



## **Environmental Planning Commission**

### **Staff Report**

**Agenda Number: 1**  
**Project #: PR-2021-006202**  
**Case #: RZ-2021-00050**  
**Hearing Date: December 16, 2021**

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

### **Staff Recommendation**

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

**STAFF PLANNERS**  
*Leroy Duarte, Planner*  
*Megan Jones, Planner*

### **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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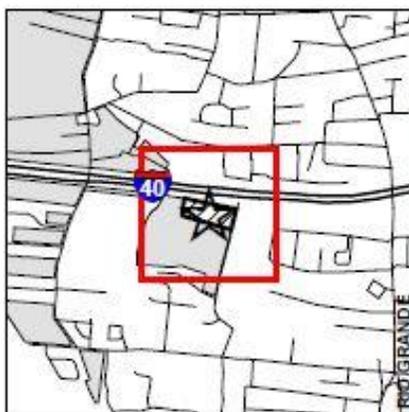
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**LAND USE MAP**

Note: Gray shading indicates County.

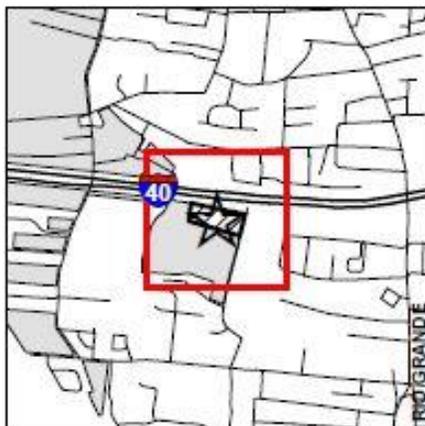
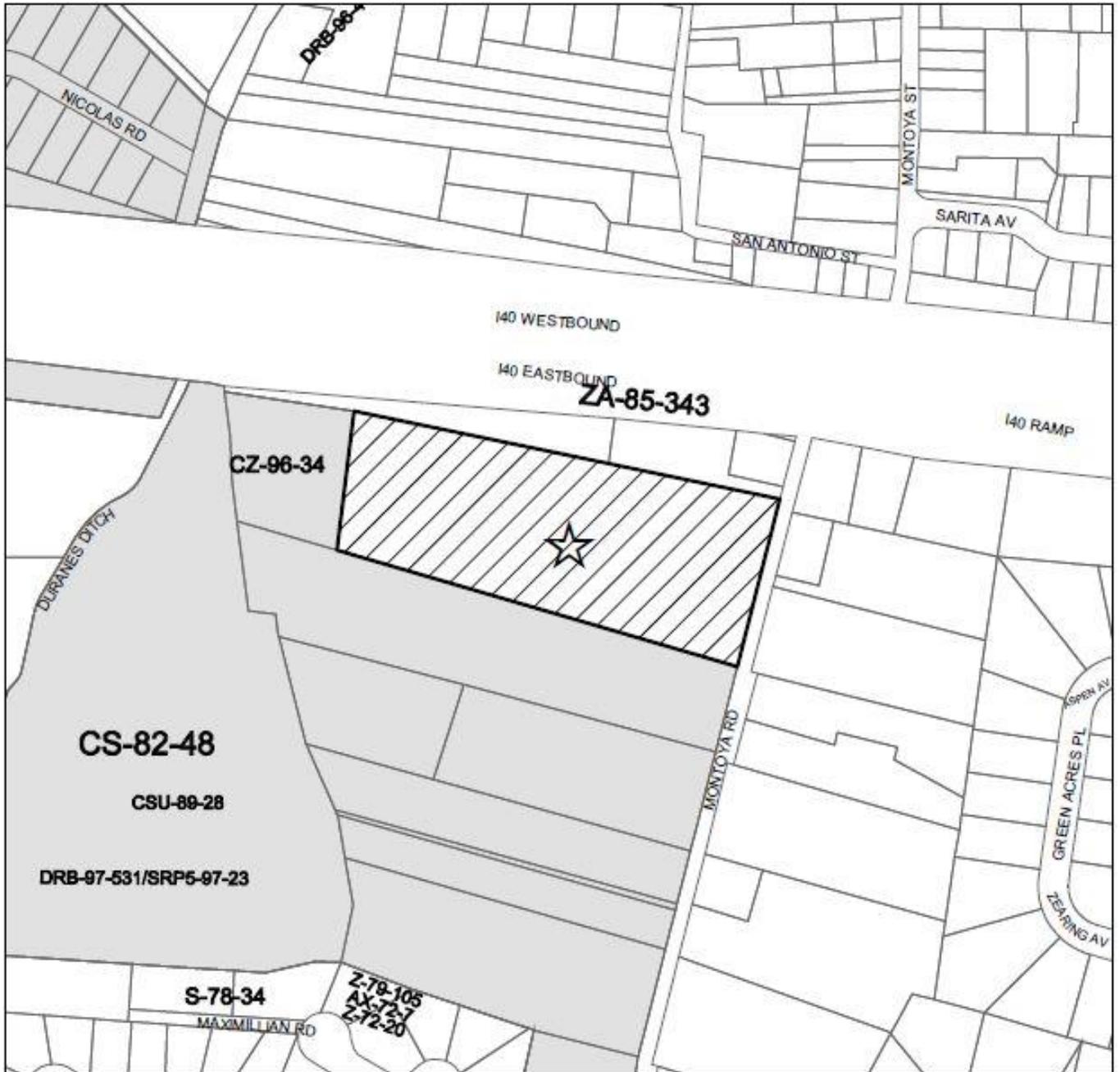
<b>Key to Land Use Abbreviations:</b>	APRT   Airport
LDRES   Low-density Residential	TRANS   Transportation
MULT   Multi-Family	AGRI   Agriculture
COMM   Commercial Retail	PARK   Parks and Open Space
CMSV   Commercial Services	DRNG   Drainage
OFC   Office	VAC   Vacant
IND   Industrial	UTIL   Utilities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



1 inch = 225 feet

Hearing Date:  
12/16/2021  
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Zone Atlas Page:  
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### HISTORY MAP

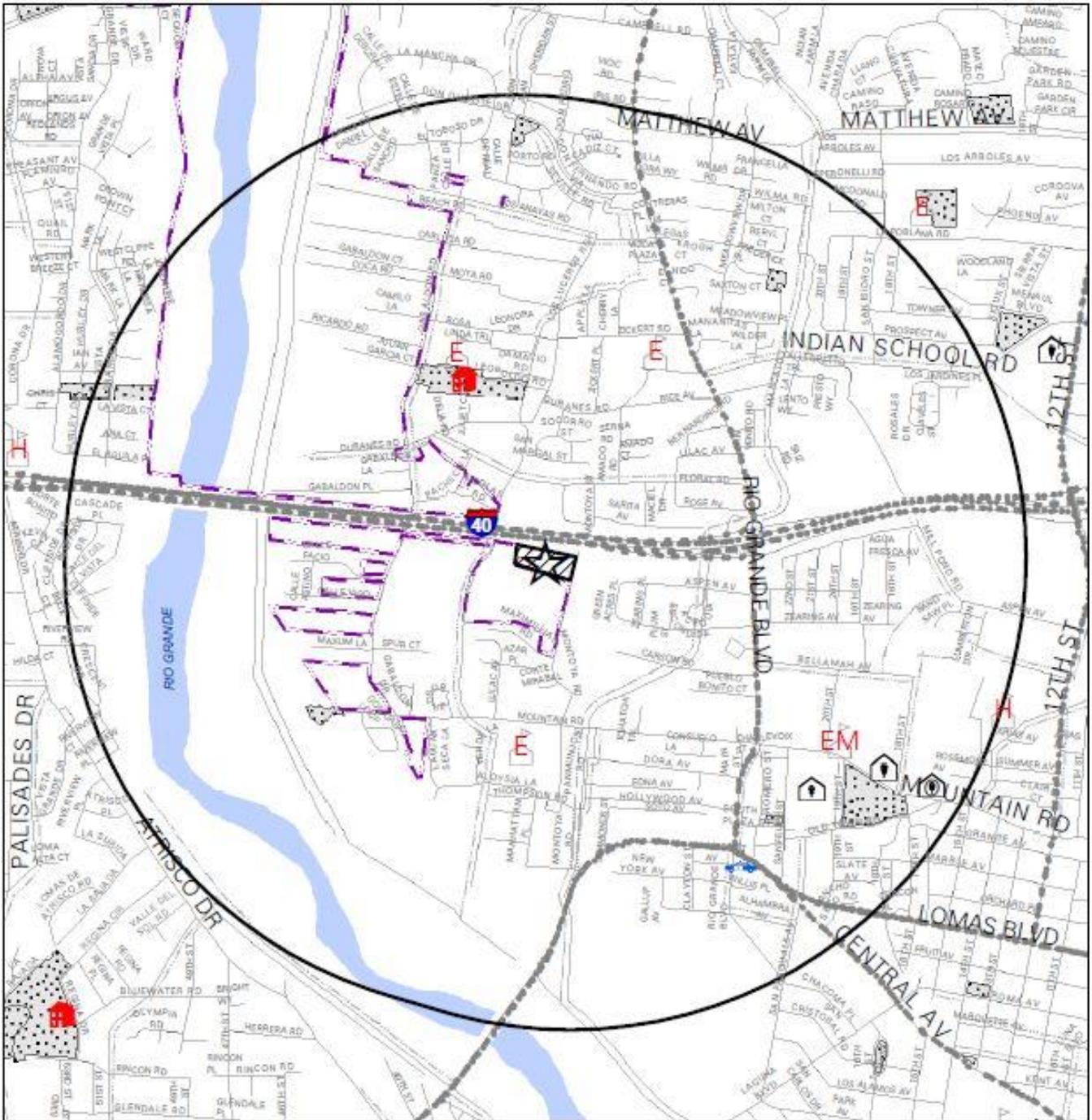
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indicates County.



