87120@gmail.com.

Sincerely,

[Signature]
Adella Gallegos
AG Services
5509 Kachina Street, NW
Albuquerque, NM 87120

Attachments (2): Zone Atlas Page H-12
Public Notice Form
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>DIMAS EDDIE J &amp; YVONNE R</td>
<td>1118 MONTOYA ST NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104-1915</td>
</tr>
<tr>
<td>PACHECO FIDEL E</td>
<td>2808 NICOLAS RD NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104-2744</td>
</tr>
<tr>
<td>BACA WILLIAM JOEPH</td>
<td>435 60TH ST NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87105</td>
</tr>
<tr>
<td>LEYBA MICHAEL</td>
<td>5308 BANDELIER DR NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87114</td>
</tr>
<tr>
<td>ROBERT GUTIERREZ INVESTMENT CO LLC</td>
<td>804 LEAD AVE SW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87102-3055</td>
</tr>
<tr>
<td>LLR DEVELOPMENT LC C/O LILLY BARRACK INC</td>
<td>1000 GABALDON RD NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104-1811</td>
</tr>
<tr>
<td>PACHECO FIDEL E &amp; PATSY D</td>
<td>2808 NICOLAS RD NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104</td>
</tr>
<tr>
<td>GALDON WAYNE J &amp; RITA C</td>
<td>PO BOX 7068</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87194</td>
</tr>
<tr>
<td>HALBERT CHRISTINA G</td>
<td>1115 MONTOYA ST NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104-1914</td>
</tr>
<tr>
<td>DIMAS LINDA A</td>
<td>1116 MONTOYA RD NW B</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104-1915</td>
</tr>
<tr>
<td>CARRILLO RICHARD P &amp; JANIE</td>
<td>236 LEATHERWOOD CIR</td>
<td>LEESVILLE</td>
<td>LA</td>
<td>71446-9075</td>
</tr>
<tr>
<td>SMESTAD GREGORY ALLEN &amp; SHERRY JEANNE</td>
<td>905 GREEN ACRES PL NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104-1931</td>
</tr>
<tr>
<td>PERRY JERRY G TRUSTEE PERRY RVLT ATTN: JERRY T PERRY</td>
<td>5220 POWERS WAY RD SW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87121</td>
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<tr>
<td>HALBERT MERLE T &amp; CHRISTINA G</td>
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<td>NM</td>
<td>87104-1914</td>
</tr>
<tr>
<td>AYALA MARY ELAINE</td>
<td>235 LUNA AVE</td>
<td>LOS LUNAS</td>
<td>NM</td>
<td>87031</td>
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<tr>
<td>BARELA CHRISTOPHER J &amp; DIMAS-BARELA ONGELINA M</td>
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<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104-1915</td>
</tr>
<tr>
<td>JARAMILLO FREDDY &amp; NICOLE</td>
<td>1113 MONTOYA ST NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104-1969</td>
</tr>
<tr>
<td>BACA PRENTICE ALVIN</td>
<td>1016 MONTOYA RD NW</td>
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<td>NM</td>
<td>87104</td>
</tr>
<tr>
<td>TONNING WAYLAND &amp; THORNE LINDA H</td>
<td>949 MONTOYA RD NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104</td>
</tr>
<tr>
<td>RAMIREZ LORENZO &amp; CATHY</td>
<td>1102 MONTOYA RD NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104-1915</td>
</tr>
<tr>
<td>PACHECO FIDEL E &amp; PATSY D</td>
<td>2808 NICOLAS RD NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104</td>
</tr>
<tr>
<td>THORNE LINDA H</td>
<td>949 MONTOYA RD NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104</td>
</tr>
<tr>
<td>GARCIA FARMS LLC C/O EDWARD T GARCIA</td>
<td>PO BOX 26207</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87125-6207</td>
</tr>
<tr>
<td>SANCHEZ MAX W</td>
<td>945 MONTOYA RD NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104</td>
</tr>
<tr>
<td>NEW MEXICO STATE HIGHWAY &amp; TRANSPORTATION DEPT</td>
<td>PO BOX 1149</td>
<td>SANTA FE</td>
<td>NM</td>
<td>87504-1149</td>
</tr>
<tr>
<td>RAMIREZ LORENZO &amp; CATHY</td>
<td>1102 MONTOYA RD NW</td>
<td>ALBUQUERQUE</td>
<td>NM</td>
<td>87104-1915</td>
</tr>
</tbody>
</table>
October 20, 2021

