



CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

Mayor Richard J. Berry

INTER-OFFICE MEMORANDUM

August 12, 2015

TO: Rey Garduño, President, City Council

FROM: Suzanne Lubar, Planning Director

Subject: AC-15-5 –Project# 1008203/15EPC-40020 Emilio Chavez and Matthew Archuleta appeals the Environmental Planning Commission's (EPC's) APPROVAL of a Zone Map Amendment (zone change), for Tracts A2, A3, A4, Unser and Sage Market Place, located on Unser Street between Sage Road SW and Arenal Road SW.
Staff Planner: Maggie Gould

REQUEST

This appeal seeks to reverse the Environmental Planning Commission's (EPC's) approval of a zone map amendment (zone change) for an approximately 3.5 acre vacant site, Tracts A2, A3, A4, Unser and Sage Market Place, located on the corner of Sage Road and Unser Boulevard SW (the "Subject Site"). The appeal is submitted by a representative of the Stinson Tower Neighborhood Association and a representative of the Westgate Heights Neighborhood Association.

BACKGROUND

The EPC approved a zone change from C-1 (Neighborhood Commercial) to SU-1 for C-2 (Community Commercial), Uses excluding the sale of distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 450 milliliters and fortified wines with a volume of alcohol of more than 13.5 %. The applicant originally requested the SU-1 for C-2 uses zone. This zone would have allowed both the permissive and conditional uses of the C-2 zone without restrictions.

The EPC application was submitted on May 28th, 2015. A facilitated meeting was offered to the affected Neighborhoods: Stinson Tower, Westgate Heights, South Valley Coalition of Neighborhoods, and South West Alliance of Neighbors (SWAN) and the Westside Coalition of Neighborhoods. The Neighborhoods declined a meeting. Staff received an e-mail dated July 1, 2015, from Mr. Emilio Chavez, one of the appellants, stating that he was concerned about the project, but not opposed. On July 8th, one day before the EPC hearing, staff received e-mails from Emilio Chavez and Matthew Archuleta expressing opposition to the project. The EPC's Rules of Conduct

x/share/council/appeals/2015

requires written testimony that is submitted 48 hours or less before the hearing to be presented at the hearing and not forwarded to the EPC.

THE ENVIRONMENTAL PLANNING COMMISSION DECISION

This EPC agenda item was considered a quasi-judicial matter. Subject to twelve findings and one condition, the EPC approved the zone change at the July 9, 2015 public hearing.

The EPC heard the concerns of the neighborhood representatives who were present at the hearing and had a discussion with the applicant and the neighbors about excluding certain types of alcohol sales from the proposed zone. After discussion with the applicant, staff and neighbors, the EPC voted to approve an amended version of the request removing the sale of distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 450 milliliters and fortified wines with a volume of alcohol of more than 13.5.

The EPC found that the zone change was adequately justified pursuant to the policies and criteria of R270-1980 and that the request furthered a preponderance of applicable goals and policies in the Comprehensive Plan, the West Side Strategic Plan, Southwest Strategic Action Plan and the Tower Under Sector Plan. There was no significant conflict with an adopted element of the aforementioned plans (Section 1C of R-270-1980) and they found no significant conflict with any other subsection of R270-1980.

ZONING

The subject site is zoned C-1 (Neighborhood Commercial, 14-16-2-16). C-1 zoning is designed to provide sites for office, service and institutional use and limited commercial uses to service the daily needs of residential areas. The permissive uses include churches, office, restaurant with beer and wine service, multi-family housing under certain circumstances, general retail sales, personal services and gas stations with specific buffering requirements. Drive-in restaurants are allowed as a conditional use.

The approved zone SU-1 for C-2 (Community Commercial), Uses excluding the sale of distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 450 milliliters and fortified wines with a volume of alcohol of more than 13.5 %, will allow a wider variety of uses on the subject site including a business with a drive thru service window, sales of alcohol for off premise consumption, restaurant with full service liquor, commercial parking lots and dry cleaning. The conditional uses, which would be allowed permissively in the requested zone, include kennels, schools and outdoor storage

GROUND(S) & REASON FOR APPEAL

Pursuant to Zoning Code §14-16-4-4(B) (4), the Appellant must articulate the reason(s) for the appeal and show that the EPC erred:

- a. In applying adopted City plans, policies, and ordinances in arriving at the decision.
- b. In the appealed action or decision, including its stated facts.
- c. In acting arbitrarily or capriciously or manifestly abusive of discretion.

The Appellants, Emilio Chavez on behalf of the Stinson Tower Neighborhood Association and Matthew Archuleta on behalf of the Westgate Heights Neighborhood Association, raise two issues: 1) the request is not consistent with the health, safety, morals and general welfare of the city as stated in R-270-1980 ;and 2) Community conditions have not changed.

x/share/council/appeals/2015

1) Consistency with the health, safety, morals and general welfare of the City

The Appellants claim that the zone change is not consistent with the health , safety, morals and general welfare of the City as stated in section A of R-270-1980 because the proposed zone will allow package liquor sales. Additionally, the Appellants state that the proposed zoning is in conflict with policy II.B.5d, that the location, intensity and design of new development shall respect neighborhood values.

The Appellants state that it has been the practice of the neighborhoods to oppose package liquor sales when other businesses have requested that use, and that allowing the use at the Subject Site is not consistent with the neighborhood values because of concerns about DUI and DWI.

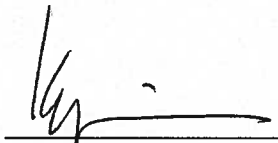
The neighborhoods declined a facilitated meeting where the opposition to the new zone could have been discussed. When the EPC became aware of the neighborhood concerns at the hearing they chose to discuss the issue with the applicant and the Neighborhood Association representatives and then approved an amended zone that limited the types of package liquor that are sometimes considered problematic. The EPC also required that the Site Development Plans for Building Permit for the three subject tracts return to the EPC for review. This allows for additional neighborhood input on the design and layout of proposed developments.

2) Changed Conditions

The Appellants state that the applicant received approval for Site Development Plan for Subdivision (SPS) in 2010 and that community conditions have not changed since that time. The SPS established design standards and access for the site and did not address new uses on the site. The staff report discusses changed conditions since the imposition of zoning in 1986, rather than the approval of the SPS in 2010. Changed conditions is one of the three "either/or" criteria of R-270-1980 that an applicant may cite or demonstrate to justify a change of zone. Elucidating changed conditions is not required.

The record shows that the EPC had extensive discussion about, and fully considered, all of the relevant goals and policies pertaining to the requested zone change, and whether or not the request was justified pursuant to the criteria set forth in R-270-1980. Additionally, the EPC approved a more restrictive zone to limit the types of alcohol sold and required that the development on the subject sites be reviewed through the EPC process.

The EPC's decision is within its authority and is supported by the record and the findings contained in the Notice of Decision. The Planning Department supports the EPC's decision and recommends denial of the appeal.



Kym Dicome, Manager
Current Planning Section
Planning Department

TABLE OF CONTENTS
AC-15-5
PROJECT #1008203
15EPC-40020

PAGE(S)

APPEAL APPLICATION / REASON FOR APPEAL	1 - 8
EPC NOTIFICATION OF DECISION, July 9, 2015	9 - 17
EPC STAFF REPORT, July 9, 2015.....	18 - 109
EPC MINUTES, July 9, 2015.....	110 - 142
ADDITIONAL INFORMATION.....	143 - 154



SUBDIVISION

- ☐ Major subdivision action
☐ Minor subdivision action
☐ Vacation
☐ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- ☐ for Subdivision
☐ for Building Permit
☐ Administrative Amendment (AA)
☐ Administrative Approval (DRT, URT, etc.)
☐ IP Master Development Plan
☐ Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- ☐ Storm Drainage Cost Allocation Plan

Supplemental Form (SF)

S Z

ZONING & PLANNING

- ☐ Annexation
☐ Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
☐ Adoption of Rank 2 or 3 Plan or similar
☐ Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
☐ Street Name Change (Local & Collector)

L A

APPEAL / PROTEST of...

- ☒ Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102.

Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): Emilio Chavez / Matthew Archuleta PHONE: (505) 604-8704
 ADDRESS: 3670 Tower Rd. SW. / 1628 Summerfield SW. FAX: _____
 CITY: Albuquerque STATE: NM ZIP: 87121 E-MAIL: STNA-SW@hotmail.co
 APPLICANT: STNA Tower N/A & Westgate Heights N/A PHONE: (505) 604-8704
 ADDRESS: 3670 Tower Rd. SW. / 1628 Summerfield SW. FAX: _____
 CITY: Albuquerque STATE: NM ZIP: 87121 E-MAIL: STNA-SW@hotmail.com
 Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST:

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes. ☐ No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tracts A-2, A-3, A-4 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: Unser & Sage Marketplace
 Existing Zoning: C-1, etc. Proposed zoning: _____ MRGCD Map No. _____
 Zone Atlas page(s): 12-10 UPC Code: _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.):
1008203

CASE INFORMATION:

Within city limits? ☒ Yes Within 1000FT of a landfill? _____
 No. of existing lots: _____ No. of proposed lots: _____ Total site area (acres): _____
 LOCATION OF PROPERTY BY STREETS: On or Near: Unser
 Between: Sage and Arenal
 Check if project was previously reviewed by: Sketch Plat/Plan ☐ or Pre-application Review Team(PRT) ☐ Review Date: _____

SIGNATURE Emilio Chavez DATE 7-24-15
 (Print Name) Emilio Chavez Applicant: ☒ Agent: ☐

FOR OFFICIAL USE ONLY

- ☐ INTERNAL ROUTING
☐ All checklists are complete
☐ All fees have been collected
☐ All case #s are assigned
☐ AGIS copy has been sent
☐ Case history #s are listed
☐ Site is within 1000ft of a landfill
☐ F.H.D.P. density bonus
☐ F.H.D.P. fee rebate

Application case numbers
13 CC - 30005

Action
Appeal
ADV

S.F. Fees
 _____ \$ 55.00
 _____ \$ 50.00
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____
 Total
 \$ 105.00

Hearing date

7-24-15

Staff signature & Date

Project #

1008203

Revised: 11/2014

FORM A: APPEAL/ PROTEST

Appeal to the Zoning Board of Appeals (BOA) regarding:

- ☐ **DECISION OF THE ZONING HEARING EXAMINER (ZHE)** (BOA01)
- ___ Project number of case being appealed: _____
- ___ Application number of case being appealed: _____
- ___ Letter explaining the reason(s) for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this appeal application is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission (LUCC) regarding:

- ☐ **CERTIFICATE OF APPROPRIATENESS**
- ☐ **DECISION OF THE PLANNING DIRECTOR OR STAFF** (LUCCAPP)
- ___ Project number of case being appealed: _____
- ___ Application number of case being appealed: _____
- ___ Letter explaining the reason(s) for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this appeal application is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal to the Environmental Planning Commission (EPC) regarding:

- ☐ **DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER** (EPC09)
- ☐ **DETERMINATION OF THE IMPACT FEE ADMINISTRATOR** (EPC10)
- ___ Project number of case being appealed: _____
- ___ Application number of case being appealed: _____
- ___ Letter explaining the reason(s) for the appeal *
- ___ Appellant's basis of standing as an appellant *
- ___ Letter of authorization from the appellant if this appeal application is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

Appeal/ Protest to the City Council and/ or the Land Use Hearing Officer regarding:

- ☒ **ADMINISTRATIVE AMENDMENT/DECISION OF PLANNING DIRECTOR/STAFF (CCSTAFF)**
- ☒ **DETERMINATION OR ACTION OF THE EPC** (CCEPC)
- ☐ **DETERMINATION OR ACTION OF THE DRB RE: SUBDIVISION ORD** (CCDRB)
- ☐ **ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL** (CCBOA)
- ☐ **DECISION OF THE LANDMARKS URBAN CONSERVATION COMMISSION** (CCLUCC)
- ✓ Project number of case being appealed: #1008203
- ✓ Application number of case being appealed: 15 EPC - 40020
- ✓ Reason for the appeal * Letter Attached
- ___ Appellant's basis of standing as an appellant * President of Stinson Tower N/A / U.P. WANA
- ___ Letter of authorization from the appellant if this appeal application is submitted by an agent
- ___ Copy of the Official Notification of Decision regarding the matter being appealed
- ___ Fee (see schedule)

*** Criteria for reasonable appeals and criteria for standing as an appellant are found in Zoning Code §14-16-4-4. An appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an appeal application.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in rejection of this application and/or deferral of actions.

Emilio Chavez / STNA — MATHEW ARCHULETA WANA
Applicant's Name (please print!)

Emilio Chavez 7/24/15
Applicant's Signature Date



- ☐ Checklists complete
- ☐ Fees collected
- ☐ Case #s assigned
- ☐ Related #s listed

Application case numbers:

15CC - 30005

[Signature] 7-24-15
Planner's Signature / Date

Project #: 1008203

July 24, 2015
City of Albuquerque
Planning Department
Urban Design & Development Division

To whom it may concern,

The Stinson Tower Neighborhood Association (STNA) and the Westgate Heights Neighborhood Association (WGNA) desire to appeal the July 9th 2015 decision of the Environmental Planning Commission to Approve Project #1008203/15EPC-40020. Both the STNA and the WGNA boundaries fall within 600 feet of the property which is seeking the zone change.

BASIS FOR APPEAL:

R-270-1980 states the following:

"(A) A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city"

On page 2, 5.A of the Notice of the EPC Decision dated July 9, 2015, Policy II.B.5d states "The location, intensity and design of new development shall respect existing neighborhood values..." It is our contention that the zoning which would allow a package liquor option is not in keeping with the existing neighborhood values. In this particular area, it has been a past practice for the neighbors to oppose package liquor when other businesses have tried to entertain those options. Examples of this include the Walgreens Drug Store one block away from this site which was opposed by the Desert Springs Neighborhood Association. This was also the case with the neighborhood Walmart which is further west on Sage Blvd. (this was opposed by the WGNA) both businesses do not sell liquor. Another proposed Circle K convenience store for the Coors Rd. and Bridge intersection was opposed by various NA's which are part of the SWAN group. This Circle K finally put a hold on their plans, mainly because of the neighborhood opposition to the package liquor aspect. **Therefore, it is our contention that allowing the package liquor option under the new zoning does not comply with the Land Use Policy II.B.5d as stated in the Notice of Decision because it does not "respect existing neighborhood values"**

On page 5, 8.A. of the Notice of Decision, it is stated that "A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city." It is our contention that the neighborhood opposition to the package liquor option which the zone change allows, is clearly in contrast to R-270-1980 and the DUI & DWI epidemic in our City & State are clearly a concern of our nearby neighborhoods.

"(D) The applicant must demonstrate that the existing zoning is inappropriate because:

2. Changed neighborhood or community conditions justify the change;"

The applicant received an approval for site development plan for subdivision zoned C-1 on April 8, 2010 (Project #1008203) and community conditions have not changed since that time.

Because of the aforementioned areas where we feel there are disagreements with the EPC Decision that was rendered, we therefore contend that the zone change request is **NOT in compliance with the goals and policies of the Comprehensive Plan.**


Stinson Tower Neighborhood Assoc.


Westgate Heights Neighborhood Assoc.

CITY OF ALBUQUERQUE

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



OFFICIAL NOTIFICATION OF DECISION

July 9, 2015

Unser & Sage LLC
6300 Jefferson NE
Albuquerque, NM 87109

Project# 1008203
15EPC-40020 Amendment to Zone Map (Establish
Zoning/Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Tracts A-2, A-3 & A-4, Unser & Sage Marketplace, zoned C-1, to SU-1 for C-2 Uses excluding the sale of distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 450 milliliters and fortified wines with a volume of alcohol of more than 13.5 %, located on Unser Boulevard SW, between Sage Road SW and Arenal Road SW, containing approximately 3.5 acres. (M-10)
Staff Planner: Maggie Gould

PO Box 1293

On July 9, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project #1008203/15EPC-40020, Amendment to Zone Map (Establish Zoning/Zone Change), based on the following findings and condition:

New Mexico 8710 FINDINGS:

1. This is a request for a zone map amendment for tracts A-2, A-3, A-4 of Unser Sage Marketplace located on Unser Boulevard SW, between Sage Road SW and Arenal Road SW and containing approximately 3.5 acres from C-1 to SU-1 for C-2 Uses excluding the sale of distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 450 milliliters and fortified wines with a volume of alcohol of more than 13.5%
www.cabq.gov
2. The applicant proposes to amend the zoning from C-1, Neighborhood Commercial to SU-1 for C-2 Community Commercial Uses in order to expand the allowable uses on the subject tracts.
3. The EPC approved a site development plan for division for the subject site in April of 2010, (10 EPC 40011). This plan will continue to apply to the subject tracts and the other tracts on the site.
4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, including the Southwest Strategic Action Plan, Tower Unser Sector Development Plan and the City of

OFFICIAL NOTICE OF DECISION

Project #1008203

July 9, 2015

Page 3 of 9

The subject site has an approved site development plan for subdivision with design standards that specify pedestrian access, building design and restrict drive through uses to Sage Road. The proposed new uses will be subject to the standards which will ensure quality development on the site. The 3 subject tracts are the farthest from the bulk of the single family residential development adjacent to the site. The request further Policy II.B.5k.

Activity Centers

- A. The Goal is to “expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.”

The site is called out as a potential activity center in the TUSDP. The request will contribute to the development of services on the west side that may increase the options for social and economic activities and reduce cross rivers trips. The request is consistent with the activity center goal.

Economic Development

- B. Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs created convenient to areas of most need.

2013 American Fact Finder data show that 20 % of all families and 23% of all people in the 87121 zip code had an income that was below the poverty line. The west side of Albuquerque has a jobs to housing imbalance, with over 80 % of jobs on the east side of the river, according to MRCOG 2035 MTP forecast. Zoning that allows for additional uses may add to the possible jobs on the west side of the river and help to address this situation. The request further Policy II.D.6.a.

6. The subject site is within the boundaries of the West Side Strategic Plan. The following policies are applicable to the request.

- A. Goal 10: The Plan should create a framework to build a community where its citizens can live, work, shop, play, and learn together while protecting the unique quality of life and natural and cultural resources for West Side residents.

Objective 1: Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side.

The requested zoning allows a wider variety of uses. These expanded uses will provide more opportunities for business development on the site that may add to the employment possibilities in the area. These uses may help to minimize the need for cross metro trips by providing more

OFFICIAL NOTICE OF DECISION

Project #1008203

July 9, 2015

Page 5 of 9

neighborhoods, which currently have little or no commercial services. The previously approved site development plan contains standards that will require pedestrian connections and public seating areas. The request is consistent with Goal 1.

B. Goal 4. Increase and Improve Retail and Commercial Services:

The residents of Southwest Albuquerque have few nearby shopping and commercial service options. The request for the proposed zoning would add to the allowed uses and would place shopping in a conveniently located and easily accessed Neighborhood Activity Center. A map on page 350 of the SASAP shows Southwest Albuquerque Existing & Potential Retail Locations. Unser/Sage is shown on this map as a Potential Neighborhood Center. The request would further Goal 4 by increasing and improving retail and commercial services.

C. Appendix B. Southwest Albuquerque Commercial District Retail Plan

The SWASP contains a market study done by the Gibbs consulting firm that states that the area is underserved by the existing retail development and can support additional services.

8. The applicant has justified the zone change request pursuant to R-270-1980 as follows:

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

The request furthers many goals and policies of the applicable plans. The allowed uses in the requested zone may be more intense than what is allowed in the nearby commercial zones, but the allowed uses occur near residential areas in other parts of the city. The addition of SU-1 zone and the approved site development plan provide a clear indication of the uses and layout of the site.

- 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.

The proposed uses expand the commercial possibilities on the site and may encourage future development on the site adding to the economic vitality of the area and long term stability of the area. The request will not destabilize the area because there is similar zoning across Unser from the site and request will expand the allowed uses and support economic growth.

- 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.

Refer to policy analysis section for a full discussion of the applicable policies

The applicant cites Comprehensive Plan policies II.B.5a, II.B.5e, II.B.5i, II.B.5j, II.B.5k, II.B.5l, II.B.7, II.D.4a, II.D.4g, II.D.6a, II.D.5b and II.D.6g.

WSSP Goal 1, policies 1.3, 1.15 and 1.16 and Goal 4 and policies 4.4 and 4.5.

Staff also believes that the request is consistent with goals 1 and 4 of the SWASP.

OFFICIAL NOTICE OF DECISION

Project #1008203

July 9, 2015

Page 7 of 9

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.
The applicant has justified the request as being consistent with the applicable goals and policies of the governing plans.
- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

Applicant's Justification

The applicant has provided justification in the form of compliance with goals and policies of the relevant plans. However, the location on an arterial is relevant to the request because the additional uses are appropriate on a larger street.

- 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 makes the site unsuitable for the uses allowed in any adjacent zone.

The SU-1 zone is generally considered justifiable spot zone because it has been justified by compliance with R-270-1980 and furthers the goals of and policies of the Comprehensive plan and Area or Sector Development Plans. The proposed zoning clearly facilitates the goals and policies cited in section C.

- 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.

OFFICIAL NOTICE OF DECISION

Project #1008203

July 9, 2015

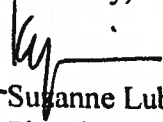
Page 9 of 9

other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


for Suzanne Lubar
Planning Director

SL/MG

cc: Unser & Sage LLC, 6300 Jefferson NE, Albuquerque, NM 87109
Richard Dineen, 2811 Bosque del Sol Ln NW, Albuquerque, NM 87120
Evangeline Pavlakos, 4333 Pan American Freeway NE, Albuquerque, NM 87107
Stv Siterman, 4333 Pan American Fwy NE, Albuquerque, NM 87107
Matthew Archuleta, 1628 Summerfield SW, Albuquerque, NM 87121
James Gallegos, 3666 Tower Rd SW, Albuquerque, NM 87121
Emilio Chavez, 3670 Tower Rd SW, Albuquerque, NM 87121
Dan Sos, 3615 Tower Rd SW, Albuquerque, NM 87121

CITY OF ALBUQUERQUE

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



OFFICIAL NOTIFICATION OF DECISION

July 9, 2015

Unser & Sage LLC
6300 Jefferson NE
Albuquerque, NM 87109

Project# 1008203
15EPC-40020 Amendment to Zone Map (Establish
Zoning/Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Tracts A-2, A-3 & A-4, Unser & Sage Marketplace, zoned C-1, to SU-1 for C-2 Uses excluding the sale of distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 450 milliliters and fortified wines with a volume of alcohol of more than 13.5 %, located on Unser Boulevard SW, between Sage Road SW and Arenal Road SW, containing approximately 3.5 acres. (M-10)
Staff Planner: Maggie Gould

PO Box 1293

Albuquerque On July 9, 2015, the Environmental Planning Commission (EPC) voted to APPROVE Project #1008203/15EPC-40020, Amendment to Zone Map (Establish Zoning/Zone Change), based on the following findings and condition:

New Mexico 87 **FINDINGS:**

1. This is a request for a zone map amendment for tracts A-2, A-3, A-4 of Unser Sage Marketplace located on Unser Boulevard SW, between Sage Road SW and Arenal Road SW and containing approximately 3.5 acres from C-1 to SU-1 for C-2 Uses excluding the sale of distilled spirits, as defined in the New Mexico Liquor Control Act, in any package that contains less than 450 milliliters and fortified wines with a volume of alcohol of more than 13.5%
www.cabq.gov
2. The applicant proposes to amend the zoning from C-1, Neighborhood Commercial to SU-1 for C-2 Community Commercial Uses in order to expand the allowable uses on the subject tracts.
3. The EPC approved a site development plan for division for the subject site in April of 2010, (10 EPC 40011). This plan will continue to apply to the subject tracts and the other tracts on the site.
4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, including the Southwest Strategic Action Plan, Tower Unser Sector Development Plan and the City of

OFFICIAL NOTICE OF DECISION

Project #1008203

July 9, 2015

Page 2 of 9

Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

5. The subject site is within the Established of the Comprehensive Plan.

The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Land Use

- A. Policy II.B.5d: 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, or recreational concern.

The proposed uses will add to the variety of possible development on the site and could add services and employment that are consistent with the neighborhood values. There is an existing, approved site development plan for the subdivision that contains design standards that will guide future development on the site. Some of the allowed uses may be more intense than the uses generally developed near single family development, based on where the C-2 is mapped. The request partially furthers Policy II.B.5d.

- B. Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The subject site has access to a full range of urban services including roads, water and sewer lines, transit and community services, such as fire and police. The request furthers Policy II.B.5e.

- C. Policy II.B.5i: 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 environments.

The proposed uses will add to the variety of additional employment and services that could occur on the site. Two of three subject tracts are not adjacent to the existing single family development, the third tract; tract A-2 abuts the back yards of 3 residences. The proposed uses could allow the development that adds to the employment and service options for local residents, complimenting the residential use. The previously approved site development plan for subdivision contains design standards that will provide for screen, placement of drive up windows, building materials and public space. The request furthers Policy II.B.5i.

- D. Policy II.B.5k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operations.

OFFICIAL NOTICE OF DECISION

Project #1008203

July 9, 2015

Page 3 of 9

The subject site has an approved site development plan for subdivision with design standards that specify pedestrian access, building design and restrict drive through uses to Sage Road. The proposed new uses will be subject to the standards which will ensure quality development on the site. The 3 subject tracts are the farthest from the bulk of the single family residential development adjacent to the site. The request further Policy II.B.5k.

Activity Centers

- A. The Goal is to “expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.”

The site is called out as a potential activity center in the TUSDP. The request will contribute to the development of services on the west side that may increase the options for social and economic activities and reduce cross rivers trips. The request is consistent with the activity center goal.

Economic Development

- B. Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs created convenient to areas of most need.

2013 American Fact Finder data show that 20 % of all families and 23% of all people in the 87121 zip code had an income that was below the poverty line. The west side of Albuquerque has a jobs to housing imbalance, with over 80 % of jobs on the east side of the river, according to MRCOG 2035 MTP forecast. Zoning that allows for additional uses may add to the possible jobs on the west side of the river and help to address this situation. The request further Policy II.D.6.a.

6. The subject site is within the boundaries of the West Side Strategic Plan. The following policies are applicable to the request.

- A. Goal 10: The Plan should create a framework to build a community where its citizens can live, work, shop, play, and learn together while protecting the unique quality of life and natural and cultural resources for West Side residents.

Objective 1: Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side.

The requested zoning allows a wider variety of uses. These expanded uses will provide more opportunities for business development on the site that may add to the employment possibilities in the area. These uses may help to minimize the need for cross metro trips by providing more

OFFICIAL NOTICE OF DECISION

Project #1008203

July 9, 2015

Page 4 of 9

goods and services and job opportunities in the area providing opportunities for area residents to work, shop and play. The existing, approved SPS contains design standards that will protect the adjacent neighborhoods. The request is consistent with Goal 10 and Objective 1.

- B. Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side. The request will expand the uses allowed on the subject site which may encourage new business to locate on the site. New business could provide new job opportunities. The request is consistent with Objective 8.

- C. Policy 1.15: Neighborhood Centers of 15 to 35 acres shall contain generally small parcels and buildings; on-street parking is permitted, with smaller off-street parking areas shared among businesses and institutions. The neighborhood center shall have a built scale very accommodating to pedestrians and bicyclists, including outdoor seating for informal gatherings. Services such as childcare, dry cleaners, drug stores and small restaurants along with a park and/or school should be located central to surrounding neighborhoods.

Policy 1.16: Neighborhood Centers shall be located on local collector and sometimes arterial streets. While their primary access may be auto, pedestrian and bicycle connections shall be provided to all adjacent neighborhoods, parks and to the larger open space system. Convenient transit services shall be connected with community-wide and regional transit development.

The WSSP shows the area to the west of the subject site as a neighborhood center. The subject site is outside of the boundary, but the proposed uses would add to the area as a destination for local residents. The approved SPS requires pedestrian connections to the future building on the site to future transit stops, provision of outdoor seating and shaded areas that will make the development accommodating to pedestrians. Additionally, the SPS requires that drive-in uses be designed to avoid pedestrian areas. The request partially furthers policies 1.15 and 1.16.

- D. Policy 3.40: Urban Style services are appropriate in the Community. This area shall receive a high priority for public infrastructure spending.

Policy 3.41: Study the potential means to achieve maximum leverage of public/private financing of new development in this Community, including incentives for new development, and cost-sharing between public and private facilities. Encourage employment growth in this Community.

The additional uses in the requested zoning add to the options for development of the site. The expanded uses may also add to the employment options on the site and encourage new development and growth. The request furthers policies 3.40 and 3.41.

7. The Southwest Albuquerque Strategic Action Plan (SASAP) is a part of the West Side Strategic Plan. The following goals are applicable to the request.

- A. Goal 1. Build Complete Neighborhoods and a Network of Activity Centers to Serve Them:

The WSSP (Southwest Albuquerque Strategic Action Plan) designates the area surrounding Unser/Sage as a Neighborhood Activity Center. A map in the SWASAP (page 332) shows a proposed network of Southwest Albuquerque Activity Centers. Unser/Sage is shown as a potential Neighborhood Activity Center. The request would add to the allowed uses at the proposed Neighborhood Activity Center at Unser and Sage to serve surrounding

OFFICIAL NOTICE OF DECISION

Project #1008203

July 9, 2015

Page 5 of 9

neighborhoods, which currently have little or no commercial services. The previously approved site development plan contains standards the will require pedestrian connections and public seating areas. The request is consistent with Goal 1.

B. Goal 4. Increase and Improve Retail and Commercial Services:

The residents of Southwest Albuquerque have few nearby shopping and commercial service options. The request for the proposed zoning would add to the allowed uses and would place shopping in a conveniently located and easily accessed Neighborhood Activity Center. A map on page 350 of the SASAP shows Southwest Albuquerque Existing & Potential Retail Locations. Unser/Sage is shown on this map as a Potential Neighborhood Center. The request would further Goal 4 by increasing and improving retail and commercial services.

C. Appendix B. Southwest Albuquerque Commercial District Retail Plan

The SWASP contains a market study done by the Gibbs consulting firm that states that the area is underserved by the existing retail development and can support additional services.

8. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:

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

The request furthers many goals and policies of the applicable plans. The allowed uses in the requested zone may be more intense than what is allowed in the nearby commercial zones, but the allowed uses occur near residential areas in other parts of the city. The addition of SU-1 zone and the approved site development plan provide a clear indication of the uses and layout of the site.

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.

The proposed uses expand the commercial possibilities on the site and may encourage future development on the site adding to the economic vitality of the area and long term stability of the area. The request will not destabilize the area because there is similar zoning across Unser from the site and request will expand the allowed uses and support economic growth.

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.

Refer to policy analysis section for a full discussion of the applicable policies

The applicant cites Comprehensive Plan policies II.B.5a, II.B.5e, II.B.5i, II.B.5j, II.B.5k, II.B.7, II.D4a, II.D.4g, II.D.6a, II.D5b and II.D.6g.

WSSP Goal 1, policies 1.3, 1.15 and 1.16 and Goal 4 and policies 4.4 and 4.5.

Staff also believes that the request is consistent with goals 1 and 4 of the SWASP.

OFFICIAL NOTICE OF DECISION

Project #1008203

July 9, 2015

Page 6 of 9

The request is consistent with intent to increase the availability of goods, services and employment options on the west side. The existing, approved SPS contains design standards that will mitigate the impacts of the increased intensity and auto oriented uses in the requested zone.

Staff finds the request is consistent with and clearly facilitates the goals, policies and objectives of the applicable plans.

- 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 (D)(1) or (D)(2) above do not apply.

Applicant's Justification

The existing is zoning more advantageous to the community as articulated in the applicable plans because it will provide needed services and employment in the area.
Refer to policy analysis for further discussion regarding applicable policies.

The C-1 zoning on the site was established by the TUSDP in 1989, the population of the 87121 zip code was approximately 25, 000 people, in 2000 the population in increased to 39,000 and was 76, 700 in 2010. The area population has tripled since the adoption of the zoning on the site and Unser Boulevard has expanded from small local to a major north south connection across the southwest mesa. Staff believes that these could constitute changed conditions that also support the request.

- 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.
The uses allowed under the proposed zoning are more intense than what is currently allowed, but are found adjacent to residential development throughout the city. The approved SPS and zoning code require landscape buffers that will protect the residential development from any unintended harmful impacts of the future development.
The proposed SU-1 zone requires that all development be consistent with the approved site development plan and that significant changes are heard in a public hearing; this process provides an additional layer of protection for the community.
- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed 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.
The site has access to a full range of urban services and that all development on the site will be the responsibility of the property owner or future developer.

OFFICIAL NOTICE OF DECISION

Project #1008203

July 9, 2015

Page 7 of 9

- G.** The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.
The applicant has justified the request as being consistent with the applicable goals and policies of the governing plans.
- H.** Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

Applicant's Justification

The applicant has provided justification in the form of compliance with goals and policies of the relevant plans. However, the location on an arterial is relevant to the request because the additional uses are appropriate on a larger street.

- 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 makes the site unsuitable for the uses allowed in any adjacent zone.

The SU-1 zone is generally considered justifiable spot zone because it has been justified by compliance with R-270-1980 and furthers the goals of and policies of the Comprehensive plan and Area or Sector Development Plans. The proposed zoning clearly facilitates the goals and policies cited in section C.

- 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.

OFFICIAL NOTICE OF DECISION

Project #1008203

July 9, 2015

Page 8 of 9

The subject site already contains commercial zoning; the applicant proposes to add more intense uses to the commercial entitlements on the site, so the subject tracts will have a different category than the adjacent tracts of land. However, the SU-1 zone is generally considered a justified strip or spot zone and the subject tracts are still covered by the SPS which sets the same design requirements for these tracts as for the adjacent commercial tracts.

9. The Stinson Tower NA (R), Westgate Heights NA (R), South Valley Coalition of NA's, South West Alliance of Neighbors (SWAN), Westside Coalition of NA's were notified of the request via certified mail. The neighborhoods declined a facilitated meeting.
10. Staff received an e-mail from the representative of the Tower Stinson neighborhood association expressing concern about the possibility of package sales on the site.
11. The city notified property owners within 100 feet of the site.
12. The applicant agrees to the limitation of the C-2 Uses.

CONDITION:

The site development plan for building permit for Tracts A2, A3 and A4 will be reviewed by the EPC.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JULY 24, 2015**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. 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.

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

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any

OFFICIAL NOTICE OF DECISION

Project #1008203

July 9, 2015

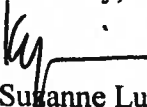
Page 9 of 9

other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


for Suzanne Lubar
Planning Director

SL/MG

cc: Unser & Sage LLC, 6300 Jefferson NE, Albuquerque, NM 87109
Richard Dineen, 2811 Bosque del Sol Ln NW, Albuquerque, NM 87120
Evangeline Pavlakos, 4333 Pan American Freeway NE, Albuquerque, NM 87107
Stv Siterman, 4333 Pan American Fwy NE, Albuquerque, NM 87107
Matthew Archuleta, 1628 Summerfield SW, Albuquerque, NM 87121
James Gallegos, 3666 Tower Rd SW, Albuquerque, NM 87121
Emilio Chavez, 3670 Tower Rd SW, Albuquerque, NM 87121
Dan Sos, 3615 Tower Rd SW, Albuquerque, NM 87121



Environmental Planning Commission

Agenda Number: 01
Project Number: 1008203
Case #: 15EPC-40020
July, 9, 2015

Staff Report

Agent	Richard Dineen
Applicant	Unser and Sage LLC
Request	Zone Map Amendment
Legal Description	Tracts A-2, A-3 and A-4, Unser and Sage Marketplace
Location	Unser Boulevard, between Sage road and Arenal road SW
Size	3.48 acres
Existing Zoning	C-1
Proposed Zoning	SU-1 for C-2 uses

Staff Recommendation

APPROVAL of Case 15 EPC-40020 based on the Findings beginning on Page 14. .