1 inch = 225 feet

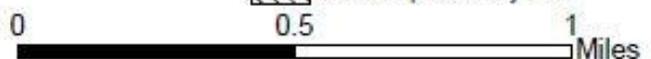
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**Public Facilities Map with One-Mile Buffer**

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



**I. INTRODUCTION**

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

	<i>Zoning</i>	<i>Comprehensive Plan Area</i>	<i>Land Use</i>
<i>Site</i>	PD	Area of Consistency	Agriculture
<i>North</i>	R-A	Area of Consistency	Low-density Residential
<i>South</i>	Unincorporated Area		Vacant
<i>East</i>	R-A	Area of Consistency	Agriculture (Residential)
<i>West</i>	Unincorporated Area		Vacant

**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. & 12<sup>th</sup> 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 Roi 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.*

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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 MRGCOG 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):*

**RA (Residential/Agricultural)**

**Permissive Uses**

- Residential Living
- Dwelling - Single family dwelling
- Dwelling - Cluster Development
- Dwelling – Cottage

**PD (Planned Development)**

**Use Specific Standards**

- Residential Living
- Dwelling – Single Family Detached
- Dwelling – Cluster Development
- Dwelling – Cottage Development
- Dwelling – Two Family Detached (Duplex)
- Dwelling – Townhouse

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 MRGCOG 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 met 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.

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**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 polices 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 surrounded 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*

***Leroy Duarte  
Current Planner***

*Megan Jones*

***Megan Jones  
Current Planner***

***Notice of Decision CC list:***

A.G. Services, [gallegosadella87120@gmail.com](mailto:gallegosadella87120@gmail.com)  
Robert Gutierrez, [newton504@gmail.com](mailto:newton504@gmail.com)  
West Old Town NA, Glen Effertz, [gteffertz@gmail.com](mailto:gteffertz@gmail.com)  
West Old Town NA, Gil Clarke, [g.clarke45@comcast.net](mailto:g.clarke45@comcast.net)  
Legal, [kmorrow@cabq.gov](mailto:kmorrow@cabq.gov)  
EPC file

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## **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**

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

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.***

## HISTORY



City of Albuquerque  
Planning Department  
Development Review Division  
P.O. Box 1293  
Albuquerque, New Mexico 87103

Date: August 17, 2007

**OFFICIAL NOTIFICATION OF DECISION**

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

NM Boys and Girls Ranch Foundation  
2416 Rice Ave. NW, Suite A  
Albuq. NM 87104

LEGAL DESCRIPTION: for all or a portion of  
lot B, EL JARAL SUBDIVISION located on  
MONTROYA RD NW BETWEEN  
MAXIMILLIAN RD NW AND I-40 containing  
approximately 4 acres. (H-12) Anna DiMambro,  
Staff Planner

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.

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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.

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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 decline 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.

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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,

*C. Marone*

*for* Richard Dineen  
Planning Director

RD/AD/ac

cc: Ron Garner, 2416 Rice Ave. NW, Albuquerque, NM 87104  
Linda Dimas Jernigan, 1116 Montoya Rd. NW, Albuquerque, NM 87104  
Ray Dimas, 1130 Montoya Rd. NW, Albuquerque, NM 87104  
Merle Halbert, 1115 Montoya Rd. NW, Albuquerque, NM 87104  
Lanny Tanning, 949 Montoya NW, Albuquerque, NM 87104  
Alvin Baca, 1016 Montoya Rd. NW, Albuquerque, 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 MAXIMILLIAN 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 69<sup>th</sup> 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 acre2. (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 MCNANEY 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

**Project# 1004354**  
07EPC-40031 AMNDT TO ZONE MAP  
(ZONE CHG)

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

**Project# 1004937**  
07EPC-40032 AMNDT TO ZONE MAP  
(ZONE CHG)

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 Carol Toffaleti, Staff Planner

**Project# 1006606**  
07EPC-40033 SITE DEVELOPMENT -  
BUILDG PRMT

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



Carmen Marrone, Senior Planner  
Planning Department

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT**

**June 17, 2015  
DRB Comments**

**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).

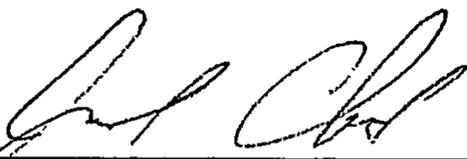
The annexation was conditioned upon a site plan approved by EPC in full compliance with the design regulations.

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 trees 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](mailto:jcloud@cabq.gov)

**ARCH + PLAN  
LAND USE CONSULTANTS  
ALBUQUERQUE NM**

June 9, 2015

Jack Cloud, Chair  
City of Albuquerque  
Development Review Board  
600 2<sup>nd</sup> 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 RE-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)  
PG.

• 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.

**RECITALS:**

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

CITY OF ALBUQUERQUE

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Dated: \_\_\_\_\_

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

APPROVED BY

\_\_\_\_\_  
Richard Dourte  
City of Albuquerque Engineer

DEVELOPER'S NOTARY

STATE OF NEW MEXICO        )  
  )ss.  
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        )  
  )ss.  
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 plan 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:

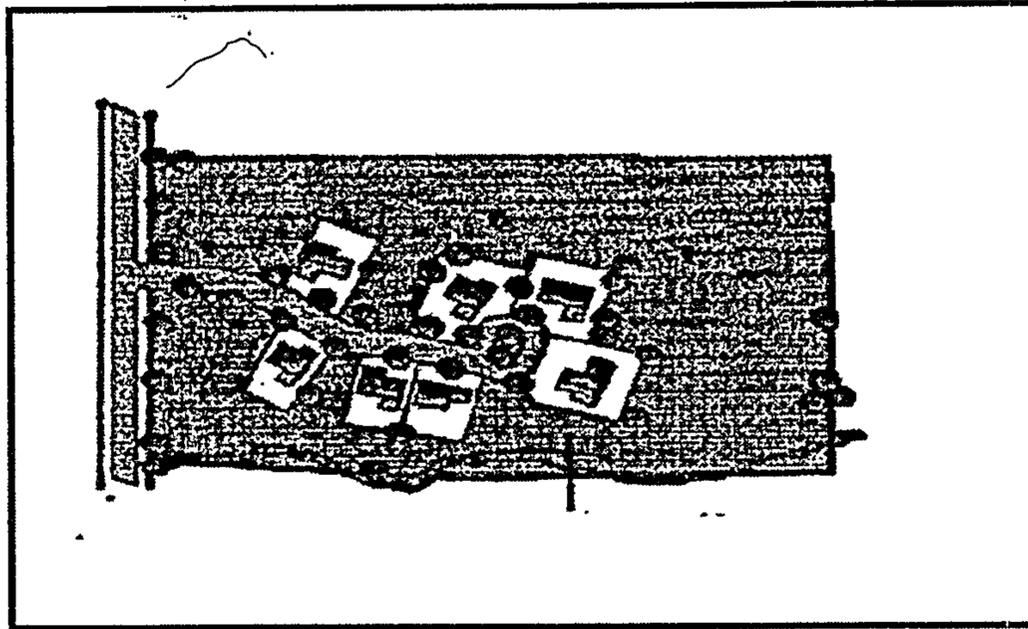


Figure 1. (Dwelling Units located in the middle of the Development with required open space surrounding the dwelling units).

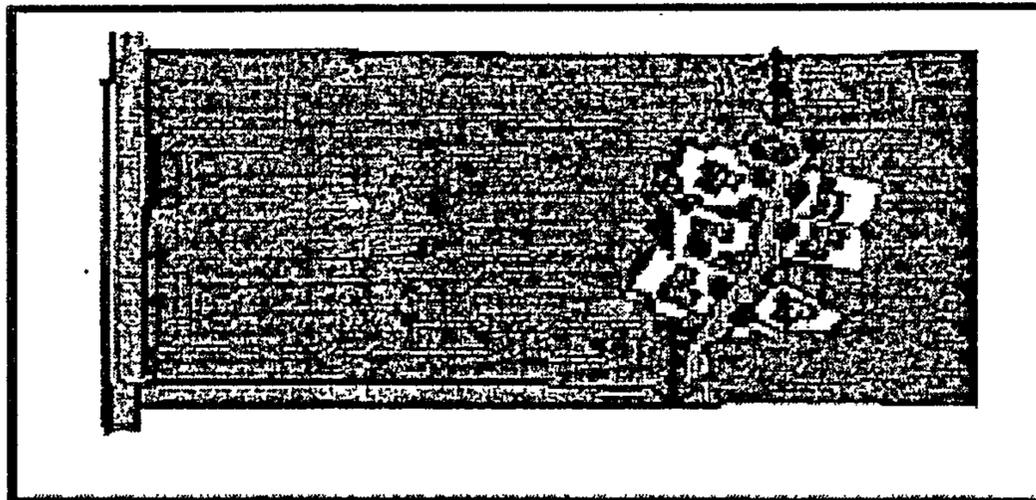


Figure 2. (Dwelling units located toward the rear of the development).