Christopher J. Barela &
Angelina M. Dimas-Barela
1116A Montoya Rd. NW
Albuquerque, NM  87104-1915

Ref: Lot B, El Jaral Subdivision

Dear Mr. & Ms. Barela:

This correspondence is to notify you of a forthcoming City Application submittal for a zone map amendment request and to inform you of the date, time, and place of the public hearing. The property owner is requesting approval for a zone map amendment from PD (Planned Development) to RA (Rural and Agricultural) zoning for a 4.6 acre parcel. This site is located on the west side of Montoya Road between I-40 and Maximilian Road NW. Enclosed with this letter is the official City form with the public hearing date, time, and location, and Zone Atlas page H-12.

This request seems appropriate, is consistent with the existing zoning adjacent to the site, and with the permissive uses allowed with this request. Because the requested zone map amendment is of a residential nature, if approved, it will continue to be in keeping with the residential character of the adjoining properties and surrounding community.

Should you have any questions, please do not hesitate to contact me at (505) 702-5077 or by email gallegosadella87120@gmail.com.

Sincerely,

Adella Gallegos
AG Services
5509 Kachina Street, NW
Albuquerque, NM  87120

Attachments (2):  Zone Atlas Page H-12
                  Public Notice Form
MEETING REPORT
Leroy,

Since the submittal of the Zone Map Amendment application, I have had a couple of meetings with the neighboring residents that reside along the subject site, specifically along Montoya Road.

The first meeting was on November 29, 2021 at the Farm, Wayland Tonning & Linda Thorne's residence, 949 Montoya Rd. NW. The following residents were in attendance: Linda Dimas, Linda Thorne, Wayland Tonning, Wayne Goldony, and Nichole Jaramillo. They asked about the zoning designation, i.e. density, etc. and were interested in Mr. Robert Gutierrez’s, property owner, intentions for development of the site and possible submittal of a written communication from Mr. Gutierrez noting his intentions. Mr. Gutierrez submitted a letter to the Montoya Road Residents (see attached - previously sent via email), noted some history and his intentions of possibly submitting for a minor subdivision. They invited the owner and myself to attend a scheduled meeting they were holding for the Montoya Road residents on December 2, 2021, again, at the 949 Montoya Rd. NW.

On December 2, 2021 I meet with the area residents (approximately 25-30 residents) at the Farm, 949 Montoya Road. The letter Mr. Gutierrez provided was presented to the area residents. However, they were concerned that the letter did not specifically address the site plan layout for the site and the density. Another concern raised was the area square footage requirement of 10,890 square feet per lot for RA (Residential/Agricultural) zoning could allow for more lots than what would be allowed with the existing PD (Planned Development) designated zone. I reiterated Mr. Gutierrez’s intentions of a minor subdivision submittal; however, they wanted further clarification from Mr. Gutierrez on the proposed development of the site, i.e site plan. A deferral of this case was suggested and a petition for this deferral request was circulated among the residents at the meeting.

I spoke to Mr. Gutierrez, owner, and he would like to move forward with this request.
LETTERS
Montoya Neighborhood Association,

Re: Lot B, El Jaral Subdivision
    Montoya Rd. NW.
    Albuquerque, NM, 87102

We are seeking to change the current zoning of SU-PD, which is an agreement with the City of Albuquerque for a planned development with up to 10 Lots as long as the requirements are met to the current zoning of R1 (Residential). Because of the IDO changes in 2018 the City required that we resubmit with the neighborhood associations which we did and at the meeting the neighborhood association requested that we adhere to the current zoning instead of the SU-PD zoning which is what we are doing now. We are concerned and trying to make the neighborhood maintain it's current look and do not want to make the area look over developed. We will be submitting for a minor subdivision with the City of Albuquerque.

[Signature]
Robert Gutierrez
Robert Gutierrez Investments LLC.
Hello Megan and Leroy, Yes, received - again thank you for taking the time to visit with me on this matter I really appreciate it. I will email a summary of yesterday’s dissuasions I had with you both as you requested. I will also send a petition signed by about 30 neighbors requesting a deferral pending more clarification.

I have an additional request: I learned from the current application that the West Old Town Neighborhood Association declined to request a City Planner facilitated meeting on the matter at hand back in September. A meeting where the planning process would be explained and where questions could be asked of the neutral City Planning Department would go a long way in smoothing this process. I don’t know why the “Official” neighborhood association did not request a meeting. They should have.