Staff Planner
Maggie Gould, Planner

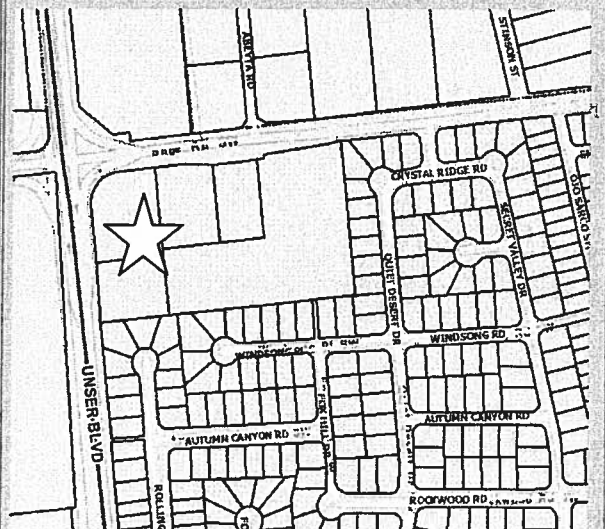
Summary of Analysis

This is a request for a zone map amendment from C-1, Neighborhood Commercial to SU-1 for C-2 Community Commercial uses for 3 tracts that are part of a larger site located on Unser Boulevard SW between Sage Road SW and Arenal Road in order expand the allowed uses on the site.

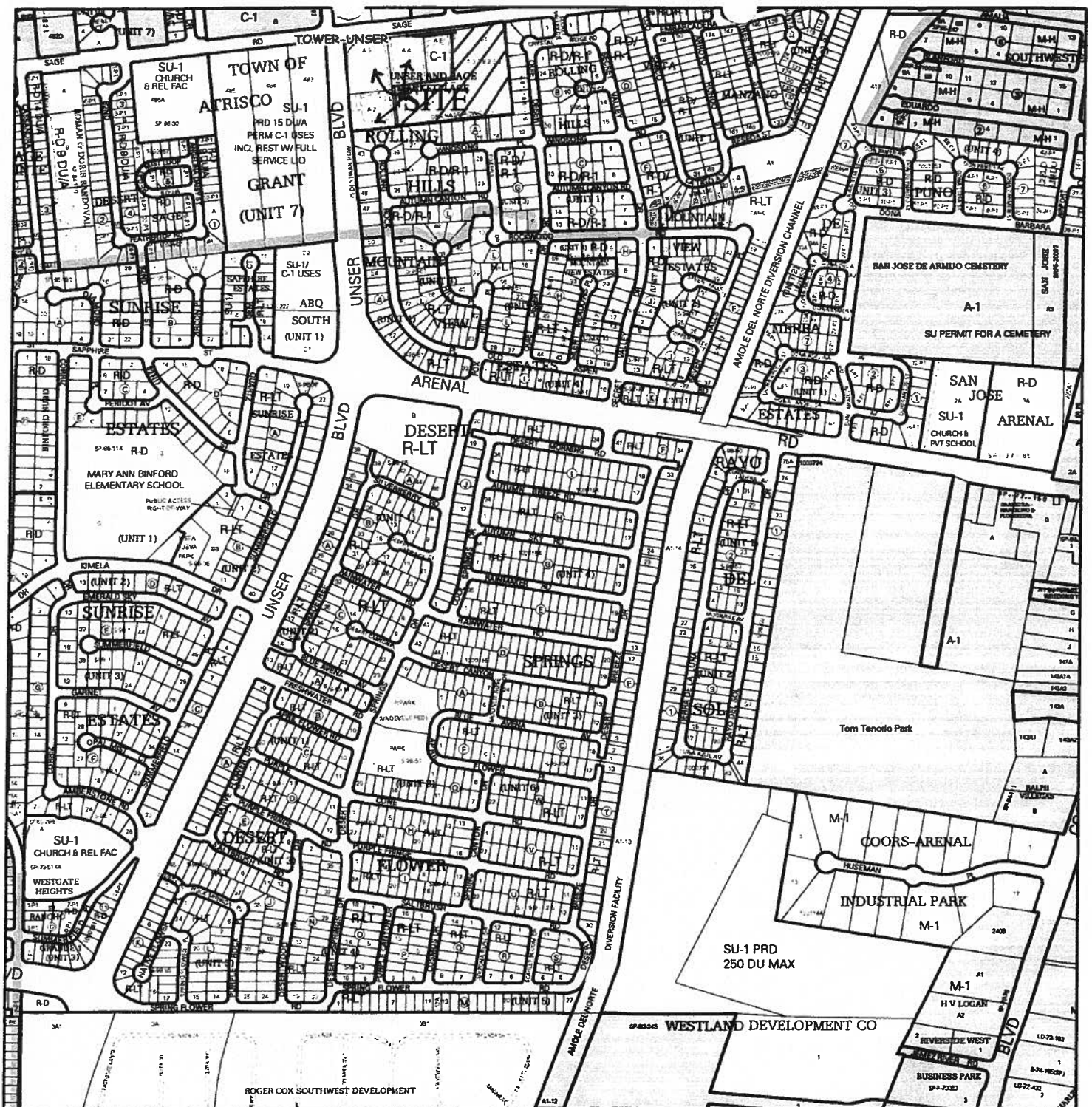
The site is located in the Established Urban area of the Comprehensive Plan and within the boundaries of the West Side Strategic Plan and the Tower Unser Sector Development Plan.

The applicant has justified the request as more advantageous to the community as articulated in the applicable goals and policies of the governing plans because it will provide the opportunity for increased goods and services and employment.

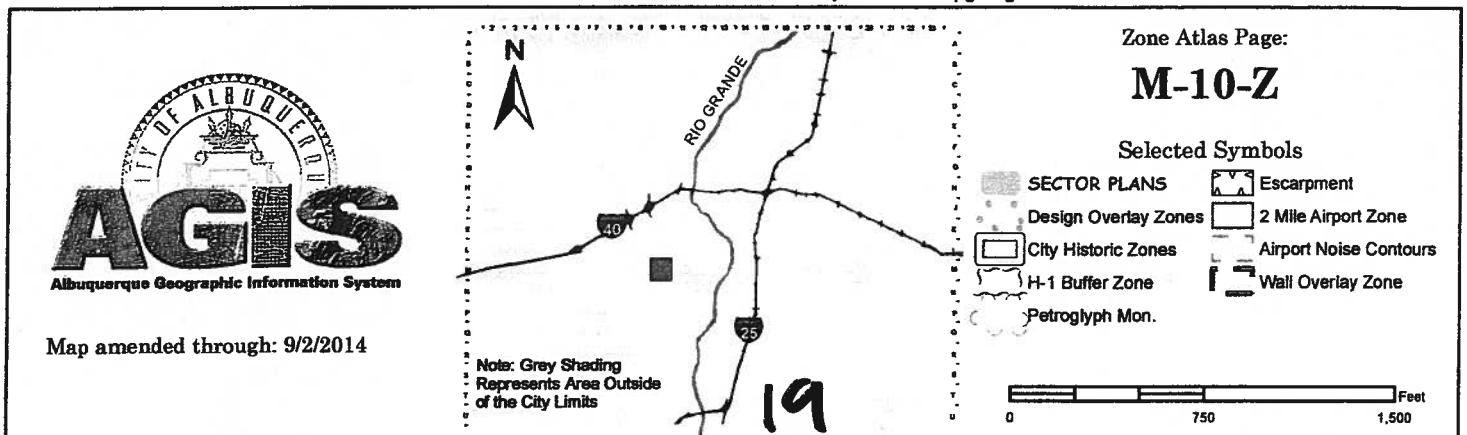
The neighborhoods declined a facilitated meeting. There is no known opposition to the request. Staff recommends approval and has one recommended condition.

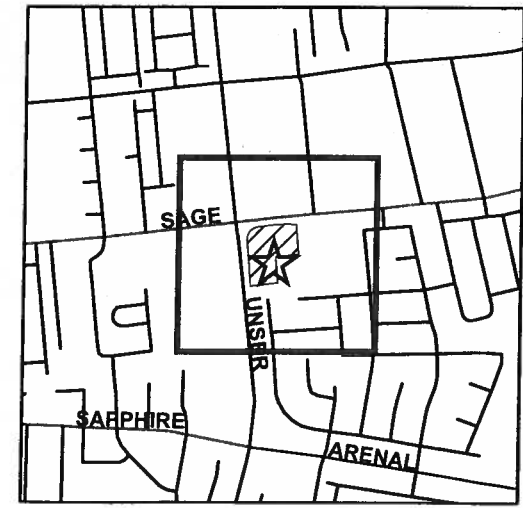
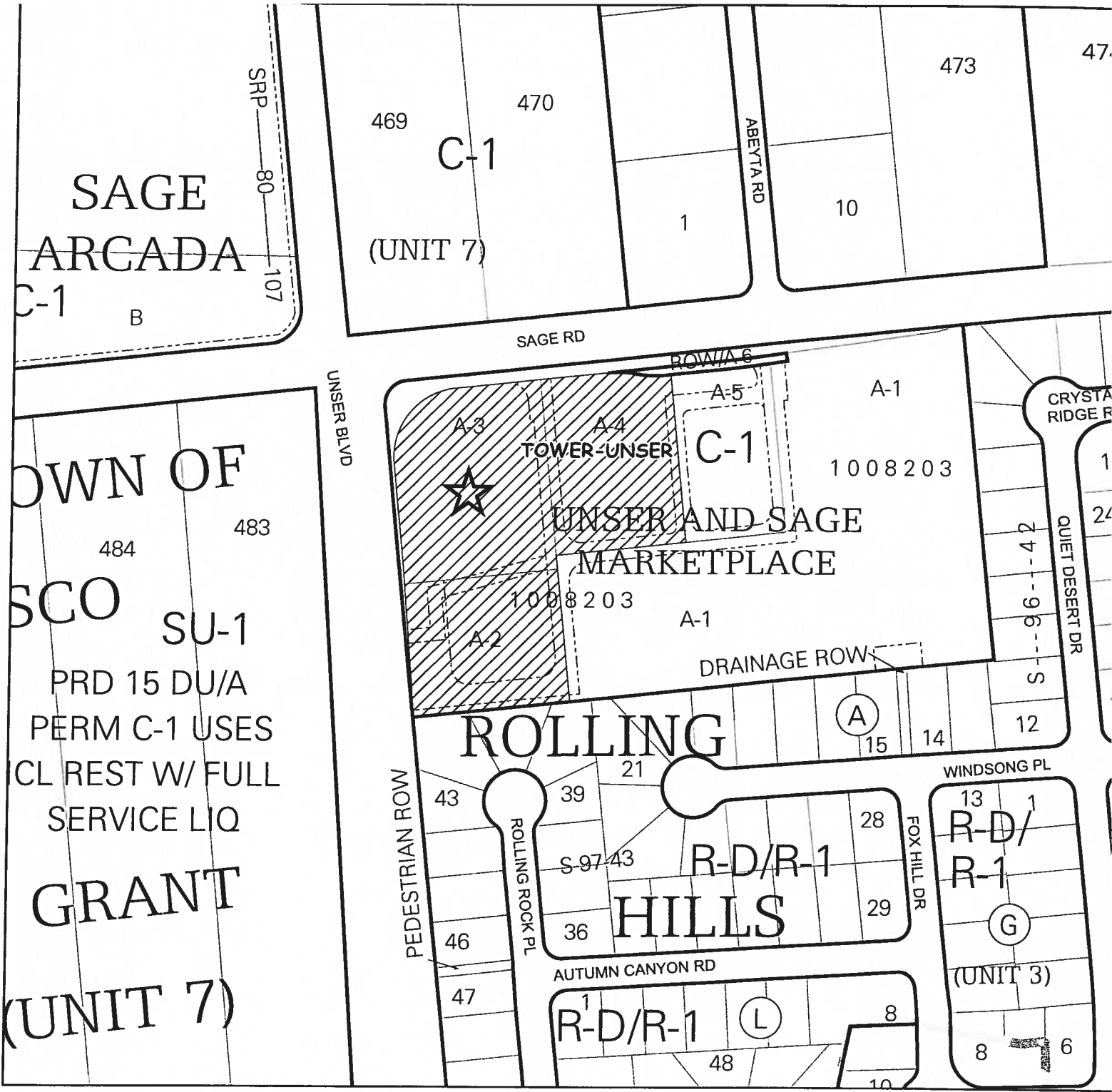


City Departments and other interested agencies reviewed this application from 05/28/2015 to 06/12/2015
Agency comments used in the preparation of this report begin on Page 22.



For more current information and details visit: <http://www.cabq.gov/gis>





ZONING MAP

Note: Grey shading indicates County.



1 inch = 200 feet

Project Number:
1008203
Hearing Date:
7-9-2015
Zone Map Page: M-10
Additional Case Numbers:
15EPC 40020



LAND USE MAP

Note: Grey shading
indicates County.

KEY to Land Use Abbreviations

AGRI Agriculture
COMM Commercial - Retail
CMSV Commercial - Service
DRNG Drainage
MFG Manufacturing
MULT Multi-Family or Group Home
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

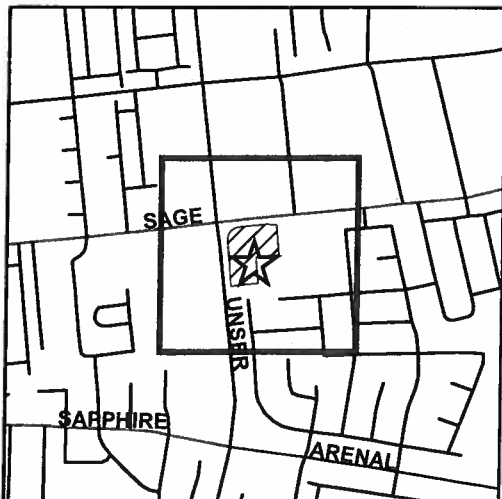


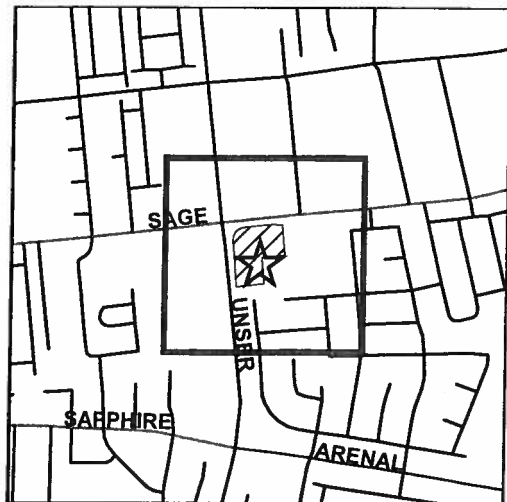
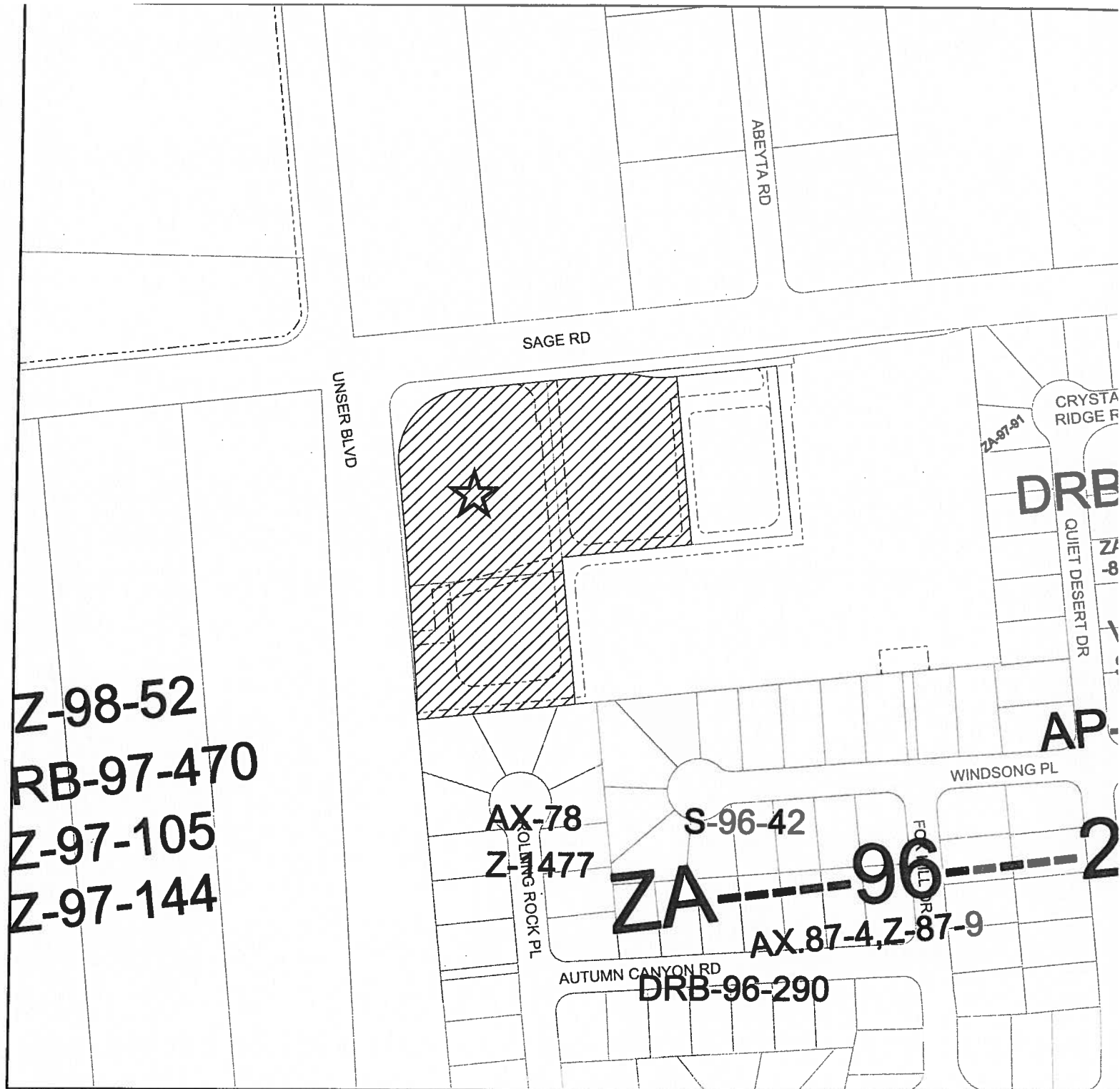
1 inch = 200 feet

Project Number:
1008203

Hearing Date:
7-9-2015

Zone Map Page: M-10
Additional Case Numbers:
15EPC 40020





HISTORY MAP

Note: Grey shading indicates County.



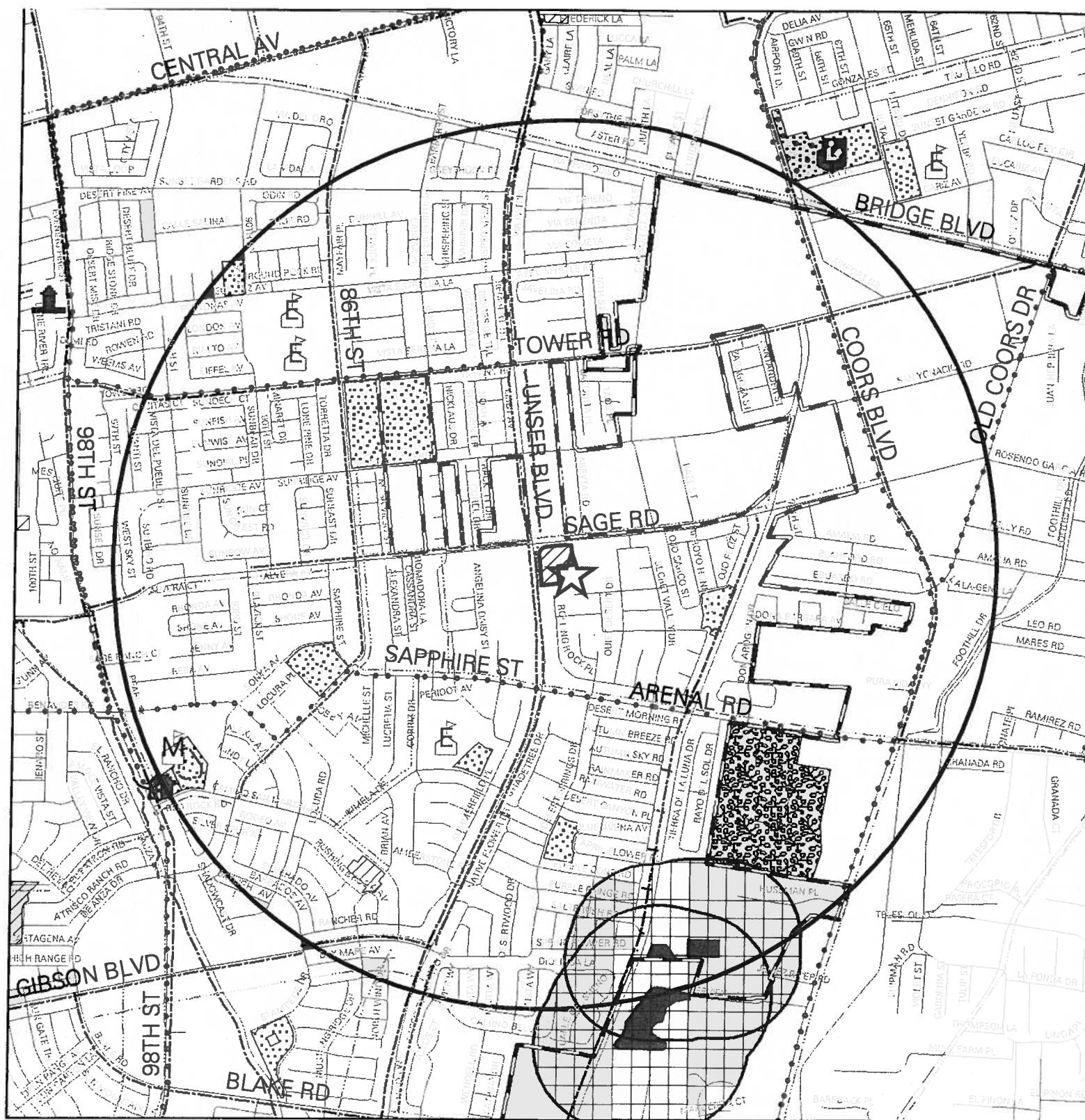
1 inch = 200 feet

Project Number:
1008203

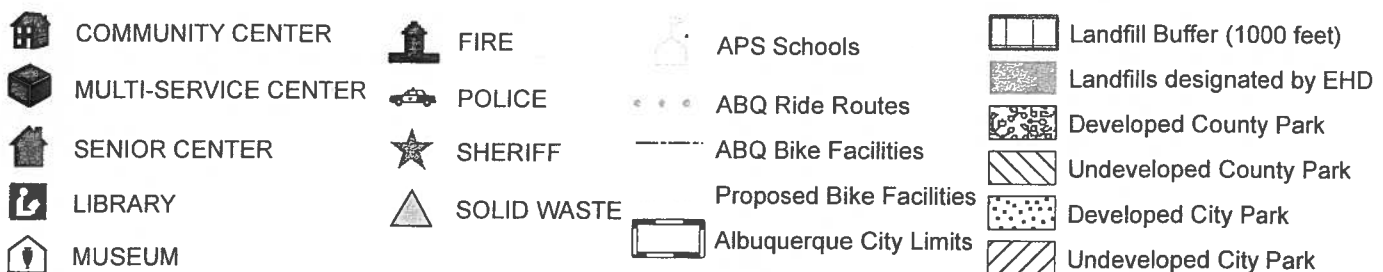
Hearing Date:
7-9-2015

Zone Map Page: M-10
Additional Case Numbers:
15EPC 40020

22



Public Facilities Map with One-Mile Buffer



Project Number: 1008203

230

0.5

1 Miles



I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	C-1		Vacant, commercial
<i>North</i>	C-1, County A-1, County R-1		Vacant, residential
<i>South</i>	R-D		Single Family Residential
<i>East</i>	R-D		Single Family residential
<i>West</i>	SU-1 for R-D and C-1 uses including restaurant ⁴ with full service liquor, County C-1		vacant

II. INTRODUCTION

Proposal

The applicant proposes to amend the zoning on the three subject tracts that are part of a larger shopping center site from C-1 to SU-1 for C-2 uses in order to expand the allowable uses on the site. The other tracts in the subdivision will retain the C-1 zone.

EPC Role

The EPC is hearing this case because the EPC has the authority to hear all zone map amendment (zone change) cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed [Ref: §14-16-2-22(A)(1) SU-1 Special Use Zone, and 14-16-4-1, Amendment Procedure]. If so, an appeal would go to the Land Use Hearing Officer (LUHO) who then makes a recommendation to City Council [Ref: § 14-16-4-4-(A)(2) Appeal]. This is a quasi-judicial matter.

History/Background

The site was zoned R-D prior to the adoption of the Tower Unser Sector Plan in 1989, which established the existing C-1 zoning for the subject tracts and the rest of the site. The EPC approved a site development plan for subdivision (SPS) with design guidelines in 2010 (10EPC-40011). This plan will still govern the future development of site in the event that requested

zoning is approved. The SPS delegates the approval of future site development plans for building permit to the DRB.

The MRCOG approved the access point on the south west corner of the site in 2010. Unser Boulevard is a limited access roadway and access must be approved by the MRCOG.

The housing adjacent to the site was developed in the late 1990's.

Context

The entire shopping center site is partially developed. Tract A-5, to the east of the three subject parcels, contains small retail store. The surrounding development consists primarily of single family homes. There is commercial development along Central Avenue, 1.3 miles from the site and along Coors Boulevard, about 1 mile from the site.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates Unser Boulevard as a Limited-Access Principal arterial.

The Long Range Roadway System designates Sage Road as a Minor Arterial.

Comprehensive Plan Corridor Designation

Unser Boulevard is an Enhanced Transit Corridor.

Trails/Bikeways

The Unser Trail, a paved multiple use trail, runs along Unser Boulevard in front of the site. Unser Boulevard contains a designated bike lane.

Transit

The closest bus stop is located on Arenal Road, about 1/3 of a mile south of the subject site.

Public Facilities/Community Services

Refer to the Public Facilities Map in the packet.

III. ANALYSIS

APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The site is zoned C-1, Neighborhood Commercial Use. This zone is designed to provide sites for office, service and institutional use and limited commercial uses to service the daily needs of residential areas. The permissive uses include churches, office, restaurant with beer and wine service, multi-family housing under certain circumstances, general retail sales, personal services

and gas stations with specific buffering requirements. Drive-in restaurants are allowed as a conditional use.

The requested zone, SU-1 for C-2 Community Commercial Uses would allow both the permissive and conditional uses of the C-2 zone. The C-2 provides suitable sites for offices, most service and commercial activities and limited institutional activities. The C-2 zone allows drive-in or drive through facilities permissively, multi-family housing under certain circumstances, restaurant with full service liquor, sales of alcohol for off premise consumption (package liquor), parking lots and dry cleaners. The conditional uses, which would allowed permissively in the requested zone, include kennels, church or other place of worship, outdoor storage, sales of alcohol for off-premise consumption within 500 feet of a residential zone and community residential program.

The site contains commercial zoning and is over 5 acres in size so is considered a Shopping Center site as defined in the zoning code§ 14-16-3-2.

The approved Site Plan for Subdivision contains design regulations, shows access points and lot configuration and easements. The SPS delegates approval of future development to the DRB in an advertised public hearing.

The SU-1 Zone requires a development plan; the site has an existing, approved site development plan for subdivision that meets this requirement.

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; Staff Analysis is in ***Bold Italics***

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a Goal 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.” Applicable policies include:

Land Use

Policy II.B.5d: 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, or recreational concern.

The proposed uses will add to the variety of possible development on the site and could add services and employment that are consistent with the neighborhood values. There is an existing, approved site development plan for the subdivision that contains design standards that will guide future development on the site. Some of the allowed uses may be more intense than the uses generally developed near single family development, based on where the C-2 zone is mapped. The request partially furthers Policy II.B.5d.

Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The subject site has access to a full range of urban services including roads, water and sewer lines, transit and community services, such as fire and police. The request furtheres Policy II.B.5e.

Policy II.B.5i: 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 environments.

The proposed uses will add to the variety of additional employment and services that could occur on the site. Two of three subject tracts are not adjacent to the existing single family development, the third tract; tract A-2 abuts the back yards of 3 residences. The proposed uses could allow the development that adds to the employment and service options for local residents, complimenting the residential use. The previously approved site development plan for subdivision contains design standards that will provide for screening, placement of drive up uses, building materials and public space. The request furtheres Policy II.B.5i.

Policy II.B.5k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operations.

The subject site has an approved site development plan for subdivision with design standards that specify pedestrian access, building design and restrict drive through uses to Sage Road. The proposed new uses will be subject to the standards which will ensure quality development on the site. The 3 subject tracts are the farthest from the bulk of the single family residential development adjacent to the site. The request furtheres Policy II.B.5k.

Activity Centers

The Goal is to “expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.”

The site is called out as a potential activity center in the TUSDP. The request will contribute to the development of services on the west side that may increase the options for social and economic activities and reduce cross rivers trips. The request is consistent with the activity center goal.

Economic Development

Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs created convenient to areas of most need.

2013 American Fact Finder data show that 20 % of all families and 23% of all people in the 87121 zip code had an income that was below the poverty line. The west side of Albuquerque has a jobs to housing imbalance, with over 80 % of jobs on the east side of the river, according to MRCOG 2035 MTP forecast. Zoning that allows for additional uses may add to the

possible jobs on the west side of the river and help to address this situation. The request furthers Policy II.D.6.a.

West Side Strategic Plan (Rank 2)

The West Side Strategic Plan (WSSP) was first adopted in 1997 and recently amended in 2002 to help promote development of Neighborhood and Community Activity Centers. The WSSP identifies 13 communities, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is in the Bridge/Westgate Community. The boundaries for the Bridge/Westgate Community roughly follow Central Avenue on the north, Coors Boulevard on the east, the 118th Corridor on the west, and Blake Road on the south. Staff has reviewed the WSSP against the request. Applicable policies include:

Goal 10: The Plan should create a framework to build a community where its citizens can live, work, shop, play, and learn together while protecting the unique quality of life and natural and cultural resources for West Side residents.

Objective 1: Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side.

The requested zoning allows a wider variety of uses. These expanded uses will provide more opportunities for business development on the site that may add to the employment possibilities in the area. These uses may help to minimize the need for cross metro trips by providing more goods and services and job opportunities in the area providing opportunities for area residents to work, shop and play. The existing, approved SPS contains design standards that will protect the adjacent neighborhoods. The request is consistent with Goal 10 and Objective 1.

Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

The request will expand the uses allowed on the subject site which may encourage new business to locate on the site. New business could provide new job opportunities. The request is consistent with Objective 8.

Policy 1.15: Neighborhood Centers of 15 to 35 acres shall contain generally small parcels and buildings; on-street parking is permitted, with smaller off-street parking areas shared among businesses and institutions. The neighborhood center shall have a built scale very accommodating to pedestrians and bicyclists, including outdoor seating for informal gatherings. Services such as childcare, dry cleaners, drug stores and small restaurants along with a park and/or school should be located central to surrounding neighborhoods.

Policy 1.16: Neighborhood Centers shall be located on local collector and sometimes arterial streets. While their primary access may be auto, pedestrian and bicycle connections shall be provided to all adjacent neighborhoods, parks and to the larger open space system. Convenient transit services shall be connected with community-wide and regional transit development.

The WSSP shows the area to the west of the subject site as a neighborhood center. The subject site is outside of the boundary, but the proposed uses would add to the area as a destination for local residents. The approved SPS requires pedestrian connections to the future building on the site to future transit stops, provision of outdoor seating and shaded areas that will make the development accommodating to pedestrians. Additionally, the SPS requires that drive-up uses be designed to avoid pedestrian areas. The request partially furthers policies 1.15 and 1.16.

Policy 3.40: Urban Style services are appropriate in the Community. This area shall receive a high priority for public infrastructure spending.

Policy 3.41: Study the potential means to achieve maximum leverage of public/private financing of new development in this Community, including incentives for new development, and cost-sharing between public and private facilities. Encourage employment growth in this Community.

The additional uses in the requested zoning add to the options for development of the site. The expanded uses may also add to the employment options on the site and encourage new development and growth. The request furthers policies 3.40 and 3.41.

Southwest Albuquerque Strategic Action Plan

The Southwest Albuquerque Strategic Action Plan (SASAP) is a part of the West Side Strategic Plan. The SWASAP recommends area plan and sector plan amendments, projects, and programs to help Southwest Albuquerque become a complete community. Goal 1 of the SASAP is to "Build Complete Neighborhoods and a Network of Activity Centers to Serve Them." The SASAP describes a Neighborhood Activity Center as follows: "may range from approximately 5 to 15 acres. They should be easily accessible destinations for nearby residents and others, making it possible for nearby residents to access local services within a one-quarter to half-mile walk. Southwest Albuquerque has the potential to support a number of Neighborhood Activity Centers." Applicable policies include:

Goal 1. Build Complete Neighborhoods and a Network of Activity Centers to Serve Them:

The WSSP (Southwest Albuquerque Strategic Action Plan) designates the area surrounding Unser/Sage as a Neighborhood Activity Center. A map in the SWASAP (page 332) shows a proposed network of Southwest Albuquerque Activity Centers. Unser/Sage is shown as a potential Neighborhood Activity Center. The request would add to the allowed uses at the proposed Neighborhood Activity Center at Unser and Sage to serve surrounding neighborhoods, which currently have little or no commercial services. The previously approved site development plan contains standards that will require pedestrian connections and public seating areas. The request is consistent with Goal 1.

Goal 4. Increase and Improve Retail and Commercial Services:

The residents of Southwest Albuquerque have few nearby shopping and commercial service options. The request for the proposed zoning would add to the allowed uses and would place

shopping in a conveniently located and easily accessed Neighborhood Activity Center. A map on page 350 of the SASAP shows Southwest Albuquerque Existing & Potential Retail Locations. Unser/Sage is shown on this map as a Potential Neighborhood Center. The request would further Goal 4 by increasing and improving retail and commercial services.

Appendix B. Southwest Albuquerque Commercial District Retail Plan

The SWASP contains a market study done by the Gibbs consulting firm that states that the area is underserved by the existing retail development and can support additional services.

Southwest Area Plan (Rank 2)

The Southwest Area Plan was adopted in 2001, and generally encompasses properties between the Central Avenue and I-40 to the north, the Rio Puerco on the west, Isleta Pueblo lands on the south, and the Rio Grande north of Woodward Road on the east; specific boundaries are shown on page 3 in the Plan. Per Council Bill No. C/S R-01-375, Enactment No. 42-2002 (found in the front of the Southwest Area Plan), "With regard to the area where the boundaries of the Southwest Area Plan and the West Side Strategic Plan overlap south of Central Avenue and west of Coors Boulevard as depicted on Exhibit A attached hereto, the policies contained in the Southwest Area Plan shall apply to the properties situated in the unincorporated area of the County, and the policies contained in the West Side Strategic Plan shall apply to the areas situated within the municipal boundaries, as they are amended from time to time." The subject site is located south of Central and west of Coors, but is not located in the unincorporated area of the County; therefore, the SWAP does not apply to this site.

Tower/Unser Sector Development Plan (Rank 3)

The Tower/Unser Sector Development Plan (TUSDP) was first adopted in 1989. The Plan generally encompasses properties between Sunset Road on the north, Sage Road on the south, the Powerline Channel on the west, and several lots east of Coors Boulevard on the east; specific boundaries are shown on Figure 1, Vicinity Map, in the Plan. The TUSDP established zoning for the plan area; prior to the adoption of the plan much of the zoning was R-D.