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.**

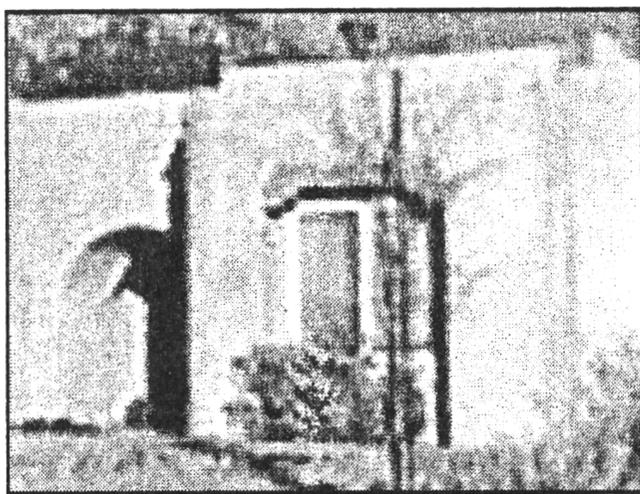
**Structure Facade: Structure facades are restricted to the following designs.**

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

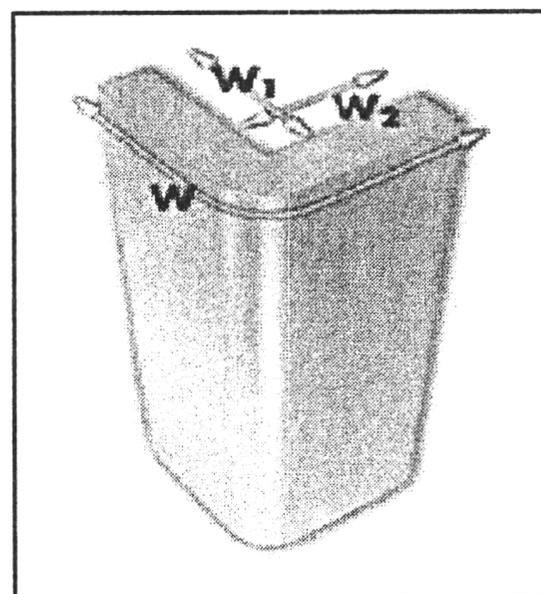


**Figure 3, Pueblo Revival Façade.**

- 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 4. brown stucco wall.**



**Figure 5. rounded edge wall.**

c. Flat roof,

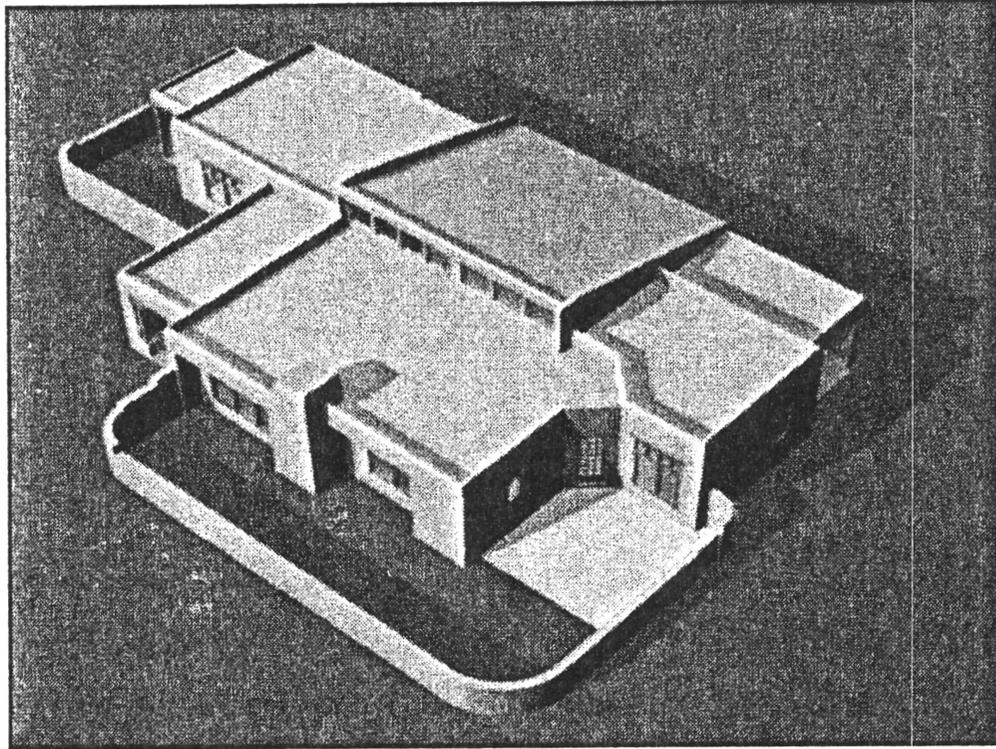


Figure 6. flat roof pueblo revival home.

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

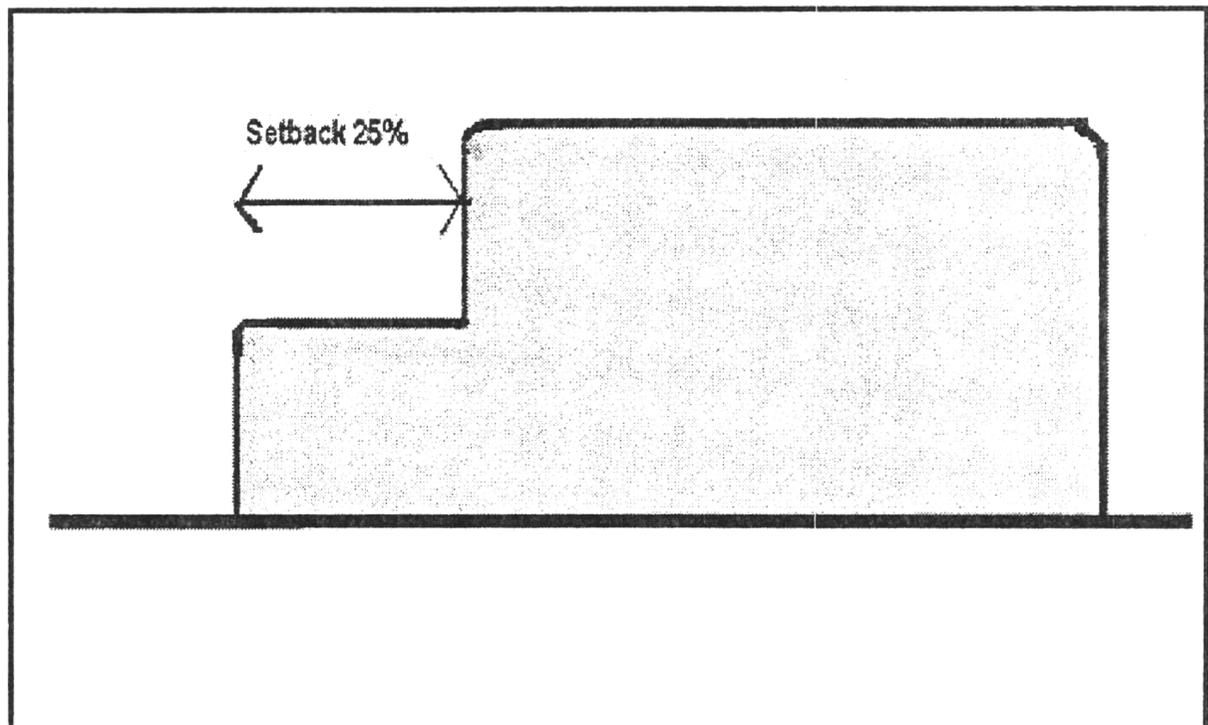


Figure 7. second story step back 25%.

e. Rounded Parapet.

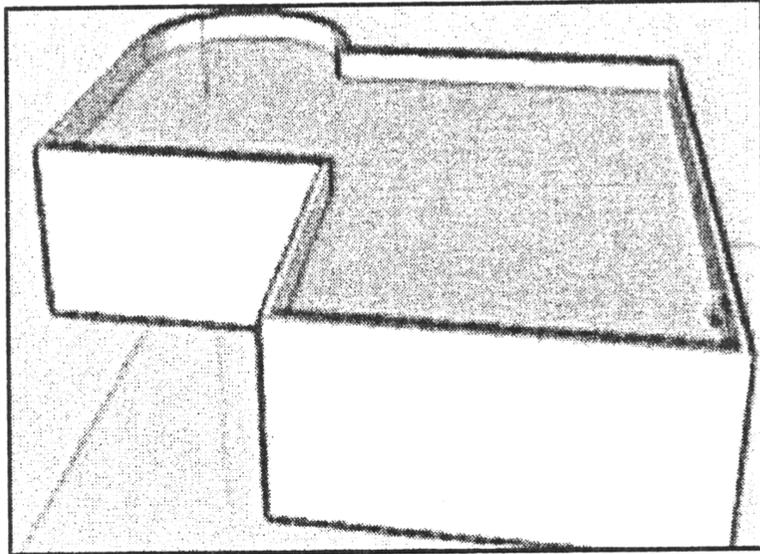


Figure 8. Parapet on a flat roof.

