Acity of Ibuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

	Supplemental	form	
SUBDIVISION	S Z	ZONING & PLANNING	
Major Subdivision action Minor Subdivision action		Annexation County Submitta	1
Vacation	V	EPC Submittal	
Variance (Non-Zoning)		Zone Map Amendment (E	stablish or Change
SITE DEVELOPMENT PLAN	Р	Sector Plan (Phase I, II, II	II)
for Subdivision for Building Permit		Amendment to Sector, Are	ea, Facility or
Administrative Amendment (AA)	Comprehensive Plan Text Amendment (Zoning	Code/Sub Reas)
IP Master Development Plan		Street Name Change (Loc	cal & Collector)
Cert. of Appropriateness (LU STORM DRAINAGE	CC) L A	APPEAL / PROTEST of Decision by: DRB, EPC, LUCC,	Planeira Director Ct #
Storm Drainage Cost Allocation Pla	_	ZHE, Zoning Board of Appeals	rianning Director or Stan,
PRINT OR TYPE IN BLACK INK ONLY. Planning Department Development Service time of application. Refer to supplemental	es Center, 600 2™ Street N	W. Albuquerque NM 87102 Fee	ation in person to the es must be paid at the
APPLICANT INFORMATION:			000
Professional/Agent (if any): DAC EN	TERPRISES, INC		
ADDRESS: P.O. Box 16658			47-4530
CITY: ALBUQUERQUE	STATE NM ZIP	87/9/ E-MAIL:	
APPLICANT: RANDY KAUFI		PHONE: 345	5.4935
ADDRESS: 325 CANDELAK	ZIA RD NE	FAX: 084	
CITY: ALBUQUERQUE,	STATE NM ZIP	87107 E-MAIL JLMGUT	tosaks@MOL.CO
Proprietary interest in site: DWNER	List all own	iers:	
DESCRIPTION OF REQUEST: SITE DEV.			NAC PERMIT
ZONE MAPAMENDMENT!	FROM R-1/6-2 to 8	1 to 54-1/0-2 11/10	WING INCES
Is the applicant seeking incentives pursuant to	the Earnily Housing Dayslagman	at Brogram? Ven No	1112011320:
SITE INFORMATION: ACCURACY OF THE EXIST			
Lot or Tract No. LOTS 25\$27 8			
		Block: 2	Unit:
Subdiv/Addn/TBKA: GRACELAND			<u> </u>
Existing Zoning: 12.1	Proposed	zoning: 34-1/C-2 W/ZIN	nited USES
Zone Atlas page(s): 6-15	UPC_Code: 10/50	0000800930904 MRGCD	Map No
CASE HISTORY:	10150	600(6205330902 1007205030903	
List any current or prior case number that may	be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.):	AC-08-04.
07 EPC-40104 PROJ#	1007008	,	
CASE INFORMATION: Within city limits? X Yes Within	n 1000FT of a landfill? 刈 の		
110:0	f proposed lots:T		<u>I</u> C
LOCATION OF PROPERTY BY STREETS: On			
Between: ARNO ST NE	and <u>COM</u>	IMERCIAL ST NE	
Check-off if project was previously reviewed by	Sketch Plat/Plan □, or Pre-appl	lication Review Team □. Date of review	·
SIGNATURE DOUG CRANDALL (Print) DOUG CRANDALL	DAC ENTERPRISES	INC DATE OB	104/08
(Print) DONG CRANDALL		Applicant:	Agent: 💢
OR OFFICIAL USE ONLY		Form	revised 4/07
	plication case numbers	Action S.F.	Fees
	KEPC 40084		\$ 240.00 ∩
] All case #s are assigned	EPC 4008	7	\$?
Acto copy has been sent	(EPL 40086	2 <u>\$BP</u>	\$5
Case history #s are listed Site is within 1000ft of a landfill	······································	- CWE -	\$ O
F.H.D.P. density bonus			Total
F.H.D.P. fee rebate	earing date	ana,	\$
7-5.	Deni	ect# 1007008	
	signature / date		

	IP MASTER DEVELOP 5 Acres or more & zor Scaled site plan and re For IP master dev buildings, landsca Site plans and related Zone Atlas map with the Letter briefly describin Letter of authorization Office of Community & Completed Site Plan for Sign Posting Agreemed TIS/AQIA Traffic Impa Fee (see schedule) List any original and/or	ned SU-1, IP, SU-2, PC, or Sho elated drawings (folded to fit in relopment plans, include gener ping, lighting, and signage. drawings reduced to 8.5" x 11 he entire property(ies) clearly of g, explaining, and justifying the from the property owner if app & Neighborhood Coordination in or Subdivision and/or Building	to an 8.5" by 14" pocker al building and parking "format (1 copy) butlined e request blication is submitted by inquiry response, notify Permit Checklist inature	et) 30 copies. locations, and design requirements for an agent ing letter, certified mail receipts
	SITE DEVELOPMENT IN FOR WIRELESS TELEOUS 5 Acres or more & zon Site plan and related down Site plan and related down Site plans and related down Zone Atlas map with the Letter briefly describing Letter of authorization Office of Community & Sign Posting Agreeme Completed Site Plan for TIS/AQIA Traffic Impanded Fee (see schedule) List any original and/or NOTE: For wireless telecorequirements) the following Collocation evidence and Notarized statement deletter of intent regarding Letter of description as Distance to nearest existanding tower Registered Engineer's Office of Community & EPC hearings are approx	red SU-1, IP, SU-2, PC, or Shot rawings (folded to fit into an on, if applicable, previously applicable, property (is) precisely applicable, entire property (is) precisely applicable, explaining, and justifying the from the property owner if applicable from the fill applicable from the fill in the property of the fill in the property of the fill in the property owner in the property owner in the fill in the property of the fill in the fill in the property owner in the fill	estandards (EPC17) epping Center: Certifica 8.5" by 14" pocket) 30 proved or simultaneous 8.5" by 14" pocket.) 36 format (1 copy) y and clearly outlined a request dication is submitted by equiry response, notifying ermit Checklist enture ever application ews referred to the EP etion to those listed about 14-16-3-17(A)(5) endated. Refer to §14- 6-3-17(A)(10)(e) eliment issues, if relevants owner's name if the etit Plans equiry response as aboung deadline. Your atternations	te of No Effect or Approval copies. Isly submitted. Copies Ind crosshatched (to be photocopied) In an agent Ing letter, certified mail receipts Copies Co
I, ti info with	AMENDED SITE DEVEL Proposed amended Site DRB signed Site Plan is DRB signed Site Plan is Site plans and related of Zone Atlas map with th Letter briefly describing Letter of authorization in Office of Community & Sign Posting Agreement Completed Site Plan for TIS/AQIA Traffic Impact Fee (see schedule) List any original and/or EPC hearings are approximation required but not so	drawings reduced to 8.5" x 11" e entire property(ies) clearly or permitted, and justifying the from the property owner if apply Neighborhood Coordination in the reduced permit Checklist (note Study form with required significant of the property owner in the content of the property of the permitted file numbers on the content of the property of the	DIVISION (E " by 14" pocket) 30 cop to an 8.5" by 14" pocket equired when amending format (1copy) utlined request ication is submitted by quiry response, notifying t required for amendmentature wer application ng deadline. Your att	an agent name (print)
	Checklists complete Fees collected Case #s assigned Related #s listed	Application case numbers D&EPL 40060	Former	Planner signature / date Planner signature / date