Policies are limited in the TUSDP, but the Executive Summary of the plan does have a development concept that applies to the project. The TUSDP contains special design guidelines for the platting of parcels at this corner that were satisfied by the site development plan for subdivision.

Executive Summary Development Concept #3: The plan area should have a mixture of land uses at a neighborhood scale, and high-density residential development should be limited.

The subject site is shown as a possible activity center in the amended Tower/ Unser Sector Development Plan. Unser Boulevard is an Enhanced Transit Corridor and contains a multi-

use trail. The additional uses will add to the viability of the site and mix of uses in an existing small shopping area. The request is consistent with Development Concept #3.

Resolution 270-1980 (Policies for Zone Map Change Applications)

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Analysis of Applicant's Justification

Note: Policy is in regular text; Applicant's justification is in *italics*; staff's analysis is in ***bold italics***

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

Applicant's Justification Summarized

The request is consistent with goals and policies of the applicable plans and will provide needed services for the area.

Staff's Response

Staff agrees that the request furthers many goals and policies of the applicable plans. The allowed uses in the requested zone may be more intense than what is allowed in the nearby commercial zones, but the allowed uses occur near residential areas in other parts of the city. The addition of SU-1 zone and the approved site development plan provide a clear indication of the uses and layout of the site.

- 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.

Applicant's Justification Summarized

The request will not destabilize the area because there is similar zoning across Unser from the site and request will expand the allowed uses and support economic growth.

Staff's Response

The proposed uses expand the commercial possibilities on the site and may encourage future development on the site adding to the economic vitality of the area and long term stability of the area.

- 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.

Refer to policy analysis section for a full discussion of the applicable policies

The applicant cites Comprehensive Plan policies II.B.5a, II.B.5e, II.B.5i, II.B.5j, II.B.5k, II.B. II.B7, II.D4a, II.D.4g, II.D.6a, II.D5b and II.D.6g.

WSSP Goal 1, policies 1.3, 1.15 and 1.16 and Goal 4 and policies 4.4 and 4.5.

Staff also believes that the request is consistent with goals 1 and 4 of the SWASP.

The request is consistent with intent to increase the availability of goods, services and employment options on the west side. The existing, approved SPS contains design standards that will mitigate the impacts of the increased intensity and auto oriented uses in the requested zone.

Staff finds the request is consistent with and clearly facilitates the goals, policies and objectives of the applicable plans.

- 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 (D)(1) or (D)(2) above do not apply.

Applicant's Justification

The existing is zoning more advantageous to the community as articulated in the applicable plans because it will provide needed services and employment in the area.

Staff's Response (refer to policy analysis for further discussion regarding applicable policies)

The C-1 zoning on the site was established by the TUSDP in 1989, the population of the 87121 zip code was approximately 25, 000 people, in 2000 the population in increased to 39,000 and was 76, 700 in 2000. The area population has tripled since the adoption of the zoning on the site and Unser Boulevard has expanded from small local to a major north south connection across the southwest mesa. Staff believes that these could constitute changed conditions that also support the request.

- 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.

Applicant's Justification

The additional uses will not change the access, design or layout of the proposed buildings. The subject tracts are only adjacent to 3 residential tracts.

Staff's Response

The uses allowed under the proposed zoning are more intense than what is currently allowed, but are found adjacent to residential development throughout the city. The approved SPS and zoning code require landscape buffers that will protect the residential development from any unintended harmful impacts of the future development.

The proposed SU-1 zone requires that all development be consistent with the approved site development plan and that significant changes will require a public hearing; this process provides an additional layer of protection for the community.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed 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.

No expenditures are required. The site has existing infrastructure.

Staff's Response

Staff agrees that the site has access to a full range of urban services and that all development on the site will be the responsibility of the property owner or future developer.

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

Applicant's Justification

The request is not based on economic consideration. The site may take longer to develop without the zoning change, but will eventually develop due the needs of the area.

Staff's Response

The applicant has justified the request as being consistent with the applicable goals and policies of the governing plans.

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

Applicant's Justification

The site is already a proposed activity center; the applicant states that the request is justified through compliance with goals and policies in the applicable plans.

Staff's Response

The applicant has provided justification in the form of compliance with goals and policies of the relevant plans. However, the location on an arterial is relevant to the request because the additional uses are appropriate on a larger street.

-
- 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 makes the site unsuitable for the uses allowed in any adjacent zone.

Applicant's Justification

The request will not create a spot zone because there is existing commercial zoning nearby and the site development for subdivision will address compatibility with the existing development through design.

Staff's Response

The SU-1 zone is generally considered justifiable spot zone because it has been justified by compliance with R-270-1980 and furthers the goals of and policies of the Comprehensive plan and Area or Sector Development Plans. The proposed zoning clearly facilitates the goals and policies cited in section C.

- 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.

Applicant's Justification

There is exiting commercial zoning on the other 3 corners of the intersection, the pattern of the lots does not create a strip.

Staff's Response

The subject site already contains commercial zoning; the applicant proposes to add more intense uses to the commercial entitlements on the site, so the subject tracts will have a different category than the adjacent tracts of land. However, the SU-1 zone is generally considered a justified strip or spot zone and the subject tracts are still covered by the SPS which sets the same design requirements for the these tracts as for the adjacent commercial tracts.

SITE DEVELOPMENT PLAN FOR SUBDIVISION

Request

The EPC approved the site development plan for subdivision for this site in April of 2010. The SPS will still govern the site if the requested zoning is approved. The SPS delegates approval of future site development plans for building permit to the DRB at an advertised public hearing. This process will provide review by staff to insure that the design requirements are met.

The SPS requires pedestrian connections throughout the site, shaded public seating areas and only allows drive-in services located along Sage Road.

Additionally, the SPS requires connection to the future transit stops that will develop along Unser Boulevard.

Building height is capped at 26 feet and setbacks are to be provided pursuant to the O-1 zone.

IV. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

There are no significant agency comments. The MRCOG's request for a pedestrian connection is addressed in the approved SPS which shows pedestrian circulation into the neighborhood to the south via a 15 foot easement.

Neighborhood/Public

The Stinson Tower and Westgate Heights Neighborhood Associations, South Valley Coalition of Neighborhoods, South West Alliance of Neighbors (SWAN) and Westside Coalition of Neighborhoods were all notified. The neighborhoods declined a facilitated meeting.

The South Valley Coalition of Neighborhoods stated that they might not be in favor of a liquor sales outlet at the site, they felt that they immediate neighbors should help make the decision about uses on the site. Although liquor sales would be an allowed use on the site, no specific use is proposed with this zone map amendment.

Staff received one phone call from a member of the Tower/ Stinson Neighborhood asking about the proposed uses allowed if the request is approved and an additional e-mail stating that the neighborhoods has concerns about the possibility of package liquor sales at the site, but that they are not necessarily opposed to the request. The applicant and the neighbors will meet before the EPC hearing to discuss this issue further. Staff may have additional recommendations based on the outcome of this meeting.

V. CONCLUSION

The applicant proposes to change the zoning on the three subject tracts from C-1 to SU-I for C-2 uses in order to expand the allowable uses on the subject tracts.

The west side of Albuquerque has a jobs to housing imbalance, with over 80 % of jobs on the east side of the river, according to MRCOG 2035 MTP forecast. Zoning that allows for

additional uses may add to the possible jobs on the west side of the river and help to address this situation. The new zoning may encourage new development on the site

The existing approved SPS contains design standards that will require pedestrian connections, provision of shaded public areas and screening of parking that will help to off the possible impacts of more auto oriented uses.

The applicant has justified the request as being more advantageous to the community as stated in the applicable plans because the request will clearly facilitate the goals and policies of those plans.

FINDINGS – 15 EPC-40020- July 9, 2015- Zone Map Amendment

1. This is a request for a zone map amendment for tracts A-2, A-3, A-4 of Unser Sage Marketplace located on Unser Boulevard SW, between Sage Road SW and Arenal Road SW and containing approximately 3.5 acres from C-1 to SU-1 for C-2 uses.
2. The applicant proposes to amend the zoning from C-1, Neighborhood Commercial to SU-1 for C-2 Community Commercial Uses in order to expand the allowable uses on the subject tracts.
3. The EPC approved a site development plan for division for the subject site in April of 2010, (10 EPC 40011). This plan will continue to apply to the subject tracts and the other tracts on the site.
4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, including the Southwest Strategic Action Plan, Tower Unser Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within the Established of the Comprehensive Plan.

The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

Land Use

- A. Policy II.B.5d: 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, or recreational concern.

The proposed uses will add to the variety of possible development on the site and could add services and employment that are consistent with the neighborhood values. There is an existing, approved site development plan for the subdivision that contains design standards that will guide future development on the site. Some of the allowed uses may be more intense than the uses generally developed near single family development, based on where the C-2 is mapped. The request partially furthers Policy II.B.5d.

- B. Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The subject site has access to a full range of urban services including roads, water and sewer lines, transit and community services, such as fire and police. The request furtheres Policy II.B.5e.

- C. Policy II.B.5i: 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 environments.

The proposed uses will add to the variety of additional employment and services that could occur on the site. Two of three subject tracts are not adjacent to the existing single family development, the third tract; tract A-2 abuts the back yards of 3 residences. The proposed uses could allow the development that adds to the employment and service options for local residents, complimenting the residential use. The previously approved site development plan for subdivision contains design standards that will provide for screen, placement of drive up windows, building materials and public space. The request furtheres Policy II.B.5i.

- D. Policy II.B.5k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operations.

The subject site has an approved site development plan for subdivision with design standards that specify pedestrian access, building design and restrict drive through uses to Sage Road. The proposed new uses will be subject to the standards which will ensure quality development on the site. The 3 subject tracts are the farthest from the bulk of the single family residential development adjacent to the site. The request furtheres Policy II.B.5k.

Activity Centers

- A. The Goal is to "expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities."

The site is called out as a potential activity center in the TUSDP. The request will contribute to the development of services on the west side that may increase the options for social and economic activities and reduce cross rivers trips. The request is consistent with the activity center goal.

Economic Development

- A. Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs created convenient to areas of most need.

2013 American Fact Finder data show that 20 % of all families and 23% of all people in the 87121 zip code had an income that was below the poverty line. The west side of Albuquerque has a jobs to housing imbalance, with over 80 % of jobs on the east side of the

river, according to MRCOG 2035 MTP forecast. Zoning that allows for additional uses may add to the possible jobs on the west side of the river and help to address this situation. The request further Policy II.D.6.a.

6. The subject site is within the boundaries of the West Side Strategic Plan. The following policies are applicable to the request.

A. Goal 10: The Plan should create a framework to build a community where its citizens can live, work, shop, play, and learn together while protecting the unique quality of life and natural and cultural resources for West Side residents.

Objective 1: Provide for a complete mix of land uses on the West Side, including opportunities for large-scale employment, in order to minimize the needs for cross-metro trips. Employment opportunities are encouraged on the West Side.

The requested zoning allows a wider variety of uses. These expanded uses will provide more opportunities for business development on the site that may add to the employment possibilities in the area. These uses may help to minimize the need for cross metro trips by providing more goods and services and job opportunities in the area providing opportunities for area residents to work, shop and play. The existing, approved SPS contains design standards that will protect the adjacent neighborhoods. The request is consistent with Goal 10 and Objective 1.

B. Objective 8: Promote job opportunities and business growth in appropriate areas of the West Side.

The request will expand the uses allowed on the subject site which may encourage new business to locate on the site. New business could provide new job opportunities. The request is consistent with Objective 8.

C. Policy 1.15: Neighborhood Centers of 15 to 35 acres shall contain generally small parcels and buildings; on-street parking is permitted, with smaller off-street parking areas shared among businesses and institutions. The neighborhood center shall have a built scale very accommodating to pedestrians and bicyclists, including outdoor seating for informal gatherings. Services such as childcare, dry cleaners, drug stores and small restaurants along with a park and/or school should be located central to surrounding neighborhoods.

Policy 1.16: Neighborhood Centers shall be located on local collector and sometimes arterial streets. While their primary access may be auto, pedestrian and bicycle connections shall be provided to all adjacent neighborhoods, parks and to the larger open space system. Convenient transit services shall be connected with community-wide and regional transit development.

The WSSP shows the area to the west of the subject site as a neighborhood center. The subject site is outside of the boundary, but the proposed uses would add to the area as a

destination for local residents. The approved SPS requires pedestrian connections to the future building on the site to future transit stops, provision of outdoor seating and shaded areas that will make the development accommodating to pedestrians. Additionally, the SPS requires that drive-in uses be designed to avoid pedestrian areas. The request partially furthers policies 1.15 and 1.16.

D. Policy 3.40: Urban Style services are appropriate in the Community. This area shall receive a high priority for public infrastructure spending.

Policy 3.41: Study the potential means to achieve maximum leverage of public/private financing of new development in this Community, including incentives for new development, and cost-sharing between public and private facilities. Encourage employment growth in this Community.

The additional uses in the requested zoning add to the options for development of the site. The expanded uses may also add to the employment options on the site and encourage new development and growth. The request furthers policies 3.40 and 3.41.

7. The Southwest Albuquerque Strategic Action Plan (SASAP) is a part of the West Side Strategic Plan. The following goals are applicable to the request.

A. Goal 1. Build Complete Neighborhoods and a Network of Activity Centers to Serve Them:

The WSSP (Southwest Albuquerque Strategic Action Plan) designates the area surrounding Unser/Sage as a Neighborhood Activity Center. A map in the SWASAP (page 332) shows a proposed network of Southwest Albuquerque Activity Centers. Unser/Sage is shown as a potential Neighborhood Activity Center. The request would add to the allowed uses at the proposed Neighborhood Activity Center at Unser and Sage to serve surrounding neighborhoods, which currently have little or no commercial services. The previously approved site development plan contains standards that will require pedestrian connections and public seating areas. The request is consistent with Goal 1.

B. Goal 4. Increase and Improve Retail and Commercial Services:

The residents of Southwest Albuquerque have few nearby shopping and commercial service options. The request for the proposed zoning would add to the allowed uses and would place shopping in a conveniently located and easily accessed Neighborhood Activity Center. A map on page 350 of the SASAP shows Southwest Albuquerque Existing & Potential Retail Locations. Unser/Sage is shown on this map as a Potential Neighborhood Center. The request would further Goal 4 by increasing and improving retail and commercial services.

C. Appendix B. Southwest Albuquerque Commercial District Retail Plan

The SWASP contains a market study done by the Gibbs consulting firm that states that the area is underserved by the existing retail development and can support additional services.

8. The applicant has justified the zone change request pursuant to R-270-1980 as follows:

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

The request furthers many goals and policies of the applicable plans. The allowed uses in the requested zone may be more intense than what is allowed in the nearby commercial zones, but the allowed uses occur near residential areas in other parts of the city. The addition of SU-1 zone and the approved site development plan provide a clear indication of the uses and layout of the site.

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.

The proposed uses expand the commercial possibilities on the site and may encourage future development on the site adding to the economic vitality of the area and long term stability of the area. The request will not destabilize the area because there is similar zoning across Unser from the site and request will expand the allowed uses and support economic growth.

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.

Refer to policy analysis section for a full discussion of the applicable policies

The applicant cites Comprehensive Plan policies II.B.5a, II.B.5e, II.B.5i, II.B.5j, II.B.5k, II.B, II.B7, II.D4a,, II.D.4g , II.D.6a, II.D5b and II.D.6g.

WSSP Goal1, policies 1.3, 1.15 and 1.16 and Goal 4 and policies 4.4 and 4.5.

Staff also believes that the request is consistent with goals 1 and 4 of the SWASP.

The request is consistent with intent to increase the availability of goods, services and employment options on the west side. The existing, approved SPS contains design standards that will mitigate the impacts of the increased intensity and auto oriented uses in the requested zone.

Staff finds the request is consistent with and clearly facilitates the goals, policies and objectives of the applicable plans.

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 (D)(1) or (D)(2) above do not apply.

Applicant's Justification

The existing is zoning more advantageous to the community as articulated in the applicable plans because it will provide needed services and employment in the area.

Refer to policy analysis for further discussion regarding applicable policies.

The C-1 zoning on the site was established by the TUSDP in 1989, the population of the 87121 zip code was approximately 25, 000 people, in 2000 the population in increased to 39,000 and was 76, 700 in 2000. The area population has tripled since the adoption of the zoning on the site and Unser Boulevard has expanded from small local to a major north south connection across the southwest mesa. Staff believes that these could constitute changed conditions that also support the request.

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.

The uses allowed under the proposed zoning are more intense than what is currently allowed, but are found adjacent to residential development throughout the city. The approved SPS and zoning code require landscape buffers that will protect the residential development from any unintended harmful impacts of the future development.

The proposed SU-1 zone requires that all development be consistent with the approved site development plan and that significant changes are heard in a public hearing; this process provides an additional layer of protection for the community.

F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed 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.

The site has access to a full range of urban services and that all development on the site will be the responsibility of the property owner or future developer.

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

The applicant has justified the request as being consistent with the applicable goals and policies of the governing plans.

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

Applicant's Justification

The applicant has provided justification in the form of compliance with goals and policies of the relevant plans. However, the location on an arterial is relevant to the request because the additional uses are appropriate on a larger street.

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 makes the site unsuitable for the uses allowed in any adjacent zone.

The SU-1 zone is generally considered justifiable spot zone because it has been justified by compliance with R-270-1980 and furthers the goals of and policies of the Comprehensive plan and Area or Sector Development Plans. The proposed zoning clearly facilitates the goals and policies cited in section C.

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.

The subject site already contains commercial zoning; the applicant proposes to add more intense uses to the commercial entitlements on the site, so the subject tracts will have a different category than the adjacent tracts of land. However, the SU-1 zone is generally considered a justified strip or spot zone and the subject tracts are still covered by the SPS which sets the same design requirements for the these tracts as for the adjacent commercial tracts.

9. The Stinson Tower NA (R), Westgate Heights NA (R), South Valley Coalition of NA's, South West Alliance of Neighbors (SWAN), Westside Coalition of NA's were notified of the request via certified mail. The neighborhoods declined a facilitated meeting.
10. Staff received an e-mail from the representative of the Tower Stinson neighborhood association expressing concern about the possibility of package sales on the site.
11. The city notified property owners within 100 feet of the site.

RECOMMENDATION - 15EPC-40020-July 9 2015

APPROVAL of 15 EPC-40020, a request for Zone Map Amendment from C-1 to SU-1 for C-2 uses for Tracts A-2, A-3 and A-4 of the Unser Sage Marketplace , based on the preceding Findings.



**Maggie Gould
Planner**

Notice of Decision cc list:

Richard Dineen	2811 Bosque del Sol lane, NW	ABQ, NM	87120
Unser & Sage LLC.	6300 Jefferson, NE	ABQ, NM	87109

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Office of Neighborhood Coordination

Stinson Tower NA (R)

Westgate Heights NA (R)

South Valley Coalition of NA's

South West Alliance of Neighbors (SWAN)

Westside Coalition of NA's

6/1/15 – Recommended for Facilitation – siw

6/3/15 – Assigned to Philip Crump –th

Long Range Planning

The request is for a zone map amendment from C-1 to SU-1 for C-2 Uses, located on Unser Boulevard SW, between Sage Rd SW and Arenal Rd SW. The site abuts a Neighborhood Activity Center. The site is within the boundaries of the West Side Strategic Plan, the Southwest Area Plan, and the Tower/Unser Sector Development Plan.

The proposed zone could provide a greater variety of uses to serve the needs of the area than those presently allowed in the C-1 Zone. Additional desired services mentioned by the applicant include full auto service station with convenience store, 'carry out' package liquor, carwash, and drive up restaurant. The C-1 zoning allows gas stations with up to four dispensers (8 fueling positions) with certain design controls, food and drink for consumption on or off premises, and alcoholic drink sales only under a restaurant licenses. A drive up restaurant is a conditional use in the C-1 zone. The C-1 zone is used predominantly in the Tower/Unser SDP "because of the need for neighborhood-scale, not community-scale, services."

The West Side Strategic Plan states that: "Smaller sites outside activity centers can provide stores with drive-up windows, car washes, and gas stations. These types of uses should not be located in mixed-use centers that are designed for walking from one shop or service to another." (Page 323)

SU-1 Zone

A Site Development Plan for Subdivision was approved in 2010. In the SU-1 zone, "A decision implementing a change to the zone map to SU-1 zoning shall designate the specific use permitted, and a

building permit shall be issued only for the specific use and in accordance with an approved Site Development Plan. The specific use shall be recorded on the zone map.”

- If this request is approved, the site plan will need to be amended.
- Please specify the proposed use for this site.

Metropolitan Redevelopment Agency

CITY ENGINEER

Transportation Development

No objection to the request

Hydrology Development

No comment at this time for Project #1008203, for the zone change.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Per MRCOG's Interim Long Range Roadway System Map, Unser Blvd. is a Principal Arterial and Sage Road is a Minor Arterial. Per MRCOG's Long Range Bikeway System Map, Unser is to contain bicycle lanes, which presently existing across the site's Unser frontage. The Bikeway System Map also calls for bike lanes on Sage Road. On the outside of the existing eastbound through-lane there may be adequate lateral spacing for a bike lane to be added in connection with this site's development. An existing multi-use trail also runs on the east side of Unser Blvd. adjacent to the property.

Traffic Engineering Operations

NMDOT: No objection to the request.

WATER UTILITY AUTHORITY

Utility Services

No objection

ENVIRONMENTAL HEALTH DEPARTMENT

PARKS AND RECREATION

Planning and Design

No objection to this request. Informational comment: Unser bike lane and trail along the west side of this property line are already in place. Grading plan will be reviewed at DRB for side of trail treatment with respect to grade, slope, surface coverage to prevent erosion onto trail.

Open Space Division

OSD has reviewed and has no adverse comments

City Forester

POLICE DEPARTMENT/Planning

No Crime Prevention or CPTED comments concerning the proposed Amendment to Zone Map – Zone Change request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division Reviewed, No comment

FIRE DEPARTMENT/Planning Reviewed with No Comments

TRANSIT DEPARTMENT

Adjacent and nearby routes	None.
Adjacent bus stops	None.
Site plan requirements	None
Large site TDM suggestions	None.
Other information	None

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed. No comment

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

Unser Blvd is classified as a high capacity limited access Principal Arterial from Gun Club Road to US 550 with full access at-grade intersections at one-half mile intervals. Right-in, right-out access points may be located at approximately one-quarter mile intervals, provided the access location does not degrade traffic flow and upon review of the Transportation Coordinating Committee. All requests to modify access on Limited Access Roadways will be considered by the Transportation Coordination Committee (TCC), which is the technical advisory committee for the Metropolitan Transportation Board (MTB). For more details on Roadway Access Modification Policies please contact the Mid Region Council of Governments at 247-1753.

Additionally, MRMPO strongly recommends modifying the site plan (if necessary) to preserve and enhance pedestrian access to the site from Fox Hill Drive SW.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

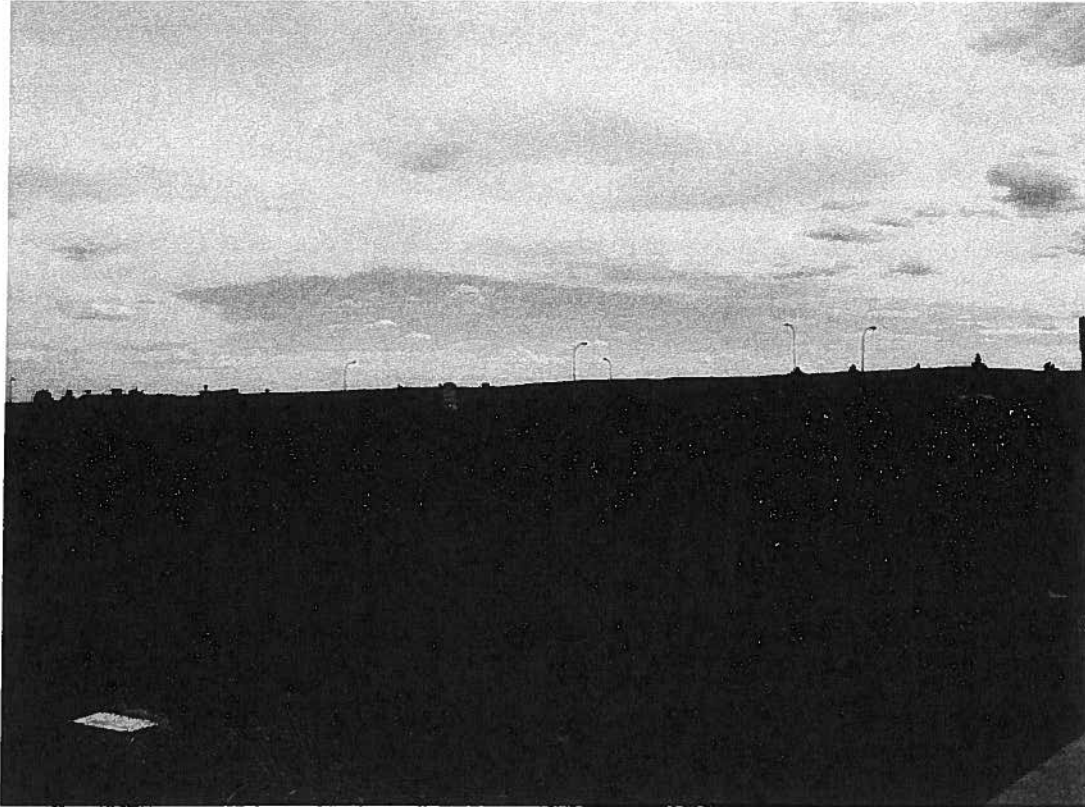
PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comments based on information provided to date.



Looking southeast across the subject site from the corner of Unser Boulevard and Sage Road
Looking northeast across the subject site





Looking southwest across the subject site toward Unser Boulevard
Looking northwest across the subject site



Existing sidewalk along Sage Road



Existing multi-use bike trail along Unser
Boulevard

Existing development on tract A-5 ,east of
the subject tracts



R-270-1980: POLICIES FOR ZONE MAP CHANGE APPLICATIONS

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 there, to, 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 (D)1. or (D)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 unprogrammed 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 for 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 makes 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.

(Res. 270-1980, approved 12-30-80)



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

Date: April 9, 2010

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1008203**
10EPC-40011 SITE DEVELOPMENT -
SUBDIVISION

Unser Sage Partnership
2019 Dartmouth Drive NE
Albuquerque, NM 87106

LEGAL DESCRIPTION: CONSENSUS
PLANNING INC agent for UNSER SAGE
PARTNERSHIP requests the above action for all
or a portion of Tract A PLAT OF Tracts A & B,
Unit 1-B, LANDS OF ALBUQUERQUE
SOUTH zoned C-1 located on UNSER BLVD
SW BETWEEN SAGE RD SW AND ARENAL
RD SW containing approximately 9.56 acre.
(M-10) Randall Falkner, Staff Planner

On April 8, 2010 the Environmental Planning Commission voted to **APPROVE** Project 1008203 / 10EPC-40011, a site development plan for subdivision for all or a portion of Tract A PLAT OF Tracts A & B, Unit 1-B, LANDS OF ALBUQUERQUE SOUTH zoned C-1, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request for a site development plan for subdivision on a 9.5 acre tract of land located on the southeast corner of Unser Boulevard SW and Sage Road SW. The site comprises Tract A, Plat of Tracts A & B, Unit 1-B, of the Lands of Albuquerque South, and is zoned C-1. The applicant proposes to subdivide Tract A into two lots and intends to develop the site with a variety of small to medium size commercial services. The proposed subdivision is called the Unser/Sage Marketplace.
2. The Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic Plan (Southwest Albuquerque Strategic Action Plan), and the Tower/Unser Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
3. The subject site is within the area designated Developing Urban by the Comprehensive Plan.

OFFICIAL NOTICE OF DECISION

APRIL 8, 2010

PROJECT 1008203

PAGE 2 OF 8

4. The request furthers the following Comprehensive Plan policies for Developing and Established Urban Areas:
 - a. Policy II.B.5a – The primary land use in this area of the City is single family residential. The request would result in a more complete range of land uses and allow local residents greater opportunities to shop and work closer to home.
 - b. Policy II.B.5d – The Design Standards of the site development plan for subdivision will help to ensure that future developments at the Unser/Sage Marketplace will respect existing neighborhood values, natural environmental conditions, and resources of other social, cultural, or recreational concern.
 - c. Policy II.B.5e – The request will provide infill in an area of the City where housing development has severely outpaced the development of commercial services. Full urban services (water, sewer, gas, and communications) are available to this site and the integrity of the neighborhoods can be ensured with proper Design Standards.
 - d. Policy II.B.5i – The proposed Unser/Sage Marketplace would be an important employment neighborhood use which would provide job opportunities to nearby residents. Noise, lighting, pollution and traffic would be mitigated by appropriate Design Standards.
5. The request would further the Economic Development Goal of the Comprehensive Plan by developing local businesses and expanding the existing employment base. The surrounding neighborhood is all residential and could benefit by diversifying with commercial development.
6. The request furthers the following West Side Strategic Plan policies:
 - a. Goal 10 – The addition of the Unser/Sage Marketplace would help to build a community by adding an important resource that would allow citizens in this area to live, work, and play together, while protecting the unique quality of life and natural and cultural resources for West Side residents.
 - b. Objective 1 – The request for the Unser/Sage Marketplace would help to provide for a complete mix of land uses in this West Side neighborhood, and would set the stage for future jobs and minimize cross-metro trips.
 - c. Objective 8 – The request would promote future job opportunities and business growth in an area that is in desperate need of commercial services. The intersection of Unser Boulevard and Sage Road has been designated in the Southwest Albuquerque Strategic Action Plan as a potential Neighborhood Activity Center.
 - d. Policy 1.3 – The property is not within an existing Neighborhood or Community Center. However, the intersection of Unser Boulevard and Sage Boulevard has been designated by the Southwest Albuquerque Strategic Action Plan as a potential Neighborhood Activity Center. There is also an existing Neighborhood Activity Center adjacent to the subject site and west of Unser and south of Sage to 82nd Street. The proposed Unser/Sage Marketplace is a commercial development that would occur in a concentrated cluster area (proposed Neighborhood Activity Center) rather than a new strip development.

- e. Policy 3.40 – The area is almost totally devoid of any urban style services. New commercial uses, such as the Unser/Sage Marketplace would provide urban style services that would be appropriate in the Bridge/Westgate community.
 - f. Policy 3.41 – The request for the Unser/Sage Marketplace would encourage future employment growth in an area that desperately needs commercial services.
7. The request partially furthers the following West Side Strategic Plan policies:
- a. Policy 1.9 – It is unknown how many residents are in this specific area, but there are no commercial services in this area of the City. The Market Area portion of this policy would most likely be achieved, because a large portion of the single family residential homes are within one mile of the proposed Marketplace and would be accessed on a weekly basis if not daily. The Neighborhood Centers Access/Connections portion of this Policy is described as follows: “Neighborhood Centers should be less automobile oriented, located on minor arterial and/or collector streets, and connected to public transit service as well as informal pedestrian and bicycle ways. Both community and neighborhood centers shall be very accommodating to the pedestrian even within predominantly off-street parking areas.” The proposed Unser/Sage Marketplace is located on arterial streets and no public transit service is currently available. However, Unser Boulevard is designated as an Enhanced Transit Corridor and transit service is expected in the future. In order to encourage pedestrian activity the buildings need to be clustered along the internal east/west driveway and not be separated by large areas of parking. The Scale portion of this policy is partially achieved, because the proposed area is small with small buildings, however the bicycle and pedestrian connections inside the Marketplace and to the areas outside of the Marketplace could be improved. The Location portion is achieved by the Marketplace which would create a stimulus to economic and social activity.
 - b. Policy 1.15 – The Unser/Sage Marketplace is proposed to be in a future Neighborhood Activity Center. This development is relatively small (9.5 acres), and proposes small buildings (no buildings larger than 17,000 s.f.). However, the buildings do not seem to have a strong relation to one another or encourage pedestrian/community activity. It is unknown if services such as childcare, dry cleaners, drug stores, small restaurants, or a park or school will be located at the proposed Unser/Sage Marketplace. In order to encourage pedestrian activity, the buildings need to be clustered along the internal east/west driveway and not be separated by large parking areas.
 - c. Policy 1.16 – The Unser/Sage Marketplace is located at the intersection of a limited-access principal arterial (Unser Boulevard) and a minor arterial (Sage Road). Unser Boulevard is also designated as an Enhanced Transit Corridor. There is currently no transit service at the Unser/Sage intersection; however, future transit service is expected. The primary access to the Unser/Sage Marketplace is by auto. Pedestrian and bicycle connections at this location are currently lacking. However, there is an existing bicycle trail west of Unser Boulevard, and bicycle lanes are proposed along both Unser Boulevard and Sage Road. A pedestrian circulation plan is shown on Sheet 1 of 5 of the site development plan for subdivision. This pedestrian circulation plan needs to encourage pedestrian activity by

clustering buildings along the internal east/west driveway and by separating large areas of parking.

8. The request partially furthers Goal 1 (Build Complete Neighborhoods and a Network of Activity Centers to Serve Them) of the West Side Strategic Plan (Southwest Albuquerque Strategic Action Plan). The WSSP (Southwest Albuquerque Strategic Action Plan) designates the area surrounding Unser/Sage as a Neighborhood Activity Center. A map in the SWASAP (page 332) shows a proposed network of Southwest Albuquerque Activity Centers. Unser/Sage is shown as a potential Neighborhood Activity Center. The request would begin development of a Neighborhood Activity Center at Unser and Sage to serve surrounding neighborhoods, which currently have little or no commercial services. A pedestrian friendly environment that encourages walking to local community services is part of building a complete neighborhood and a network of activity centers. The pedestrian environment needs to be improved at this location to ensure quality development. Clustering buildings together will help to improve and encourage pedestrian activity at this location.
9. The request furthers Goal 4 (Increase and Improve Retail and Commercial Services) of the West Side Strategic Plan (Southwest Albuquerque Strategic Action Plan). The residents of Southwest Albuquerque have few nearby shopping and commercial service options. The request for the Unser/Sage Marketplace would place shopping in a conveniently located and easily accessed Neighborhood Activity Center. A map on page 350 of the SASAP shows Southwest Albuquerque Existing & Potential Retail Locations. Unser/Sage is shown on this map as a Potential Neighborhood Center.
10. The request furthers Executive Summary Development Concept #3 in the Tower/Unser Sector Development Plan. The request would add to the mixture of land uses at a neighborhood scale (buildings will be between 6,000 to 16,000 square feet. with no Large Retail Facilities) by adding commercial land use to an area that is almost entirely single family residential.
11. There is no known neighborhood or other opposition.