My request: I am asking on behalf of the interested parties (we had about 30 people showing interest in information on this zone change request at a barn meeting on 12/02/2021) that a City Planning facilitated meeting where the process is explained and questions on the process can be asked, be held before the EPC conducts a hearing on this matter.

Please email me with your thoughts and any additional questions.

Sincerely, Gregory Smestad - neighborhood spokesperson

On Dec 7, 2021, at 10:21 AM, Jones, Megan D. <mdjones@cabq.gov> wrote:

Good morning,

Please find the 2 applications for the El Jaral subdivision (PR 1005455) attached. They are both from 2007 and includes all letters from the Neighborhood Association, the Project Letter, Staff Reports, and Notice of Decision from the EPC.

Please let me or Leroy know that you received this and if you have any further questions.

<image001.jpg>

Megan Jones
Current Planner
0 505.924.3352
e mdjones@cabq.gov
cabq.gov/planning

<EPC ZMA-PR1005455 July 2007.PDF><EPC ZMA PR 1005455 application.PDF>
Ms. Jones,

No, I am not going to provide a separate letter to the EPC chair requesting a facilitated meeting. My agreement with the neighbors from the barn meeting is to deliver the petition to the EPC meeting requesting a deferral on this matter. That I will do. Any further action regarding this zone change and its implications will need to come out of a consensus of the stake holders. Perhaps there will be an opportunity in the future for a facilitated meeting between planners and neighbors? I believe that would be a positive proactive step in the right direction for this community.

I want to thank you and your colleagues for the welcome assistance you have provided me. If you have any further questions or need more information please don’t hesitate to ask.

Sincerely, Gregory Smestad

On Dec 8, 2021, at 10:39 AM, Jones, Megan D. <mdjones@cabq.gov> wrote:

Good morning Mr. Smestad,

Thank you for providing the below summary and petition, it will be included in our staff report. Are you going to be providing a separate letter that you would like send to the EPC chair?

Thank you,

Megan Jones
Current Planner
do 505.924.3352
e mdjones@cabq.gov
cabq.gov/planning
As per your request, this is a summary of discussions between myself, you and Mr. Lozoya in person and with Mr. Duarte by telephone. I am also attaching a copy of the petition to present at the 12/16/2021 EPC Zoom meeting.

On 12/06/2021 I walked into the planning office without an appointment to ask a few questions pertaining to application #2021-006202.

As IVolunteered at a neighborhood barn meeting to present a petition requesting a deferral on the above matter, I had questions on how to proceed in that capacity. I also needed more information on the zone change request to round out my knowledge. After being introduced to Ms. Jones and Mr. Lozoya, I introduced myself and proceeded to ask a number of questions.

1) I requested a copy of the current zone change Application - Ms. Jones affirmed she would supply a copy - she did that morning.

2) I requested a copy of a zone change request and action taken on the same property in 2007 - Ms. Jones affirmed she would supply a copy - she emailed me a copy today.

3) I inquired if the Planning Department was planning to hold a study session on this matter - I was informed no.

4)I asked how and when to submit written material to present at the 12/16 EPC hearing - Ms. Jones gave me clear instructions.

5) lastly I ask how to register to participate in the EPC Zoom hearing on 12/16 - Ms. Jones and Mr. Lozoya told me to just log in.

I then proceeded to tell Ms. Jones and Mr. Lozoya why the Neighborhood residents (about 30 in number) were requesting a deferral: At the barn meeting on 12/02 the majority of the residents expressed that they needed ‘clarification of numerous issues pertaining to density’. In other words, they simply did not have enough information about the implications of a zone change from PD to RA to form an opinion as to what was best for the character of the neighborhood. There was nobody to explain the zone change process, how the IDO applied to this matter, what the potential permissible development options were with PD versus RA. So rather than just being opposed to the change request they believe with clarification they could form an informed opinion in a proactive manner. I also pointed out apparent errors in the 12/16 meeting agenda that further confused and complicated the issue. These errors are actually enough of a reason to defer the matter until they are cleared up and the residents are made aware of the correction.

Sincerely, Gregory Smestad
On Dec 7, 2021, at 1:34 PM, Jones, Megan D. <mdjones@cabq.gov> wrote:

Mr. Smestad,

Please provide us with a summary of yesterday’s discussion and the petition by end of day today, so that we can include it in our Staff Report to be posted this Thursday December 9th.