□ ANNEXATION (EPCOS) Application for zone may amandment including those submittal requirements. Soo below. Amexation and establishment of zoning must be applied for simultaneously. Polition for Amexation for anni or increasing violationaries. Zone for the Amexation Found and receivable violation in County jurisdiction, but is configurus to City limits. NOTE: The Zone Atlas must able to the policies contained in "Resolution 54-1800" Lister of authorization from the property owner if application is submitted by an agent of a contained in Property owner if application is submitted by an agent of the property owner if application is submitted by an agent of the property owner if application in pulsy response, notifying letter, certified mail receipts. Sign Policy Agreement. TISA/CAR Traffic impact Study / An Quality Impact Assessment form List any original and/or related file numbers on the cover application. EFC hearings are approximately? "weeks after the filing deadline." SDP PHASE II - DRB CONCEPTUAL PLAN REVIEW (DRBPH1) (Unadvertised) Coup of Immage from required expendituation impact property (DRBPH2) (Unadvertised) Coup of Immage from required expendituation impact property (DRBPH2) (Unadvertised) Coup of Immage from required expendituation impact property (DRBPH2) (Unadvertised) Coup of Immage from required expendituation impact property (DRBPH2) (Unadvertised) Coup of Immage from required expendituation impact property (DRBPH2) (Unadvertised) Coup of Immage from required expendituation impact property (DRBPH2) (Unadvertised) To such a simple from required expendituation impact property (DRBPH2) (Unadvertised) Coup of Immage from required expendituation impact property (DRBPH2) (Unadvertised) To such a simple from required expendituation impact property (DRBPH2) (Unadvertised) Coup of Immage from required expendituation impact property (DRBPH2) (Unadvertised) To such a simple from required expendituation impact property (DRBPH2) (Unadvertised) To such a simple from required expenditua	F	ORM Z: ZONE CODE TEXT & MAP AMENDMENTS, PLAN APP	ROVALS & AMENDMENTS
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✓ Zone Atlas map with the entire property clearly outlined ✓ Letter briefly describing, explaining, and justifying the request per "Resolution 270-1980". ✓ Letter of authorization from the property owner if application is submitted by an agent ✓ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts ✓ Sign Posting Agreement ✓ TIS/ACIA Traffic Impact Study / Air Quality Impact Assessment form ✓ Fee (see schedule) ✓ List any original and/or related file numbers on the cover application EPC hearings are approximately 7 weeks after the filing deadline. ✓ Your attendance is required. AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07) Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended Sections of the Zone Code/Subdivision Regulations being amended Letter briefly describing, explaining, and justifying the request Fee (see schedule) List any original and/or related file numbers on the cover application EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.	1		Your attendance is required.
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	_	Fees collected D&BPL 40084 Y Case #s assigned	7-5-08 Planner signature / date

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) / AIR QUALITY IMPACT ASSESSMENT (AQIA) FORM

APPLICANT: DAC ENTERPRISES, INC DATE OF REQUEST: 081418 ZONE ATLAS PAGE(S): J-20
CURRENT: LEGAL DESCRIPTION: TAX \$
ZONING C-2 LOT OR TRACT # Lot 25427 BLOCK # 2
PARCEL SIZE (AC/SQ. FT.) . 56 AC SUBDIVISION NAME CRACE AND ACRES ADDIV
REQUESTED CITY ACTION(S):
ANNEXATION [] SECTOR PLAN [] SITE DEVELOPMENT PLAN:
COMP. PLAN [] ZONE CHANGE [χ'] A) SUBDIVISION [χ'] BUILDING PERMIT [χ'
AMENDMENT [] CONDITIONAL USE [] B) BUILD'G PURPOSES [] ACCESS PERMIT []
TO Sy-I FOR C-Z C) AMENDMENT [] OTHER []
PROPOSED DEVELOPMENT: GENERAL DESCRIPTION OF ACTION: 1
NO CONSTRUCTION/DEVELOPMENT [] # OF UNITS:
7-
EXPANSION OF EXISTING DEVELOPMENT[]
NOTES: 1. Changes made to development proposals / assumptions, from the information provided above, may change the TIS or
AQIA analysis requirements.
APPLICANT OR REPRESENTATIVE DOUGLOSS CONSIDER AND ENGINEER AND ENGINEE
(TO BE SIGNED UPON COMPLETION OF PROCESSING BY TRAFFIC ENGINEER AND ENVIRONMENTAL HEALTH)
Planning Department, Development & Building Services Division, Transportation Development Section - 2 ND Floor West, 600 2 nd St. NW, Plaza del Sol Building, City, 87102, phone 924-3994
TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES[] NO DORDERLINE[]
THRESHOLDS MET? YES [] NO M MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: [] Notes: AUTOMOBILE SALES
If a TIS is required: a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. Any subsequent changes to the development proposal identified above may require an update or per TIS.
Tony 3,1 8-4-08
TRAFFIC ENGINEER DATE
At Co. It's Least A Archaig (AOIA) May De Dequired;
Air Quality Impact Analysis (AQIA) May Be Required:
Section 14-16-3-14 of the COA Comprehensive Zoning Code contains threshold requirements for air quality studies. Criteria and thresholds contained in the Zoning Code specify which land use or plan actions will require preparation of an AQIA. Please refer to this section in orde to determine if your proposal merits study for air quality impacts. An AQIA is not required, if a TIS is not required by the City or ar associated TIS shows all signalized intersections functioning at Level of Service (LOS) C or better. An AQIA will only be required for a Sector Development Plan or Sector Development Plan Amendment if it meets AQIA thresholds in the Zoning Code.
AIR QUALITY IMPACT ANALYSIS (AQIA) REQUIRED: YES [] NO [
Contact an Air Quality Planner at 768-2660 to insure that input is received from the Air Quality Division during the scoping of the companion TIS. Any subsequent changes to the development proposal identified above may require an update or new AQIA.
APPLICANT DATE
Required TIS and/or AQIA <u>must be completed prior to applying to the EPC.</u> Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.
TIS -SUBMITTED/_ /
-FINALIZED/ TRAFFIC ENGINEER DATE Revised June 27, 2005

Revised: 2/22/07

This checklist will be used to verify the completeness of site plans submitted for review by the Environmental Planning Commission and Development Review Board. Because development proposals vary in type and scale, there may be submittal requirements that are not specified here. Nonetheless, applicants are responsible for providing a complete submittal. Certification as specified below is required.

I CERTIFY THAT THE SUBMITTED SITE DEVELOPMENT PLAN IS COMPLETE AND ACCURATE, AND THAT ALL APPLICABLE INFORMATION AS SPECIFIED IN THIS CHECKLIST IS PROVIDED. FURTHER, I UNDERSTAND THAT THIS APPLICATION IS BEING ACCEPTED PROVISIONALLY AND THAT INACCURATE AND/OR INCOMPLETE INFORMATION MAY RESULT IN THE SUBSEQUENT REJECTION OF THE APPLICATION OR IN DACENTER PRISES, INC.

A DELAY OF ONE MONTH OR MORE IN THE DATE THE APPLICATION IS SCHEDULED FOR PUBLIC HEARING.

Applicant or Agent Signature / Date

NOTE: MAXIMUM SIZE FOR SUBMITTAL IS 24" X 36".

Site development plan packets shall be composed of the following plan sheets (unless otherwise approved in writing prior to submittal by the Planning Department):

- 1. Site Plan (including utilities and easements)
- 2. Landscaping Plan
- 3. **Preliminary Grading Plan** (A separate Grading Plan sheet is required for a sites 1 acre or more.)
- 4. Building and Structure Elevations
- 5. Conceptual Utility Plan
- 6. Previously approved Development Plan (if applicable)

Submitted plan packets must be organized in the above manner. The following checklist describes the minimum information necessary for each plan element. The Applicant must include all checklist items on their site plan drawings and confirm inclusion by checking off the items below. Non-applicable items must be labeled "N/A." Each non-applicable designation must be explained by notation on the Checklist.