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

OFFICIAL NOTICE OF DECISION

APRIL 8, 2010

PROJECT 1008203

PAGE 5 OF 8

3. The following Design Standard shall be added under 1. Site Design, General: In order to enhance a proposed future Neighborhood Activity Center and walkability of the site, the following conditions shall be added:
 - a. The drive-up uses shall be located only along Sage Road. Drive-up uses shall be designed so traffic and queuing shall cause no deleterious effects on the pedestrian qualities of the marketplace.
 - b. Buildings shall be clustered to encourage pedestrian activity and shall not be separated by large areas of parking.
4. Add the following sentence as the third paragraph under Design Standards: "Development in the Unser/Sage Marketplace shall comply with applicable Zoning Code Regulations."
5. 1. Site Design, Public Space, 3rd bullet, change "150" to "400".
6. 1. Site Design, Accessibility & Safety:
 - a. 1st bullet, delete the word "consulted": and add the words "complied with".
 - b. Delete 3rd bullet.
7. 1. Site Design, Parking:
 - a. 6th bullet, change "150" to "85".
 - b. 7th bullet, 2nd sentence shall read "However, openings shall be provided for water harvesting to be used.
8. 3. Screening Walls & Fences, 4th bullet, change the spelling of the word "cueing" to "queuing".
9. 4. Architectural Design:
 - a. Add the following as 5th bullet under Architectural Design: "Predominant building materials shall be stucco clad buildings accented with masonry elements."
 - b. Add the following as 6th bullet under Architectural Design: "Portals or shaded elements shall be provided at primary facades and at critical pedestrian linkages."
 - c. Building Facades, 3rd bullet, delete the word "wood".
 - d. Roofs & Parapets, add the following sentence as 4th bullet: "Predominant roof lines shall be predominantly flat roofed with accent roof elements, such as tower caps and portal roofs."
 - e. Building Materials & Colors, add the following sentence as 4th bullet: "Basic colors shall be light tan, gray or sage, with accents of red-brown, yellow-ochre or dark gray. The color of the roof shall be silver gray or dark gray flat concrete shingles.
10. 6. Landscape:
 - a. The Purple Robe Locust tree listed under Unser Boulevard – Street Trees shall be replaced with a Texas Red Oak tree.

OFFICIAL NOTICE OF DECISION

APRIL 8, 2010

PROJECT 1008203

PAGE 6 OF 8

- b. Add the following bullet: "Berms shall be constructed with 75% minimum live vegetated cover, and care shall be taken so that the soil of the berms is not compacted upon construction and remains loose and viable for the living vegetative cover."
 - c. 5th bullet, replace the word "site" with the words "net lot".
 - d. 8th bullet, replace the word "turf" and replace with the words "low water native grass or other living vegetation."
 - e. Add the following bullet: "Organic mulch around trees and plants is preferred over inorganic rock."
 - f. Add the following bullet: "In some cases, tree wells need to be larger than 36 square feet to provide more rooting volume. The size of the well depends on the mature size of the tree. Methods for increasing rooting volume include the following: larger tree wells, tree well connections, pervious paving, structure soil, root tunnels, soil subway paths, and bridging of sidewalks."
11. The following Design Standard shall be added as the second sentence under 10. Process: "Prior to application for subsequent site development plan for building permits, the applicant shall meet with an EPC staff planner to ensure compliance with design standards and EPC conditions."
12. Recommended Conditions from City Engineer, Municipal Development, and NMDOT:
- a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
 - b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
 - c. Label access easements as common access and utility easements.
 - d. With respect to site drive "A" (first site drive on Sage east of Unser): per the DPM, the location of a site drive on the departure side of an intersection of two arterials (principal and minor) would be 150' **minimum**. However, based on the future re-construction of the Sage and Unser intersection by the City of Albuquerque, which includes free right turn lanes in each quadrant, and the volumes associated with this site drive, the applicant will need to delete this drive or re-locate it east a distance sufficient to accommodate a possible right turn deceleration or taper lane. Provide analysis prior to DRB.
 - e. Concurrent platting action required at DRB.
 - f. Site plan shall comply and be designed per DPM Standards.
 - g. Dedication of a *minimum* 43 feet of right-of-way from the centerline of Sage Road a minor arterial as designated on the Long Range Roadway System map.
 - h. Dedication of an additional 6 feet of right-of-way along Sage Road adjacent to the subject property as required by the City Engineer to provide for on-street bicycle lanes.
 - i. Construction of the on-street bicycle lane along Sage Road adjacent to the subject property as designated on Long Range Bikeways System map.
 - j. Approval of the additional right-in, right-out driveway access on Unser Boulevard to the proposed site by the Transportation Coordinating Committee (TCC) of the Mid-Region

Council of Governments (MRCOG) consistent with procedures described in MRCOG resolution R-05-09. Request must be in process concurrently with DRB

13. Recommended Conditions from Public Service Company of New Mexico:

- a. As a condition, it is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet prior to DRB review. PNM's standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances.
- b. As a condition, please add note on Sheet 5 that all screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide for specifications.

APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY APRIL 23, 2010 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.

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.

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).

Deferral requests by the applicant for map amendments and site development plans are subject to a \$110 fee per item (Zoning Code Section 14-16-4-1(B)). Failure of the applicant to pay such fees and provide proof of payment prior to the date the case(s) are deferred to may result in further deferral of the item(s) until the required fee(s) are paid.

OFFICIAL NOTICE OF DECISION

APRIL 8, 2010

PROJECT 1008203

PAGE 8 OF 8

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,

Deborah Stover
Planning Director

DS/RF/ma

cc: Consensus Planning, Inc., 302 Eighth Street NW, Albuquerque, NM 87102
Victor Wyant, Stinson Tower N.A., 612 Cottontail SW, Albuquerque, NM 87121
Patrick Barisione, Stinson Tower N.A., P.O. Box 12676, Albuquerque, NM 87195
Mathew Archuleta, Westgate Heights N.A., 1628 Summerfield SW, Albuquerque, NM 87121
Frederick Gentry, Westgate Heights N.A., 10213 De Trevis SW, Albuquerque, NM 87121
Susan White, South Valley Coalition of N.A.s, 2736 Lost Padillas SW, Albuquerque, NM 87105
Marcia Fernandez, South Valley Coalition of N.A.s, 2401 Violet SW, Albuquerque, NM 87105
Klarissa Pena, SWAN, 6013 Sunset Gardens SW, Albuquerque, NM 87121
Louis Tafoya, SWAN, 6411 Avalon Rd. NW, Albuquerque, NM 87105
Brett Lopez, Westside Coalition of N.A.s, 4815 Northern Trl. NW, Albuquerque, NM 87120
Candelaria Patterson, Westside Coalition of N.A.s, 7608 Elderwood NW, Albuquerque, NM 87120

1 RESOLUTION

2 of the

3 TRANSPORTATION COORDINATING COMMITTEE

4 of the

5 METROPOLITAN TRANSPORTATION BOARD

6 of the

7 MID-REGION COUNCIL OF GOVERNMENTS OF NEW MEXICO

8 (R-10-04 TCC)

9 **MODIFYING ACCESS ON UNSER BOULEVARD SOUTH OF SAGE ROAD TO**
10 **PROVIDE A RIGHT-IN ACCESS TO THE EAST**
11

12 WHEREAS, Resolution UTPPB R-84-15 designated Unser Boulevard from Gun
13 Club Road to US 550 as a high-capacity limited access principal arterial with access
14 limited to approximately one-quarter mile at-grade intersections; and

15 WHEREAS, this action would provide a right-in access on the east side of Unser
16 Boulevard approximately 500 feet south of Sage Road; and

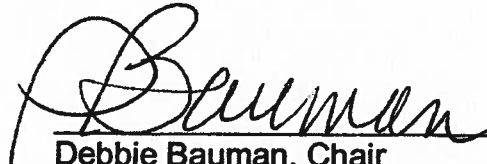
17 WHEREAS, Resolution R-05-09 MTB adopted policies for determining roadway
18 access modifications in the Albuquerque Metropolitan Planning Area; and


19 WHEREAS it is the responsibility of the Transportation Coordinating Committee
20 of the Metropolitan Transportation Board to affect any changes to the Limited Access
21 Roadways in the Albuquerque Metropolitan Planning Area.

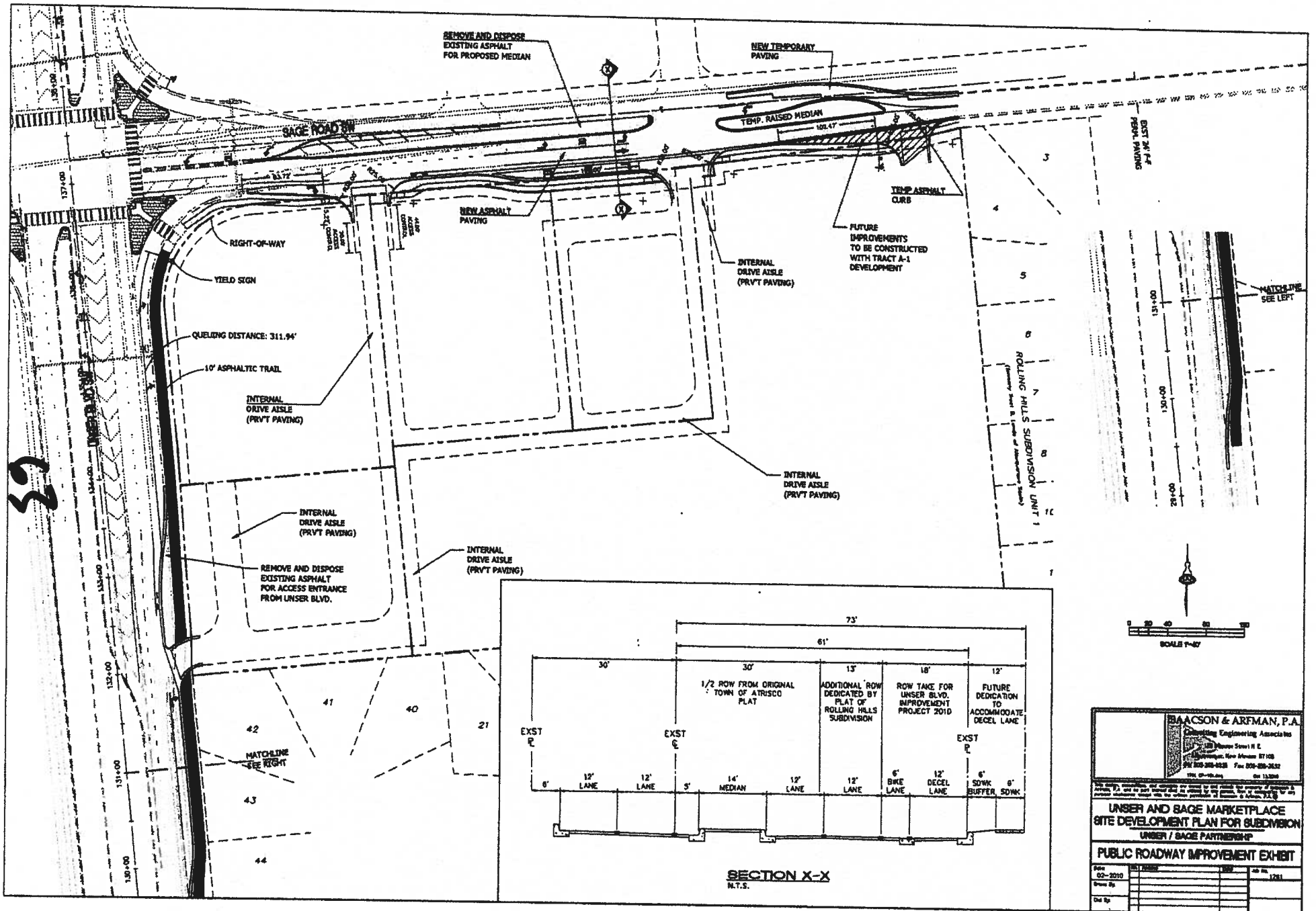
22 NOW, THEREFORE BE IT RESOLVED by the Transportation Coordinating
23 Committee of the Metropolitan Transportation Board of the Mid-Region Council of
24 Governments of New Mexico that the Roadway Access Policies for the Albuquerque
25 Metropolitan Planning Area are amended, as shown on Attachment "A", to provide a
26 right in access on the east side of Unser Boulevard approximately 500 feet south of

27 Sage Road. Additionally, the City of Albuquerque shall include a clause in their access
28 permit that reserves the right to require the property owner to extend the deceleration
29 lane to AASHTO standards in the future should safety concerns develop as determined
30 by the City Traffic Engineer.

31 PASSED, APPROVED, AND ADOPTED this 3rd day of December 2010 by the
32 Transportation Coordinating Committee of the Metropolitan Transportation Board of the
33 Mid-Region Council of Governments of New Mexico.

34
35
36
37
38 
Debbie Bauman, Chair
Transportation Coordinating Committee

39
40 ATTEST:
41
42
43 
44 Dewey V. Cave
45 Executive Director



BACSON & ARFMAN, P.A.
 Consulting Engineering Associates
 100 River Street, N.E.
 Marietta, Georgia 30067
 Tel: 770-595-0520 Fax: 770-595-0522
 www.bacson.com

**UNISER AND SAGE MARKETPLACE
 SITE DEVELOPMENT PLAN FOR SUBDIVISION
 UNISER / SAGE PARTNERSHIP**

PUBLIC ROADWAY IMPROVEMENT EXHIBIT

Date:	02-2010	Sheet:	1281
Drawn By:		Check By:	
Old Sp:			

Please refer to the SU-1 and C-2 zones for this request.

NOTES



SUBDIVISION

- ☐ Major subdivision action
☐ Minor subdivision action
☐ Vacation
☐ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- ☐ for Subdivision
☐ for Building Permit
☐ Administrative Amendment (AA)
☐ Administrative Approval (DRT, URT, etc.)
☐ IP Master Development Plan
☐ Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- ☐ Storm Drainage Cost Allocation Plan

Supplemental Form (SF)

S Z ZONING & PLANNING

- ☐ Annexation
☒ V Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
☐ P Adoption of Rank 2 or 3 Plan or similar
☐ Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations

D Street Name Change (Local & Collector)

L A APPEAL / PROTEST of...

- ☐ Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102.

Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): RICHARD DINEEN PHONE: 505-452-685
 ADDRESS: 2811 BOSQUE DEL SOL LN NW FAX: _____
 CITY: ALBUQUERQUE STATE NM ZIP 87120 E-MAIL: r.dineen@icloud.com
 APPLICANT: UNSER & SAGE LLC PHONE: 505-975-0617
 ADDRESS: 6300 JEFFERSON NE FAX: _____
 CITY: ALBUQUERQUE STATE NM ZIP 87109 E-MAIL: jd@atlasresources.com
 Proprietary interest in site: OWNER List all owners: _____

DESCRIPTION OF REQUEST: ZONE MAP AMENDMENT C-1 to SU-1 for C-2 USES

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes. ☒ No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. TRACTS A-2, A-3, A-4 Block: _____ Unit: _____
 Subdiv/Addn/TBKA: UNSER & SAGE MARKETPLACE
 Existing Zoning: C-1 Proposed zoning: SU-1 for C-2 USES MRGCD Map No. —
 Zone Atlas page(s): M-10-2 UPC Code: 101005522749721178

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX-, Z-, V-, S-, etc.): EPC 100 F203;
10 EPC-90011; 10 DRB-70207; 10 DRB-70225; 10 DRB-70351; 10 DRB-70359; 12 DRB-70000;
12 DRB-70344

CASE INFORMATION:

Within city limits? ☒ Yes Within 1000FT of a landfill? ☒ No
 No. of existing lots: 3 No. of proposed lots: 3 Total site area (acres): 3.48 ACRES
 LOCATION OF PROPERTY BY STREETS: On or Near: UNSER BLVD SW
 Between: SAGE ROAD SW and ARENAL ROAD SW

Check if project was previously reviewed by: Sketch Plat/Plan ☐ or Pre-application Review Team (PRT) ☐ Review Date: _____

SIGNATURE R.D. DATE 5-28-15
 (Print Name) RICHARD DINEEN Applicant: ☐ Agent: ☒

FORM Z: ZONE CODE TEXT & MAP AMENDMENTS, PLAN APPROVALS & AMENDMENTS

☐ **ANNEXATION (EPC08)**

- ☐ Application for zone map amendment including those submittal requirements (see below).
Annexation and establishment of zoning must be applied for simultaneously.
 - ☐ Petition for Annexation Form and necessary attachments
 - ☐ Zone Atlas map with the entire property(ies) clearly outlined and indicated
NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
 - ☐ Letter describing, explaining, and justifying the request
NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990"
 - ☐ Letter of authorization from the property owner if application is submitted by an agent
 - ☐ Board of County Commissioners (BCC) Notice of Decision
 - ☐ Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - ☐ Sign Posting Agreement form
 - ☐ Traffic Impact Study (TIS) form
 - ☐ 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.

☐ **SDP PHASE I - DRB CONCEPTUAL PLAN REVIEW (DRBPH1)**

(Unadvertised)

☐ **SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14)**

(Public Hearing)

☐ **SDP PHASE II - DRB FINAL SIGN-OFF**

(DRBPH2) (Unadvertised)

- ☐ Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
- ☐ Proposed Sector Plan (30 copies for EPC, 6 copies for DRB)
- ☐ Zone Atlas map with the entire plan area clearly outlined and indicated
- ☐ Letter describing, explaining, and justifying the request
- ☐ Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for EPC public hearing only)
- ☐ Traffic Impact Study (TIS) form (for EPC public hearing only)
- ☐ Fee for EPC final approval only (see schedule)
- ☐ List any original and/or related file numbers on the cover application

Refer to the schedules for the dates, times and places of DRB and EPC hearings.

Your attendance is required.

☒ **AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05)**

- ☒ Zone Atlas map with the entire property clearly outlined and indicated
 - ☒ Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980.
 - ☒ Letter of authorization from the property owner if application is submitted by an agent
 - ☒ Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - ☒ Sign Posting Agreement form
 - ☒ Traffic Impact Study (TIS) 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.

☐ **AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)**

☐ **AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)**

- ☐ Proposed Amendment referenced to the materials in the Plan being amended (text and/or map)
 - ☐ Plan to be amended with materials to be changed noted and marked
 - ☐ Zone Atlas map with the entire plan/amendment area clearly outlined
 - ☐ Letter of authorization from the property owner if application is submitted by an agent (map change only)
 - ☐ Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980 (Sector Plan map change only)
 - ☐ Letter briefly describing, explaining, and justifying the request
 - ☐ Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for sector plans only)
 - ☐ Traffic Impact Study (TIS) form
 - ☐ Sign Posting Agreement
 - ☐ 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 to be amended with text to be changed noted and marked
 - ☐ Letter 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.

I, the applicant, acknowledge that
any information required but not

67
RICHARD DINEEN

CITY OF ALBUQUERQUE

TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: UNSER & SAGE LLC DATE OF REQUEST: 5/18/15 ZONE ATLAS PAGE(S): m-10

CURRENT:

ZONING C-1

LEGAL DESCRIPTION:

LOT OR TRACT # A-2, A-3, A-4 BLOCK #

PARCEL SIZE (AC/SQ. FT.) 2.54 3.48 18

SUBDIVISION NAME UNSER & SAGE MOVIE THEATRE

REQUESTED CITY ACTION(S):

ANNEXATION ☐

SITE DEVELOPMENT PLAN:

ZONE CHANGE ☒ From C-1 To C-2

SUBDIVISION* ☐ AMENDMENT ☐

SECTOR, AREA, FAC, COMP PLAN ☐

BUILDING PERMIT ☐ ACCESS PERMIT ☐

AMENDMENT (Map/Text) ☐

BUILDING PURPOSES ☐ OTHER ☐

*includes platting actions

PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT ☒

GENERAL DESCRIPTION OF ACTION:

NEW CONSTRUCTION ☐

OF UNITS:

EXPANSION OF EXISTING DEVELOPMENT ☐

BUILDING SIZE: (sq. ft.)

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

APPLICANT OR REPRESENTATIVE [Signature]

DATE 5/18/15

(To be signed upon completion of processing by the Traffic Engineer)

Planning Department, Development & Building Services Division, Transportation Development Section -
2ND Floor West, 600 2ND St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES ☐ NO ☒ BORDERLINE ☐

THRESHOLDS MET? YES ☐ NO ☒

MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: ☐

Notes:

No construction.

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 new TIS.

[Signature]
TRAFFIC ENGINEER

05-18-15
DATE

Required TIS must be completed prior to applying to the EPC and/or the DRB. 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

68

Jimmy Daskalos, Member
Unser and Sage LLC
6300 Jefferson NE
Albuquerque, NM 87109

May 27, 2015

City of Albuquerque
Planning Department
600 2nd Street NW
Plaza del Sol
Albuquerque, New Mexico

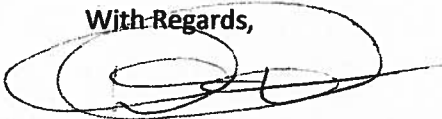
To Whom it May Concern:

Unser & Sage LLC is the owner of Unser & Sage Marketplace Shopping Center.

The owner hereby authorizes Richard Dineen AIA to act on their behalf for planning actions before the Environmental Planning Commission, the Development Review Board and all other authorities who are involved in the planning approval process for this request.

If you have any questions or concerns please contact Jimmy Daskalos at 505-975-0617 or by email jd@atlasresources.com.

With Regards,

A handwritten signature in black ink, appearing to be "JD", enclosed within a large, loopy oval shape.

Jimmy Daskalos, member

Cc: D & A Architecture

Richard Dineen AIA

69



D & A - RICHARD DINEEN AIA
Architecture - Land Planning - Development

May 28, 2015

Mr. Peter Nicholls, Chair

Environmental Planning Commission

City of Albuquerque 600 Second Street NW

Albuquerque, NM 87120

Re: Request for a Zone Map Amendment C-1 to SU-1 for C-2 Uses for Tracts A-2, A-3, A-4 Unser Sage Marketplace located at the SE intersection of Unser Boulevard SW and Sage Road SW.

Dear Mr. Chairman:

On behalf of Unser Sage LLC, D&A Architecture, agents for the owner is requesting approval of an amendment to the zone map from C-1 to SU 1 for C-2 Uses for three tracts located at the SE corner of Unser Blvd and Sage Rd SW. The property described above is contained within the Unser Sage Marketplace shopping center approved by the Environmental Planning Commission in 2010. REF: Project Number 1008203. Map M-10-Z (See attachments)

INTRODUCTION

The Albuquerque/Bernalillo Comprehensive Plan and other adopted city plans and policies support a full range of urban land uses for areas on the West Side designated Developing of Established Urban . At present the primary land use in the area is residential. Comprehensive Plan Policy II. B. 5d. states that 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, or recreational uses.

Certain commercial uses first listed as C-2 permissive that could also serve the adjacent neighborhoods of the subject site are lacking since they are not permissive in

2811 BOSQUE DEL SOL LN NW
505-452-6857

1

ALBUQUERQUE, NM 87120-3136
r.dineen@icloud.com

the C-1 zone at present. C-1 permissive uses do not allow some services that do serve the residential uses such as full auto service stations that provide convenience store service with "carry out" package liquor and carwash uses. Drive-in restaurant services are also not permitted. Also drive up services are limited to banks and money lending uses.

Special Use- SU-1 descriptions that allow mixed uses are now specifically listed by name in the present zoning code and is to be changed when a new performance based zoning code is adopted. Since the site is already designated SC -"shopping center" the suggestion by staff was to request SU-1 for C-2 Permissive Uses or as an option SU-1 for C-2 Uses. We believe that a full range of C-2 uses would be more appropriate given the need for more commercial services in the area of the subject site. The following analysis will go into more detail as to why we believe the full allowance request should be approved.

SU-1 already exists across the street in the Neighborhood Activity Center (NAC). The SW corner of the intersection is zoned SU-1 for RD 15 DU/A Permissive C-1 Uses including Restaurant with Full Service Liquor. The NW corner of the intersection is in the County and is zoned C-1. The NE corner is in the City and is zoned C-1. All three corners are presently vacant and undeveloped as is much of the C-1 in the area. SU-1 for C-1 Uses is in place for the parcel south & west of the site at the NW corner of Unser and Arenal. The corner parcel of the site has been developed as a full service drug store.

The SW and NW corners of the intersection are within the boundaries of a potential Neighborhood Activity Center (NAC). The subject site is not within the boundary but across Unser from the Center and will be discussed further later.

The restriction to only C-1 uses has limited the development of other appropriate retail services that are needed in the area since approval of the Site Development Plan in 2010.

The C-1 zoning allows food and drink for consumption on or off premises but prohibits drive-in restaurant services and allows alcoholic drink only under a restaurant license for the sale of beer or wine as per Section 60-6A-4 NMSA 1978. The 500 foot distance requirement from residential in the Zoning Code is not enforceable under State liquor law.

Other appropriate neighborhood services are prohibited in C-1 but are allowed in the C-2 that could serve the neighborhood such as drive-up service windows. Many other uses that are conditional require further approvals by the city.

A look at zoning and land use maps of the area shows that there is very little C-2 zoning within the Tower Unser Sector Development Plan boundaries. C-2 zoning is designated for the NW corner of 98th and Sage and for the NE corner Coors and Tower and two sites on the west side of Coors between Sage and Tower.

Other C-2 uses are limited to three locations all outside the plan area. They are at the following locations:

- NW & SW corners of Unser and Bridge
- NW corner of 98th and Sage
- NW corner of Gibson and 98th Street.

(See Map Attachments)

HISTORY OF PREVIOUS CITY APPROVALS

This request is located in a portion of the Marketplace shopping center . A Site Development Plan for Subdivision designated SC (Shopping Center) was approved by the EPC on April 9, 2010 (Project # 1008203) and approved by the DRB on October 28, 2010. A Site Development Plan for Building Permit was approved by the DRB for Tract A-5 for a Family Dollar Store in September 2011.

The property has been C-1 Neighborhood Commercial since the adoption of the Tower/ Unser Sector Development Plan in 1989. All required road improvements are approved or in place including deceleration lanes for both Unser and Sage and a free right turn lane from Unser to Sage at the intersection. The development has four entrances. An internal pedestrian circulation plan is also approved with one pedestrian connection via a dedicated easement to the Rolling Hills subdivision to the south of the site..

Landscaping and design standards, a conceptual grading and utility plan are also approved and in place. (See Attachments for a copy of the Approved Site Plan)

APPLICABLE PLANS AND POLICIES

***Rank 1 Plan : Albuquerque Bernalillo County Comprehensive Plan
Policy II.B.5 Developing and Established Urban Areas***

The site is located within an area designated Developing Urban by the Comprehensive Plan. The Goal of the designation... *"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 lifestyles, while creating a visually pleasing built environment."

The request to diversify and add uses in C-2 to the approved plan supports this Policy. The shopping center is in place and has an approved Site Development Plan for Subdivision with design standards. Allowing C-2 uses would greatly benefit the area's shortfall in C-2 commercial locations designated in the Rank 2 Plans as activity centers, as well as, providing commercial services for local residents presently not available in the plan area.

Applicable policies include:

Policy II.B.5a *The Developing Urban and Established Urban Areas as shown in the Plan map shall allow a full range of urban land uses, resulting in an overall density of up to 5 dwelling units per acre.*

The request supports these policy goals. There is an absence of C-2 zoning in surrounding area. If approved the change would allow added uses listed in the C-2 zone that are lacking in the area. The change of zone to C-2 would also support the primary land use in the area which is single family residential by expanding the variety and range of retail services currently not found in the area thereby allowing the local residents more commercial choices and greater opportunities to shop closer to home. Uses included would be such uses as drive-in food services and a full service gas stations offering convenience food, carry out package liquor, and carwash that are not allowed in the C-1 zone. Many other commercial uses that would also serve the area would be allowed.

Policy II.B.5e *New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.*

The request supports this policy. *Both Unser Blvd and Sage road improvements are in place. Unser is a limited access arterial and enhanced transit corridor with separate bike lanes in place now. Bike lanes are also in place on Sage. Housing is fully developed east and south of the site.*

The request will provide a greater variety and more choice in an area of the city where housing development has grown faster than commercial retail services. Basic city services including streets and utilities are in place. Unser has a bike way system and is a designated enhanced transit corridor.

Policy II.B.7 Activity Centers *The goal is to expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.*

The request is now zoned C-1 commercial and is contiguous to a designated Neighborhood Activity Center. The request will allow needed auto services for an underserved area.

Table 22 Policy Types of Activity Centers defines Neighborhood Activity Center (NAC) *Purpose: Provides for the daily service of convenience goods & personal services to the surrounding neighborhoods. It serves as the social and recreational focal point for the surrounding neighborhood and is accessible from all surrounding residential developments. Under access - ideally located on local or collector streets and have convenient transit service with a Land Uses/Core area of 5-15 acres.*

Even though the request's site is not within the boundary of the Unser Sage NAC it lies within the SE quarter of the intersection across the street from the boundary. Marketplace SC is the only commercially developed property at the intersection with an approved plan in place.

The establishment of C-1 was approved in 1989 when the Tower/Unser Sector Development Plan was adopted.

The shopping center meets all the characteristics of an NAC and some of the characteristics of a Community Activity Center shown on Table 22. in the comprehensive plan.

Policy II.B.5i Employment Services *located to compliment residential and minimize adverse effect.*

The request would help to insure that the shopping center remains an important source of local employment for area residents. The approved site plan design standard now in place already help minimize the adverse effects of noise, lighting, traffic on the residential nearby.

Policy II.B.5j Location of Commercial Development *Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:*

-In small neighborhood - oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.

The shopping center conforms to this policy. This requests' approved site development plan is adjacent to nearby residential and provides pedestrian and bike access and meets this policy and intent without being in an NAC.

Policy II.B.5K Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and the safety of established residential neighborhoods shall be protected in transportation planning and operation.

The approved site development plan has four access points meeting traffic distance regulations and the deceleration lanes required for the high traffic volumes on both streets.

Unser Blvd is an Enhanced Transit Corridor. The request supports this policy. The approved Site Development Plan meets the C-1 regulations adopted in the Tower Unser Sector Plan. Unser Blvd has an existing paved bike trail.

Unser Blvd is completely built with bikeway access and no or limited access except at street intersections like Unser and Sage. At the time that the WSSP & the SASAP Rank 2 plans were approved Unser was not built out nor did it go north and connect to I-40. Now it does. This means that the volume, speed and carrying capacities are much higher. This has changed the need to restrict auto oriented land uses such as auto related businesses at major intersections such as Unser and Sage where the improvement are in place.

Policy II.D.4a Transportation and Transit Table 11 Policy a Corridor Policies/Street Design present ideal policy objectives for street design transit service and development forms consistent with Transportation Corridors and Activity Centers.

The location of the requested zone map amendment is in conformance with the street design requirements on Unser and Sage for enhanced transit corridors.

Policy II.D.4.g is in regards to providing pedestrian opportunities integrated into development.

The policy is met on the approved site plan. A pedestrian walking plan with direct access to the established residential neighborhood to the south was put in place on the approved site development plan.

Policy II.D.6.a Economic Development the goal is to achieve steady and diversified economic development balanced with other important social , cultural and environmental goals.

Techniques1) include encouraging prospective employers to hire local residents and diversify the employment base.

Technique 3) encourages prospective employers to hire local residents.

More locally owned service businesses will be available if C-2 uses are permitted.

Policy II.D.6.b Emphasize development of local business enterprises.

The request would expand this effort by allowing more diverse uses. The request would allow more locally owned businesses to open and serve the residents living in the area.

Policy II.D.6.g Concentrations of employment in Activity Centers should be promoted in an effort to balance jobs with housing and population and reduce the need to travel.

The request would assist in this effort since it is adjacent to an NAC. It is only corner with an approved site development plan in place. The expansion and diversification allowed by C-2 uses will insure development occurs sooner than vacant land located on other corners of the intersection.

Rank 2 Plans West Side Strategic Plan (WSSP) & Southwest Albuquerque Strategic Action Plan (SASAP) Combined 2009 Version

The request is within the boundaries of the Bridge/Westgate community and is one of 13 distinct communities found in the Plan area.

The Purpose and Intent of the Westside Strategic Action Plan is to provide a framework of strategic policies within which to manage growth and development on Albuquerque's West Side.

The Introduction of the ***SW Albuquerque Strategic Action Plan*** states .. *The primary goal for Southwest Albuquerque is to become a complete community.* The plan is a package of interrelated actions to achieve this goal and lists **five interconnected Goals**. Two Goals are applicable to this request.

Goal 1 *Build complete neighborhoods and a network of activity centers to serve them.*

Goal 4 *Increase and improve commercial and retail services. (p.15)*

West Side Strategic Plan

Goal 4 Increase and Improve Retail and Commercial Services

-Key Concepts

Shopping to meet most community needs in conveniently located and easily accessed activity centers.

The request's site meets all of these requirements. It is conveniently located and is zoned commercial and is within circle of the adopted plan maps showing adopted activity centers.

Planning Guidelines of Commercial Development

This site meets the following:

- Locate major retail at major intersections*
- Build streets with traffic calming built in to support walking and biking*

Summary

The request to change the zone meets these two goals. The three tracts are adjacent to an Activity Center proposed boundary and the site has an approved Site Development Plan for Subdivision with one site already built for neighborhood retail.

The request is located across Unser from the current boundaries of Unser/Sage NAC. The Center serves over 5,700 locals and is expected to employ over 1,000 people by 2020.

The amended version of the WSSP (2009) incorporated the SASAP. The combined plan estimates that the area will have 66,000 residents by and 100,000 residents by 2025 at full buildout. The current and future residents need places to work and shop nearby.

The development is the first to be completed at the Sage Unser intersection.

Adding auto orientated uses in the C-2 zone would not have an adverse effect. The Ingress and Egress layout of the approved Site Development Plan for Subdivision prevents possible adverse effect of auto orientated businesses.

All roadway improvements including deceleration lanes on both streets and four entrances connected to internal access easement and a pedestrian easements are in place. All access points meet the limited access requirements for Unser and Stacking space for Sage. Free right turn lanes meeting the special zoning requirements of Section VI.E of the Tower Unser SDP have been complied with. Among the Plan goals making community services such as retail commercial available without having to leave the area is an important need.

Changing uses to SU-1 for C-2 would expedite development of more retail and other services lacking at the present time by expanding the types of retail allowed without creating adverse effects on traffic movement, transit enhancements or existing residential.

(see attached Map showing Southwest Albuquerque Existing & Potential Retail Locations)

Policy 1.3 Neighborhoods and Centers prohibits strip commercial and encourages clustering of commercial into Activity Centers.

The site meets this criteria even though it is outside (but adjacent to) an NAC. It is circled as a "Potential Center". The change to SU-1 for C-2 Uses allows for the diversification of commercial uses not found in the plan area.

Policy 1.15 Neighborhood Centers are 15 to 35 acres and generally contain small parcels and buildings with smaller off street parking areas shared among businesses and institutions on a scale that accommodates pedestrian and bicyclists.

The approved plan for this request meets these criteria.

Policy 1.16 Neighbor Center shall be located on local collectors and sometimes on arterial streets with access to neighborhood for pedestrians and bicycle connections.

The request site plan meets these criteria. Unser is a arterial and Sage is collector. Both have dedicated pedestrian and bike lanes.

Policy 4 Development Process Issues West Side Strategic Plan

Policies 4.4 and 4.5 Performance-Based Zoning Systems evaluate how design solutions "perform" and is not based on minimum standards as to how developers perform. The current regulatory codes and ordinance including the adopted zoning code are based on minimum standards without incentives. The present zoning code calls out very specific uses e.g., micro breweries and places them in a category i.e. permissive or conditional. The zoning in the NAC and CAC centers do the same thing as previously discussed. Changes to a performance based code are underway at present.

Policy 4.4: The City of Albuquerque and Bernalillo County shall jointly prepare and enforce a Unified Development Code which includes development perimeters for zoning, site plans, subdivisions, etc....It must be created within an inclusive process cognizant of the needs of both the public and private sectors.

Policy 4.5: Once developed , the Unified Development Code will replace other development codes currently in place such as the subdivision and ordinances and zone codes, site plan requirements and drainage and residential street standards.

The system will change zoning especially the SU-1 designation from a reference to specific land use types to designations based on performance criteria. A new Unified Code will replace the existing codes and ordinances.

The subject request from C-1 to SU-1 for C-2 Uses anticipates the changes that are now underway. Since a new zoning code will be adopted planning staff advised us to not request SU-1 for specific uses like a service station. Instead to apply for an SU-1 for C-2 Uses with justification supported by adopted policies. This will make it easier to transition to a new type of code. Our request was modified as advised to support the transition to a new code form.

Southwest Albuquerque Strategic Action Plan (SASAP) Goals & Guidelines for Commercial Development

Two Goals apply to this request.