Thank you for your feedback about the facilitated meeting. Unfortunately, a facilitated meeting shall be requested no more than 10 days after any public notice has been provided as required pursuant to Table 6-1-1 in the IDO. The direction that I can give you is to write a formal letter to EPC Chair, Timothy MacEachen, formally requesting your deferral (30, 60, or 90 days) in order to have a facilitated meeting to gather more information regarding this request. You should include a summary of why you are requesting this, the petition, and any letters as attachments in this letter.

Please send us this letter by tomorrow so that we can get it to the commission for next week’s hearing.

At the meeting, you will also need to speak on this matter requesting the deferral in order to have a facilitated meeting.

You can find more information about the EPC, including the ZOOM information, here: https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission

Please let us know if you need any clarification. Thank you,

Megan Jones
Current Planner
o 505.924.3352
e mdjones@cabq.gov
Hello Megan and Leroy, Yes, received - again thank you for taking the time to visit with me on this matter I really appreciate it. I will email a summary of yesterday’s dissuasions I had with you both as you requested. I will also send a petition signed by about 30 neighbors requesting a deferral pending more clarification.

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Please let me or Leroy know that you received this and if you have any further questions.

Megan Jones  
Current Planner  
o 505.924.3352  
e mdjones@cabq.gov  
cabq.gov/planning

<EPC ZMA-PR1005455 July 2007.PDF><EPC ZMA PR 1005455 application.PDF>
Good morning Mr. Smestad,

Thank you for providing the below summary and petition, it will be included in our staff report. Are you going to be providing a separate letter that you would like send to the EPC chair?

Thank you,

Megan Jones
Current Planner
o 505.924.3352
e mdjones@cabq.gov
cabq.gov/planning

From: Gregory Smestad <gsmestad@runbox.com>
Sent: Tuesday, December 7, 2021 4:17 PM
To: Jones, Megan D. <mdjones@cabq.gov>
Cc: Duarte, Leroy D. <lduarte@cabq.gov>; Lehner, Catalina L. <CLehner@cabq.gov>
Subject: Re: 2007 EPC Applications #2021-006202

Dear Ms. Jones,

As per your request, this is a summary of discussions between myself, you and Mr. Lozoya in person and with Mr. Duarte by telephone. I am also attaching a copy of the petition to present at the 12/16/2021 EPC Zoom meeting.

On 12/06/2021 I walked into the planning office without an appointment to ask a few questions pertaining to application #2021-006202.

As I Volunteered at a neighborhood barn meeting to present a petition requesting a deferral on the above matter, I had questions on how to proceed in that capacity. I also needed more information on the zone change request to round out my knowledge. After being introduced to Ms. Jones and Mr. Lozoya, I introduced myself and proceeded to ask a number of questions.

1) I requested a copy of the current zone change Application - Ms. Jones affirmed she would supply a copy - she did that morning.

2) I requested a copy of a zone change request and action taken on the same property in 2007 - Ms.
Jones affirmed she would supply a copy - she emailed me a copy today.

3) I inquired if the Planning Department was planning to hold a study session on this matter - I was informed no.

4) I asked how and when to submit written material to present at the 12/16 EPC hearing - Ms. Jones gave me clear instructions.

5) Lastly I ask how to register to participate in the EPC Zoom hearing on 12/16 - Ms. Jones and Mr. Lozoya told me to just log in.

I then proceeded to tell Ms. Jones and Mr. Lozoya why the Neighborhood residents (about 30 in number) were requesting a deferral: At the barn meeting on 12/02 the majority of the residents expressed that they needed ‘clarification of numerous issues pertaining to density’. In other words, they simply did not have enough information about the implications of a zone change from PD to RA to form an opinion as to what was best for the character of the neighborhood. There was nobody to explain the zone change process, how the IDO applied to this matter, what the potential permissible development options were with PD versus RA. So rather than just being opposed to the change request they believe with clarification they could form an informed opinion in a proactive manner. I also pointed out apparent errors in the 12/16 meeting agenda that further confused and complicated the issue. These errors are actually enough of a reason to defer the matter until they are cleared up and the residents are made aware of the correction.

Sincerely, Gregory Smestad
SUBJECT:

We, the neighbors of the property in question at Montoya Rd NW are respectfully asking for a deferral of agenda item pending clarification of numerous issues pertaining to density.