Accompanying Material

<u>~</u> A. 8-1/2" x 11'	reduction for eac	h plan sheet
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B. Written project summary. Each application must include a brief narrative description of the proposed project, its primary features and how compatibility with the surrounding context has been achieved.

SHEET #1 - SITE PLAN

A. General Information

1.	Date of drawing and/or last revision				
2.	Scale: 1.0 acre or less	1" = 10'			
1	1.0 - 5.0 acres	1" = 20'			
1	Over 5 acres	1" = 50'			
	Over 20 acres	1" = 100'	[Other scales as approved by staff]		
3.	Bar scale				
4.	North arrow				
5.	Scaled vicinity map				
<u> </u>	Property lines (clearly identify)				
7.	Existing and proposed easements (identify each)				
8.	Phases of development including location and square footages of structures, circulation,				
1	parking and landscaping				

Revised: 2/22/07

B. Proposed Development

1.	Structu	ıral
✓		S. Square footage of each structure C. Proposed use of each structure
د.	,	
	+ A	 Parking layout with spaces numbered per aisle and totaled. Location and typical dimensions, including handicapped spaces
		2. Calculations: spaces required: provided:
V	B	Handicapped spaces required: provided: Motorcycle spaces required: provided: Bicycle parking & facilities 1. Bicycle racks, spaces required: provided:
		2. Other bicycle facilities, if applicable
		 Vehicular Circulation (Refer to Chapter 23 of DPM) 1. Ingress and egress locations, including width and curve radii dimensions 2. Drive aisle locations, including width and curve radii dimensions 3. End aisle locations, including width and curve radii dimensions 4. Location & orientation of refuse enclosure, with dimensions 5. Curb cut locations and dimensions
		 Pedestrian Circulation 1. Location and dimensions of all sidewalks and pedestrian paths 2. Location and dimension of drive aisle crossings, including paving treatment 3. Location and description of amenities, including patios, benches, tables, etc.
3. \$	Streets	and Circulation
_	A .	Locate and identify adjacent public and private streets and alleys. 1. Existing and proposed pavement widths, right-of-way widths and curve radii 2. Identify existing and proposed turn lanes, deceleration lanes and similar features related to the functioning of the proposal, with dimensions 3. Location of traffic signs and signals related to the functioning of the proposal 4. Identify existing and proposed medians and median cuts 5. Sidewalk widths and locations, existing and proposed
1	B.	Identify Alternate transportation facilities within site or adjacent to site 1. Bikeways and bike-related facilities

		2. Pedestrian trails and linkages 3. Bus facilities, including routes, bays and shelters existing or required
4.	Utilities ——	 Fire hydrant locations, existing and proposed. Distribution lines Right-of-Way and easements, existing and proposed, on the property and adjacent to the boundaries, with identification of types and dimensions. Existing water, sewer, storm drainage facilities (public and/or private).
5.	Phasing	5. Proposed water, sewer, storm drainage facilities (public and/or private)
	A.	Proposed phasing of improvements and provision for interim facilities. Indicate phasing plan, including location and square footage of structures and associated improvements including circulation, parking and landscaping.
SHEE	T #2 - L <i>P</i>	ANDSCAPING PLAN
	Landscapin	g may be shown on sheet #1 with written approval from Planning Department staff.
	2. 3. 4. 5. 6.	Scale - must be same as scale on sheet #1 - Site plan Bar Scale North Arrow Property Lines Existing and proposed easements Identify nature of ground cover materialsA. Impervious areas (pavement, sidewalks, slope pavings, curb and gutters, etc.)B. Pervious areas (planting beds, grass, ground cover vegetation, etc.)C. Ponding areas either for drainage or landscaping/recreational use Identify type, location and size of plantings (common and/or botanical names)A. Existing, indicating whether it is to preserved or removedB. Proposed, to be established for general landscapingC. Proposed, to be established for screening/buffering.
	9.	Describe irrigation system – Phase I & II Planting Beds, indicating square footage of each bed Turf Area - only 20% of landscaped area can be high water turf; provide square footage and percentage.
	12. 13. 14. 15.	Responsibility for Maintenance (statement) Statement of compliance with Water ConservationOrdinance, see article 6-1-1-1. Landscaped area requirement; square footage and percent (specify clearly on plan) Landscaped area provided; square footage and percent (specify clearly on plan) Planting or tree well detail Street Tree Plan as defined in the Street Tree Ord.

SHEET #3 -PRELIMINARY GRADING PLAN -

The Preliminary Grading Plan provides the Planning Commission and staff with an understanding of site topography and how it relates to adjacent property. Planning staff may waive or allow adjustments to the Preliminary Grading Plan requirements for sites that are small, relatively flat and have no existing or proposed extraordinary drainage facilities. Waivers must be obtained in writing from the City Engineer prior to application submittal.

Grading information for sites that are under 1 acre can be included on Sheet #1.

Revised: 2/22/07

Revised: 2/22/07

A. Gen	eral Information		
\checkmark	1. Scale - must be same as Sheet #1 - Site Plan 2. Bar Scale 3. North Arrow 4. Property Lines 5. Existing and proposed easements 6. Building footprints 7. Location of Retaining walls ding Information		
R Gra	ding Information		
D. 010			
,	 On the plan sheet, provide a narrative description of existing site topography, proposed grading improvements and topography within 100 feet of the site. Indicate finished floor elevation and provide spot elevations for all corners of the site (existing and proposed) and points of maximum cut or fill exceeding 1 foot. Identify ponding areas, erosion and sediment control facilities. Cross Sections 		
V	3. Identify ponding areas, erosion and sediment control facilities.		
	4. Cross Sections Provide cross section for all perimeter property lines where the grade change is greater than 4 feet at the point of the greatest grade change. Provide one additional cross section in each direction within no more than 100 feet of the reference point.		
SHEET #4 - BUILDING AND STRUCTURE ELEVATIONS A. General Information			
	ĹA. Scale (minimum of 1/8" or as approved by Planning Staff).		
✓	A. Scale (minimum of 1/8" or as approved by Planning Staff). B. Bar Scale C. Detailed Building Elevations for each facade		
/ - (E. Site Development Plans for single family residential projects with multiple units may require submittal of specific information on building features in lieu of elevation drawings for each building. Applicants are advised to discussed submittal requirements with Planning Department staff.		
B. Signa	ge		
l	1. Site location(s) 2. Sign elevations to scale 3. Dimensions, including height and width 4. Sign face area - dimensions and square footage clearly indicated 5. Lighting 6. Materials and colors for sign face and structural elements.		

Applicants should make sure that the submitted site development plan drawings are accurate and complete, and that items specified in this checklist have been clearly indicated on the plan drawings as required.

Zoning & Land Use Services

Phone: 505-294-5243

July 27, 2008

Ms. Laurie Moye, Chair Environmental Planning Commission City of Albuquerque Albuquerque, New Mexico

RE: Zone Map Amendment – Project #1007008 (07EPC-008) -Modify Request from R-1 to C-2 to R-1 to SU-1 for limited C-2 uses – Lot 25 and 27, Tract X, Block 2, Graceland Acres Addition (Zone Atlas G-15-Z)

Dear Mme. Chair and Commissioners:

DAC Enterprises, Inc. has been retained to act as agent for Mr. Randy Kaufman, applicant for the above referenced action. Please accept this letter to amend applicant's original request for C-2 zoning to SU-1 for limited C-2 uses. Applicant believes that the justifications presented for C-2 zoning are still valid and that the staff recommendation and findings of the Environmental Planning Commission (EPC) are persuasive. Applicant believes that the requested SU-1 zoning will further strengthen those justifications.