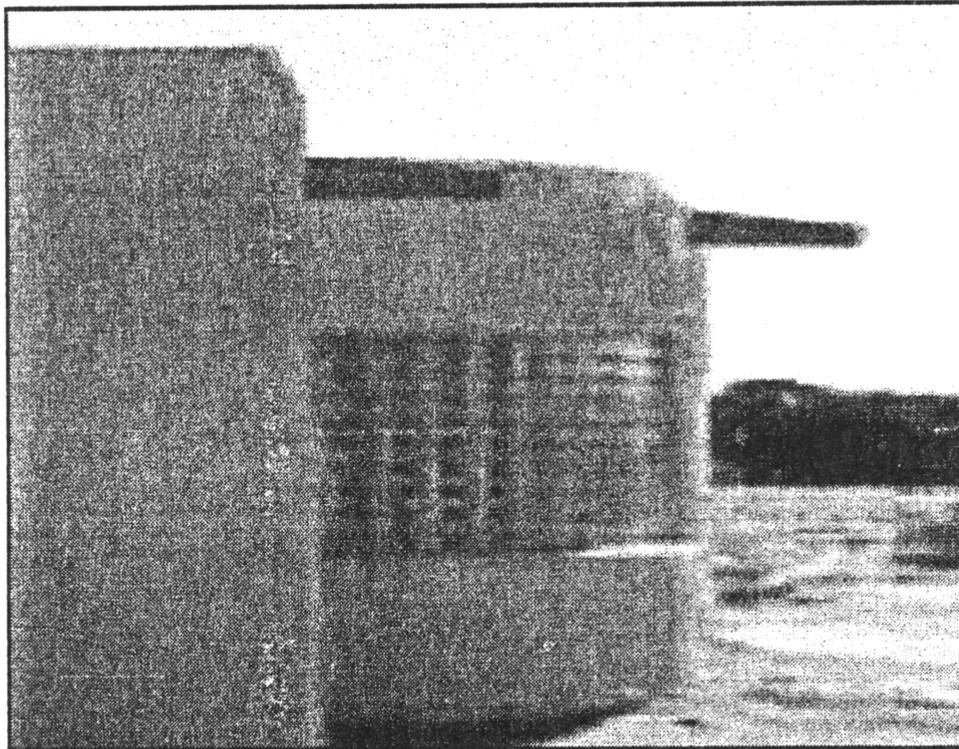
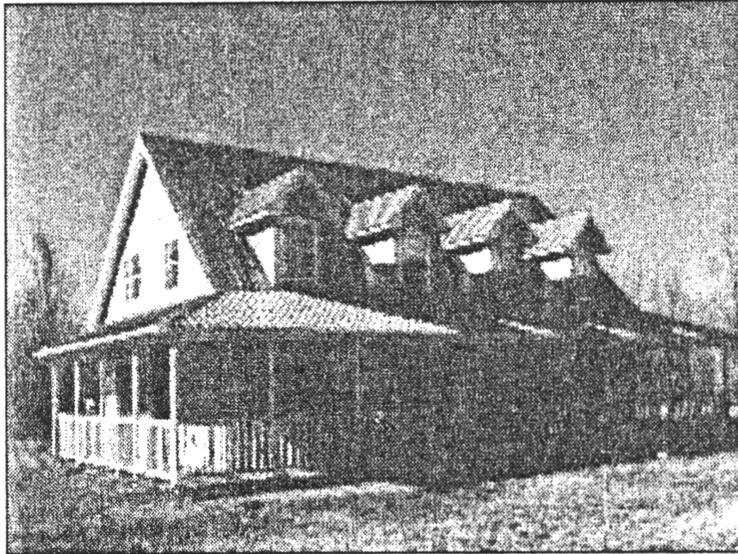


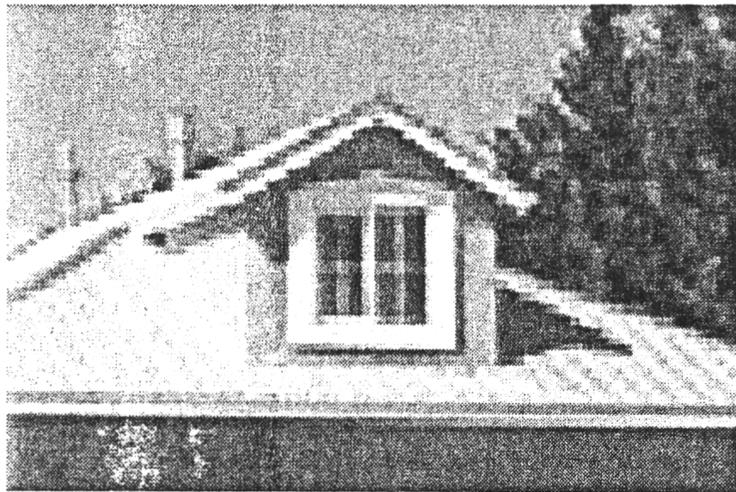
Figure 9. Exterior of round parapet above spouts.

## 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.

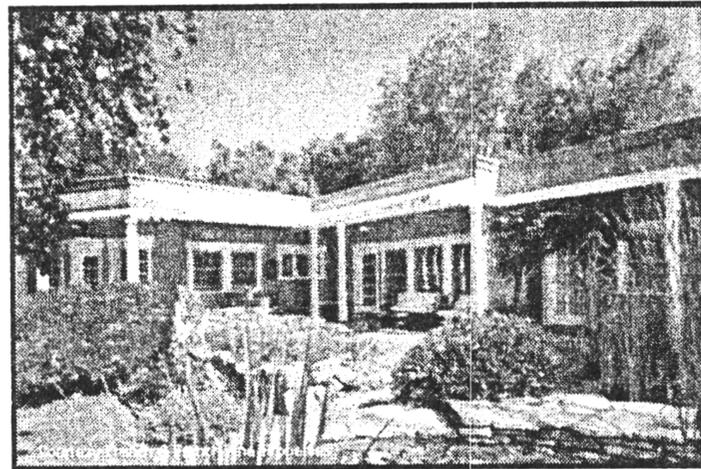


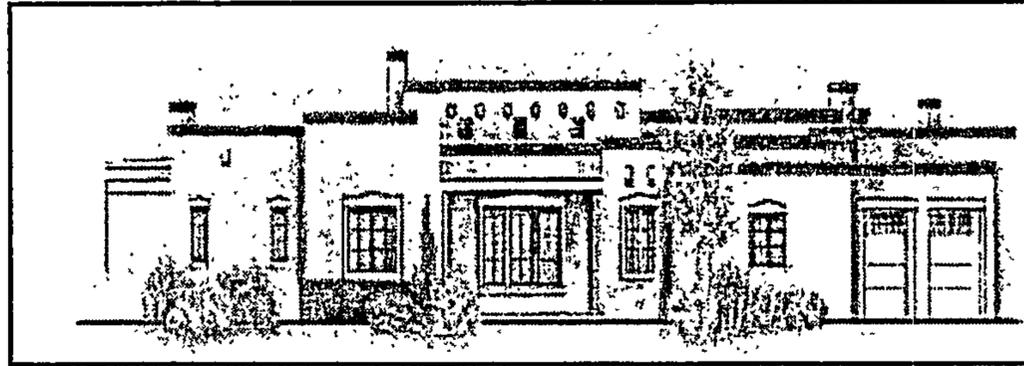
Figure 13.  
Rear Façade Santa Fe  
Territorial Style Home.

- 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.

- 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.**



[+Bracketed/Underscored Material+] - New  
[-Bracketed/Strikethrough Material-] - Deletion

1 in full compliance with the design regulation attached as Exhibit A. The  
2 request for annexation is justified per Resolution 54-1990. The request for SU-  
3 1 for RA-1/PDA zoning is justified per Resolution 270-1980. The Old Town  
4 Sector Development Plan recommends RA-1 zoning for newly annexed  
5 properties within the Sector Plan boundaries. The SU-1 for PDA designation  
6 applies to residential development in which special use, height, area, setback,  
7 or other regulations should be imposed, provided the site contains three  
8 acres. These design regulations establishing area, height and set back  
9 restrictions are consistent with sector plan for the area and are to be applied  
10 to a parcel larger than three acres.

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

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

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

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

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

29 POLICY A: The land is within the Established Urban Area as  
30 designated by the Comprehensive Plan and is therefore particularly  
31 suitable for annexation.

[+Bracketed/Underscored Material+] - New  
[-Bracketed/Strikethrough Material-] - Deletion

1           **Policy A1:** All public policies for land dedication for public facilities  
2 will be assured through the standard subdivision process as  
3 regulated by the Development Process Manual.

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

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

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

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

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

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

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

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

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

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

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

31           (G) The request furthers Policy B of the Old Town Sector  
32 Development Plan by proposing a semi-rural residential zone.

[+Bracketed/Underscored Material+] - New  
[-Bracketed/Strikethrough-Material-] - Deletion

1           (H) The cross section and right of way of Montoya Road between  
2 Maximillian Avenue NW and the southern right of way line of Interstate 40 are  
3 below the width standards established in the Development Process Manual.  
4 They are consistent with the rural and historic character of the area. Policy m  
5 of the Comprehensive Plan Transit and Transportation Goal that states "In  
6 rural areas, an all-weather circulation system allowing year-round access to  
7 existing and planned development shall be established with construction  
8 standards based on a hierarchy of uses. Roads should fit the topography of  
9 the area traversed as well as the scale of travel needs. A possible technique  
10 for implementing the goal is to investigate alternate width and shoulder  
11 requirements for rural roads."

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

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

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

24           Section 7. **MONTOYA ROAD CROSS SECTION STANDARDS.** The existing  
25 cross section of Montoya Road north of Maximillian Road shall not be  
26 expanded beyond 8 feet.