Goal 1 Build Complete Neighborhoods and a Network of Activities to Serve Them.

The subject site for the request is adjacent to an existing Neighborhood Center. Commercial service will be enhanced by allowing a diversified and expanded list of commercial retail services for the established residential located nearby.

Goal 4 Increase and Improve Retail and Commercial Services Shopping to meet most community needs in conveniently located and easily accessed activity centers.

The approved site development plan for shopping center along with a zone map amendment to SU-1 for C-2 Uses will meet help insure that this Goal is met in the near future.

Planning Guidelines for Commercial Development

- *Locate major retail at major intersections.*
- *Build Streets with traffic calming built in to support walking and biking.*

The subject site complies with these guidelines with walking and biking planned or in place.

Tower Unser Sector Development Plan Amendment

The Plan was approved in September 1989 and amended in 2009 to bring the plan into conformance with the WSSP and the SASAP Plans. The amended plan added maps

on the locations of activity centers shown in Plans and text to bring it into conformance with the Rank 2 plans. Zoning was adjusted for some select areas. Some special zoning was adopted. Amendments include zoning language for Community and Neighborhood Activity Centers. Zoning was also added to be permitted but not required ("may not shall") for parcels within the boundaries CAC and NAC areas.

The original plan established C-1 zoning on the subject site in 1989. Some special requirements were placed on C-1 along Unser regarding parcel at Sage intersection concerning parcel sizes and dimensions of C-1 zoned that do not effect the subject property.

Appendix B Southwest Albuquerque Commercial District Retail Plan

Background: Robert Gibbs of Gibbs Planning Group conducted a three day charrette process to determine the potential for viable retail services in Southwest Albuquerque and the most promising locations.

Executive Summary & Other Excerpts from the Charrette:

- The Southwest quadrant of Albuquerque, NM is in the early stages of a rapid expansion, mostly young families living in moderately priced single family housing.***
- An estimated housing inventory of 40,000 is significantly underserved for basic retail goods and services.***
- Residents typically drive outside the area for most of their retailing needs , especially soft goods, groceries, restaurants, and professional services.***
- The lack of supply likely results in reduced competition, poor services, and higher prices.***
- Assuming that half shopping is done outside of the trade area each person would likely support 10 square feet of retail against a national average of 20 square feet per person. The city at large is reported to have 38 square feet per person.***
- The Study estimates that the Southwest's present 400,000 square feet of commercial retail could be increased to over 1.5 million square feet by total buildout of 100,000 residents plus an additional 50,000 population from outside of the study area but within the trade area by the year 2020***

This request would help fulfill the commercial needs of the residents that these projections point out.



See attached Table GPG's estimated supportable retail types and map illustrating their possible area locations.

Other Comments made by Gibbs Retail Consultants

The development of retail service in Southwest Albuquerque depends heavily on market factors. *The City can play a part in encouraging more retail development by designating area as activity centers and appropriately zoning them to allow commercial uses.* The areas are based on an analysis of local needs and market considerations but retailers may locate on only some of the potential sites.

The Intersection of Sage and Unser is listed as Convenience Retail Center a small center with a variety of retail.

(See attached map and Table)

Auto-oriented businesses should be located outside activity centers because they create unsafe conditions for people on foot or bicycles. ... They can be accommodated in some locations that would be appropriate for corner store or convenience retail.

The approved site plan has resolved this issue.

Summary

There is a clear Economic benefit to this request to West Side in terms of enhancing commercial service needs and employment for the residents. This request fits the profile shown in the table and map and fits the location and type outline in the retail plan profile. It is also approved and ready to market more vacant sites. The change in zone will expedite the marketing process which has slowed since the 2005 approval.

This request conforms to the economic study done by the Gibbs Report and subscribes to the suggestions put forth by the report.

R-270-1980; POLICIES FOR ZONE MAP CHANGE APPLICATIONS

We believe that the request meets the policies for deciding zone map change applications pursuant to the Comprehensive Zoning Code and other adopted plans policies regulations of the City applicable to this request.

Policy A: The zone change is consistent with the health, safety, morals, and general welfare of the city.

- *Commercial (C-1) zoning is in place with an approved Site Development for Subdivision and one commercial site presently developed as retail commercial.*
- *Economic Studies done by the Gibbs Planning Group and incorporated in the WSSP/ SASAP IN 2009 show that the Southwest quadrant of the city is significantly underserved for basic retail goods and services.*
- *The proposed change is more advantages to the community as articulated by the policies adopted in the Comprehensive Plan Policies supporting the request are: II.B. 5.a.,II.B.5.e.,II.B.7,II.B.5.i,II.B.5.j,II.B.5.k,II.D.4.a,III.D.4.g,II.D.6.a,II.D.6.a,II.D.5.b, and II.D.6.g.*
- *WSSP/SASAP Rank 2 Plans Goals supporting the the request are: WSSP Goal 1 Policies 1.3,1.15,and 1.16. Goal 4 Policies 4.4, and 4.5.*
- *C-2 zoning uses especially for auto related commercial goods and services are lacking in the area. There are only three locations and they are outside of the T/U SDP plan area.*
- *Diversification of the retail uses allowed in C-2 will provide much needed commercial service now lacking to serve the existing residents. (for more details see Policies Section)*

Policy B: Stability of lands and and zoning is desirable.

The request will not destabilize the area. The request will expand much needed retail lacking in the area thereby supporting economic policies of the plan explain earlier.

- The site for the zone change request is at southwest intersection of a plan designated NAC with all the same characteristics of activity centers spelled out in Rank 2 plan policies previously discussed.*
- SU-1 zoning is directly across the Unser on the SW corner.*
- *The site has an approved Site Development Plan for Subdivision and is designated SC.*
- The site is adjacent to the boundary of a Unser/Sage NAC.*

- Nearby residential is fully developed.

Policy C: The proposed change is not in significant conflict with adopted elements of Comprehensive Plan or other city master plans.

The request is not in significant conflict. See the Applicable Plans and Policies Section for specific policies that support justification of the request.

Policy D. See (3): 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 plans. and as outlined in the previous analysis.

-The change contributes to the economic needs of the West Side by diversification of retail services sorely lacking in the area and while contributing to the need for more local employment.

Rank 2 and 3 plans in the area have all provided information on the need for more more commercial in the area to better serve the great number of residents already in the area.

Policy E: The zone change will not harm the adjacent property, neighborhood, or community.

The site is presently C-1 adding C-2 uses will not change the design , access, or scale of the buildings required by the approved site plan. The change is limited to three tracts located at the corner of Unser and Sage. The remaining vacant parcels remain C-1.

The change of Zone is contiguous to only Tract A along the rear lot lines of three residences.

Policy F: No un-programmed capital expenditures are required if this request is approved.

No capital expenditures are required. All roadway designs and improvements are in place. All required utility services are in place. Both Unser and Sage have bikeways in place. Unser is a enhanced transit corridor. A pedestrian easement to the adjoining residential homes is in place.

Policy G: The cost of the land or other economic benefits to the owners are not a determining factor in the request.

There is no economic benefit to the owner that was not a determining factor for this request. Without this change the development of these parcels may take longer but they will be developed given the dire need for commercial in the Southwest quadrant of the City and due to the lack of commercial retail in the neighborhood.

Policies H: Location on a collector or major street is not in itself sufficient justification for commercial zoning.

The street intersection of Unser and Sage is designated as an activity center by the WSSP & the SASAP plan and is already zoned C-1 as are all the other vacant properties at the intersection.

Policy I: Spot zoning.

The change would not create a "spot zone" as a designated Special Use zone. The SU-1 zone allows mixes of uses that are different from surrounding since the adoption of a site development plan that mitigates any adverse effects is required. An adopted site development plan required as an SC plan is in place and has existing design standards that are required of all new development to prevent adverse effects.

SU-1 for mixed uses of commercial and residential is in place across the street at the SW corner of the intersection. C-1 zoning exist on all other corners of the intersection.

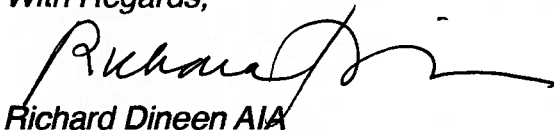
Policy J: Strip Zoning

The change does not create a "strip zone" commercial zoning pattern due to parcels shape, depth, length and size. The intersection is also now zoned for commercial on all four corners.

We respectfully request that the Environmental Planning Commission approve our request for a zone map amendment from C-1 to SU-1 for C-2 Uses.

If you have any questions please free to call me. I can be reached at the number listed below.

With Regards,



Richard Dineen AIA

Principal

Unser Sage Attachments



D & A RICHARD DINEEN AIA
Architecture - Land Planning - Development

Unser Sage Analysis Attachments

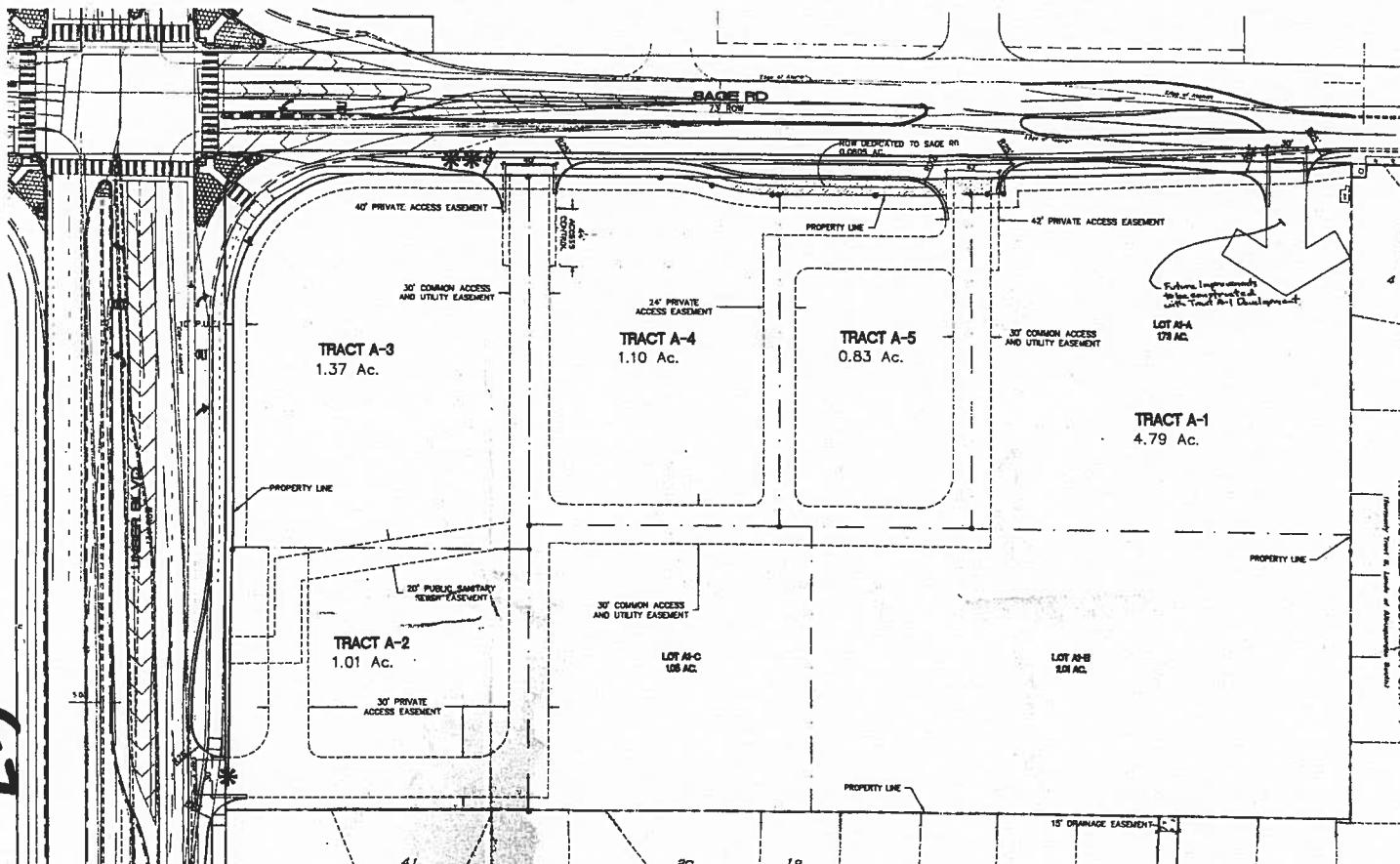
2811 BOSQUE DEL SOL LN NW
505-452-6857

12

86

ALBUQUERQUE, NM 87120-3136
r.dineen@icloud.com

87

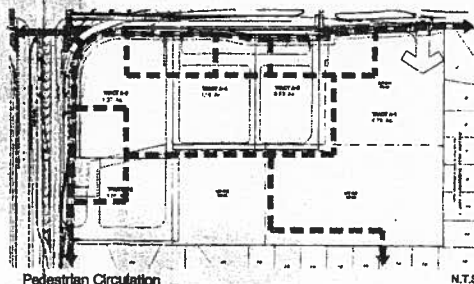


• Proposed right-in/right-out access:
This access is subject to review and approval
by MRCOG.

• Access shall require a 100' taper to 12' and
a 30' radius per the T.I.S. recommendations.

DESIGNATION OF POTENTIAL LOT
CONFIGURATION (FOR ILLUSTRATIVE
PURPOSES ONLY). ACTUAL LOT LINES
SHALL BE DONE THROUGH FUTURE
SUBDIVISION PLATS.

DESIGNATION OF FUTURE LOTS
LOCATION AND ACREAGE.
LOT A1-A = 1.73 AC.
LOT A1-B = 2.01 AC.
LOT A1-C = 1.08 AC.



PROJECT NUMBER: 1008203

Application Number:

Is an Infrastructure List required? () Yes () No If yes, then a set
of approved DPC plans with a work order is required for any construction
within Public Right-of-Way or for construction of public improvements.

DNR SITE DEVELOPMENT PLAN APPROVAL:

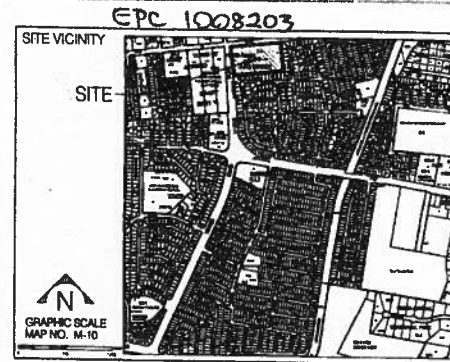
Traffic Engineering / Transportation Division
Date 10/24/10
10/20/10

Planning / Land Use Division
Date 10/20/10
10/20/10

Public and Recreation Department
Date 10/20/10
10/20/10

City Engineer
Date 10/20/10
10/20/10

City Chairperson, Planning Department
Date 10/20/10
10/20/10



SITE PLAN FOR SUBDIVISION - REQUIRED INFORMATION

The Site:
The site consists of approximately 9.085 acres and is located at the southeast corner of Unser Boulevard and Sage Road. The site is legally described as Tract A Plat of Tracts A & B, Unit 1-B of the Lands of Albuquerque South.

Proposed Use:
Existing zoning is C-1 Neighborhood Commercial Zone.

Applicable Plans:
City of Albuquerque/Bernalillo County Comprehensive Plan (Plan I)
West Side Strategic Plan (Plan II)
Lower/Unser Sector Development Plan (Plan III)

Pedestrian and Vehicular Ingress and Egress:
Vehicular Access and Circulation:
Three north access points from Sage Road, two right-in/right-out and one right-in/right-out left-in/left-out. The proposed access points from Unser Boulevard and Sage Road is subject to approval by Governmental Authorities.

Pedestrian Access and Circulation:
Pedestrian access is provided from Unser Boulevard and Sage Road in several locations into the site. Internal circulation is provided via sidewalks connecting all parcels.

Building Heights and Setbacks:
Buildings shall not exceed 28 feet in height except as provided in §14-16-3-3 of the Comprehensive Zoning Code. Setbacks shall be as provided in the C-1 zone (§14-16-2-15-6).

Maximum FAR:
Buildings shall not exceed a maximum FAR of 25.

Landscape Plan:
The Landscape Plan shall be submitted with the individual Site Plans for Building Permit. Landscape plans shall be consistent with the City Water Conservation Landscaping and Water Waste Ordinance and the Pollen Control Ordinance, and shall be consistent with the design standards (Sheets 4 and 5).
Notation: Public Water Meter Encasements for each lot will be designated on the final plat.

UNSER/SAGE MARKETPLACE

SITE PLAN FOR SUBDIVISION

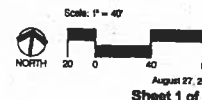
Prepared For:

UnserSage Partnership

Prepared By:

Consensus Planning, Inc.
George Rainhart Architect
Isaacson & Arfman, P.A.

CONSENSUS PLANNING, INC.
Planning / Landscape Architecture
302 Elgin Street NW
Albuquerque, NM 87102
(505) 764-9801 Fax 842-5485
e-mail: op@consensusplanning.com



Sheet 1 of 5

88

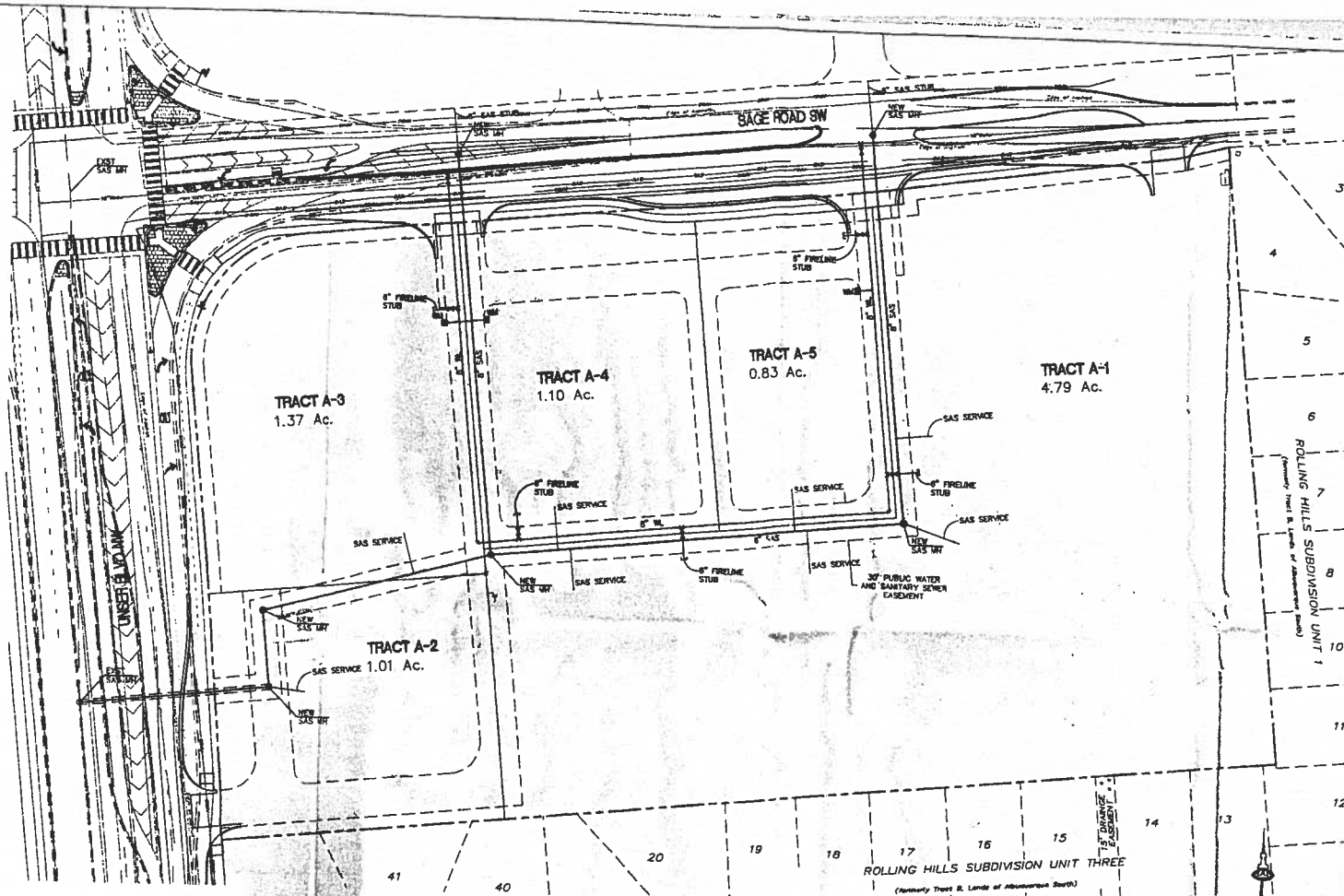
GENERAL NOTES

WATER:

1. A PUBLIC 8" WATERLINE LOOP WILL SERVE THE INDIVIDUAL LOTS OF THE DEVELOPMENT.
2. THE LOOPED PUBLIC WATERLINE MAY BE CONSTRUCTED IN PHASES BASED ON THE WATER DEMANDS OF THE PHASE LOT DEVELOPMENT.
3. THE WATERLINE CONNECTIONS TO THE SAGE ROAD 10" DIA WATERLINE ARE THE ONLY REQUIRED CONNECTIONS.
4. INDIVIDUAL LOT WATER SERVICES WILL BE IDENTIFIED AS EACH LOT DEVELOPS.
5. PLACEMENT OF PUBLIC/PRIVATE FIRE HYDRANTS WILL BE LOCATED AND CONSTRUCTED PER THE REQUIREMENTS OF THE FIRE MARSHALL AT THE TIME OF DEVELOPMENT OF EACH LOT.
6. THE 8" WATERLINE, WATER METER BOXES AND PUBLIC FIRE HYDRANTS WILL BE CONTAINED WITHIN A 30" PUBLIC WATER AND SANITARY SEWER CASEMENT.

SANITARY SEWER

1. A PUBLIC 8" DIA SANITARY SEWER WILL BE EXTENDED ONTO THE SITE WITHIN A 30" PUBLIC WATER AND SANITARY SEWER CASEMENT.
2. THE SAGE ROAD SANITARY SEWER IS PROGRAMMED TO BE CONSTRUCTED AS PART OF THE UNISER BLVD. IMPROVEMENT PHASE, CDA PROJECT #7889.92.
3. THE ONSITE PUBLIC SANITARY SEWER EXTENSION MAY BE PHASED BASED UPON THE DEVELOPMENT SCHEDULING OF THE INDIVIDUAL LOTS.
4. EACH LOT WILL BE SERVED BY THE PUBLIC SANITARY SEWER.

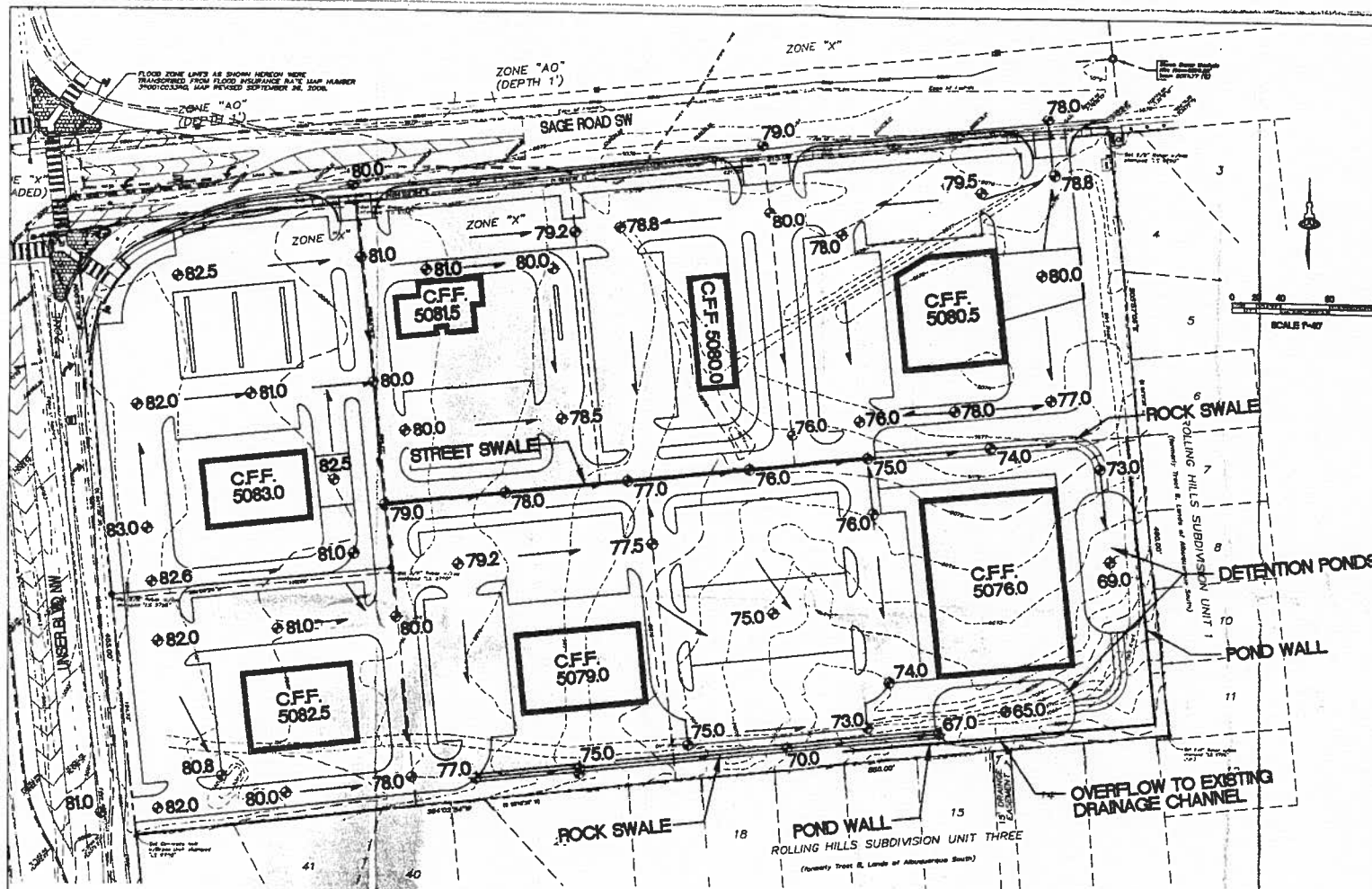


SCALE 1"=40'

JACKSON & ARFMAN, P.A.
 Consulting Engineering Associates
 1000 Avenue of the Americas
 New York, New York 10020
 Tel: 212-691-8000 Fax: 212-691-8001

**UNISER AND SAGE MARKETPLACE
 SITE DEVELOPMENT PLAN FOR SUBDIVISION
 UNDER / SAGE PARTNERSHIP
 CONCEPTUAL UTILITY PLAN**

Date	By	Check By	App. By
02-2010			1781
Drawn By			
Chk By			



DESIGN STANDARDS

The purpose of these Design Standards is to provide a framework to assist developers and designers in understanding the development goals and objectives for the Unser/Sage Marketplace project located on the southeast corner of Unser Boulevard and Sage Road. These guidelines address the creation of a neighborhood character, landscape, setbacks, pedestrian amenities, screening, lighting, signage, and architecture that will create the visual image desired for this property. They are designed to be consistent with the West Side Strategic Plan, the Tower/Unser Sector Development Plan, and the City of Albuquerque Zoning Code.

The standards contained in this Site Plan for Subdivision represent best standards for acceptable development. Subsequent development within this subdivision shall abide by these standards. Any additional standards deemed necessary and appropriate, however, may be imposed upon future Site Plans for Building Permits, which are delegated to and will be reviewed by the Development Review Board (DRB).

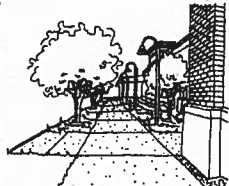
Development in the Unser/Sage Marketplace shall comply with applicable Zoning Code Regulations. Where there is a conflict between City Codes or Ordinances and/or the West Side Strategic Plan and/or the Tower/Unser Sector Development Plan, and the Design Standards, the more restrictive requirements shall apply.

1. SITE DESIGN

The creation of a neighborhood center retail environment is dependent upon access to the site and internal circulation. The following standards apply and are intended to encourage a high quality retail environment, consistent with the West Side Strategic Plan and the Tower/Unser Sector Development Plan.

General

- Building access and entries shall be easily accessible from the adjacent buildings and should be visible from the street.
- Building entrances shall be clearly defined by either a canopy or awning (minimum 4 feet) and lead to pedestrian pathways.
- Parking located adjacent to Unser Boulevard and Sage Road shall be screened by buildings or a combination of landscaping, low walls, and/or earth berms to a minimum height of 24 feet. Screen walls shall be compatible with edge treatments at adjacent properties.
- All loading docks and service areas shall be screened and architecturally integrated with the building architecture.
- Any interior storage and sales areas shall be architecturally integrated to the main building by use of walls, roofs, and fencing.
- The drive-up uses shall be located only along Sage Road. Drive-up uses shall be designed so traffic and queuing shall cause no deleterious effects on the pedestrian quality of the marketplace.
- Buildings shall be clustered to encourage pedestrian activity and shall not be separated by large areas of parking.



Buildings along the front of buildings

Public Space

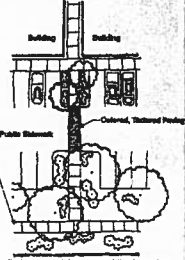
- Piazza, courtyards, and other outdoor activity or seating areas shall be significantly shaded from summer sunlight by tree canopies or architectural devices.
- Public areas shall be defined by building edges, and a differentiation in interaction paving and landscaping at a variety of scales. The design and location of appropriate amenities (such as seating and landscaping areas) should also be used to enhance public space.
- Each building shall provide one outdoor plaza, patio, or courtyard, a minimum of 400 square feet with seating and shade (minimum of 25 percent of the area).

Access/Utility & Safety

- Design for accessibility shall be incorporated at all facilities and outdoor public areas. For the safety and ease of use by all modes of travel, it is important to associate cars, pedestrians and bicycles to the extent possible. The planning and design phases of the project need to include sufficient design consideration to separate circulation and provide for vehicular convenience.
- The Americans with Disabilities Act, the American National Standards for Accessible and Usable Buildings and Facilities, and the New Mexico Building Codes for accessibility criteria for places of public use shall be followed.
- Cross attention shall be paid to grade changes and how the entire site may be traversed. Private pedestrian linkages shall align with public paths to connect and integrate all building sites. The maximum gradient of any ramp shall not exceed 8.33 percent.
- A constant elevation shall be maintained at all curb cuts and junctions between driveways and pedestrian sidewalks.
- All exterior landscaping, streetscape, and building elements shall be designed to have minimal visual obstruction to their surrounding areas in order to maintain a safe degree of visual surveillance.

Circulation

- Pedestrian walkways within a site shall be a minimum of 8 feet in width, unobstructed, and clearly demarcated by use of techniques such as special paving, grade separation, or pavement marking of a permanent nature, except that clear width may be reduced to 4 feet 6 inches at planting areas for a maximum distance of 10 feet.
- Pedestrian walkways shall also be lined with adjacent shade trees spaced approximately 25 feet on center and placed within defined planting areas that have a minimum internal dimension of 36 square feet and a minimum width of four feet.
- Pedestrian crosswalks shall be a minimum of 6 feet in width and constructed of concrete textured paving.
- The interior of the center shall be very accommodating to the pedestrian, even within the predominantly off-street parking areas.



Protection that between public sidewalk and structures

- Each building shall have an approved pedestrian and bicycle circulation plan that demonstrates efficient circulation patterns to the neighboring properties, adjacent arterials, and existing or future transit service.
- Pedestrian access shall be separated from vehicular access.
- Safe and convenient pedestrian connections to future transit and bicycle routes along Unser Boulevard and Sage Road shall be provided to facilitate multi-modal transportation.

Parking

- The maximum number of vehicular parking spaces shall be per Section 14-16-3-1, On-street Parking Regulations contained in the City Comprehensive Zoning Code, with an option to increase this number by 10 percent.
- A 10 percent parking reduction may be considered where the site is located within 300 feet of an Enhanced Transit Corridor. Future transit service along this corridor is expected.
- On-street parking on Unser Boulevard and Sage Road is prohibited; therefore no on-street parking lot is available for these streets.
- Bicycle parking shall be provided at a rate of one bicycle rack space per 20 parking spaces. Bicycle racks shall be conveniently located near building entrances, but not within pedestrian pathways or landscaping areas.
- Motorcycle, moped, and motor scooter parking spaces shall be provided per Section 14-16-3-1 (C)(1) Off-street Parking Regulations contained in the City Comprehensive Zoning Code.
- Parking areas shall be visually segmented into smaller subareas separated by landscaping and/or pedestrian walkways. No single subarea shall exceed 60 parking spaces.
- There shall be barrier curbs around landscape islands in parking areas in order to protect landscaping from vehicles. However, openings shall be provided for water harvesting to be used.
- Parking located adjacent to Unser Boulevard and Sage Road shall be screened by buildings or a combination of landscaping, walls, and/or earth berms to a minimum of 30 inches in height, but shall not exceed 28 inches in height. Screen walls shall be compatible with the building architecture relative to materials and color.
- Parking areas shall be designed to include a pedestrian link to the public sidewalk network and pedestrian access shall be provided to link structures to the public sidewalk.

Setbacks

- The use of building setbacks is required to provide space for the creation of visually attractive streetscapes. Required within these setbacks will be pedestrian walkways and screening materials, including landscaping, earth berms, and/or walls.
- Non-Residential buildings shall have the following minimum setbacks, as required in C-1 zoning:
 - 5 foot front or corner side yard setback.
 - 11 foot setback from the junction of a driveway or alley and public R.O.W. or planned sidewalk in order to provide the necessary clear sight triangle.
 - Near residential zones, the following greater setback requirement shall apply:
 - 16 foot side or rear setback where the site abuts the rear of a lot in a residential zone.
- See Landscape for near landscape requirements.

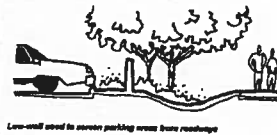
2. SUSTAINABILITY

- Energy efficient techniques shall be utilized to reduce energy and water consumption, where possible.
- Provision for water harvesting techniques such as curb cuts for drainage to landscaped areas, permeable paving, bio-retention to slow and treat storm water runoff, and/or cisterns for the collection and reuse of storm water and grey water shall be included in future Grading and Drainage Plans and Landscape Plans.
- Buildings shall be oriented to take advantage of heat gain in the winter where possible while coordinating with shading strategies to inhibit solar gain in the summer.
- Grasses and other ground vegetation should be near edges of buildings to help filter and slow runoff as it enters the site.
- Convenient recyclable collection facilities shall be provided by all tenants of Unser/Sage Marketplace.
- Where possible, transport runoff to landscaped basins by using channels with landscaped pervious surfaces. Landscaped slopes may be converted into vegetative storm-water canals, but must be shallow to avoid excessive fencing.

3. SCREENING WALLS & FENCES

- The effective use of screening devices for parking lots, loading areas, refuse collection, delivery/landscape areas, and drive-up service windows is essential to limit their adverse visual impact on surrounding developments. The site orientation of service functions shall be away from any street or pedestrian area. The guidelines established in the landscape and setback sections will provide the main element to screening objectionable views and activities. Walls and fences can also serve as major screening function. The intent is to keep walls and fences as low as possible while performing their screening and security functions.
- The project will comply with all Solid Waste Management Department ordinances and requirements.
- Perimeter and parking screen walls, including planters, fences, or architecturally treated segments, shall contain materials and exterior colors consistent with, or complementary to, the principal building.
- All outdoor refuse containers shall be screened within an appropriate enclosure and large enough to contain all refuse generated between collections. Refuse enclosures are discouraged from being placed between any public or private street or any building facade. Design and materials of enclosures shall be compatible with the architectural theme of the site or adjacent buildings.
- Drive-up service windows shall be oriented away from pedestrian areas, residentially-zoned areas, and public streets, where possible. Special attention shall be given to the location of queuing areas to that they minimize negative effects on pedestrian mobility in the center. In cases where drive-up service windows face these areas, screening shall be provided. Screening shall be a minimum of 8 feet in height and may consist of walls, berms, or evergreen landscaping, or a combination thereof. Where walls are provided, a minimum 3-foot wide planting strip with landscaping shall also be provided on the pedestrian, residential, or public street side.