Background

Applicant filed for a zone map amendment for this site from R-1 to C-2. It was, and still is, the applicant's intent to establish a car sales lot at this location. The original request was heard by the Environmental Planning Commission (EPC) on February 28, 2008. There was substantial testimony regarding the fact that, although the applicant had a specific use proposed for the site, a standard C-2 zone category would also allow other uses, some of which were not considered compatible with the neighborhood. After all of the testimony and significant discussion among the EPC members, the request was approved. The approval was subsequently appealed to the City Council by Ruben and Bessie Romero. The matter was heard on April 21, 2008. After substantial testimony, the City Council remanded the case back to the EPC on a 9-0 vote.

In remanding the case, the City Council recommended that the EPC "consider alternative zoning to SU-1 for C-2 uses with no drive-throughs, truck idling or liquor sales." In making the recommendation to consider SU-1 zoning, the City Council offered several findings from the alternate findings for denial of the original zone map amendment request, though such findings were never adopted by the EPC. This letter will not attempt to re-justify every policy from the original zone change request, but will address those findings in the City Council's recommendation for a remand to the EPC.

Findings of the City Council Hearing

<u>Policy II.B.5.d.</u> of Developing and Established Urban Area of the Albuquerque/Bernalillo Comprehensive Plan (Comprehensive Plan) states: "The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural and recreational concerns."

In the staff planner's original report, it stated that the intensity of uses allowed in the C-2 zone was opposed by the affected neighborhood association and by the adjoining residential property owner. Nonetheless, the planner concluded that "given the small size of the site, the request does not significantly affect existing conditions and resources."

The lot size is an important point in this amended request. As a C-2 zoned site of less than five acres, there would be no design oversight which could allow this policy to be furthered. However, SU-1 zoning will allow the EPC to review any development on the site at a public hearing to assure that neighborhood values, natural environmental conditions, etc. are respected and addressed.

Moreover the lot size is also important regarding the potential uses on the site. As has been clearly expressed, it is applicant's intention to establish a car sales lot on this property. The lot will be landscaped and fenced in accordance with a site plan approved by the EPC, but there will not be any buildings on the site during this first phase of development. If the car sales lot is successful, a permanent building will be erected on the south side of the lot. Subsequently, retail and office space will be constructed on the site as the need for such uses may occur.

Finally, the allowed C-2 uses will be limited so as to not negatively affect the adjoining neighbors or adjacent neighborhood. Liquor sales, semi-truck parking, and drive through services will among the standard C-2 uses not allowed.

<u>Policy II.B.5.i</u>: "Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution and traffic on residential environs." The lots referenced in this request and the lot directly to the north are the only residentially zoned lots on the north side of Candelaria between I-25 and Second Street. They are also the only lots inside the city limits between Edith and the railroad tracks. Applicant's lots are bordered by M-1 to the west and C-2 across the street to the east.

In applying this policy, it is reasonable to focus on the large residentially zone area on the south side of Candelaria, and not on the single lot north of this request. The residential zoning to the south of this site is a large subdivision that is well buffered by Candelaria Road.

The current R-1 zoning does not allow employment and service uses that will complement that area. The proposed zoning will further that policy, and the site plan component of the SU-1 zone will assure minimzed adverse affects of noise, lighting and pollution.

The alternative to any re-zoning is to build single family housing. Modular housing would be the most cost effective, but regardless of construction type, any residential development would be unappealing and would likely impact the lone R-1 lot to the north as much or more than limited C-2 uses regulated by a site development plan the requires buffering, specific lighting regulations and minimal affects of potential pollution.

In its remand, the City Council also cited "The Economic Development Goal" because "the requested zone does not strike a balance between economic development and environmental goals that is acceptable to the affected neighborhood association and the adjoining residential property owner."

Applicant rejects this premise, even as a standard C-2 zone. The C-2 zone category is part of the *Albuquerque Comprehensive City Zoning Code (Zoning Code, or Code)*. Paragraph 14-16-1-3 outlines the intent of the regulations of the *Code*. If the C-2 zone does not further the balance between economic and environmental goals, then it ought to be revised to do so. Nevertheless, the SU-1 component of this request will allow the issue of balance to be addressed and resolved.

The City Council also listed the alternates for denial of Sections A-J of Resolution 270-1980. Some of those findings are supportive of the original zone map request and others are not. Applicant will briefly re-visit the Resolution.

Resolution 270-1980

- A. A proposed zone change must be found to be consistent with the health, safety, morals and general welfare of the City. Both the findings for approval and denial agreed that the proposed change to C-2 was 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 change. R-1, single family zoning is not appropriate at this location. It was annexed to the City as an R-1 lot for the sole purpose of obtaining city water and sewer. The site has never been used for single family dwellings and it is virtually surrounded by non-residential uses north of Candelaria. The SU-1 zone will allow for only compatible C-2 uses and re-zoning to non-residential zoning will be in conformance with the character of the land uses in the area.

C. A proposed zone change shall not be in significant conflict with the adopted elements of the *Comprehensive Plan* or other City master plans and amendments. Applicable policies include: Policy <u>II.B.5.a</u> of the Developing and Established Urban Area of the *Comprehensive Plan* states: "The Developing Urban and Established areas shall allow a full range of urban land uses, resulting in a gross density of up to five dwelling units per acre." As previously stated, residential uses are not appropriate here, thus rendering the current zoning inappropriate. The proposed SU-1 for limited C-2 uses will be more appropriate for the neighborhood and community by allowing community commercial uses. <u>Policy II.B.5.e</u> which says that "[n]ew growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services where the integrity of existing neighborhoods can be ensured." This infill development is contiguous to all urban facilities including transit

As previously noted, this request for SU-1 zoning will further <u>Policy II.B.5.i.</u> which states: "Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution and traffic on residential environs."

<u>Policy II.B.5.m</u> states: "Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged." Applicant has reviewed the site plan with planning department staff and is committed to providing a quality design that will further this policy.

Several economic development and air quality policies are also furthered by this request, including <u>Policy II.6 a</u> which states: "New employment opportunities which will accommodate a wide range of occupation skills and salary levels shall be encouraged and new jobs located convenient to areas of most need." This development will allow for community commercial uses that could provide various types of employment opportunities convenient to an area of older homes with limited income residents.

<u>Policy e.</u> "A sound fiscal position for local government shall be maintained." This policy is furthered because it will allow commercial development which pays gross receipts taxes instead of vacant residential land that will likely never be developed as single family residences.

<u>Policy f.</u> "The City and County should remove obstacles to sound growth management and economic development throughout the community." The current R-1 zoning category is an obstacle to economic development on this property.

Air Quality

<u>Policy b.</u> "Automobile travel's adverse effects on air quality shall be educed through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services." This zone change will add convenient commercial development to the area. It is also served by a transit route.

<u>Policy d.</u> "Air quality shall be protected by providing a balanced circulation system that encourages mass transit use and alternate means of transportation..." As noted in <u>Policy</u> b above, both vehicle and mass transit alternatives are available to access this site. In addition, the use will provide pedestrian friendly access across the site.

Some aspects of *North Valley Area Plan (NVAP)* seem to conflict with this request. However, as well analyzed by the staff planner, this is a small lot, virtually surrounded on three sides by non-residential zoning that is inappropriate for residential zoning. It is too small for any major development and thus in keeping with the overall goals of the *NVAP*.