27           Section 8. **SEVERABILITY CLAUSE.** If any section, paragraph, sentence,  
28 clause, word or phrase of this ordinance is for any reason held to be invalid or  
29 unenforceable by any court of competent jurisdiction, such decision shall not  
30 affect the validity of the remaining provisions of this ordinance. The Council  
31 hereby declares that it would have passed this ordinance and each section,  
32 paragraph, sentence, clause, word or phrase thereof irrespective of any  
33 provisions being declared unconstitutional or otherwise invalid.

1       Section 9. EFFECTIVE DATE AND PUBLICATION. This ordinance shall  
2 take effect five days after publication by title and general summary and when a  
3 plat of the territory hereby annexed is filed in the office of the County Clerk.

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[+Bracketed/Underscored Material+] - New  
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***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*  
**Anna DiMambro**  
**Planner**

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

***Attachments***

## APPENDIX B

### 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 7<sup>th</sup> 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 25<sup>th</sup> DAY OF May, 1990

sig/Louis E. Saavedra  
Louis E. Saavedra, Mayor  
City of Albuquerque

ATTEST:

sig/Karen Aceves  
City Clerk

**BERNALILLO COUNTY**  
**Zoning, Building, Planning &**  
**Environmental Health Department**

**Inter-Office Memo**

July 12, 2007

To: Anna DiMambro, Albuquerque Planning Department

From: ~~Sandy Fish~~ 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:

Lot B Plot of El Jara Subdivision

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.

5. Proposed zoning: RA-2. Apply for sector plan amendment if needed.

6. SIGNATURE (S):

- A. OWNER Robert Gutierrez Phone 263-1706  
 Mailing Address 2214 MATTHEW AV. NW E-mail DANIEL.GUTIERREZ@MSN.COM  
 Legal Description of this owner's property Lot B Plot of El Jara Subdivision  
 Acreage 3.9488 Signature/Date Robert Gutierrez 7-01-07
- B. OWNER/AGENT RON GARNER Phone 280-3321  
 Mailing Address 2416 RICE AVE. NW, ALBUQUERQUE E-mail RANNING@MSN.COM  
 Legal Description of this owner's property \_\_\_\_\_  
 Acreage 3.9488 Signature/Date [Signature] 7-01-2007
- C. OWNER \_\_\_\_\_ Phone \_\_\_\_\_  
 Mailing Address \_\_\_\_\_ E-mail \_\_\_\_\_  
 Legal Description of this owner's property \_\_\_\_\_  
 Acreage \_\_\_\_\_ Signature/Date \_\_\_\_\_

Attach additional signatures as necessary.



County of Bernalillo  
Zoning, Building & Planning Department

111 Union Square St SE • Suite 100 • Albuquerque, NM 87102 • (505) 314-0350 • Fax (505) 314-0480

**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:

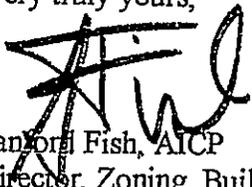
1. Zoning should be based on the policies of the Old Town Sector Development Plan, which calls for annexed property in this area to receive RA-1 zoning, rather than the RA-2 zoning requested in the application (see attached letter from Los Duranes Neighborhood Association).
2. Annexation of this property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

SF/nas

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

# County of Bernalillo

## State of New Mexico



ONE CIVIC PLAZA, N.W.  
ALBUQUERQUE, NEW MEXICO 87102  
ADMINISTRATION (505) 768-4000  
FAX (505) 768-4329

KAREN L. MONTOYA, ASSESSOR  
MARGARET C. TOULOUSE, CLERK  
MERRI RUDD, PROBATE JUDGE  
DARREN P. WHITE, SHERIFF  
PATRICK J. PADILLA, TREASURER

BOARD OF COUNTY COMMISSIONERS  
ALAN B. ARMIJO, CHAIR  
DISTRICT 1  
E. TIM CUMMINS, VICE CHAIR  
DISTRICT 4  
TERESA L. CORDOVA, PH.D., MEMBER  
DISTRICT 2  
DEANNA ARCHULETA, MEMBER  
DISTRICT 3  
MICHAEL BRASHER, MEMBER  
DISTRICT 5  
THADDEUS LUCERO, COUNTY MANAGER

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: **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).**

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.

Richard Dineen

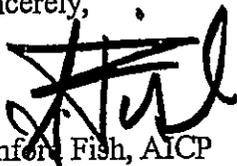
June 12, 2007

Page 2

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,



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

# LOS DURANES NEIGHBORHOOD ASSOCIATION

## Board of Directors/Officers

William C. Herring, President & Treasurer  
Beverly Schoonover, Vice-President  
Andrea Scott, Secretary  
David Day, Director  
John Gutierrez, Director  
Julie Lopez-Casaus, Director  
Natalie Griego-Pavon, Director

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

Alan Armijo, Chairman  
Board of County Commissioners  
May 7, 2007  
Page 2 of 2

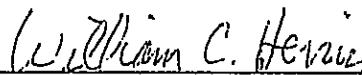
anticipated, with the High Lonesome Ranch (Project #1000122; 18 acres zoned RA-1 and 3 acres zoned SU-1 for O-1) located along Gabaldon Drive and other subdivisions west of Gabaldon. The streets in this area, in particular Mountain Road, Montoya, Gabaldon, etc., are extremely narrow and unable to withstand 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

Albuquerque

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, INC. Date \_\_\_\_\_

Signature *[Handwritten Signature]* 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 Robert Garner Date 7-01-07



City of Albuquerque

**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  
(date)

TO CONTACT NAME: Ron Garner  
COMPANY/AGENCY: Ron Garner  
ADDRESS/ZIP: 2416 Rice Ave NW Suite A ALBUQ. 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 Saral Sub-division  
zone map page(s) H-12.

Our records indicate that as of June 14, 2007 there were **no Recognized**  
(date)  
**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).

P.O. Box 1293

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

Albuquerque

***Zone Map:*** H-12

***City Planner:*** Arina DiMambro at 505-924-3924

***E-mail:*** [adimambro@cabq.gov](mailto:adimambro@cabq.gov)

New Mexico 87103

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.

[www.cabq.gov](http://www.cabq.gov)

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, 3<sup>rd</sup> 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](mailto:swinklepleck@cabq.gov).

Sincerely,

***Stephani J. Winklepleck***

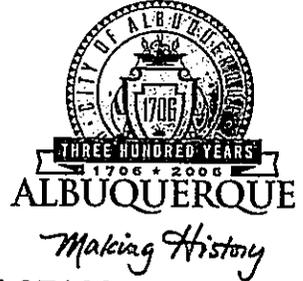
*Neighborhood Liaison*

OFFICE OF NEIGHBORHOOD COORDINATION

PLANNING DEPARTMENT

cc: Anna DiMambro, Staff Planner, Planning Department

# CITY OF ALBUQUERQUE



Planning Department  
Office of Neighborhood Coordination  
600 Second Street NW, Rm. 120 (Basement) / 87102

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.

P.O. Box 1293

Albuquerque

New Mexico 87103

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.

[www.cabq.gov](http://www.cabq.gov)

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

924-3339

## LOS DURANES NEIGHBORHOOD ASSOCIATION

### Board of Directors/Officers

William C. Herring, President & Treasurer  
Beverly Schoonover, Vice-President  
Andrea Scott, Secretary  
David Day, Director  
John Gutierrez, Director  
Julie Lopez-Casas, Director  
Natalie Griego-Pavon, Director

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

Alan Armijo, Chairman  
Board of County Commissioners  
May 7, 2007  
Page 2 of 2

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

**Alvin Baca**  
1016 Montoya Road NW  
Albuquerque, New Mexico 87104

Aug 7, 2007

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<sup>7</sup> 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

Jenny Truong	949 Montoya Rd
Linda Thorne	949 Montoya Rd NW
Maxine Rose Zimm	928 Beech St / E. Lansing, MI 48823
Ch. J. Zim	928 BEECH ST. E. LANSING, MI 48823
Michael Garcia	1016 Montoya Rd. NW
Holly	6100 Cortaderia, apt 3828
J. M. G.	6100 CORTADERIA APT 3828
Wayne Saldmy	944 MONTROYA ST N.W.
Mary Sanderford	944 Montoya St N.W.
Marla Halbert	1115-MONTROYA RD. NW-87104
Christina Halbert	1115-MONTROYA Rd. NW 87104
Ray Dimas	1130 Montoya Rd NW
Carlene Dimas	1130 Montoya St. NW
Angela Dimas Barela	1116 Montoya St NW
Chris Barela	1116 Montoya St NW
Rory Dimas	1130 Montoya St NW
Karen Zimmerman	2530 Thompson Loop NW Albuquerque 87104
Jacquie Zimmerman	" "

NAME ADDRESS

Ernest C Rodarte 820 Montoya Rd NW 87104

Mary Ann Sanchez 945 Montoya Rd NW 87104

Ernest C Rodarte 945 Montoya Rd NW 87104

613 Montoya NW 87104

619 Montoya NW 87104

Francis A. Dalk 619 Montoya St NW 87104

Raymond E. Eide 615 Montoya St NW 87104

619 Montoya St. N.W.

435 60th St. NW.