- Parking areas adjacent to Unser Boulevard or Sage Road shall be screened by a wall with a height of 30 inches, but shall not exceed 26 inches in height.
- Roof-mounted mechanical equipment shall be screened from the public right-of-way by parapet walls or structural features.
- No engraved wood panels, or opaque, chain-link, wire, or vinyl plastic fencing shall be permitted.
- Landscaping, walls, or fences shall be located so they will not create barriers for pedestrians.



Low wall used to screen parking areas from the road

4. ARCHITECTURAL DESIGN

- The Architectural design shall demonstrate a high quality aesthetic character throughout the property. The Architectural design shall respond to climate, views, solar access, and aesthetic considerations, with the architectural design being in harmony with adjacent properties. The Architectural style and building colors for the site will be established by the first Site Plan for Building Permit. Individual expression and creativity is encouraged as long as the overall look of the buildings have similar characteristics and adhere to the guidelines below.
- Building structures erected within the site shall comply with all applicable zoning and building code requirements as well as other applicable codes.
- Building heights may be greater than 25 feet as specified in Section 14-16-3-3. Buildings shall not exceed 28 feet in height within 85 feet of a lot zoned specifically for houses (this applies to the southern and eastern boundary of the site).
- Buildings shall employ a variety of structural forms to create visual character and interest. Columns, scrolls, corner articulation, overhangs, eaves, pergolas, gutters and awnings, trellises, vertical fins, and recesses, soffits, and decorative tree canopies shall be carefully dimensional and detailed to provide a human-scale, visual interest, and a means of shading building facades while lending color and form articulation to the buildings.
- Retail, service, and office uses shall be horizontally connected for pedestrians in a variety of ways through the use of enclosed and portals, controlled place elements, outdoor cafes, pathways, or sitting areas.
- Precinct building materials shall be stucco clad buildings accented with masonry elements.
- Portals or shaded elements shall be provided at primary entrances and at critical pedestrian linkages.

- Building Facades
The scale, proportion, and composition of fenestration of facades shall be designed to give visual interest from the exterior, to provide variation in quality of light on the interior, and to coordinate with the lighting requirements for each activity area.

- No plastic or vinyl building panels or awnings shall be permitted.
- Buildings shall have windows on the front elevations flush with exterior wall cased with mounding. The windows may be a combination of shop windows or viewing windows on average of 30 feet on center maximum.
- Building entrances shall be clearly identifiable and include a covered entrance.
- Facades SHALL:
 - vary in height, depth and articulation to create a pedestrian-scaled environment;
 - have all accessory buildings and enclosures, whether attached or detached from the main building, treated with similar compatible design and materials as the main structure or structures; and
 - be treated with a consistent level of detail on all sides of all buildings and structures within the site.
- For major facades greater than 100 feet in length, the building shall incorporate outdoor seating adjacent to at least one of the facades, a minimum of one seat per 25 feet of building facade. Each seat shall be a minimum of 24 inches in width and 15 inches in height. Benches, raised planters, loges or other seating features may be counted as seating space. If the outdoor seating is located on the south or west side of the building, at least 25% of the seating area shall be shaded.

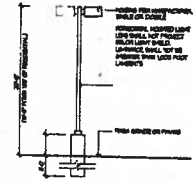
- Roofs & Parapets
 - Roofs shall drain water to areas which are landscaped appropriately for run-off, and to areas that are not heavily traveled.
 - Parapet height shall be greater than or equal to the installed height of all HVAC and other roof equipment.
- The parapets shall maintain a consistent character, but shall vary in height in accordance with overall facade variations and individual building articulation.
- Precinct roof lines shall be predominantly flat roofed with accent roof elements, such as lower eaves and portal roofs.

- Building Materials & Colors
 - Reflective glass is not allowed unless the builder can demonstrate there is not a reflective glare or solar heat build up on adjacent properties or on public right-of-ways.
 - Prohibited as main architectural features include the following:
 - exposed, untreated precision block walls within public view
 - highly reflective surfaces
 - chain link fence or barbed wire
 - reflective metal panning
 - materials with high maintenance requirements
 - General building material colors shall be established by the first Site Plan for Building Permit on the site.
 - Basic colors shall be light blue, gray or sage, with accents of red-brown, yellow-ochre or dark gray. The color of the roof shall be silver gray or dark gray flat concrete shingles.
 - Accent colors and materials shall be used to bring out detailing which better articulates or gives scale to a building including the colors of light fixtures, wood trim, paint, etc.

- Where pitched roof elements are included, contrasting colors between roofs and walls shall be used to further delineate the planes of building masses.

5. LIGHTING

- In order to enhance the safety, security, and visual aesthetics of the property, careful consideration must be given to selection of outdoor furniture, lighting design, site materials, and other features. It is important to consider the daytime appearance of all materials.
- Placement of fixtures and standards shall conform to State and local safety and illumination requirements.
- A design objective of the site lighting system shall be to maximize public safety while not reflecting adjacent properties, buildings, or roadways with unnecessary glare or reflection. All lights, including stand alone fixtures and building mounted, shall be shielded so as to prevent spillage onto adjacent properties or light pollution of the existing "Dark Sky".
- Individual site lighting standards shall blend with the architectural character of the building and other site features.
- Site lighting shall not have a total off-site luminance greater than 1,000 foot-candles; it shall not have an off-site luminance greater than 200 foot-candles measured from any private property in a residential zone.
- Individual sites within the Unser/Sage Marketplace shall have a maximum lighting fixture height of 20 feet to the top of the fixture and match the Luminaires SSS 17-6 IG DM28 DOB. Any lights within 100 feet of the residential zone to the south shall be restricted to a maximum height of 16 feet.
- Lighting for pedestrian walkways and entry plazas shall have a maximum height of 16 feet.
- Sodium lighting is prohibited.
- Light pole/lighting plan layout should be in coordination with the tree layout. There shall be no light poles in tree wells.



Lighting fixture shield to prevent spillage onto adjacent properties

- The development of an overall landscape concept will establish a framework that unifies the entire property. To achieve a cohesive development, all areas of design need to be coordinated and responsive to existing environmental conditions and local building policies. These standards shall be used as a supplement to the City requirements in the Water Conservation Landscaping and Water Waste Ordinance, the Pollen Ordinance, the Street Tree Ordinance, and other landscape regulations included in the City Comprehensive Zoning Code.
- Site amenities, such as street furniture, lighting, bollards, and graphic signs shall be part of the landscape plan and shall be compatible with the architectural and landscape treatment of the project.
- Place trees to help reduce summer sun, allow winter heat gain, and to reduce heat island effects on public spaces, pedestrian areas, and parking spaces.
- Street trees shall be provided along Unser Boulevard and Sage Road. Street trees shall be placed between the curb and the public sidewalk. Street trees shall be provided along the perimeter of the site at a rate of one tree per 30 linear feet. They may be placed in clusters or evenly spaced.
- A mixture of at least 4 species of trees shall be planted at the Unser/Sage Marketplace to protect against the loss of trees due to disease, insect, or environmental conditions.

6. LANDSCAPE

The development of an overall landscape concept will establish a framework that unifies the entire property. To achieve a cohesive development, all areas of design need to be coordinated and responsive to existing environmental conditions and local building policies. These standards shall be used as a supplement to the City requirements in the Water Conservation Landscaping and Water Waste Ordinance, the Pollen Ordinance, the Street Tree Ordinance, and other landscape regulations included in the City Comprehensive Zoning Code.

- The following plant materials shall be used:

Unser Boulevard - Street Trees	Planting Lot Trees
- Ash	- Ash
- Austrian Pine	- Locust
- Chinese Pistache	
- Texas Red Oak	
- Sage Road - Street Trees
 - Locust
 - Elm
 - Flowering Pear
 - Shumway
 - Ash
- Primary Groups
 - Crataegus
 - Blueberry
 - Shumway
 - Ash

A minimum of 15 percent of the net lot area (minus the building square footage) shall be landscaped with an emphasis placed on areas with street-side exposure.

UNSER/SAGE MARKETPLACE SITE PLAN FOR SUBDIVISION

Prepared For:

Unser Sage Partnership

Prepared By:

Consensus Planning, Inc.
George Reinhart Architects
Izaccson & Artman, P.A.

CONSUL PLANNING, INC.
202 Fifth Street NW
Albuquerque, NM 87102
(505) 764-9901 Fax 842-5495
www.consensusplanning.com

Sheet 4 of 5

Areas between the property line and curb shall be landscaped and maintained by the adjacent property owner per these guidelines. The design shall be consistent throughout the development. Landscape elements that reinforce the street edge are encouraged.

All required landscape areas 36 square feet in size or larger shall be covered with living, vegetative materials over a minimum of 75 percent of the required landscape area. The area and percentage is calculated based on the mature spread of all plant materials, except trees.

All planting areas not covered with low water native grass or other living vegetation shall have a ground topping of crushed rock, river rock, shredded bark, or another similar material which extends completely under the plant material; however, these materials shall not be used as a focal landscape element.

Landscape headers shall be used to separate any lot areas from planting areas. Headers shall be either 6" x 6" concrete, brick (picks by side), or 1/2" x 4" steel construction or equivalent.

Off-street parking areas shall have one tree for each 5 parking spaces with no space being more than 100 feet from a tree. The minimum size of tree planters within off-street parking areas shall be 36 square feet per tree.

A minimum of 75 percent of the required parking lot trees shall be deciduous shade trees and shall have a mature height of at least 25 feet.

A landscape strip of no less than 10 feet shall be maintained between parking areas and the street right-of-way.

Low water use turf may be provided at a maximum of 40 percent of the landscaped area. High water use turf is not allowed.

An automatic underground irrigation system shall be provided to support all landscaping. The system shall be designed to avoid overspraying of walks, buildings, fences, etc. Backflow preventers shall be provided in accordance with City of Albuquerque Codes.

All plant material, including trees, shrubs, groundcovers, turf, wildflowers, etc. (including adjacent City right-of-way) shall be maintained by the Owner in a living, attractive condition. All areas shall be maintained free of weeds through the use of pervasive filter material. Each individual lot owner will be responsible for the installation and maintenance of the landscape on their property and within the adjacent public right-of-way.

Minimum plant sizes at time of installation shall be as follows:

- Trees: 2 inch caliper, or 10 to 12 feet in height
- Shrubs & Groundcovers: 1 gallon
- Turf Grasses: provide complete ground coverage within one growing season after installation

Provision for water harvesting techniques such as curb outs for drainage to landscaped areas, permeable paving, bio-swales to slow and treat storm water runoff, and/or cisterns for the collection and reuse of storm water and gray water shall be included in future Grading and Drainage Plans and Landscape Plans.

Berms shall be constructed with 75% minimum live vegetated cover, and care shall be taken so that the soil of the berms is not compacted upon construction and remains loose and viable for the living vegetative cover.

Organic mulch around trees and plants is preferred over inorganic rock.

In some cases, tree wells need to be larger than 36 square feet to provide more rooting volume. The size of the well depends on the mature size of the tree. Methods for increasing rooting volume include the following: larger tree wells, tree well connections, pervious paving, structures, soil, root tunnels, soil subways paths, and bridging of sidewalks.

7. SIGNAGE

The following signage standards were developed to regulate the size, location, type, and quality of sign elements within the property. A properly implemented signage program will serve four very important functions: to direct and inform employees and visitors; to provide circulation requirements and restrictions; to provide for public safety; and to complement the visual character of the development.

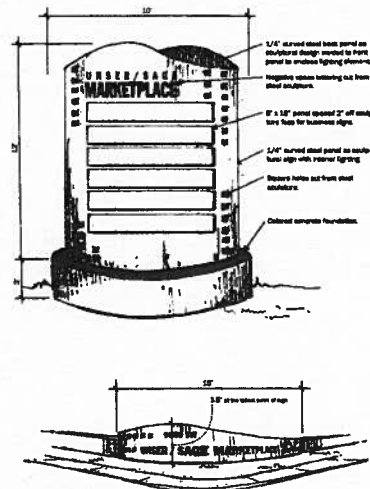
Three free standing signs are allowed, as specified in Section 14-10-3-2, not to exceed 14 feet in height and limited to 150 square feet of sign area. The developer shall provide two free-standing project directory signs for the project to create a sense of arrival, incorporate all business names, and contribute to the unique identity of the project; one along Unser Boulevard and one along Sage Road. The project will also provide a free-standing sign at the corner of Unser Boulevard and Sage Road that identifies the project and address only. This sign shall be incorporated into the low parking screen wall and shall not exceed 3'6" in height. All signs shall be on private property and maintained by the property owner.

Building-mounted signs shall not exceed 8 percent of the facade area or 10 percent for multi-level buildings. Building-mounted signs shall not face residential development.

Internally illuminated logos are permissible at a maximum sign area of 10 square feet. Illuminated plastic panel signs are prohibited. Individual channel letters may be back or down lit.

Signs perpendicular to an elevation shall only occur under an awning or canopy/portail and shall not be more than 8 square feet. These signs may not project past the overhang.

Off-premise signs are prohibited.



Signage SHALL:

- be designed to be consistent with and complement the materials, color, and architectural style of the building or site location;
- be in accordance with the General Sign Regulations as provided in Section 14-10-3-5 of the City Comprehensive Zoning Code. Signs which are directly sighted may be used provided there is no glare on the street or upon adjacent property or that the light does not distract motorists. Signage facing adjacent residential areas shall not be permitted;
- identify only the name and business of the occupant or of those offering the premises for sale or lease; and
- have a minimum contrast of 70 percent between the background and the text.

Signage SHALL NOT:

- use moving parts, create audible sounds, or have blinking or flashing lights, except reader boards are permitted;
- overhang into the public right-of-way, property line, or extend above the building roof line;
- require any external bracing, angle-iron supports, guy wires or similar devices;
- intrude upon any architectural features, including windows, columns, moldings or any decorative features; and
- include illuminated plastic panels or backlit plastic/vinyl signs and letters, except logo designs are permitted.

8. UTILITIES

- All new electric distribution lines shall be placed underground.
- Transformers, utility pads, and telephone boxes shall be appropriately screened with walls, berms, smaller vegetation when viewed from the public right-of-way. Screening of transformers, electric boxes and other utility structures shall not impede access to the equipment and shall provide for safe maintenance and repair by utility workers.
- Above-ground backflow prevention devices shall be appropriately screened from view by walls and/or landscaping.
- Any wireless communication facilities shall be concealed and architecturally integrated.
- Screening of transformers, electric boxes and other utility structures shall not impede access to the equipment and shall provide for safe maintenance and repair by utility workers.
- Paging and loud speaker systems are prohibited.
- All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance, and repair purposes. Please refer to the PSE&S Electric Service Guide for specifications.

9. MAINTENANCE

The property owner will maintain the building and irrigation system. All planting areas will be maintained in a living attractive condition.

- The building facades shall be kept in good repair; cracked windows shall be replaced and graffiti removed.
- Outdoor security lighting shall be maintained and operated.

10. PROCESS

- The site development plan for subdivision shall be approved by the Environmental Planning Commission (EPC). Prior to application for subsequent site development plan for building permits, the applicant shall meet with an EPC staff planner to ensure compliance with design standards and EPC conditions. Subsequent development and planting will go directly to the Development Review Board (DRB) for approval based on conformance to the design standards and restrictions outlined in the approved site development plan for subdivision.
- Variances requesting less than minimum zoning code requirements shall not be allowed.

UNSER/SAGE MARKETPLACE

SITE PLAN FOR SUBDIVISION

Prepared For:

Unser Sage Partnership

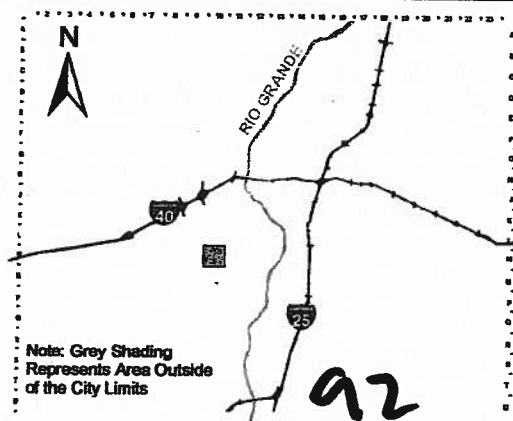
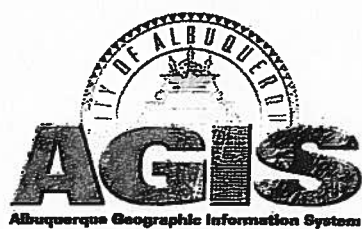
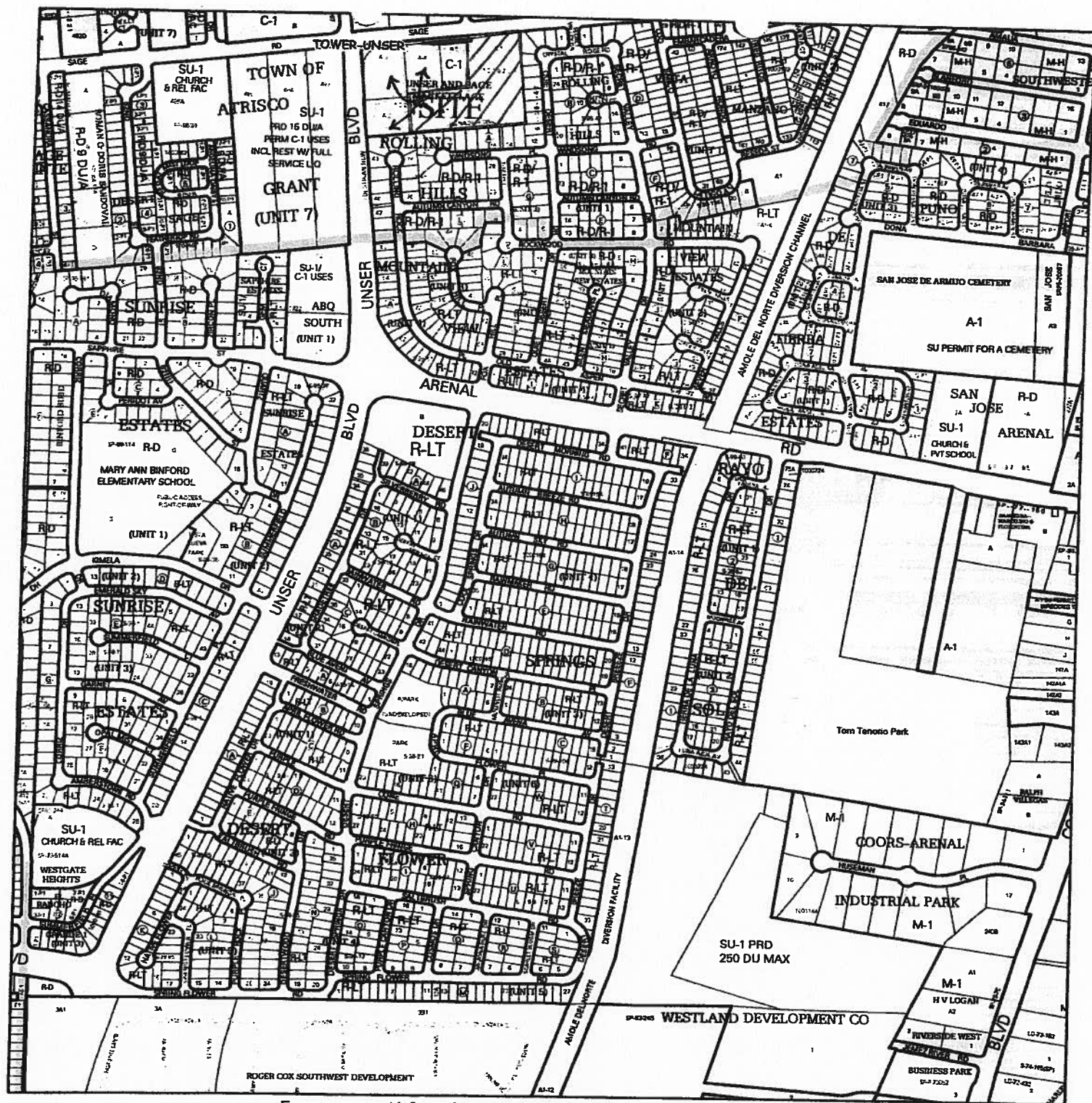
Prepared By:

Consensus Planning, Inc.
George Rathbun Architect
Isaacson & Artman, P.A.

CONSENSUS PLANNING, INC.
Planning / Landscape Architecture
302 Eighth Street NW
Albuquerque, NM 87102
(505) 764-8801 Fax (505) 764-8802
e-mail: info@consensusplanning.com

April 25, 2019









Sheet 5 of 5



Zone Atlas Page:

M-10-Z

Selected Symbols

- SECTOR PLANS**
- | | | | |
|---|----------------------|---|------------------------|
|  | Design Overlay Zones |  | Escarpment |
|  | City Historic Zones |  | 2 Mile Airport Zone |
|  | H-1 Buffer Zone |  | Airport Noise Contours |
|  | Petroglyph Mon. |  | Wali Overlay Zone |

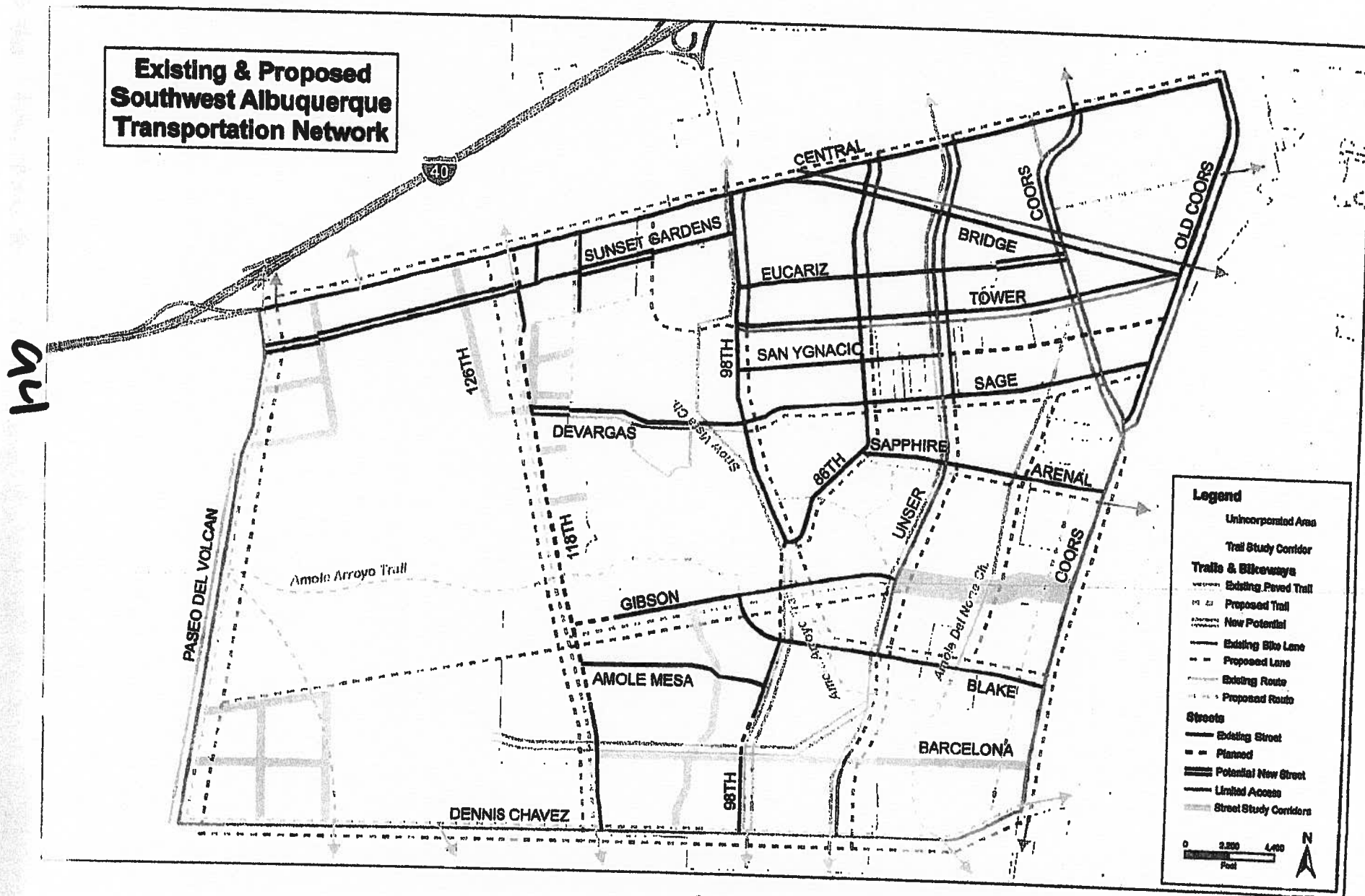


WEST SIDE STRATEGIC PLAN

Boundary Amendments for Neighborhood & Community Activity Centers				
Name	Existing Acreage per WSSP (Net)		Proposed Acreage (Net)	Amendments
	Core	Adjacent	Core	
NEIGHBORHOOD CENTERS				
McMahon/Unser	69.0		75	AMEND: Boundaries and land uses to coincide with those in Westside-McMahon Corridor Study and recent zoning actions.
Golf Course/County Line			39	NEW ADDITION: Center is south of county line on both sides of Golf Course, Tracts A1, B1, C1, D & E
Elliston/Golf Course	74.2		64	AMEND: Center is mostly west of Golf Course, north of Calabacillas Arroyo and on both sides of McMahon Blvd.
Golf Course/Irving	41.9	20.1	0	DELETE (major arroyo and roadway corridors prevent pedestrian connectivity)
Paradise/Lyon	19.6	149.5	47	AMEND: Maintain original core but add additional land south to Bugio Ave.
Ventana Ranch	32		38	NO AMENDMENT TO BOUNDARY
Golf Course/Paseo del Norte	33.9		34	CHANGE DESIGNATION: from Community to Neighborhood Center due to limited size; Maintain original core boundary.
Coors/Caminito Coors	20.1	205.8	0	DELETE (surrounding land uses do not support an Activity Center)
Taylor Ranch Drive/Homestead Ctr.	25.6		11.5	AMEND: Eliminate Middle School from Center
Coors/LaOrilla	29.0	24.9	0	DELETE: (surrounding land uses do not support an Activity Center and it is too close to Activity Center at Coors/Montafio)
Montafio/Taylor Ranch Drive	35		41.5	NO AMENDMENT BOUNDARY
Coors/Western Trail	30.3		44	AMEND: Center is west of Coors and south of Western Trail; Tracts 2, 3, and 4
Coors/Sequoia		326.0	15.5	CHANGE DESIGNATION: from Community to Neighborhood Center, Center is west of Coors, between Sequoia and Redlands
Ouray/Ladera	18.0	50.0	0	DELETE: (existing zoning does not provide opportunity for mixed land uses)
Unser/Ladera			45.5	NEW ADDITION: Center is east of Unser, south of Ladera Channel, west of Cherrywood
Central/Atrisco			58.5	CHANGE DESIGNATION: from Community to Neighborhood Center.
Central/98th Street	83.5	246.8	23	AMEND: Center is south of Central between 98th to 102nd St.
Bridge/Old Coors	23.1	151.5	16	AMEND: Center is between Bridge and San Ygnacio on both sides of Coors
Unser/Sage	42.7	82.8	50	AMEND: Center is west of Unser to 82nd Street and south of Sage
Westgate Heights	87.9	203.7	25.5	AMEND: Center is south of Sage to Benavidez on both sides of 98th Street
Rio Bravo unnamed 1			30	New Addition per Rio Bravo Sector Plan
Rio Bravo unnamed 2			12	New Addition per Rio Bravo Sector Plan
COMMUNITY ACTIVITY CENTERS				
	GROSS ACRES		GROSS ACRES	
Paseo del Norte/Coors	197.2	71.28	193	AMEND: center is west of Coors between Irving & Paseo del Norte
Golf Course/Paseo del Norte	33.9		0	CHANGE DESIGNATION: from Community to Neighborhood Center due to limited size; Maintain original core boundary.
Coors/Montafio	96.6	61.96	97.5	AMEND: Center is east of Coors to Riverside Drain between Montafio Plaza Drive on the north and municipal limits line on the south (south of Montafio)
Coors Boulevard	91	388.95	91	NO CHANGE
Central Ave. (from Atrisco to Coors)	86.6		0	DELETE: (the strip has been deleted and the area at Central/Atrisco has been designated as a Neighborhood Center.)
Central/Coors	44.2	65.8	48	CHANGE DESIGNATION: from Neighborhood to Community Center, maintain original core boundary
Central/Unser	137.5	140.6	71	AMEND: Center is south of Central to Bridge between 98th and Unser
98th/Gibson			150	NEW ADDITION: Center is established in Rio Bravo Sector Plan
Coors/Rio Bravo			31.5	NEW ADDITION: center is south of Rio Bravo to Lamonica Rd. between Coors Blvd. and Isleta Drain
Westland Master Plan			175	NEW ADDITION: described as A Town Center in the Westland Master Plan
Quail Ranch			?	Future Activity Center per Quail Ranch Master Plan

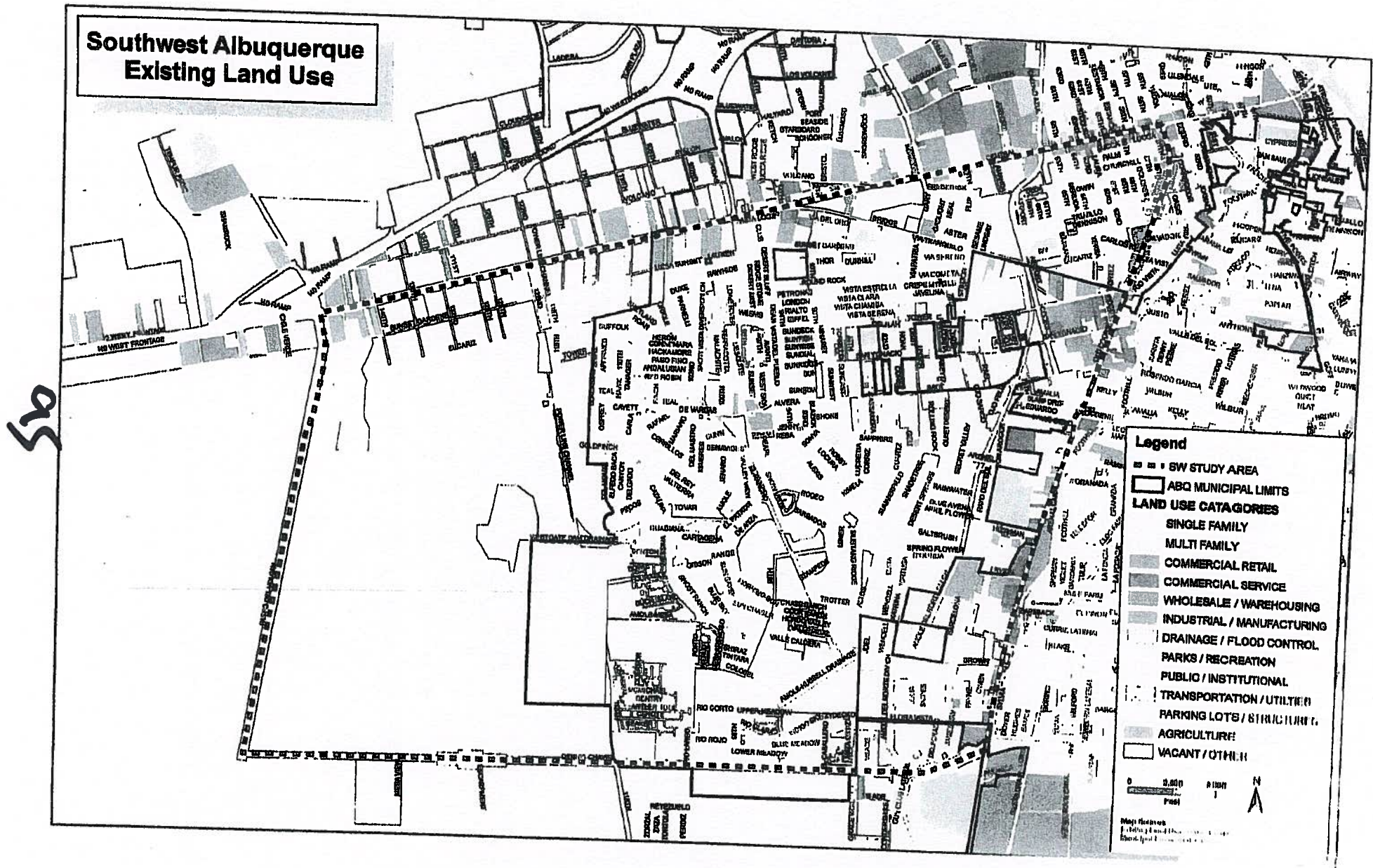
Proposed Transportation Network Map

The proposed transportation network map below shows an integrated set of recommended streets, trails and bikeways. Alignments, particularly those west of 118th Street are to be determined during further planning stages. Links designated as "planned" are currently in the Long Range Roadway System Map, Long Range Bikeway System Map, or the City Trails Plan.