D. The applicant must demonstrate that the existing zoning is inappropriate because a different use category is more advantageous to the community, as articulated in the Comprehensive Plan and other City master plans. Applicant accepts the original findings of EPC that the proposed zone change is more advantageous to the community that the existing zoning because it promotes infill, redevelops an older neighborhood, and is a viable economic activity that is consistent with the mixed commercial zoning envisioned by the *Edith Corridor* and *North Valley Area Plan*.

The apparent concern with the previous C-2 request was that the intensity some C-2 uses would not respect the values of the neighborhood association and could adversely affect the R-1 lot to the north. This request for SU-1 zoning will eliminate undesirable or inappropriate uses and provide further protection through the site plan process.

E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to the adjacent property, the neighborhood or the community. Applicant disagrees that the intended use of the property for a car sales lot would be harmful to adjacent property, the neighborhood or the community. Car sales lots are a minimally invasive use that does not promote noise, lighting, pollution or other harmful elements. Despite this finding, it should be noted that the City Council's remand did not list "car sales" or any variation as a use that should be eliminated as part of the SU-1 zone request.

- F. A proposed zone change which, to be utilized though land development requires major and unplanned capital expenditures...may be denied. This proposed zone change requires no capital expenditures on the part of the City in order to be developed. It is an infill development that is encouraged by the *Comprehensive Plan*.
- G. The cost of land and other economic considerations pertaining to the applicant shall not be a determining factor for a change of zone. Applicant makes no argument regarding economic factors.
- H. Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning. Applicant makes no argument that street location alone is sufficient justification for this zone change. Nonetheless, it is clearly a factor which must be considered.
- I. A zone change request which would give a zone different from surrounding zones to one small area...is generally called a "spot zone." An SU-1 zone is not considered a spot 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." See "I" above.

Conclusion

On February 28, 2008, the Environmental Planning Commission accepted the recommendation of the staff planner and approved a zone change on the above referenced property from R-1 to C-2. The approval was subsequently appealed to the City Council by the neighbor whose property abuts this request.

The Stronghurst Improvement Association (SIA) also opposed the original request, but did not join the appeal. In the original application, several residents of the SIA who live across the street from this request wrote letters of support. The SIA said that they would consider supporting special use zoning with strict design requirements

After substantial testimony at the City Council, the Council neither upheld, nor overturned the EPC decision, but instead remanded the case with a clear recommendation to consider alternative SU-1 zoning for limited C-2 uses.

Applicant has complied with the wishes of the City Council and modified this request accordingly. Applicant has worked with planning staff and will schedule a facilitated meeting with the adjacent neighbors and the Stronghurst Improvement Association in a sincere attempt to reach an agreement on an acceptable site development plan and appropriate uses for the requested SU-1 zone.

Your favorable consideration of this request is sincerely appreciated. I am looking forward to answering any questions the commission may have.

Regards,

Jour Cankall,

Doug Crandall

Principal, DAC Enterprises, Inc.

Randy Kaufman /K5 Investments, LLC

200 Cottonwood Ct NW Albuquerque, New Mexico 87107

August 04, 2008

Re: Zone Map Amendment- Lot 25 and 27, Tract X, Block 2, Graceland Acres Addition (Zone Atlas G-15-Z)

To Whom It May Concern:

This letter certifies that I am the owner of the above referenced property and I herby authorize DAC Enterprises, Inc. act as my agent in all matters to come before the City of Albuquerque regarding the zone map amendment process.

If you have any questions, please contact me at 991-1308.

Sincerely,

Randy Kaufman

Managing Member/Owner

K5 Investments, LLC

Phone: 505-294-5243

August 4, 2008

CERTIFIED MAIL STRONGHURST IMPROVEMENT ASSOCIATION, Inc. (SIA) Nasser Safaci 2907 Commercial Street NE Albuquerque, NM 87107

Re: Request for Modified Zone Map Amendment

Dear Mr. Safaci:

DAC Enterprises, Inc. has been authorized to represent the property owner, Mr. Randy Kaufman, in requesting a modified zone change from R-1 to C-2 to R-1 to SU-1 for limited C-2 Uses for the property described as Lots 25 and 27, and Tract X, Block 2, Graceland Acres Addition.

Enclosed for your information is the complete site plan for building permit which will be submitted for review by the Environmental Planning Commission at their hearing on September 18, 2008. Also included is Zone Map J-20.

We will set up a facilitated meeting with you and /or your neighborhood improvement association representatives in order to present the site plan and discuss the modified zone map amendment request. You will be notified of the date and time of the facilitated meeting which we anticipate will occur later this month. Meantime, please call if you should have questions.

Sincerely,

Doug Crandall

Doug Crandall

Principal

Cc: Beth Brownell 2921 Arno NE 87107

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Phone: 505-294-5243

August 4, 2008

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Sincerely,

Doug Crandall Doug Crandall

Principal

Cc: Beth Brownell 2921 Arno NE 87107

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Phone: 505-294-5243

August 4, 2008

CERTIFIED MAIL
NORTH EDITH COMMERCIAL CORRIDOR ASSOCIATION
Bob Warrick
444 Niagara NE
Albuquerque, NM 87113

Re: Request for Modified Zone Map Amendment

Dear Mr. Warrick:

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Sincerely,

Doug Crandall

Principal

Cc: Suzanne Hodges 305 Hernandez NE 87113

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Phone: 505-294-5243

August 4, 2008

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Doug Crandall

Principal

Cc: Suzanne Hodges 305 Hernandez NE 87113

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PLEASE NOTE: The Neighborhood and/or Homeowner 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.



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

August 4, 2008

Robert E. Romero DAC Enterprises, Inc. P.O. Box 16658/87191

Phone: 505-242-3232/Fax: 505-247-4530

5059243913

Dear Robert:

Thank you for your inquiry of August 4, 2008 requesting the names of ALL Neighborhood and/or Homeowner Associations who would be affected under the provisions of O-92 by your proposed project at LOTS 24-26, GRACELAND ACRES ADDITION, LOCATED ON CANDELARIA ROAD NE BETWEEN COMMERCIAL STREET NE AND ARNO STREET NE zone map G-15

Our records indicate that the Neighborhood and/or Homeowner Associations affected by this proposal and the contact names are as follows:

> STRONGHURST IMPROVEMENT ASSOC., INC. (SIA) "R" Nasser Safaei, 2907 Commercial St. NE/87107 823-4598 (h)

Beth Brownell, 2921 Arno NE/87107 344-5623 (h)

NORTH EDITH COMMERCIAL CORRIDOR ASSOC.