616 Montoya NW

Dorian Sanchez 2701 Mountain Rd NW 87104

1118 Montoya Rd NW 87104

118 Montoya Rd NW 87104

Jefferson Fleming 1710 Richard St. 87104

1102 Montoya Rd. 87104

2812 Maximilian Rd NW 87104

2812 Maximilian Rd NW 87104

2808 Maximilian Rd NW 87104

2808 Maximilian Rd NW 87104

2821 Maximilian Rd NW 87104

922 Montoya NW 87104

Emma Sanchez 922 Montoya NW 87104

## NAME

## ADDRESS

Robin Storer 624 Montoya NW, Alb. NW 87104

Trinita Heredia 624 Montoya NW Alb. NW 87104

Desu Carpenter 620 Montoya NW Alb. 87104

Robert M. Maff 616 Montoya NW 87104

Phyllis Lara 922 Montoya NW 87104

Paul Mays 627 Montoya 87104

Mary Elaine Baca Agala 8016 Montoya 87104

Christopher Barela 1116 Montoya RD 87104.

Dunald Wood 1000 Caballero NW 87104

Maria Castellano 1000 Montoya St NW 87104

David Costa 1000 Montoya St NW 87104

Eric Sanchez 4111 TABER N.E. 87111

Gail Newman 907 Greenacre Rd <sup>NW</sup> PI 87104

Jean Green 905 Greenacre Pl NW 87104

Robert O. 2633 Mountain Rd NW 87104

Juan Gonzalez 2633 Mountain Rd NW 87114

Ramona 715 Montoya NW 87111

Louise Baca 1016 Montoya NW 87104

Luis R Villa 612 Montoya NW 87104

Harold Rhodes 2804 Maximilian Rd NW 87104

John Pilesnis 2804 Maximilian NW. 87104

Darwin Y Palmer 2820 Maximilian Rd NW 87104

## NAME

## ADDRESS

Jean Cejeda 1113 Montoya NW 87104

Suzanna Francis 1113 Montoya NW 87104

Alvin Brea 1016 Montoya Road NW 87104

Mark Brea 4381 Altuna Vista Lane 87110

Sara Schultz 414 Montoya 87104

Yolanda Sierra 805 Montoya Rd NW 87104

Leibeto Aramburo 805 Montoya Rd NW 87104

Joseph Reduto 805 Montoya NW 87104

Jade Belmont 2501 Mountain Rd. NW 87104

Dr. R. Jensen 4401 Hillspire Ct NW 87100

Mayra Brea 3915 Ranch Vista NW 87120

James Bushman 147 Calle Verdito NW 87120

Rita Galdony 944 Montoye St NW.





City of Albuquerque

**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  
(date)

TO CONTACT NAME: Ron Garner

COMPANY/AGENCY: Ron Garner

ADDRESS/ZIP: 2416 Rue Ave NW Suite 4 ALBUQ NM 87104

PHONE/FAX #: (505)-250-3321 (505) 522-0734 (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 Jaraal Sub-division

zone map page(s) 11-12

Our records indicate that as of June 14, 2007 there were **no Recognized**  
(date)  
**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



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



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

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

### APPLICATION INFORMATION

Applicant: Robert Gutierrez	Phone: (505) 263-1706
Address: 2214 Matthew Avenue, NW	Email: newton504@gmail.com
City: Albuquerque	State: NM
Professional/Agent (if any): A.G. Services	Phone: (505) 702-5077
Address: 5509 Kachins St NW	Email: gallegosadella87120@gmail.com
City: Albuquerque	State: NM
Proprietary Interest in Site: N/A	List all owners: N/A
Zip: 87104	Zip: 87120

### BRIEF DESCRIPTION OF REQUEST

Zone map amendment from PD (Planned Development) to RA (Residential Agricultural)

### 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: 10120594030974060
Zone Atlas Page(s): H-12	Existing Zoning: PD	Proposed Zoning: RA
# of Existing Lots: 1	# of Proposed Lots:	Total Area of Site (acres): 4.6 acres

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: N/A Between: Maximilian St. and: I-40

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

Signature: Adella Gallegos Date: 11/2/2021  
 Printed Name:  Applicant or  Agent

### FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

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

**Form Z: Policy Decisions**

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

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

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

- Interpreter Needed for Hearing?  if yes, indicate language: \_\_\_\_\_
- Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- Letter of authorization from the property owner if application is submitted by an agent
- Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

**ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN**

**ADOPTION OR AMENDMENT OF FACILITY PLAN**

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

**AMENDMENT TO IDO TEXT**

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

**ZONING MAP AMENDMENT – EPC**

**ZONING MAP AMENDMENT – COUNCIL**

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

**ANNEXATION OF LAND**

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

<p><i>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.</i></p>	
Signature: <u>Adella Gallegos</u>	Date: <u>11/2/2021</u>
Printed Name: <u>Adella Gallegos, A.G. Services</u>	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
<b>FOR OFFICIAL USE ONLY</b>	
Project Number: _____	Case Numbers: _____
	✗
Staff Signature: _____	
Date: _____	

# 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 (jmaranda@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 (hgallegos@cabq.gov)

Water Authority: David Gutierrez - dggutierrez@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

Parking: 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](http://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)

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

PA# 21-148

Date: 08/30/21

Time: N/A (sent via email)

Address: Montoya Rd NW

### **NOTES:**

See the **Integrated Development Ordinance**

<https://documents.cabq.gov/planning/IDO/IDO-2019-Effective-2020-11-02.pdf>

### **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:

- Neighborhood Meeting - <http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>
- Public Notice - <http://www.cabq.gov/planning/urban-design-development/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](mailto:PLNDRS@cabq.gov). For questions about an application submittal or the submittal process itself, please contact Jay Rodenbeck at [jrodenbeck@cabq.gov](mailto:jrodenbeck@cabq.gov) and/or to Maggie Gould at [mgould@cabq.gov](mailto: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](mailto: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

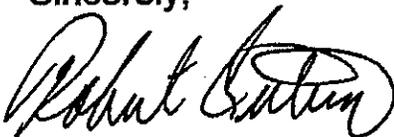
Ref: Lot B, El Jaral Subdivision  
Request for Zone Map Amendment  
From PD to RA

**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 Maximilian 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 [gallegosadella87120@gmail.com](mailto:gallegosadella87120@gmail.com), mailing address at 5509 Kachina St. NW, Albuquerque, NM 87120 or by phone (505) 702-5077.

Sincerely,



Robert Gutierrez



**From:** Adella Gallegos gallegosadella87120@gmail.com  
**Subject:** ZONE MAP AMENDMENT REQUEST - LOT B, EL JARAL SUBDIVISION  
**Date:** September 15, 2021 at 5:39 PM  
**To:** gteffertz@gmail.com, g.clarke45@comcast.net  
**Cc:** newton04@gmail.com



West Old Town Neighborhood Association Representatives Effertz & Clarke:

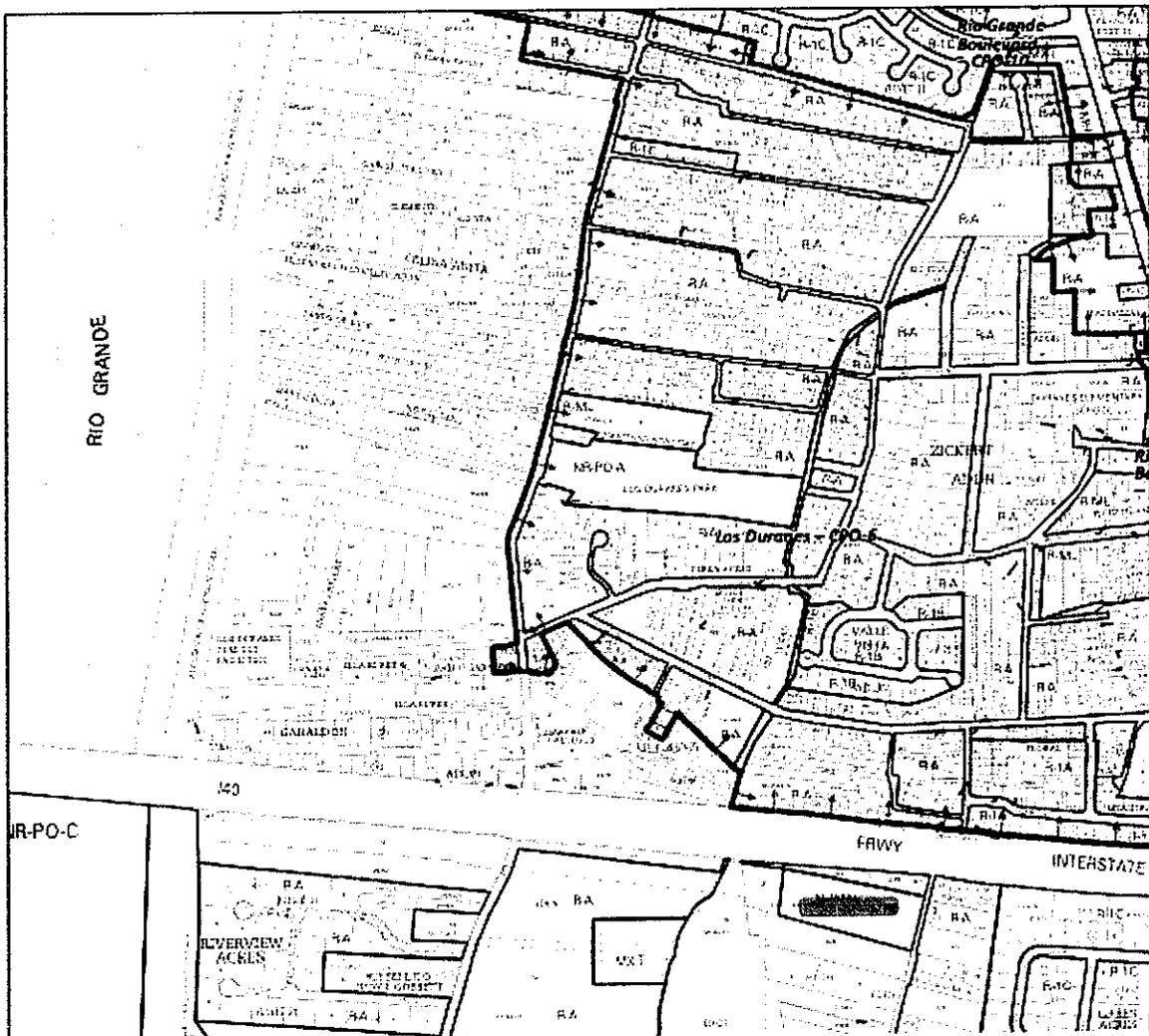
Attached is the "Neighborhood Meeting Request for a Proposed Project in the City of Albuquerque." The owner is requesting a zone map amendment from PD to RA for a 4.3 acre tract of land located on the west side of Montoya Road b/w I-40 and Maximillian Rd. SW. (See attached zone atlas map).