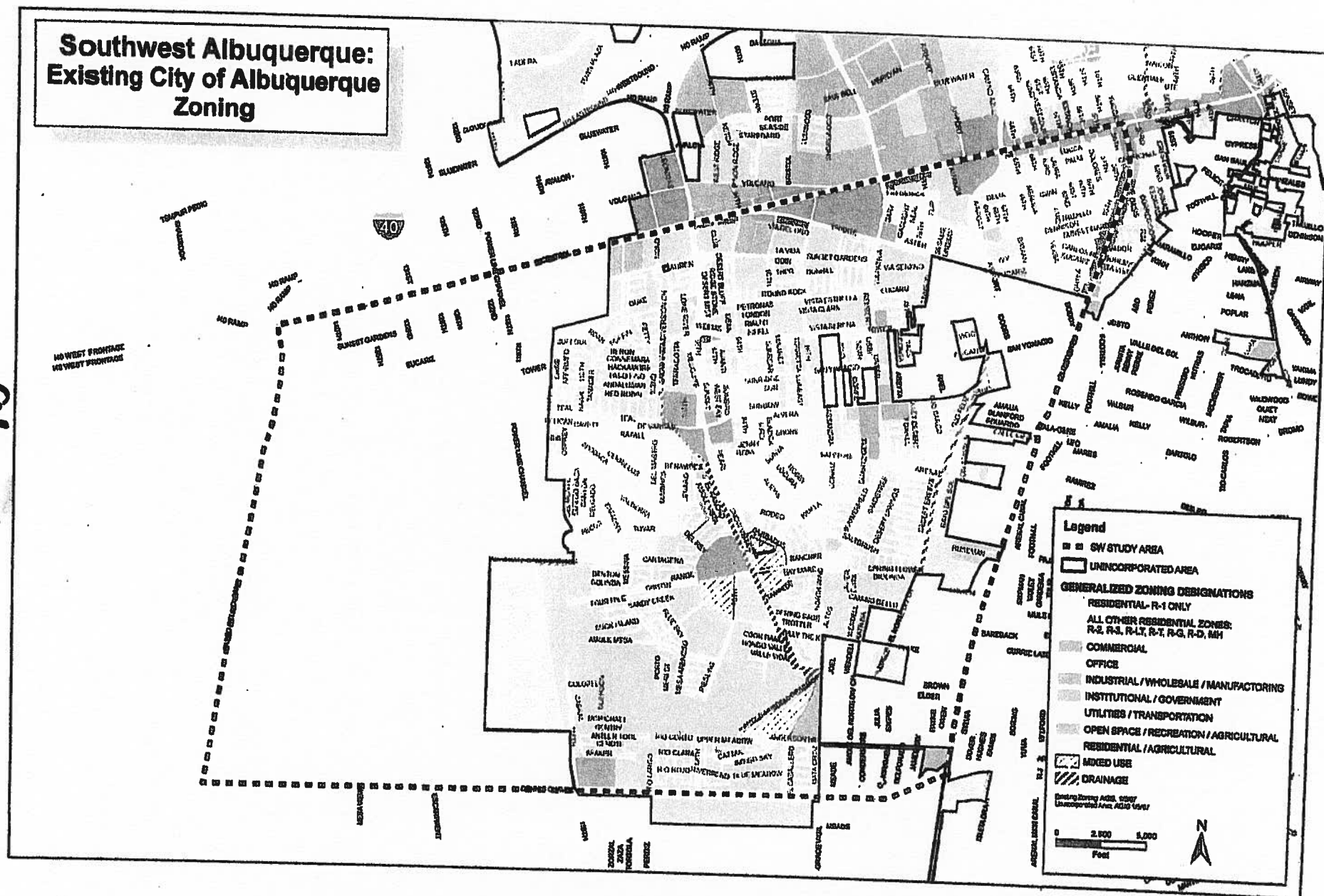
Existing Land Use

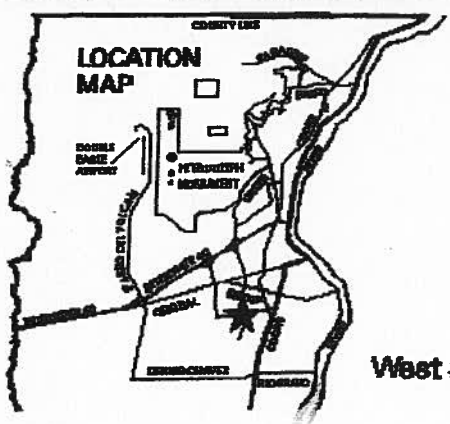
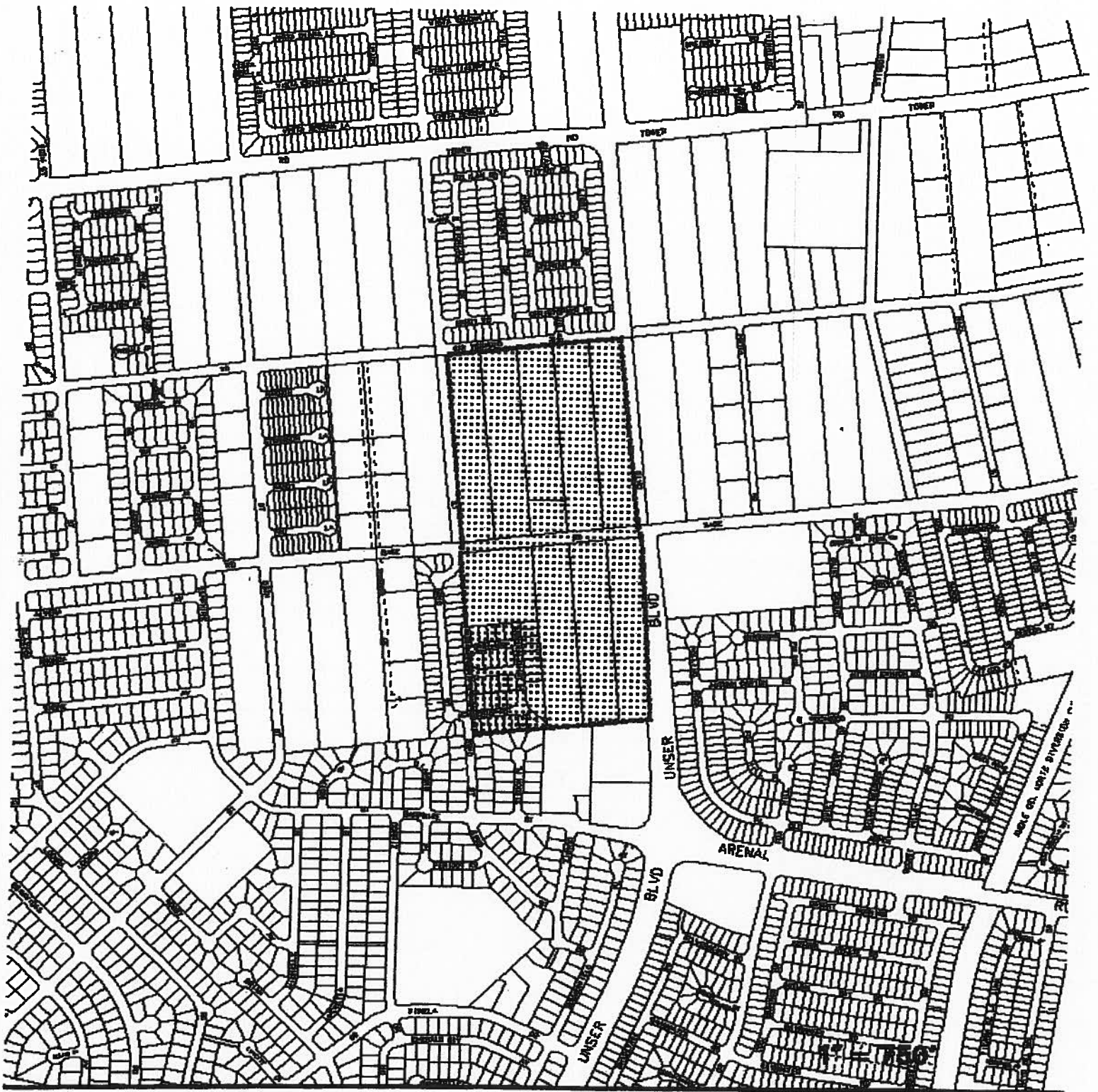
The current zoning and land use maps on the following pages show opportunity areas for completing partially developed portions of Southwest Albuquerque through infill development, and additional opportunities for guiding positive development in undeveloped portions if sufficient policies and regulations are provided.



Existing City of Albuquerque Zoning

The map below shows generalized zoning for portions of Southwest Albuquerque within City limits. Zoning for unincorporated portions of the County is shown on the next page. There are differences between City and County zone designations with the same titles. The map shows that existing zoning allows development other than single-family detached housing.



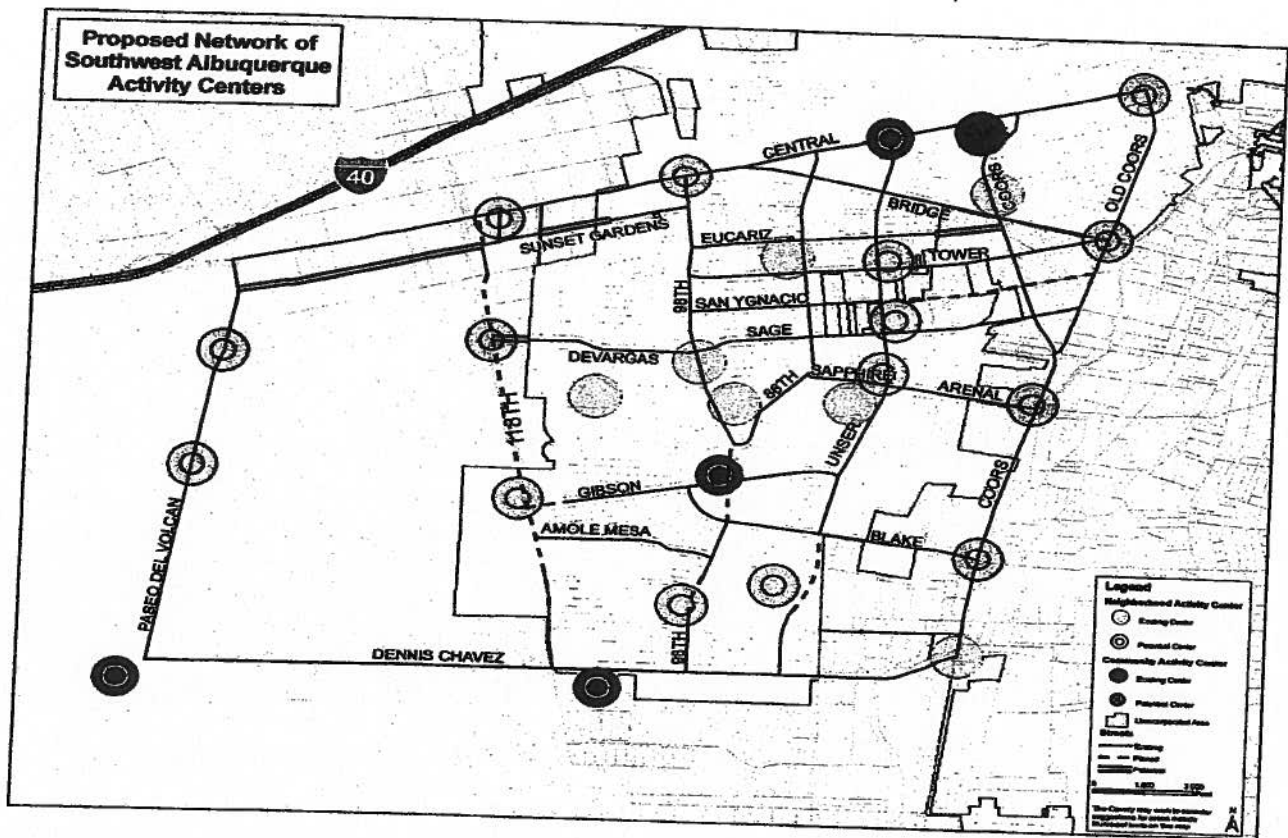


UNSER / SAGE NEIGHBORHOOD CENTER

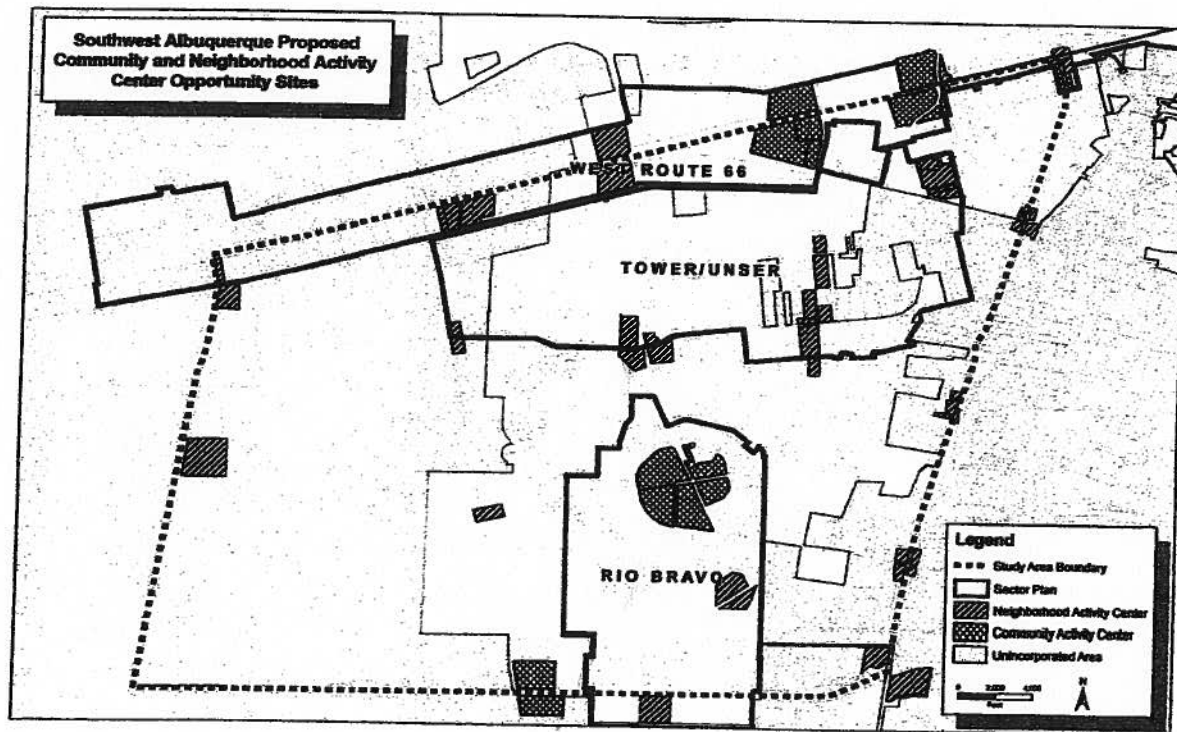
West Side Strategic Plan

Map printed January 28, 2003





332

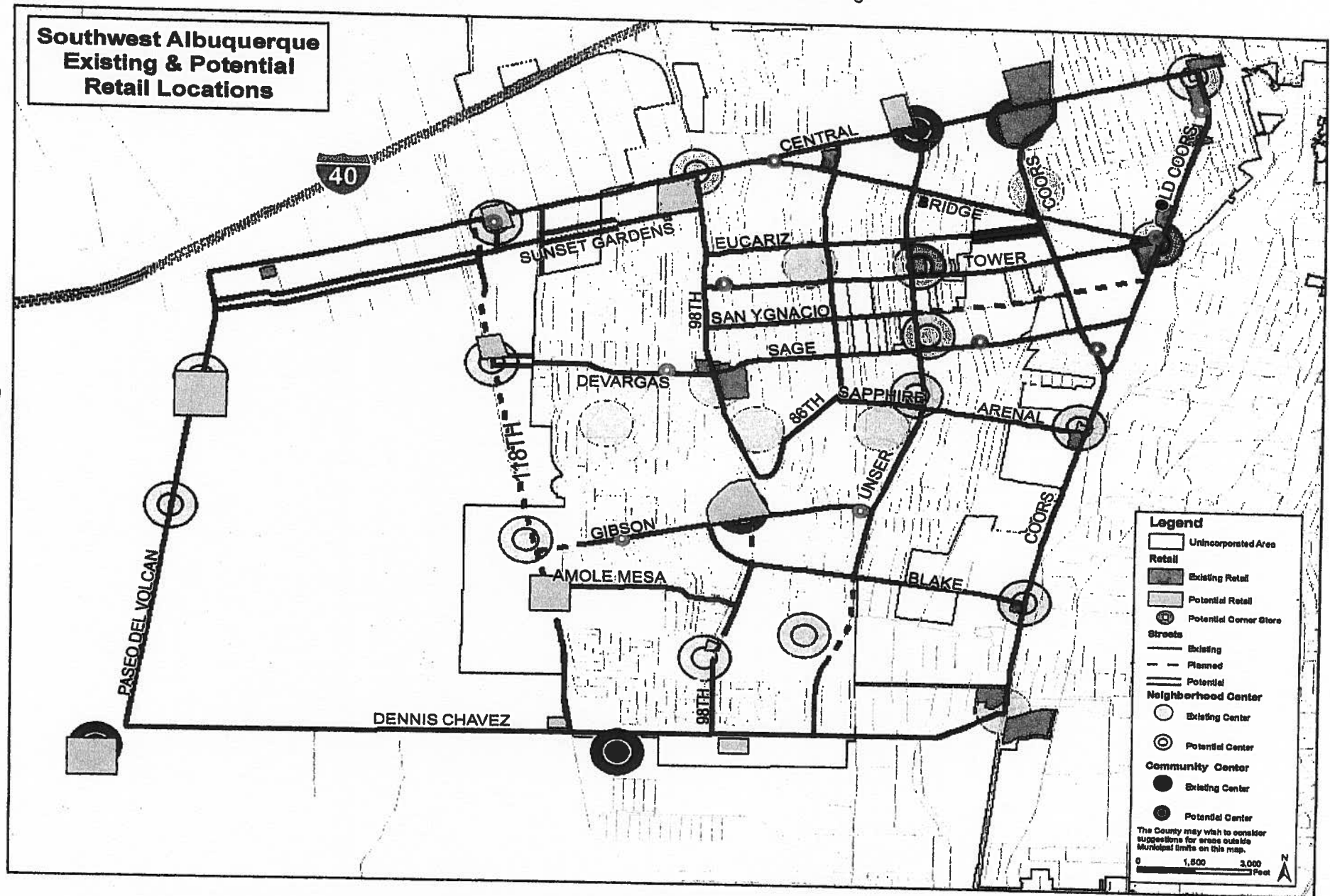


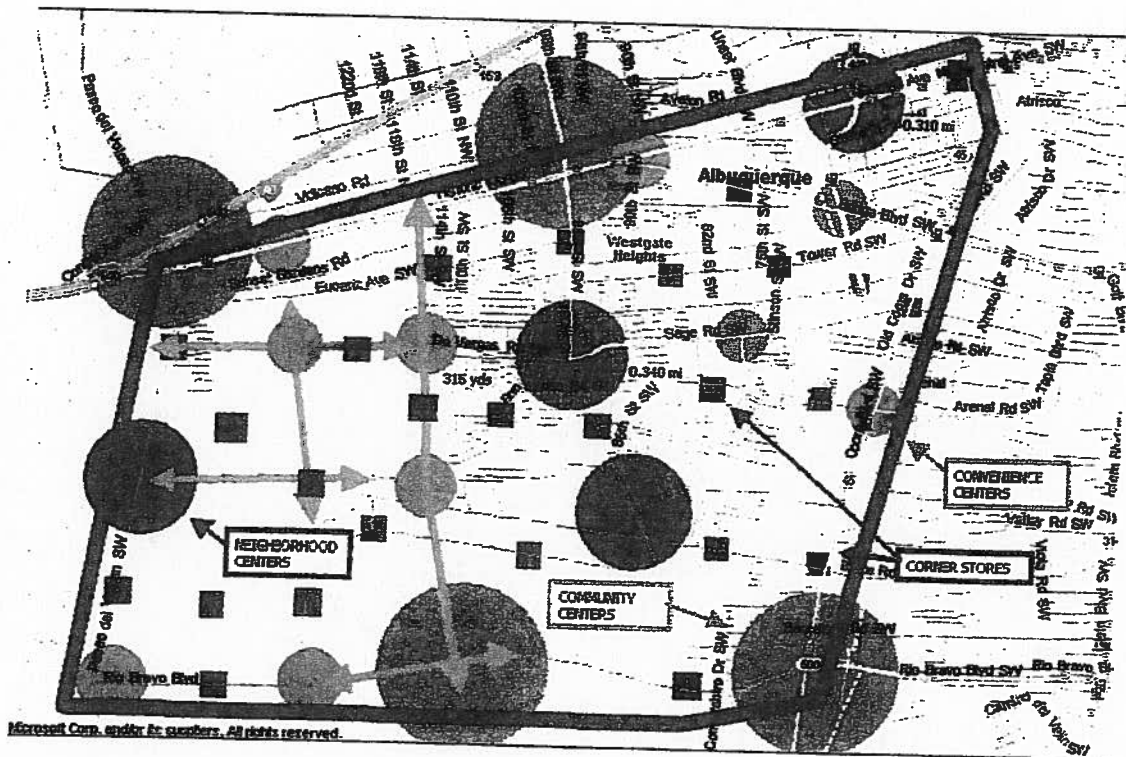
98

Existing and Potential Retail Locations

The map below illustrates both existing and potential retail locations superimposed on the network of existing and proposed activity centers. This map correlates with the maps on pages 2-10 and 2-11 that show parcels with commercial zoning.

69





Please find below a summary of GPG's estimated supportable types:

Size	Shopping Center Type	No. Stores	Store Types
50,000 sf of total space	Corner Store	20 Stores	7-11, Circle K, Independents
150,000 sf	Convenience Center	6 Centers	Cleaners, Banks, Grocery, Coffee
200,000 sf	Neighborhood Center	2 Centers	Supermarket, Hardware, Video, Bank,, Pharmacy, Restaurant
400,000 sf	Community Retail	2 Centers	Discount Department Store, Home Improvement, Books, Apparel, Sporting Goods, Restaurants

Date of Inquiry: **5/20/15** Time Entered: **2:55 p.m.** ONC Rep. Initials: **DC**

ATTACHMENT "A"

May 20, 2015

Richard Dineen, AIA
D&A Architecture
2811 Bosque del Sol Lane SW/87120
Phone: 505-452-6857 / Fax:
E-mail: r.dineen@icloud.com

STINSON TOWER N.A. (STT) "R"

***Emilio Chavez**

3670 Tower Rd. SW/87121 604-8704 (c)
Barbara Carmona-Young
7439 Via Serenita SW/87121 554-0691 (h)

WESTGATE HEIGHTS N.A. (WGH) "R"

***Paul Fredrickson**

8508 Mesa Real Ave. SW/87121 401-3628 (c)
Matthew Archuleta
1628 Summerfield Pl. SW/87121 401-6849 (h)

SOUTH VALLEY COALITION OF NEIGHBORHOOD ASSOCIATIONS

***Rod Mahoney, 1838 Sadora Rd. SW/87105 681-3600 (c)**

Marcia Fernandez, 2401 Violet SW/87105 877-9727 (h) 235-6511 (c)

SOUTH WEST ALLIANCE OF NEIGHBORS (SWAN)

***Johnny Pena, 6525 Sunset Gardens SW/87121 321-3551 (c) 836-3281 (h)**

Jerry Gallegos, 417 65th St. SW/87121 261-0878 (c) 831-5406 (h)

WESTSIDE COALITION OF N.A.'S

***Gerald C. (Jerry) Worrall, 1039 Pinatubo Pl. NW/87120 839-0893 (h) 933-1919 (c)**

Harry Hendriksen, 10592 Rio Del Sole Ct. NW/87114-2701 890-3481 (h) 221-4003 (c)



D&A ARCHITECTURE
RICHARD DINEEN AIA
Architecture - Land Planning - Development

May 26 ,2015

Stinson Tower N.A.(STT)

Emilio Chavez

3670 Tower Rd. SW

Albuquerque, NM 87121

Barbara Carmona-Young

7439 Via Serenita SW

Albuquerque,NM 87121

Dear Neighborhood Representative,

This is to notify you that D & A Architecture, acting as agent for Unser Sage LLC, is filing a request for a Zone Map Amendment to change the zoning of Tracts A-2, A-3, and A-4 Unser Sage Marketplace containing 3.48 acres and located at the SE corner of Unser Blvd SW and Sage Rd SW from the present C-1 zone to SU-1 for C-2 Uses.

The purpose of amendment is to provide a greater variety of uses to serve the needs of the area than those presently allowed in the C-1 zone.

A Site Development Plan for Subdivision was approved for the property by the Planning Commission in 2010. All street improvements required are now in place. Tract A-1 is now occupied by a Family Dollar Store.

The application will be filed on May 28, 2015 and will be heard by the Environmental Planning Commission on July 9, 2015. The hearing begins at 8:30 and will be held at the hearing room located in the basement of Plaza del Sol 600 Second Street NW.

If you have any questions please contact me by phone or e-mail.

With Regards,

Richard Dineen AIA

2811 ROSQUE DEL SOL LN NW
505-452-6857

ALBUQUERQUE, NM 87120-3136
r.dineen@icloud.com

102

0702 0297 0002 5347 1871

498T T455 2000 018T 0001

Sent to Stinson Tower N.A. (STT) Encl. 0
 Street, Apt. No., 3070 Tower Rd. SW Chart 3
 or PO Box No. ABQ, NM 87121
 City, State, ZIP+4
 PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com
 OFFICIAL USE

Postage	\$ 6.14	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.14	

ent to Barbara Carmona Youngs
rect, Apt. No.;
PO Box No. 7439 via Serenita Sw
y, State, ZIP+4
ABQ, NM 87121

Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com
OFFICIAL USE

Postage	\$ 6.14	
Certified Fee		
Return Receipt Fee (Endorsement Required)		Postmark Here
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.14	

Harry Hendriksen
 Apt. No. 10592 Rio Del Sol Ct. NW
 PO Box No. 87114
 Albuquerque, NM 87114
 State, ZIP+4

CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 6.14
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage and Fees	\$ 6.14
Postmark Here	

U.S. Postal Service CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 6.14
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.14
Postmark Here	
Sent To Gerald Worrall Street, Apt. No., or PO Box No. 1039 Penatubo Pl City, State, ZIP+4 ABQ, NM 87120	
PS Form 3800, August 2006	

104

Gould, Maggie S.

From: Gould, Maggie S.
Sent: Wednesday, July 01, 2015 9:56 AM
To: 'EMILIO CHAVEZ'
Cc: r.dineen@icloud.com
Subject: RE: No meeting report 1008203 15EPC-40020

Hello,

The parcel to the west of the site, on the other side of Unser has an SU-1 for C-1 uses including restaurant with full service liquor. There is C-2 zoning along Central, parts of Coors and parts of Rio Bravo. I know that the map is busy and hard to read, but it does give you an idea about the area zoning.

I am including Richard on this e-mail because I would like to know how your meeting goes.

Please let know if there are any other questions

Maggie Gould, MCRP

Planner

City of Albuquerque, Planning Department

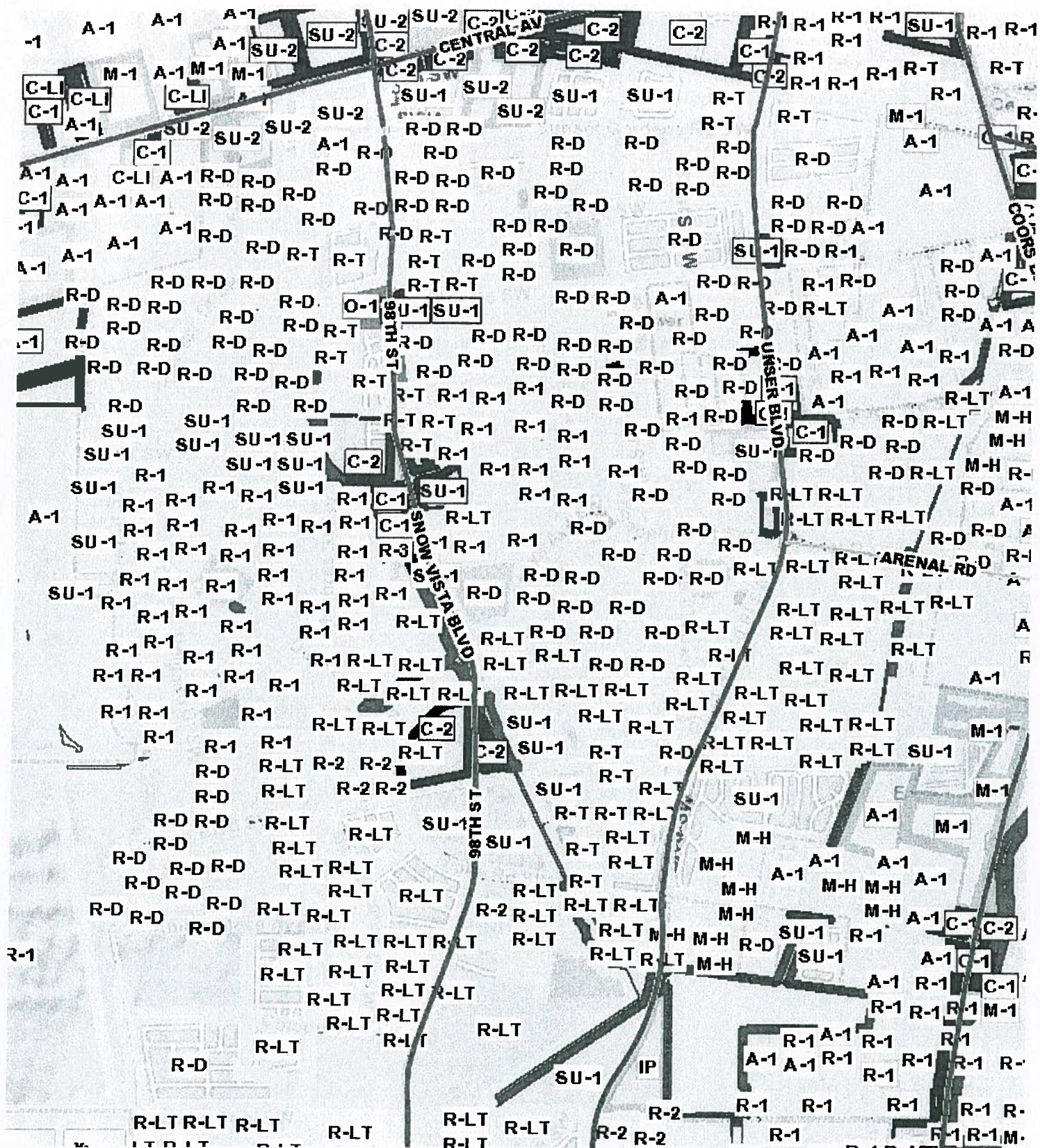
600 Second St. NW

Albuquerque, NM 87102

505-324-3910

mgould@cabq.gov

105



From: EMILIO CHAVEZ [mailto:chavezanitaandemilio@msn.com]

Sent: Wednesday, July 01, 2015 9:45 AM

To: Gould, Maggie S.

Subject: RE: No meeting report 1008203 15EPC-40020

At this time, without knowing exactly what type of business is proposed for the site, I would just say that we are concerned. We are meeting with Richard and one of his clients this coming Monday and hope to get a better idea of what they might have in mind.

By the way, did you say that this type of zoning already exists in this area?

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: "Gould, Maggie S." <MGould@cabq.gov>
Date: 07/01/2015 9:16 AM (GMT-07:00)
To: EMILIO CHAVEZ <chavezanitaandemilio@msn.com>
Subject: RE: No meeting report 1008203 15EPC-40020

Thank you Mr. Chavez,

Would you say that your neighborhood is opposed to the change in zoning or just concerned ?

From: EMILIO CHAVEZ [<mailto:chavezanitaandemilio@msn.com>]
Sent: Wednesday, July 01, 2015 9:04 AM
To: Gould, Maggie S.
Subject: RE: No meeting report 1008203 15EPC-40020

Hi Maggie. This is Emilio Chavez, President of the Stinson Tower Neighborhood Association. Per our last conversation, you said that today, July 1st would be the last day that comments submitted could be included with the staff report. I just wanted to say that although there is a great deal of excitement over the talk of some much needed commercial development in our area, the only comments or concerns that I heard from our group members was related to the possibility of an establishment with package liquor sales. The package liquor sales aspect does seem to generate concerns over the increased possibilities of DWI issues.

I will say that Richard Dineen has been very accommodating in answering our questions related to this zoning request and has even been willing to attend an informal meeting with our neighborhood group to personally answer questions. We thank him for this.

From: MGould@cabq.gov
To: Philip@pcmediate.com; chavezanitaandemilio@msn.com; bobbicy@gmail.com; stna_sw@hotmail.com; pepperfred1@comcast.net; mattearchuleta1@hotmail.com; westgate9901@gmail.com; rmahoney01@comcast.net; mbfernandez1@gmail.com; johnnyepena@comcast.net; jgallegos@ydinm.org; jfworral@comcast.net; hlhen@comcast.net
CC: r.dineen@icloud.com; thummell@cabq.gov; striplett@cabq.gov; SWinklepleck@cabq.gov;

kdicome@cabq.gov; dave@ounets.com

Subject: RE: No meeting report 1008203 15EPC-40020

Date: Fri, 19 Jun 2015 17:25:45 +0000

Thank you Phillip,

If anyone has questions or comments about this project please let me know soon; comments received by June 29th can be addressed in the staff report. The staff report will be available on July 2th. Comments received by 8 AM on July 7th will be forwarded to the Planning Commission.

Maggie Gould, MCRP

Planner

City of Albuquerque, Planning Department

600 Second St. NW

Albuquerque, NM 87102

505-924-3910

mgould@cabq.gov

From: Philip Crump [<mailto:phcrumpsf@gmail.com>]

Sent: Friday, June 19, 2015 11:02 AM

To: chavezanitaandemilio@msn.com; bobbicy@gmail.com; stna_sw@hotmail.com; pepperfred1@comcast.net; mattearchuleta1@hotmail.com; westgate9901@gmail.com; rmahoney01@comcast.net; mbfernandez1@gmail.com; johnnyepena@comcast.net; jgallegos@ydinm.org; jfworral@comcast.net; Harry

Cc: r.dineen@icloud.com; Gould, Maggie S.; Hummell, Tyson; Triplett, Shannon; Winklepleck, Stephani I.; Dicome, Kym; David Gold

Subject: No meeting report 1008203 15EPC-40020

Dear All:

Attached please find the No-meeting report for this project, indicating that there has been no interest expressed in participation in a facilitated public meeting.

Thank you very much.

108

Respectfully,
Philip Crump



PHILIP CRUMP, Mediator & Facilitator

1301-e Luisa Street Santa Fe, NM 87505

Skype: phcrump philip@pcmediate.com

www.pcmediate.com (505) 989-8558

When I walked out of the gate, I knew that if I continued
to hate these people, I would still be in prison. --Nelson Mandela

EPC REVISED MINUTES

June 11, 2015

Page 22 of 26

H. Provide all necessary curb ramp details. Detectable warning devices will be required for any curb within the COA right-of-way. For parallel ramps adjacent to the ADA van accessible aisles, provide a minimum ramp width of 6 feet from the back of curb.

I. The van-accessible aisles shall have the words "NO PARKING" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tire would be placed. (66-1-4.1.B NMSA 1978)

J. Include ADA van accessible signs for each of the handicapped spaces adjacent to this aisle. These signs shall also include the new required language per 66-7-352.4C NMSA 1978 "Violators Are Subject to a Fine and/or Towing."

K. One-way vehicular paths require pavement directional signage and a posted "Do Not Enter" sign at the point of egress.

L. Service vehicle and/or refuse vehicle maneuvering must be contained on-site.

M. For Keyed Note 4, call out for detectable warning devices to be installed.

N. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).

13. Request that the Department of Municipal Development (DMD) review the pedestrian connection at Wyoming Blvd. and Copper Ave. prior to final DRB sign-off.

MOVED BY COMMISSIONER HUDSON
SECONDED BY COMMISSIONER MCCOY

MOTION PASSED 7 - 0

4. Project# 1010409

15EPC-40011 Amendment to Zone Map (Zone Change)

William E Burk III, dba Bill Burk Third, Architect agent for King Tran, request the above action for all or a portion of Lot 8, Block D, Cacy Subdivision, zoned O-1 to R-2, located on NE corner of Corona Dr. NW and Quail Rd. NW, containing approximately .28 acre. (H-11)

Staff Planner: Vicente Quevedo

(DEFERRED FROM THE MAY 14, 2015 HEARING

STAFF PRESENTING CASE:

Vicente Quevedo

PERSONS PRESENT TO SPEAK IN REFERENCE TO THIS REQUEST:

Walter Fuqua, P.O. Box 3505, Corrales, NM 87048

SEE ATTACHED TRANSCRIPT

FINAL ACTION TAKEN:

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission (EPC), voted to APPROVE Project# 1010409/15EPC-40011, an Amendment to Zone Map (Zone Change), based on the following findings:

Findings:

1. This is a request for a Zone Map Amendment for Lot 8, Block D, Cacy Subdivision located on the NE Corner of Corona Dr NW and Quail Rd NW and containing approximately .28 of an acre.
2. The subject site is currently zoned O-1 (Office/Institution). The proposed zoning is R-2 (Residential) which would allow the proposed use of two townhomes on the subject site.
3. A plat for the subject site was originally recorded in December of 1952. The site was not annexed into the City of Albuquerque until 1985 (AX-85-2/Z-85-44). The files for AX-85-2/Z-85-44 are missing from the City's record. The first time the existing O-1 zoning for the site can be confirmed per city historical records is in 1986 via a staff review of the City of Albuquerque Zoning Atlas dated March 1986 (H-11-Z). The subject site remains vacant.
4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Coors Corridor Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is within the Established Urban Area of the Comprehensive Plan. The request furthers the following applicable policy of the Comprehensive Plan:
 - A. Policy II.B.5.e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The subject site is currently vacant. The applicant's proposed use of two townhouses would be developed on land that already contains existing urban facilities and services. The integrity of the existing neighborhood will be ensured because R-2 residential zoning and land use has already been constructed directly south of the subject site. The request furthers Policy II.B.5.e.