Bob Warrick, 444 Niagara NE/87113 345-1773 (w) Suzanne Hodges, 305 Hernandez NE/87113 792-4856(h)

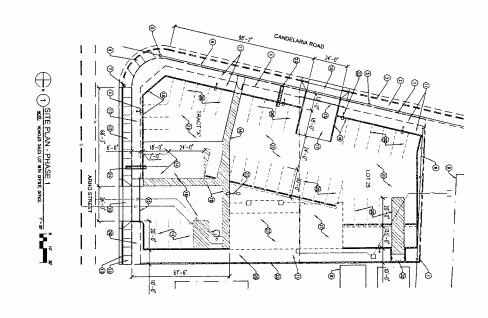
Please note that according to O-92 you are required to notify each of these contact persons by certified mail, return receipt requested, before the Planning Department will accept your application filing. IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days. If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

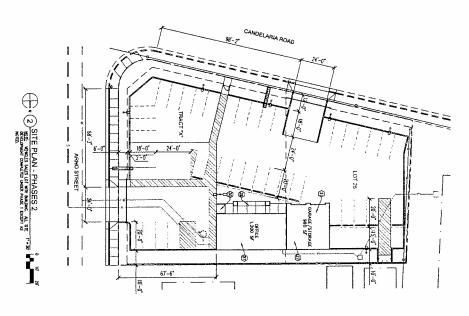
Sincerely,

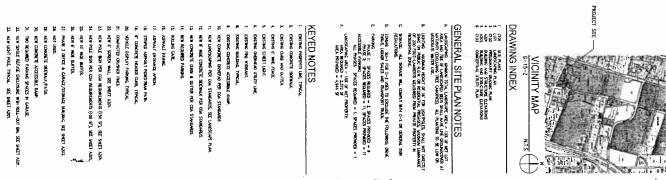
Stephani Winklepleck

Neighborhood Liaison OFFICE OF NEIGHBORHOOD COORDINATION Planning Department

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION



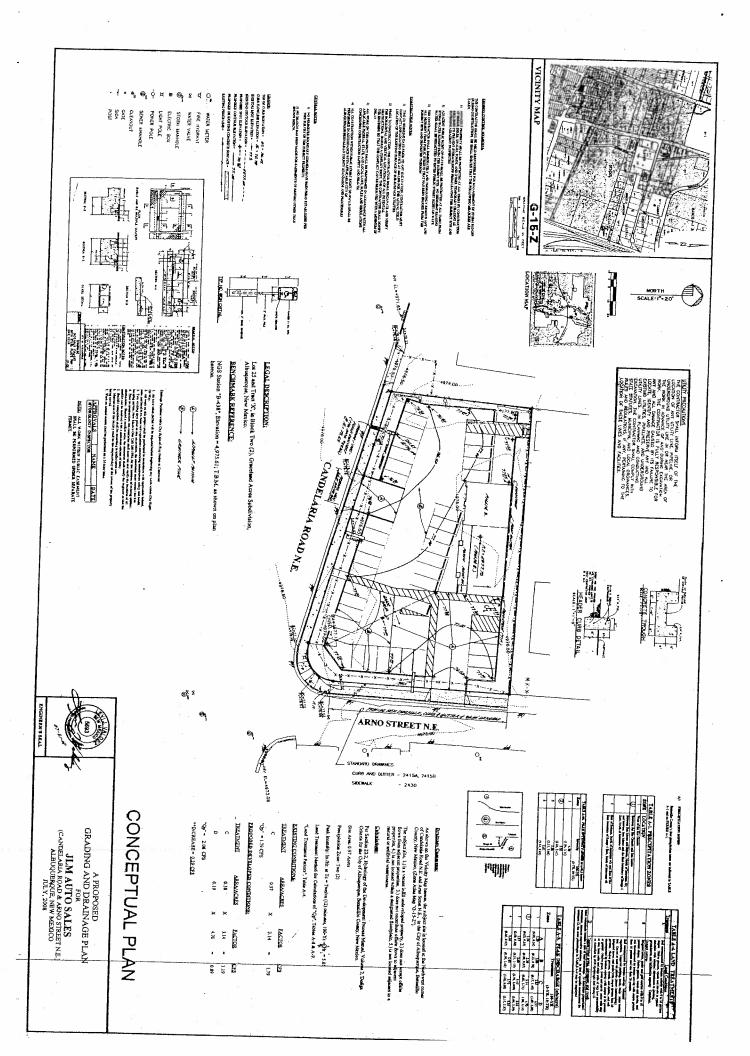


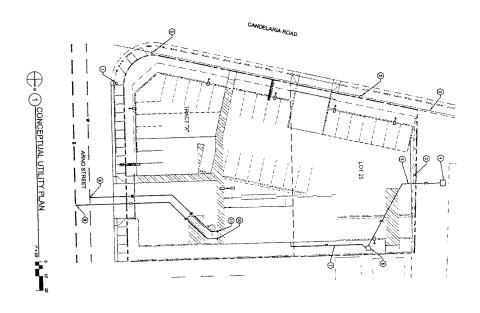


JLM Auto Sales Site Development Plan for Building Permit Candelaria Road & Arno Street, NE Albuquerque, NM 87107

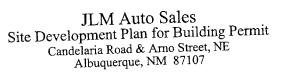
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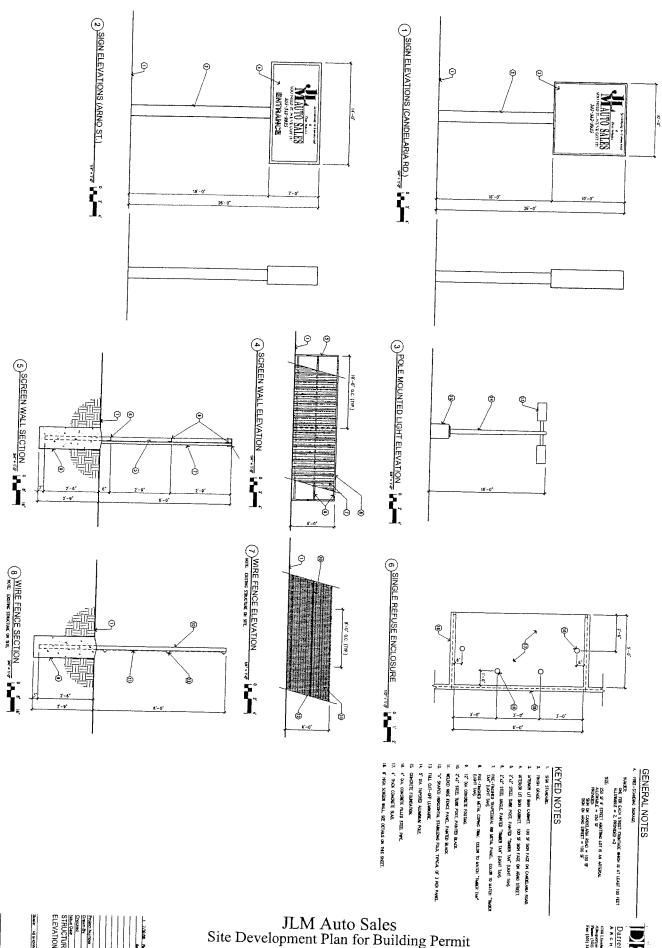






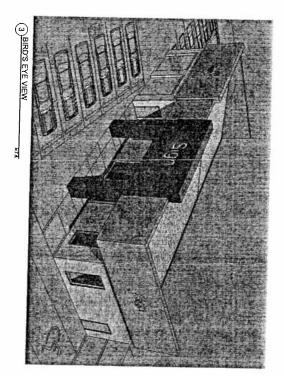


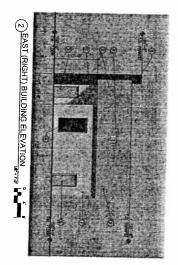


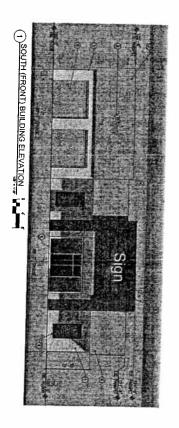


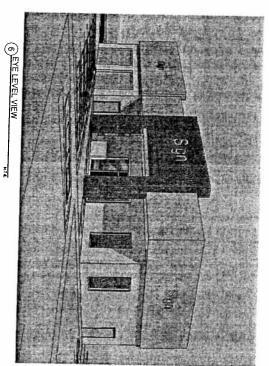
JLM Auto Sales Site Development Plan for Building Permit Candelaria Road & Amo Street, NE Albuquerque, NM 87107