Linda Thomas 919 Montoya
Lena Z. Lawrence 520 Montoya
Mary Tanaka 8131 Maximilian
Rayland Mayne 1220 Maximilian
George West 294 Maximilian NW
Morgan and Ron Jones 455 Montoya NW

Joe Formele 2304 Maximilian SW
CHRISTINA HOBERT 1115 Montoya NW

Mary Beatt 2833 Maximilian Rd NW
Cindy Smith 2993 Maximilian Rd NW
SUBJECT

Emam, Stanley 922 Montgomery NW
Laura, Garett 2911 Montgomery Dr NW
James, Rushman 945 Tux St

(Max, ex. Mayor, Museum - 912 1.)

Phyllis, Larson 932 Montgomery St NW
Judy, Bay, Noy 1102 Montgomery Rd

Joan, Ramrung 1102 Montgomery Rd

Gay, Cheek, President, LIOTNA

Ernest, Reeder 820 Montgomery Pl

Isca, Jered 1146 NW Manoa 87104

Sherry, Smestad 905 Green Acres Pl NW

Linda, Dimas, NW 1146 B Montgomery 87104

Edward, Dan, NW 118 Montgomery 87104

Diana, Smestad 87104

Arthur, Ramsey 1162 Montgomery Pl 87104

Wayne, Galley 944 Montgomery St NW 87104

Ray, Dimas 1130 Montgomery St NW 87104

Chad, Angel, Dr 11116 Montgomery

Kay, Kolen, For Camille Mohler, 87104

Karen, Smey 2913 Montgomery

Joe, Mann 2761 Mountain NW 87104
On Dec 7, 2021, at 1:34 PM, Jones, Megan D. <mdjones@cabq.gov> wrote:

Mr. Smestad,

Please provide us with a summary of yesterday’s discussion and the petition by end of day today, so that we can include it in our Staff Report to be posted this Thursday December 9th.

Thank you for your feedback about the facilitated meeting. Unfortunately, A facilitated meeting shall be requested no more than 10 days after any public notice has been provided as required pursuant to Table 6-1-1 in the IDO. The direction that I can give you is to write a formal letter to EPC Chair, Timothy MacEachen, formally requesting your deferral (30, 60, or 90 days) in order to have a facilitated meeting to gather more information regarding this request. You should include a summary of why you are requesting this, the petition, and any letters as attachments in this letter.

Please send us this letter by tomorrow so that we can get it to the commission for next week’s hearing.

At the meeting, you will also need to speak on this matter requesting the deferral in order
to have a facilitated meeting.

You can find more information about the EPC, including the ZOOM information, here: https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission

Please let us know if you need any clarification. Thank you,

Megan Jones
Current Planner
505.924.3352
mdjones@cabq.gov
cabq.gov/planning

From: Gregory Smestad <gsmestad@runbox.com>
Sent: Tuesday, December 7, 2021 11:15 AM
To: Jones, Megan D. <mdjones@cabq.gov>
Cc: Duarte, Leroy D. <lduarte@cabq.gov>
Subject: Re: 2007 EPC Applications #2021-006202

Hello Megan and Leroy, Yes, received - again thank you for taking the time to visit with me on this matter I really appreciate it. I will email a summary of yesterday’s dissuasions I had with you both as you requested. I will also send a petition signed by about 30 neighbors requesting a deferral pending more clarification.

I have an additional request: I learned from the current application that the West Old Town Neighborhood Association declined to request a City Planner facilitated meeting on the matter at hand back in September. A meeting where the planning process would be explained and where questions could be asked of the neutral City Planning Department would go a long way in smoothing this process. I don’t know why the “Official” neighborhood association did not request a meeting. They should have.

My request: I am asking on behalf of the interested parties (we had about 30 people showing interest in information on this zone change request at a barn meeting on 12/02/2021) that a City Planning facilitated meeting where the process is explained and questions on the process can be asked, be held before the EPC conducts a hearing on this matter.

Please email me with your thoughts and any additional questions.

Sincerely, Gregory Smestad - neighborhood spokesperson

On Dec 7, 2021, at 10:21 AM, Jones, Megan D. <mdjones@cabq.gov> wrote:
Good morning,

Please find the 2 applications for the El Jaral subdivision (PR 1005455) attached. They are both from 2007 and includes all letters from the Neighborhood Association, the Project Letter, Staff Reports, and Notice of Decision from the EPC.

Please let me or Leroy know that you received this and if you have any further questions.

Megan Jones
Current Planner
o 505.924.3352
e mdjones@cabq.gov
cabq.gov/planning

<EPC ZMA-PR1005455 July 2007.PDF><EPC ZMA PR 1005455 application.PDF>