NeighborhoodM  
eeting...Fill.pdf



NeighborhoodM  
eeting...(1).pdf





# **A G SERVICES**

5509 Kachina Street NW  
Albuquerque, New Mexico 87120  
(505) 702-5077

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**

North	RA	1 single family dwelling, I-40 Interchange, vacant land
East	RA	Minimal number of single-family dwellings and vacant land
West	A-1	(Bernalillo County Jurisdiction) 1 single family dwelling & vacant land
South	A-1	(Bernalillo County Jurisdiction) vacant land – Farm – Single Family Dwelling

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**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 MRGCOG 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 a 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 which is of a residential/agricultural nature. There are numerous vacant

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 Ara 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):

**RA (Residential/Agricultural)**

**Permissive Uses**

**Residential Living**

- Dwelling - Single family dwelling
- Dwelling - Cluster Development
- Dwelling – Cottage

**PD (Planned Development)**

**Use Specific Standards**

**Residential Living**

- Dwelling – Single Family Detached
- Dwelling – Cluster Development
- Dwelling – Cottage Development
- Dwelling – Two Family Detached (Duplex)
- Dwelling – Townhouse
- Dwelling – Live-work
- Dwelling – Multi-family

**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 MRGCOG 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 met 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](mailto: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 16<sup>th</sup>. Final staff reports will be available one week prior, on December 9<sup>th</sup>.

- 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)

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

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

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

## 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 Neighbobhood Association

Name of NA Representative\*: Gil Clarke

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: g.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.<sup>2</sup>

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 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 Jaral 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)

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

<sup>2</sup> 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<sup>3\*</sup>:

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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<sup>4\*</sup>:

---

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

1. Zone Atlas Page(s)<sup>5</sup> 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:

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

---

<sup>3</sup> 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.

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

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

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

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

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

**Additional Information:**

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

- 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]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

## 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 Representative<sup>1</sup>: 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.<sup>2</sup>

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 Jaral, 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)

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

<sup>2</sup> 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<sup>3\*</sup>:

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<sup>4\*</sup>:
- 

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

1. Zone Atlas Page(s)<sup>5\*</sup> History informaton on this site can possibly be found with the City Planning Dept.
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

<sup>3</sup> 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.

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

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

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

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

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

**Additional Information:**

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

- 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]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

**From:** Carmona, Dalaina L. dcarmona@cabq.gov  
**Subject:** Montoya Rd. between I-40 & Maximilian NW Public Notice Inquiry  
**Date:** September 14, 2021 at 4:49 PM  
**To:** gailegosadella87120@gmail.com



Dear Applicant:

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

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Phone
West Old Town NA	Glen	Effertz	gteffertz@gmail.com	2918 Mountain Road NW	Albuquerque	NM	87104	5059800964
West Old Town NA	Gil	Clarke	g.clarke45@comcast.net	2630 Aloysia Lane NW	Albuquerque	NM	87104	5058426620

**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](mailto:devhelp@cabq.gov), or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project. Please use this online link to find the required forms you will need to submit. <https://www.cabq.gov/planning/urban-design-development/public-notice>. Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

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

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

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each: <https://ido.abc-zone.com/integrated-development-ordinance-ido#page=393>

Thanks,



*Dalaina L. Carmona*

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



Confidentiality Notice: This e-mail including all attachments is for the sole use of the intended recipient(s) and may

October 20, 2021

Gil 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](mailto: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





# H-12-Z



**Legend**  
 Bemalillo County Parcels

**Notes**  
Buffer: 345 Ft.  
ROW: 245 Ft.

762  
0 381 762 Feet  
WGSS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
9/9/2021 © City of Albuquerque

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/bq-data-disclosure-1> for more information. **THIS MAP IS NOT TO BE USED FOR NAVIGATION**

DIMAS EDDIE J & YVONNE R  
1118 MONTOYA ST NW  
ALBUQUERQUE NM 87104-1915

CARRILLO RICHARD P & JANIE  
236 LEATHERWOOD CIR  
LEESVILLE LA 71446-9075

GARCIA FARMS LLC C/O EDWARD T  
GARCIA  
PO BOX 26207  
ALBUQUERQUE NM 87125-6207

PACHECO FIDEL E  
2808 NICOLAS RD NW  
ALBUQUERQUE NM 87104-2744

SMESTAD GREGORY ALLEN & SHERRY  
JEANNE  
905 GREEN ACRES PL NW  
ALBUQUERQUE NM 87104-1931

SANCHEZ MAX W  
945 MONTOYA RD NW  
ALBUQUERQUE NM 87104

BACA WILLIAM JOEPH  
435 60TH ST NW  
ALBUQUERQUE NM 87105

PERRY JERRY G TRUSTEE PERRY RVL T  
ATTN: JERRY T PERRY  
5220 POWERS WAY RD SW  
ALBUQUERQUE NM 87121

NEW MEXICO STATE HIGHWAY &  
TRANSPORTATION DEPT  
PO BOX 1149  
SANTA FE NM 87504-1149

LEYBA MICHAEL  
5308 BANDELIER DR NW  
ALBUQUERQUE NM 87114

HALBERT MERLE T & CHRISTINA G  
1115 MONTOYA ST NW  
ALBUQUERQUE NM 87104-1914

TONNING WAYLAND & THORNE LINDA  
H  
949 MONTOYA RD NW  
ALBUQUERQUE NM 87104

ROBERT GUTIERREZ INVESTMENT CO  
LLC  
804 LEAD AVE SW  
ALBUQUERQUE NM 87102-3055

AYALA MARY ELAINE  
235 LUNA AVE  
LOS LUNAS NM 87031

RAMIREZ LORENZO & CATHY  
1102 MONTOYA RD NW  
ALBUQUERQUE NM 87104-1915

LLR DEVELOPMENT LC C/O LILLY  
BARRACK INC  
1000 GABALDON RD NW  
ALBUQUERQUE NM 87104-1811

BARELA CHRISTOPHER J & DIMAS-  
BARELA ONGELINA M  
1116A MONTOYA RD NW  
ALBUQUERQUE NM 87104-1915

RAMIREZ LORENZO & CATHY  
1102 MONTOYA RD NW  
ALBUQUERQUE NM 87104-1915

PACHECO FIDEL E & PATSY D  
2808 NICOLAS RD NW  
ALBUQUERQUE NM 87104

JARAMILLO FREDDY & NICHOLE  
1113 MONTOYA ST NW  
ALBUQUERQUE NM 87104-1969

PACHECO FIDEL E & PATSY D  
2808 NICOLAS RD NW  
ALBUQUERQUE NM 87104

GALDONY WAYNE J & RITA C  
PO BOX 7068  
ALBUQUERQUE NM 87194

BACA PRENTICE ALVIN  
1016 MONTOYA RD NW  
ALBUQUERQUE NM 87104

THORNE LINDA H  
949 MONTOYA RD NW  
ALBUQUERQUE NM 87104

HALBERT CHRISTINA G  
1115 MONTOYA ST NW  
ALBUQUERQUE NM 87104-1914

TONNING WAYLAND & THORNE LINDA  
H  
949 MONTOYA RD NW  
ALBUQUERQUE NM 87104

GARCIA FARMS LLC C/O EDWARD T  
GARCIA  
PO BOX 26207  
ALBUQUERQUE NM 87125-6207

DIMAS LINDA A  
1116 MONTOYA RD NW B  
ALBUQUERQUE NM 87104-1915

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 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](mailto: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