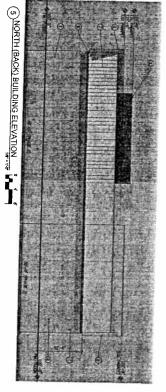
Darren Sowell
A R C H I T E C 7 6
470 Lissols HE, Sales III
Albegranger, N.M. 37100
Plane: (305) 142-6201
For: (305) 142-6201

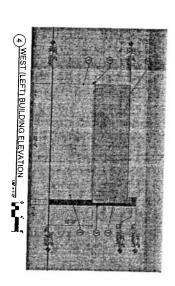












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KEYED NOTES

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3. STINCO PRISE COLOR 1

4. GER ANGOCOD MUNICIPALIT.

GENERAL NOTES

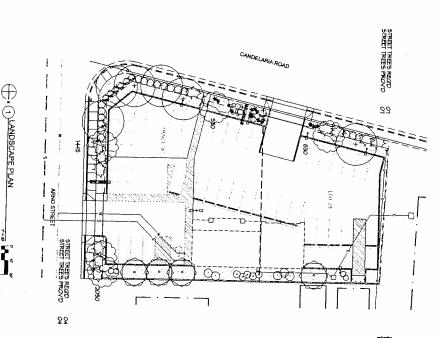
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JLM Auto Sales Site Development Plan for Building Permit Candelaria Road & Arno Street, NE Albuquerque, NM 87107



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Chamaebatiaria millefolium Russian sage

Gravel, Approved By Owner

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ož × ož Ω<u>.</u> Χ

28 ģ

Total Live Ground Cover at Maturity (Not Including Tree Canopies)
Calculated by pi r2 times quantity

3963

Fernbush greggii

Calamagrostis x acutiflora Cherry Sage

2' x 2'

S

ga

Nintergreen Barbern Red Tucca

3

2.5' × 4' 2.5' × 2.5

125

₽

Hesperaloe, parviflora

Pam's Pink Honeysuckle India Hawthorne

3

4.5 × 6. ω × 4 αi × αi

ថ 125 8

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yasmınum nudiflorum gal Mlst

POTENTIAL AND SAUTH A CONTRACTOR OF THE SAUTH AND THE SAUT

LANDSCAPE NOTES

Owner is responsible for maintenance of irrigation system. Landscape Plantings, and Landscape muich

Landscape shall be unsered by a complete underground irrigation system operated by automatic timer. Trees shall have butblers and shrubs shall have a minimum of 2 emitters per skrub. Trees and shrubs shall have a minimum of 2 emitters per skrub. Trees and shrubs shall be toxed separately. Foint of Connection for Irrigation system shall be coordinated between the Landscape Contractor and the deneral Contractor of the project prior to

is the fluter of this plan to compy with the City of Abaquerque Landscape Regulations Applicable to Apartments and Acresidential Development, Revised 6/24.

andscaping shall be installed according to the approved plan.

cape areas in excess of 36 square feet shall be planted so as to achieve T5% Live Ground Cover at maturity.

used barrier fabric approved by the Owner's representative.

ardscape areas shall be covered in 2-3° of landscape gravel, lines, back mulch or other landscape mulch and commercial grade

This plan shall comply with the Street Tree requirement's as defined in the Street Tree Ordinance 6-2-2-1. Approval of this plan does not constitute or imply exemption from water waste provisions of the water conservation landscaping and water waste ordinance. Mater management is the sole responsibility of the property owner.

CHAIRE NO RURE ASSESSMENT THE WORK OF RATHE

TOTAL LOT AREA (5F)
TOTAL BLDG. AREA (5F)
NET LOT AREA Not including Tree Canoples LANDSCAPE AREA PROVIDED TOTAL GROUNDCOVER / PERCENTAGE TOTAL LANDSCAPE REQUIRED (15%) -ANDSCAPE REQUIREMENT

THEE PLANTING DETAL

SHOW PLANTING DETAIL

RPA, HOTBOX TYP.

LANDSCAPE CALCULATIONS

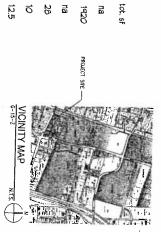
24125 2500 22225 0.15 9334 4855 9,963 / 82 %

Mitchell Associates, LI LIBONOSPE Architects
5150 Carrists Blvd. Nr. 5uda 112
Abuquerque, NH. 5THO

L101



JLM Auto Sales Site Development Plan for Building Permit Candelaria Road & Arno Street, NE Albuquerque, NM 87107





ATTY SIZE

COMMON/BOTANICAL

H2O USE

υ ×

sf / ea.

LANDSCAPE LEGEND

15 gal 15 gal

Soft Leaf Yucca

Mountain Mahogony Flowering Pear

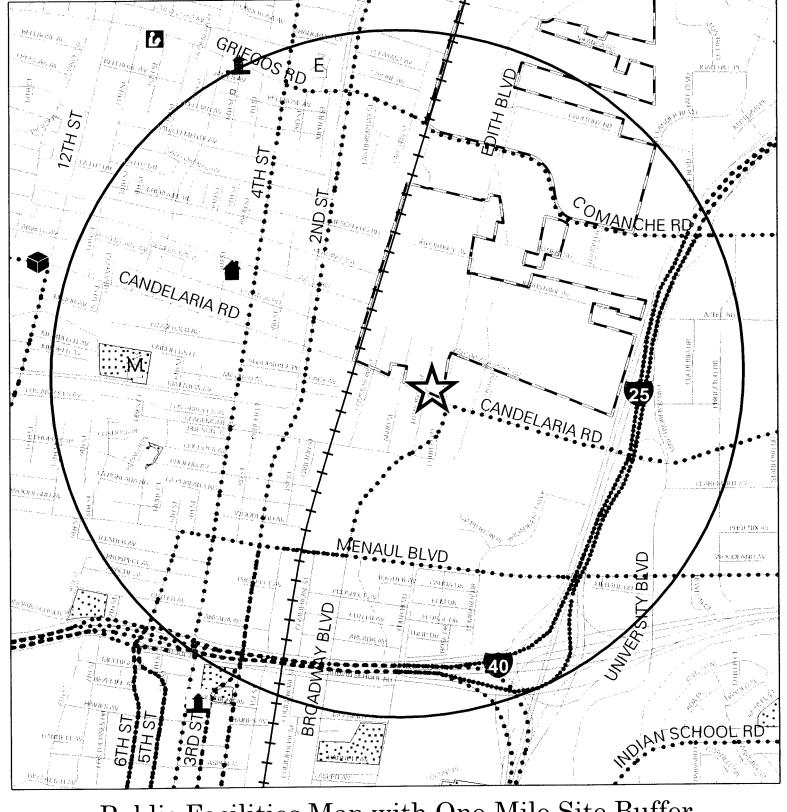
'Chanticleer

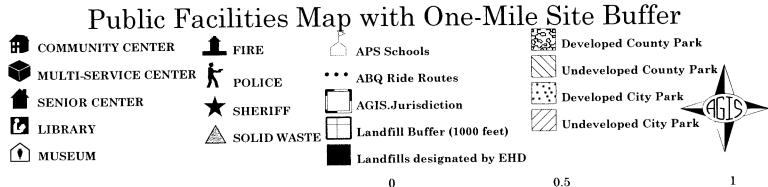
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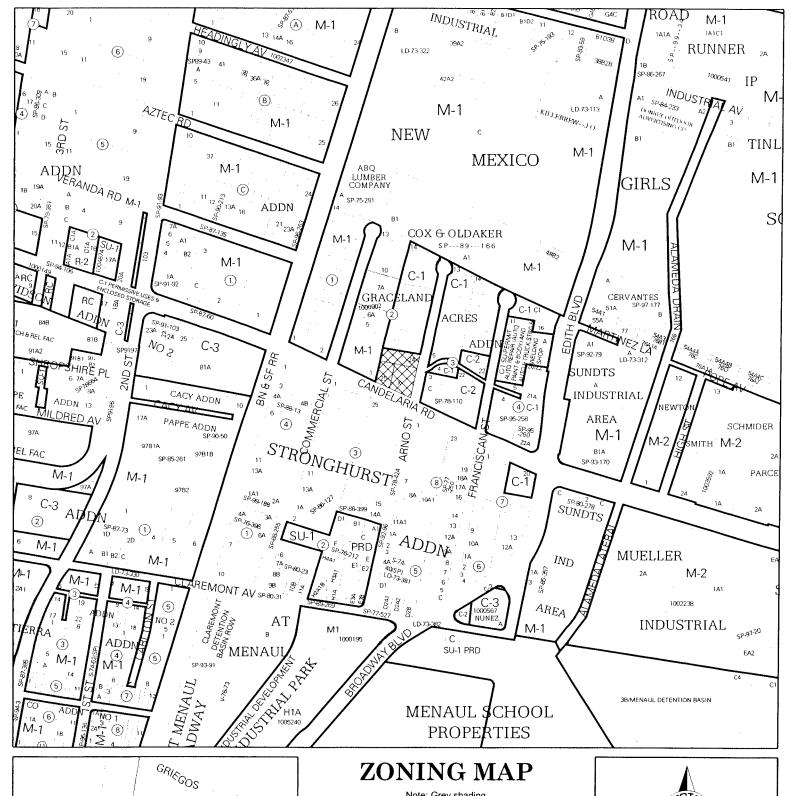
720, × 10; 20' × 25' 45' 5x 45'

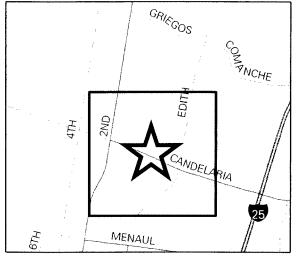
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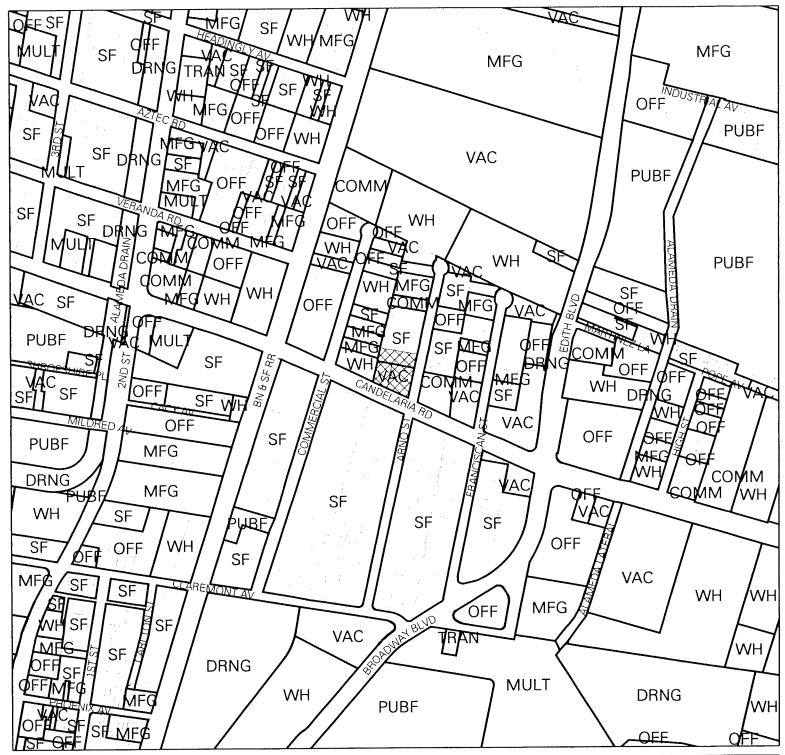
Project Number: 1007008

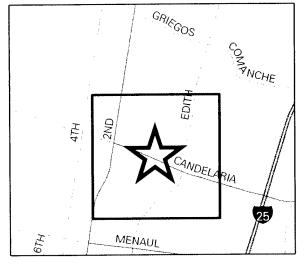




Note: Grey shading indicates County.







LAND USE MAP

Note: Grey shading indicates County.

KEY to Land Use Abbreviations

AGRI Agricultural
COMM Commercial - Retail
DRNG Drainage
MFG Manufacturing or Mining
MULT Multi-Family or Group Home
OFF Office
PARK Park, Recreation, or Open Space
PRKG Parking
PUBF Public Facility
SF Single Family
TRAN Transportation Facility
VAC Vacant Land or Abandoned Buildings
WH Warehousing & Storage

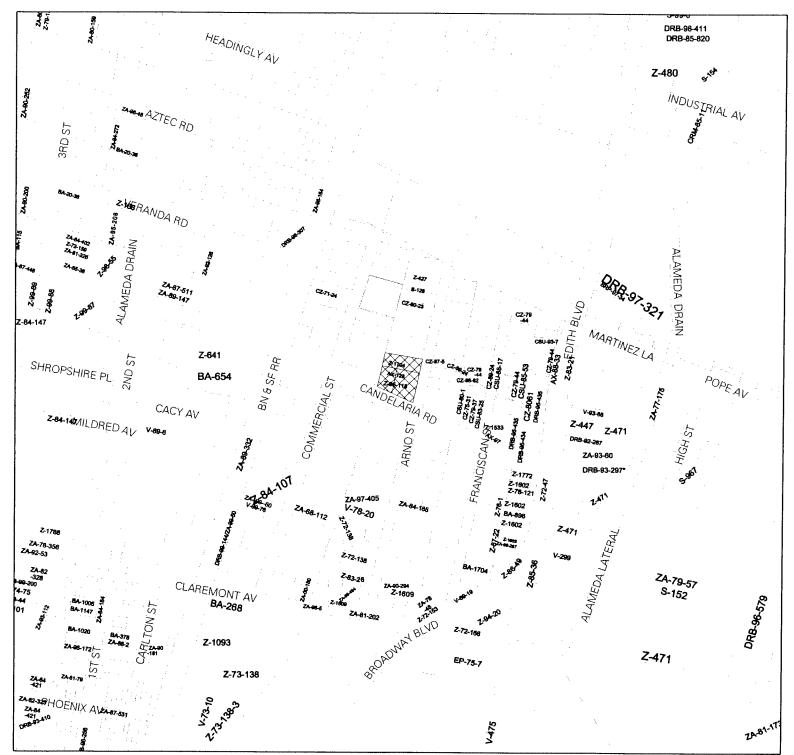


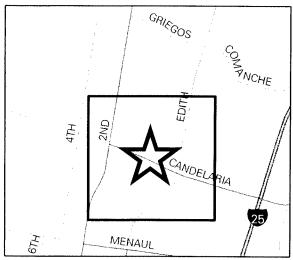
1 inch = 500 feet
Project Number:
1007008
Hearing Date:
9/18/2008

Zone Map Page: G-15

Additional Case Numbers: 08EPC-40084 08EPC-40085

08EPC-40086





HISTORY MAP

Note: Grey shading indicates County.



1 inch = 500 feet
Project Number:
1007008
Hearing Date:
9/18/2008
Zone Map Page:
G-15
Additional Case Numbers:
08EPC-40084

08EPC-40085 08EPC-40086