Neighbor Hood Associations



Glen Effertz  
West Old Town NH  
2918 Mountain Rd NW  
Albuquerque, NM 87109

A.G. Services  
Gallegos  
5509 Kachina St NW  
Albuquerque, NM 87120



Gil Clarke  
West Old Town NH  
2630 Aloysia Ln. NW  
Albuquerque, NM 87109

M.B. Services  
5509 Kachina St NW  
Albuquerque, NM 87120

Property Owners

SACA WILLIAM JOSEPH  
435 60TH ST NW  
ALBUQUERQUE NM 87105

LTR DEVELOPMENT LC C/O LILLY



DIMAS EDDIE J & YVONNE R  
118 MONTANA ST NW  
ALBUQUERQUE NM 87104-1915

LEYBA MICHAEL  
5308 BANDELER DR NW  
ALBUQUERQUE NM 87114



Property Owners

GALDWIN WYMAN J & RITA C  
PO BOX 7058  
ABUJOKCHAE MA 07104



CHARLTO RICHARD P & JANE  
206 LEATHERWOOD CR  
LEEDVILLE LA 71446-9075



RICHARD PERLE & PERSY O  
2008 MCCLAIN RD NW  
ABUJOKCHAE MA 07104



DIAN LINDA A  
1116 MONTGIA RD NW B  
ABUJOKCHAE MA 07104-1915





Property Owners

JARAMILLO FREDDY & NICHOLE  
1133 MONTYA ST NW  
ALBUQUERQUE NM 87104-1969



TONNING WAYLAND & THORNE LINDA  
H  
969 MONTYA RD NW  
ALBUQUERQUE NM 87104



BARELA CHRISTOPHER J & DIMAS-  
BARELA ONGELINA M  
116A MONTYA RD NW  
ALBUQUERQUE NM 87104-1915



BACA PRENTICE ALVIN  
1016 MONTYA RD NW  
ALBUQUERQUE NM 87104



509 Kachini  
buquerque,

legos  
ces  
china St. I  
que, NM

RAMIREZ LORENZO & CATHY  
1102 MONTTOYA RD NW  
ALBUQUERQUE NM 87104-1915



SANCHEZ MAX W  
945 MONTTOYA RD NW  
ALBUQUERQUE NM 87104

GARCIA FARMS LLC C/O EDWARD T  
GARCIA  
PO BOX 26207  
ALBUQUERQUE NM 87125-6207



Property Owners

## MEETING REPORT

**From:** [Adella Gallegos](#)  
**To:** [Duarte, Leroy D.](#)  
**Cc:** [Advantage Surveying](#); [LDimasLynch@gmail.com](mailto:LDimasLynch@gmail.com)  
**Subject:** Zone Map Amendment - Montoya Rd, Lot B, El Jaral  
**Date:** Wednesday, December 8, 2021 10:47:35 AM

---

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 Toning & Linda Thorne's residence, 949 Montoya Rd. NW. The following residents were in attendance: Linda Dimas,, Linda Thorne, Wayland Toning, 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.



Robert Gutierrez  
Robert Gutierrez Investments LLC.

**From:** [Gregory Smestad](#)  
**To:** [Jones, Megan D.](#)  
**Cc:** [Duarte, Leroy D.](#)  
**Subject:** Re: 2007 EPC Applications #2021-006202  
**Date:** Tuesday, December 7, 2021 11:15:09 AM

---

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](mailto: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  
o 505.924.3352  
e [mdjones@cabq.gov](mailto:mdjones@cabq.gov)  
[cabq.gov/planning](http://cabq.gov/planning)

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

**From:** [Gregory Smestad](#)  
**To:** [Jones, Megan D.](#)  
**Cc:** [Duarte, Leroy D.](#); [Lehner, Catalina L.](#)  
**Subject:** Re: 2007 EPC Applications #2021-006202  
**Date:** Wednesday, December 8, 2021 11:21:54 AM

---

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](mailto: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,

<image001.jpg>

**Megan Jones**  
Current Planner  
o 505.924.3352  
e [mdjones@cabq.gov](mailto:mdjones@cabq.gov)  
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**Sent:** Tuesday, December 7, 2021 4:17 PM  
**To:** Jones, Megan D. <[mdjones@cabq.gov](mailto:mdjones@cabq.gov)>  
**Cc:** Duarte, Leroy D. <[lduarte@cabq.gov](mailto:lduarte@cabq.gov)>; Lehner, Catalina L. <[CLehner@cabq.gov](mailto:CLehner@cabq.gov)>  
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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.

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<image002.jpg>

<image003.jpg>

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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>

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**Megan Jones**

Current Planner

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**Sent:** Tuesday, December 7, 2021 11:15 AM

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**Subject:** RE: 2007 EPC Applications #2021-006202  
**Date:** Wednesday, December 8, 2021 10:39:32 AM

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o 505.924.3352  
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113812-2 CLOWNDWIZ NENB-02-96-2 Sig 1

SUBJECT:

Date: 1 1

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 Thome 949 Montoya  
Janey Jensen 449 Montoya  
Nancy Tankardly 2921 Maximilian  
Royalin Mayne McDonald 2800 Maximilian  
JOSEY TARKENTLEY 2901 MAXIMILIAN RD NW  
Maryann and Ron Joney 655 Montoya NW  
Larry Robert Norman 2704 Cort M. Mitchell Ave  
TREVOR JORNELL 2804 MAXIMILIAN RD NW  
CHRISTINA HALBERT 1115 MONTOYA NW  
MARY BEATH 2833 MAXIMILIAN RD NW  
Dun Beatty 2833 Maximilian Rd NW

SUBJECT: \_\_\_\_\_ Date: 1 1

Ernestine Sanchez 922 Montoya St. NW 87104

Shirley Gordon 2911 Maxwells Rd NW  
James Buchanan 945 Union Dr. SE

(inc. for Maxwells Rd. Sec. 2, 3, 4)  
982 Montoya St NW  
87104

Phyllis Loran  
PO Box 1747

Johnny Ramirez 1102 Montoya Rd.  
Eric Chase President, WOTNA

Ernest Ruel ~~820~~ 820 Montoya Rd.  
Joseph Lund 1166 Montoya NW 87104

Sherry Smeestad 905 Green Acres Pl. NW  
Linda Dimastroyan 1116 B Montoya NW 87104

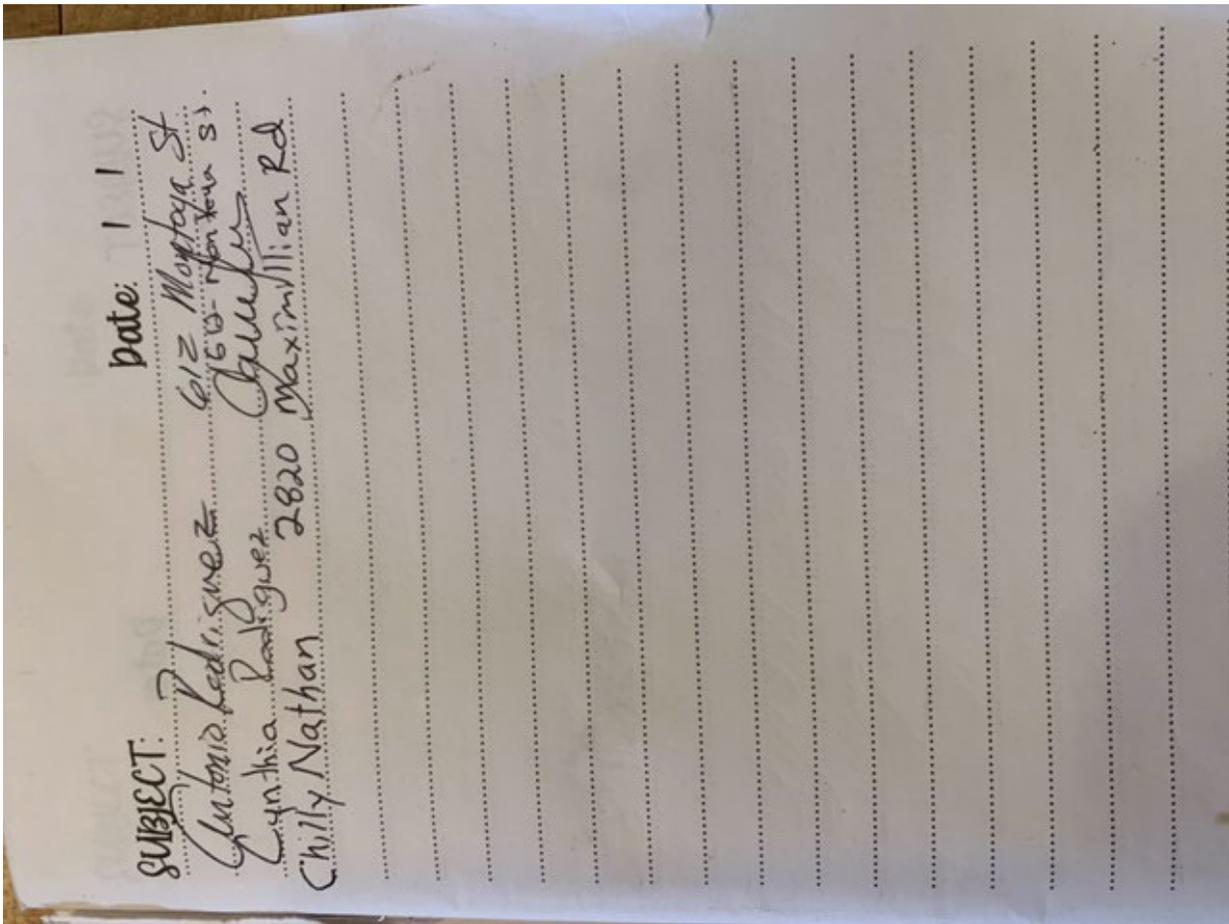
Edward Jones 1118 Montoya NW 87104  
Opus Conant Montoya Rd 87104

Lashay Ramey 1102 Montoya Rd 87104  
KATHIE GARDNER 944 MONTAYA ST NW 87104

Roy Dimas 1130 Montoya S NW 87104  
CINDY & Andy Dunn 1176 Montoya

Kay & Cole 2829 MAXWELLS RD NW  
KAY & COLE FOR CAMILLE KOETTLER 2828  
MARTINEAN

Karen Stark 2913 Maxwells Rd NW  
Lee Mann 2761 Mountain View NW 87104



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