6. The request generally furthers the following applicable goals and policies of the Comprehensive Plan:
 - A. Policy II.B.5.d: 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, recreational concern.

If the requested zoning is approved and townhomes are subsequently constructed on the subject site, residential development would respect existing neighborhood values given that the majority of the development currently surrounding the subject site is residential. In addition, townhomes would generate less traffic impacts than a commercial development and a smaller paved area

containing residential development would ensure less water run-off from the subject site. The request generally furthers Policy II.B.5.d.

B. Policy II.B.5.k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

The subject site is not adjacent to an arterial street, however, the harmful effects of traffic would be minimized and the safety of established residential neighborhoods protected given the permissive uses of the zone requested and the applicant's proposed use. The request generally furthers Policy II.B.5.i.

C. Housing: The goal is to increase the supply of affordable housing; conserve and improve the quality of housing; ameliorate the problem of homelessness, overcrowding, and displacement of low income residents; and assure against discrimination in the provision of housing.

Policy II.D.5.h: Higher density housing is most appropriate in the following situations:

- In designated Activity Centers
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
- In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
- In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

Higher density housing options tend to be more affordable than single family detached housing types. The future development of townhouses on the subject site may offer a more affordable housing product. Therefore, the request generally furthers the Housing goal as outlined in the Comprehensive Plan.

7. The request partially furthers the following applicable policy of the Comprehensive Plan:

A. Policy II.B.5.i: 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 environments.

The current zoning for the subject site would allow for office and service uses, however, the applicant states that the site is not viable for commercial development given its existing dimensions. Though the requested zoning and proposed use do not include employment or service uses, the permissive uses within the R-2 zone would have less environmental impacts than a commercial use. The request partially furthers Policy II.B.5.i.

8. The request furthers the following applicable goals and policies of the West Side Strategic Plan (WSSP):

A. Plan Goal 4: Land use considerations and overall growth and development concerns should be tied to infrastructure and funding considerations for realistic implementation.

The change in uses from O-1 to R-2 will be located on a site that already has sufficient infrastructure to serve any potential future residential activity. The request furthers WSSP Goal 4.

B. WSSP Policy 3.25: Proposals for new development and re-zonings in this area should be carefully analyzed to avoid negative impacts on the National Monument and other surrounding properties. Review of proposed projects should consider the design and site layout implications of any new development on surrounding properties.

The proposal has been carefully analyzed and will not negatively impact the National Monument or other surrounding properties. The request furthers WSSP Policy 3.25.

9. The request furthers the following applicable goals and policies of the Coors Corridor Sector Development Plan (CCSDP):

A. There are no applicable policies in the CCSDP that relate to this request because the subject site is not located within a segment that requires consideration of any view preservation regulations, and the request is based on consideration of a zone map amendment, not the design or re-design of Coors Blvd.

10. The applicant has justified the zone change request pursuant to R-270-1980 as follows:

A. Staff agrees that a change to R-2 zoning for the subject site is more compatible with existing residential zones that surround the subject site.

B. Staff agrees that residential zoning will ensure stability of land use and zoning better than the existing O-1 zoning.

C. Refer to policy analysis section of staff report above.

D. The stated goal for activity centers as outlined in the Comprehensive Plan is to “expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and services and which enhance the identity of Albuquerque and its communities (II.B.7)”. An existing Activity Center is located within the Ladera Community on the west side of Coors Blvd. and west of the subject site. This stated goal underscores a public need to locate residential development near commercial development. Therefore, staff agrees that there is a public need for housing near the existing Ladera Activity Center.

E. According to the 9th Edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE) a single tenant office building will generate an average of 1.80 trips per 1,000 sq. ft. of gross floor area during a.m. peak hours and an average of 1.74 trips during p.m. peak hours. A building containing two residential condominiums / townhouses will generate an average of .88 trips during peak a.m. hours and an average of 1.04 trips during peak p.m.

EPC REVISED MINUTES

June 11, 2015

Page 26 of 26

hours. Therefore, staff agrees that the permissive uses within the R-2 zone will not be harmful to adjacent property and that the impact on traffic will be less than if the lot were to be developed for O-1 uses.

- F. Staff agrees that approval of the requested amendment will not require any capital improvements because the site is located in an area that already has sufficient infrastructure to serve the existing residential and commercial development in the area.
- G. Staff agrees that the cost of land or other economic considerations are not the sole determining factor for the change of zone.
- H. Staff agrees that the subject site is not on a collector or major street and that the location of the site is not being used to justify the request.
- I. Staff agrees that the request does not constitute a spot zone.
- J. Staff agrees that the request does not constitute a strip zone.

11. While the S.R. Marmon Elementary School is currently exceeding capacity by 125 students, Albuquerque Public Schools submitted the following comments to Planning Staff: *"The development of two townhomes within the SR Marmon, John Adams Middle School, and West Mesa High School district shouldn't have a major impact to the school district"*.

12. No facilitated meeting was recommended or held. The S. R. Marmon Neighborhood Association, West Bluff Neighborhood Association and the West Side Coalition of Neighborhood Associations along with property owners within 100 feet of the subject site were notified of this request. There was no known neighborhood opposition for this request prior to the public hearing.

MOVED BY COMMISSIONER BOHANNAN
SECONDED BY COMMISSIONER MCCOY

MOTION PASSED 4 to 3
COMMISSIONER HUDSON,
COMMISSIONER MULLEN &
COMMISSIONER GONZALEZ VOTED
NO

5. OTHER MATTERS:

A. Approval of May 14, 2015 Minutes

MOVED BY COMMISSIONER MULLEN
SECONDED BY COMMISSIONER HUDSON

MOTION PASSED 6 to 0
COMMISSIONER BOHANNAN
ABSTAINED

6. ADJOURNED: 11:42 A.M.

EPC Minutes
July 9, 2015

CITY OF ALBUQUERQUE
ENVIRONMENTAL PLANNING COMMISSION

M I N U T E S

Agenda Item 1
Project #1008203
15EPC-40020

July 9, 2015

COMMISSION MEMBERS PRESENT:

Peter Nicholls, Chair
James Peck, Vice Chair
Bill McCoy, Member
Karen Hudson, Member
Victor Beserra, Member

STAFF PRESENT:

Maggie Gould, Planning Department
Kym Dicome, Manager, Planning Department
Blake Whitcomb, Legal Department
Dora Henry Administrative Assistant

EPC Minutes
July 9, 2015

CHAIRMAN NICHOLLS: CHAIRMAN NICHOLLS: And I believe we are ready for Agenda Item Number 1.

MS. GOULD: Good morning, Mr. Chair and Commissioners.

This is Project 1008203/15EPC-40020, a request for a zone map amendment from C-1, neighborhood commercial uses, to SU-1 for C-2 commercial uses for tracts, A-2, A-3, and A-4 of the Unser and Sage Marketplace. These are part of a larger shopping center site located on Unser Boulevard between Sage Road and Arenal Road in the southwest quadrant of the city. And this request is to expand the allowed uses on the site.

The site is located in the established urban area of the comprehensive plan and within the boundaries of the West Side Strategic Plan, and Tower Unser Sector Development Plan. The three tracts will continue to be governed by a previously approved site development plan for subdivision that contains design standards if this request is approved.

The applicant has justified the request as being more advantageous to the community, as articulated in the applicable goals and policies of the governing plans because it will provide the opportunity for increased goods and service and employment. The Stinson Tower Neighborhood Association, Westgate Heights Neighborhood Association, South Valley Coalition of Neighborhoods, Southwest Alliance of Neighbors, and the West Side Coalition of Neighborhoods declined a facilitated meeting.

There was no known opposition to this request at the time of the publication of the staff report. However, staff received two e-mails yesterday morning expressing opposition to the request because it will allow the sale of packaged liquor on the three subject tracts.

Staff recommends approval but feels that the packaged liquor issue should be discussed. Staff's previous recommended condition was removed because it is addressed by the existing site plan for subdivision.

And with that, I will stand for any questions.

CHAIRMAN NICHOLLS: Yeah, Ms. Gould, one thing in the staff report, under the R-270-1980, it's just very minor, but where it says down under D, and it says, "Applicant's Justification," the first sentence says the existing zoning -- should say the existing zoning is more advantageous. Surely that should read the requested zoning.

MS. GOULD: Yes.

CHAIRMAN NICHOLLS: Okay. That was one thing. And I think there was also something else⁰ under the population figures, which is right below that in bold. And it says 25,000 in 2000, and then 76,700 also in 2000

MS. GOULD: Oh, I'm sorry. That should be 2013. Boy.

CHAIRMAN NICHOLLS: Yeah. Okay.

MS. GOULD: I wonder how that (inaudible).

CHAIRMAN NICHOLLS: I wondered how that increased that much in one year. It was --

MS. GOULD: I thought I had caught that. I'm so sorry. I'll fix

EPC Minutes
July 9, 2015

that and I'll make sure that that is fixed for the Notice of Decision as well.

CHAIRMAN NICHOLLS: And the only reason I bring that up, just in case there's an appeal and --

MS. GOULD: No. You're absolutely correct, Mr. Chair.

CHAIRMAN NICHOLLS: -- (inaudible) things.

The other thing, I believe Commissioner Hudson had a question

COMMISSIONER HUDSON: Yeah. Thank you, Mr. Chair.

Ms. Gould, I'm curious to know, so in April of 2010, the EPC approved a site development plan for subdivision on this site. Can you share with us a little bit, you know, the -- you know, still utilizing that, and what is the length, the period of time that a site development for subdivision typically stays intact without change?

MS. GOULD: So, Mr. Chair, Commissioner Hudson, that's a good question, because it kind of depends. The site plan itself is valid for seven years. You know, you have seven years from the time of approval to actually do something with it.

This site has one small retail building that's been built out. And I think it depends on the same thing with development, it depends on market conditions, it depends on the property owner. I would say that this particular site plan for subdivision is fairly well done. The design standards are -- are fairly extensive, they cover a lot of things.

But, I mean, as far as how often they are amended, I'm not sure without actually going back through our files

COMMISSIONER HUDSON: Okay. Because I'm sure the intent, initially, when that was done, the site plan for subdivision is it was going to happen fairly soon. And, you know, like you said, market conditions or whatever the case may be, not so much.

But I just felt as though that seemed to be a long time to have a site plan for subdivision stay intact, with only one building being built out there.

CHAIRMAN NICHOLLS: I think, just to add a further comment to that, I think that becomes more applicable once you go to site development plan for building permit. I think there is a more stringent rule in place for that.

MS. GOULD: Mr. Chair, I think that's correct in that the site plan for subdivision basically sets up the framework for framework for future development. It shows access, it gives you the uses, standards, if they're in there, all of that, yeah.

CHAIRMAN NICHOLLS: But I know there's been issues where -- and we've heard issues where it's more of a matter of the building permit that's come before us and nothing happens, nothing happens, nothing happens. So...

Commissioners, any other questions? Commissioner Beserra.

COMMISSIONER BESERRA: Good morning. Thank you, Mr. Chair.

I wanted to know if you have any insights as to why the neighborhood association has declined a facilitated meeting

EPC Minutes
July 9, 2015

regarding this site

MS. GOULD: Mr. Chair, Commissioner Beserra, we do have some representatives from the neighborhoods that I think are planning to speak later on, and I will leave that to them.

COMMISSIONER BESERRA: Thank you.

CHAIRMAN NICHOLLS: Anything else? Thank you.

Let's go ahead and hear from the applicant, please.
 Good morning, sir, if you'd state your name and address for the record, please.

MR. DINEEN: Good morning, Mr. Chair and Commissioners. My name is Richard Dineen. I'm the agent for Unser Sage LLC, owners of Unser Sage Marketplace, located at the southeast corner of Unser Boulevard, Southwest and Sage Road, Southwest.

We are requesting a zone --

CHAIRMAN NICHOLLS: Your address, sir?

MR. DINEEN: I'm sorry?

CHAIRMAN NICHOLLS: Your address.

MR. DINEEN: My address is 2811 Bosque del Sol Lane, Northwest.

(Witness sworn.)

CHAIRMAN NICHOLLS: Thank you, sir. Go ahead

MR. DINEEN: We are requesting a zone map amendment for three of the five tracts from the present C-1 zoning to SU-1 for C-2 uses. The subject tracts, A-2, A-3, A-4, are located along Unser and Sage, and they consist of 3.48 acres and are part of the Unser Sage Marketplace Shopping Center, which, by the way, Commissioner, can be renewed in seven years and for an additional five years if you go six months before the expiration date. And it's an action by the planning commission.

The -- Tract A-5 is presently developed as a Family Dollar. Tract A-1, east of the Family Dollar store, consists of 4.79 acres and is undeveloped at present. The undeveloped tract abuts the majority of lots in Rolling Hills Subdivision Unit 1 on the east and south boundaries. Two tracts are not part of this request and will remain C-1 and are subject to the requirements of the approved site development plan.

Only Tract A-2 of the request abuts three residential lots, and those are at the end of a cul-de-sac, 40, 41 and 42, on the south property line, and the three lots are separated from the rear yard property line by a 30-foot private access easement. All lots are developed with houses.

The approved site development plan has two entrances in place and two deceleration lanes in place; one for the entrance to the Family Dollar store, and another for the subject tracts. One more entrance will be put in place along Sage when future Tract A-1 is developed. A free right-turn lane is also in place at the southeast corner of Unser and Sage. It's a north to eastbound lane to Sage. And a right-in/right-out access is in place on Unser northbound to the accessed easement of traffic A-2.

EPC Minutes
July 9, 2015

An internal circulation system consisting of private access easements is in place, connecting all parcels internally. A pedestrian circulation plan is in place, with a planned pedestrian bike access connection to Rolling Hills via a drainage way, to Windsong Place between Tracts 14 and 15. The approved site development plan for subdivision has adopted design standards requiring site design, sustainability, screening, architectural design, lighting and landscape that are required for all future developments. A conceptual grading and drainage plan is also in place. Amending the zoning will require all future development to conform to the approved site development plan already in place.

A notice of public hearing will be required for each individual site approval. Conformance to the Rank 1, 2 and 3 plans in the goals and policy sections. The zone map amendment request is subject to the goals and policies of the Albuquerque Bernalillo Comprehensive Plan or Rank 1 Plan, the West Side Strategic Plan, and the Southwest Albuquerque Strategic Action Plan, which are Rank 2 plans, and the Tower Unser Sector Development Plan, a Rank 3 Plan.

The request is in conformance with 11 policies of the comprehensive plan, including policies regarding developing an established urban new growth, activity centers, employment, location of commercial development, land adjacent to arterial streets, transportation and transit, pedestrian and economic development for local business enterprises, (inaudible) jobs and retail services with housing and population growth in the underserved West Side area.

The request is in conformance with the Rank 2 Plan goals of the combined West Side Strategic Plan and Southwest Albuquerque Strategic Action Plan approved in 2009 that provides strategic policies and a framework within which growth and development can be managed on the city's West Side through the designation of 13 district communities, including the Bridge Westgate community, where the request is located.

The request is also in conformance with two of the five interconnected goals of the Southwest Action Plan. Goal 1 is to build complete neighborhoods and a network of activity centers to serve them. The site is adjacent to an existing neighborhood activity center, as within the circle of the designated intersection at Unser and Sage. There's a general circle showing this section also included.

Goal 4 is to increase and improve commercial or retail services by locating major retail at major intersections and to build streets with traffic calming built in to support walking and biking on the streets like Unser and Sage. The request is in conformance with policies 1.3, 1.15, 1.16 regarding clustering of commercial and activity centers, prohibiting strip commercial, and providing access to neighborhoods for pedestrian and bicycle connections.

The request also supports development process issues of the West Side Strategic Plan, including Policies 4.4 and 4.5 concerning new development approaches to a unified development code and performance-based zoning system now under way by the city. Consultants are presently hired to revamp and improve city planning processes, including the updates to the comprehensive plan and the zoning ordinance and the DPM and other city rules and regulations that have been in place since -- for many decades.

EPC Minutes
July 9, 2015

One example of how these changes could be modified to the SU-1 description of this request for specific additional commercial uses, we would say instead of the request being made for specific use descriptors, such as a convenience store with packaged liquor and car wash, or a restaurant with full service liquor or a drive-in restaurant, et cetera, as is done in the present code, categories of uses listed in the C-2 code would be used instead. This will facilitate an easier transition to the new code and in the future as to what uses are permitted, since the new code will not be based on specific land uses descriptions used now, but based upon minimum standards -- or based upon minimum standards, but on a code based upon performance standards with incentives.

So we discussed this with staff and I think we concluded that rather than listing specific things, like I said, we would use the general-use category of C-2.

Finally, the request is in conformance with Appendix D to the Southwest Commercial District Plan done by the GPS planning group. Economic planners who conducted the three-day charrette process with the community determined the potential for viable retail services in Southwest Albuquerque and also to determine their most promising locations, one of which is the location designated as "Convenience Center" in the map in your packet in my part of the presentation.

The request to increase commercial options allowed in the C-2 zone are summarized in the executive summary, along with other findings from the charrette. Appendix D, which was adopted as part of the Rank 2 combined plan by the city, lists the following. With an estimated housing inventory at the time of 40,000 homes, the existing residential is significantly underserved for basic retail services and goods. Residents typically drive outside the area for most of their retailing needs, especially soft goods, groceries, restaurants and professional services. The map and table in Appendix D showed projected 20 locations for corner stores, i.e., convenience stores, with a projected -- this is a market -- with projected need of 50,000 square feet, none of which have been built. One Walmart has been built. Three drug stores and a Walgreens with packaged liquor and two CVS stores are also built. A lack of commercial retail will likely result in reduced competition, poor service and higher prices.

The study estimates the southwest present 400 square feet of commercial could be increased over 1.5 million by total build-out of 100,000 residents, plus an additional 50,000 outside the study area but within the trade area -- the trade area is obviously bigger than the study area -- in the next five years. And so this plan, which is in place for another -- another two years and can be extended by 2010, still is about the only site on the site that is developed and ready to go.

Assuming that half the shopping center is done outside the trade area, each person would likely support 10 square feet of retail against the national average of 20 square feet. The city at large of course at that time is reported to have 38 square feet per person. Now, that is probably not up to date, but that gives you some idea of the lack of services in this area, commissioner

CHAIRMAN NICHOLLS: How much more time do you need, sir?

MR. DINEEN: I'm sorry?

CHAIRMAN NICHOLLS: How much more time do you need

EPC Minutes
July 9, 2015

MR. DINEEN: I'm -- I'm --

CHAIRMAN NICHOLLS: How much more time do you need for your presentation?

MR. DINEEN: I have about three more pages. I'm trying to read this as fast I can.

CHAIRMAN NICHOLLS: All right.

MR. DINEEN: Am I running out of time?

CHAIRMAN NICHOLLS: Yeah.

MR. DINEEN: Okay.

CHAIRMAN NICHOLLS: If you could summarize.

MR. DINEEN: Just to go on, the GIPS study continues -- this planning study continues to talk about why there's a clear economic benefit to -- and a need in this area. In summary, there is a clear economic benefit to this request to the West Side in terms of enhancing commercial service needs and creating jobs that are sorely lacking. Adopted planning and economic policies in the GIPS report adopted by the city spell out the need for more commercial services.

The Tower/Unser Plan also continues these policies. It was adopted and changed in the same way.

I want to go quickly, then, to the policies for zone map amendment. I think -- I won't go through these. They're in your report. They meet all the requests. I want to say especially C-2 zone, especially auto-related commercial goods and services are lacking in the area. There are only three locations that are in the Tower/Unser Sector Development Plan area and diversification of the retail uses allowed. And C-2 will provide much needed commercial services now lacking in the served area. For more details, you can see those in my summary and my narrative, and I think also in the staff planners report to you.

We do not believe -- I think the other policies are written out. I just want to say a couple words about some of the other policies for R-270.

Policy D is the important policy. 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 plans and policies is outlined in the previous analysis. The change contributes to the economic needs of the West Side by allowing the diversification of retail, auto or M-2 services lacking in the area, while also contributing to the need for more employment.

Rank 2 and Rank 3 plans in the area have all provided information for the need for more commercial in this area to better serve the great number of residents already in the area.

We are not a strip zone, we are not a spot zone. We have met all the requirements in the plan for not being those zones. There is no -- the cost of the land use was not an economic benefit -- was not considered as an economic benefit directly to determining this. There is no economic benefit to the owner that was a determining factor in this request. Without this change, the development of the remaining parcels may take longer, but they will be developed.

EPC Minutes
July 9, 2015

CHAIRMAN NICHOLLS: And you've got --

MR. DINEEN: In conclusion --

CHAIRMAN NICHOLLS: Yeah.

MR. DINEEN: -- we believe that the request meets all the applicable policies of the resolution 270-1980 regarding policies for zone map amendment applications and also to all pertinent policies of the comprehensive plan, the West Side Strategic Plan the Southwest Strategy Action Plan and the Tower/Unser Sector Development Plan and the comprehensive zoning code as adopted by the regulations.

And we respectfully ask the planning commission to consider and approve the zone map amendment from C-1 uses to C-2 uses. Thank you for your time.

CHAIRMAN NICHOLLS: Commissioners, any questions?

I just have one, just really for information rather than anything else.

Why go to an SU-1? Why not go directly just to C-2?

MR. DINEEN: Well, because this gives us the shopping -- this gives us a site development plan that has to be reviewed further. We think that that -- that fits and comports with the site plan for subdivision that's already in place, and then also gives an opportunity for people to voice their concerns about the use that comes.

Now, that was delegated to DRB, so it doesn't have to come back to you, and I hope that we could still support that, rather than sending it back to the planning commission, just because the DRB meets on a more regular basis. So we would still support that, that review.

CHAIRMAN NICHOLLS: Commissioner Beserra

COMMISSIONER BESERRA: Good morning

MR. DINEEN: Good morning.

COMMISSIONER BESERRA: You discussed earlier a little bit about packaged liquor sales.

MR. DINEEN: Yes.

COMMISSIONER BESERRA: What kind of retail store are you looking at when --

MR. DINEEN: We're looking at a minimart kind of a store. Those are Circle Ks. We'll have some testimony from some of our market people here about that kind of a store.

But our experience is that there is a demand for a portion of that to be packaged. We are not looking at standalone. We are not looking at discount liquor. We are also looking at full service liquor, which is, by the way, across the street from this. There is an SU-1 for C-1 for full service liquor with restaurant. So that would be another one. And that, of course, is by the drink and it's hard liquor, and so on.

EPC Minutes
July 9, 2015

We -- you know, I think this concern that was expressed at a very late, 11th-hour meeting with the neighborhood, and we met with about eight people at that meeting, they were not -- one of them -- two of them, I believe, were officers in the Stinson Tower/Unser Neighborhood Association. I had talked to one of the members, Emilio Chavez, on several occasions on the phone. And he asked for an informal meeting. He did not know at that time, but he said he had some personal objections to packaged liquor.

I explained to him that -- and it was crime related and DWI-related issues. And I explained to him that there is no evidence, we've checked the record, there's nothing that we could find that correlates between a convenience store and selling package and DUIs and other things. There's nothing in the -- the police department has no such information. I can't find anything. I believe even the staff planner told me that she has not located anything that correlates to that connection.

Now, the issue of fortified wines and other things that perhaps people that are transit come into the neighborhood and buy and they can afford, I can't remember the term that is used for it, but it's the affordability issue, there has been, in the past, I know, some direction from the planning commission to control that by -- by having the owner agree to limit fortified wines. That's Mad Dog, I don't know, 20/20 or 20/40. I think it's a higher percentage of alcohol, 20 percent or -- I haven't drank any of that since I was a teenager, so I can't really tell you what the latest percentages are. And the miniatures, those are all things that I think they feel that attracts a certain kind of a customer. And that creates a problem with -- to the neighborhood.

And, you know, that's a consideration. I've asked my client what he thinks he is -- you know, that might be a possibility of -- we don't know -- you know, the problem with this area is that it's on the edge of the market area. Even though we have a lot of developed residential there, is it not in the center of the market area. And it's analogous to me of like the Tramway area, where if you'd sit on the east side of Tramway, the services there, a lot of them, even the Walgreens and some that have been along Tramway, even the traffic volume this high, it's closed, simply because there's not a market area -- there's a forest out there and the forest animals just don't buy their pharmaceuticals at Walgreens or anybody else. So it's not in the center of the market area, and that's a difficult thing.

We have some people here that I would like you to hear from that represent -- have more information, our experts in that area.

COMMISSIONER BESERRA: Thank you.

MR. DINEEN: Uh-huh.

CHAIRMAN NICHOLLS: Anything else, Commissioners?

Mr. Dineen, how many people do you want to have come up and speak?

MR. DINEEN: We have -- we have two on our side that will -- would like to --

CHAIRMAN NICHOLLS: So let's do that right now, I think. But I'm going to limit it to two minutes for each speaker.

MR. DINEEN: Okay. Thank you, Mr. Chairman, Thank you, Commissioners.

EPC Minutes
July 9, 2015

CHAIRMAN NICHOLLS: Thank you, sir.

MS. PAVLAKOS: Good morning, Mr. Chair and --

CHAIRMAN NICHOLLS: Good morning. State your name and address for the record, please.

MS. PAVLAKOS: My name is Evangeline Pavlakos. My address is -- my work address is 4333 Pan American Freeway, Northeast, Albuquerque, Mexico, 87107.

(Witness sworn.)

CHAIRMAN NICHOLLS: And I'm going to give you two minutes.

MS. PAVLAKOS: Okay. I'm here to speak on behalf of support for the zoning change to C-2 uses. I am a commercial real estate broker. I am a member of the CCIM, which is the Certified Commercial Investment Member group. We have done a lot of studies on the demographics for this property. The city agrees and the neighbors agree that services are needed here.

There is 1,952 people that live within one mile. 107,976 of those people live within a three-mile radius, and within a five-mile radius, there's 181,000 people. So I believe that it's clear that services are needed.

Without a conditional use for C-2, we cannot even get our local popular coffee shops to go in there. So we need that in order to have any kind of drive-through or a coffee shop or a fast-food restaurant.

The perfect use for this corner is auto-related uses. And just like Walgreens will not even look at a location without liquor, neither will most convenience stores with gasoline.

Disallowing this use will only delay the development of the area and other neighborhood sites. We all know that services follow services, and this is needed for economic growth.

I believe that most of us, if we think about it, have these kind of services right in our own neighborhood. In my neighborhood, we have a Giant Gas Station within one and a half miles of where I live. And if you think about it, these are in most neighborhoods.

I know that these service stations do sell liquor, so last night I popped into a Giant Gas Station just to see for myself, because I've never focused on that personally, although this is something where perhaps many of us might drive through quickly on the way out of town or to the lake and get some ice and some beer or a bottle of wine or -- a bottle of wine to take to a friend's house on the way to dinner. They are convenient. The focus was absolutely not the alcohol.

CHAIRMAN NICHOLLS: Your time --

MS. PAVLAKOS: Thank you.

CHAIRMAN NICHOLLS: Your time is about up, ma'am

MS. PAVLAKOS: Okay.

CHAIRMAN NICHOLLS: If you'd stick close.

EPC Minutes
July 9, 2015

MS. PAVLAKOS: Thank you for letting me speak.

CHAIRMAN NICHOLLS: Who is next?

MR. SHERMAN: My name is Stewart Sherman.

CHAIRMAN NICHOLLS: And your address, sir?

MR. SHERMAN: 4333 Pan American Freeway Northeast, Albuquerque, New Mexico.

(Witness sworn.)

CHAIRMAN NICHOLLS: Thank you. You have two minutes, sir.

MR. SHERMAN: I'm a broker with Berger Briggs, with 40 years of experience in real estate development. I've been asked to participate in helping to develop for a client people's purchase or lease of these premises. And in my years of experience, I see this as a C store location, along with other fast food conveniences for the area.

I do want to correct one thing that Ms. Pavlakos mentioned. She said population was 1900. It's 19,532 people in a one-mile radius.

To try and focus on the use and development of this site, I've contacted the C stores of Giant, Valero, 7-Eleven, et cetera, as well as food users, such as McDonald's, Burger King, Blake's, Wendy's and so forth. All of them have the requirement of a C-2 zone.

With respect to the C stores, if you have any familiarity with them, you will note that the majority of the floor space and refrigerator space is devoted to food and consumables that are nonalcoholic. And for these reasons, to bring these services to this underserved area, we request the SU-1 for C-2 so that these tenants, the users that I've just articulated, would be liable for development in that area. Thank you.

CHAIRMAN NICHOLLS: Any questions for the gentleman?

Thank you, sir.

Do we have anyone signed up from the public?

MS. HENRY: Yes.

CHAIRMAN NICHOLLS: How many?

MS. HENRY: Four.

CHAIRMAN NICHOLLS: Okay. Would you call the first two, please.

MS. HENRY: Matthew Archuleta, followed by James Gallegos.

CHAIRMAN NICHOLLS: Good morning, sir. Would you state your name and address for the record, please.

MR. ARCHULETA: My name is Matthew Archuleta. I reside at 1628 Summerfield Place, Southwest. And I am also vice president of the Westgate Neighborhood Association and a member of San Martin Parish, out in the area.

CHAIRMAN NICHOLLS: And are you representing those neighborhoods today?

EPC Minutes
July 9, 2015

MR. ARCHULETA: Yes. I took an informal poll from our board last night and they did ask me to represent them. And my comments are based on their comments. So I would ask for some additional time.

(Witness sworn.)

CHAIRMAN NICHOLLS: Let's start you with two minutes and see how we go.

MR. ARCHULETA: Okay. Thank you, sir. First off, I would like to state that I have lived in the neighborhood for 27 years. And the neighborhood association will agree that we are -- we have no services out there, absolutely hardly none. Okay?

The issue that we have with this change is the sale of packaged liquor. And I would like to show you a map of the area. Before I talked about this map, I would also like to tell you that over the years, we have opposed the sale of packaged liquor in the area. Number one, we have -- it was mentioned that there is a Walmart up the street, on the corner of 98th and Sage. We negotiated with Walmart early on and negotiated with them that they would not sell packaged liquor. The deal with made with them was, "In 18 months, you come back to us and ask us if you want to sell liquor." They have never come back to us because they know they can make money there without selling liquor. Walmart remains there and is a mainstay of the area without selling liquor.

If we take a look at the map, and I'm going to try and turn this around, the areas marked in pink are all packaged liquor sales areas right now. Okay? So you've got two. There's a Giant here. Ironically, there's a Blake's, there's a Giant, there's a McDonald's, there's a Kelly Liquors. Okay?

Let's go back over here. We've got Walgreens that sells liquor. We fought and lost that one. We have another liquor store on 98th and Central. We fought and lost that one. And there's a packaged liquor store across the street from that. Ironically enough, the liquor store at 98th and Central has to lock their liquor area, and you can only go in with an escorted guard. Okay.

There is the CVS Pharmacy on the corner of Central and Unser that sells packaged liquor, and that's where I'd like to bring up something about a facilitated meeting. When we were working with the developer on that, we had a facilitated meeting. And in that facilitated meeting, the developer said, "If you don't allow liquor sales there, we're pulling out of the whole thing." So that was with the coalition of neighborhoods. So naturally, everybody else kind of freaked out and said, "Well, we need development out here." Okay?

That was approximately five or six years ago. Guess what has developed out there. CVS Pharmacy and nothing else. Nothing else. They could have pulled out and we'd still be in the same basket, just where we're at right now. Okay? You go down to Coors and Central, those three dots -- yes.

CHAIRMAN NICHOLLS: How much more time do you need?

MR. ARCHULETA: Probably a couple more minutes, if you wouldn't mind.

CHAIRMAN NICHOLLS: I'll give you one more minute.

EPC Minutes
July 9, 2015

MR. ARCHULETA: Okay. So I wanted to set the stage to let you know, we oppose liquor sales. We support C-2, however, with the caveat of no packaged liquor sales.

The other thing on the map I've highlighted in yellow are elementary schools in the area, which are all within half a mile. Okay?

We feel like this request does not follow the standards set by R-270-1980. There was not an error when the existing zone map was changed.

There's no justification to sell packaged liquor in the area. We need services. We don't need more packaged liquor. Okay? That's why we've been fighting it. So there is no justification for this change. A different use category is not advantageous to the community. It is advantageous without packaged liquor. If the commission would make the caveat that we can go to C-2, SU-1 for C-2, without packaged liquor, we will support this. But with the ability to sell packaged liquor on here, we will not support this. Okay?

CHAIRMAN NICHOLLS: If I could ask you a question, sir. I think you hinted at it at the start of your presentation there. Tell me a little bit more about the facilitated meeting. When was that? Did you actually have a facilitated meeting.

MR. ARCHULETA: I was speaking about on another case.

CHAIRMAN NICHOLLS: Oh, okay.

MR. ARCHULETA: On this case, we did not have a facilitated meeting. For those of you who just live life, May and June are probably the busiest times of the year with graduations and weddings and things at church and a lot of other activities. I work full time. I probably work 50-plus hours a week besides everything else I try and do in the community.

So is it -- is it -- could we have done it? Maybe we could have. Is the timing bad? Yes, it is. We couldn't get everybody together. And frankly, some of us are -- you know, and I apologize for that. I'll take responsibility for that. But I'd rather come speak to you and I'd rather tell you what our concerns are and let you know what our concerns are and let you know that we've consistently fought that packaged liquor in the past.

CHAIRMAN NICHOLLS: Okay. Commissioners, any other questions for this speaker?

Thanks for coming in, sir.

MR. ARCHULETA: Thank you.

CHAIRMAN NICHOLLS: Who was next?

MS. HENRY: James Gallegos, followed by Emilio Chavez.

CHAIRMAN NICHOLLS: Good morning, sir. If you'd state your name and address for the record, please.

MR. GALLEGOS: My name is James Gallegos. My address is 3666 Tower Road, Southwest, Albuquerque, New Mexico. I live about a quarter of a mile from this corner.

EPC Minutes
July 9, 2015

(Witness sworn.)

CHAIRMAN NICHOLLS: Go ahead, sir. I'm going to give -- start you with two minutes.

MR. GALLEGOS: Okay. I'll probably need less.

I had mixed feelings about this at first, and then I started talking to neighbors and family, and I was talking to -- to my wife, and she was -- and I said, "You know what? The Walgreens on Central and Coors has packaged liquor. You know, I don't see any problems."

She says, "When I go down there," she says, "I'm scared because there's people out there asking for money." And she said it's very uncomfortable for her or my grandkids or my kids. And so I saw the other side of the story.

I don't think we need a packaged liquor store around that area. My kids and grandkids are going to be living there, and I'd appreciate it that it would be, you know, no packaged liquor stores.

I appreciate your time. Thank you very much.

CHAIRMAN NICHOLLS: Any questions for this gentleman?

Commission Peck.

COMMISSIONER PECK: Yes. Were you made aware of the facilitated meeting that could have been --

MR. GALLEGOS: Actually, my brother-in-law and I have talked about this for about a month or so, and we were talking about it, and that's when I started talking to other people about it. And I -- we did have a meeting with these gentlemen here. You know, they set the time, I guess. I'm not sure how the time was set. So we did have a meeting about this.

And everybody voiced their opinion and their opinion was -- most people's opinion was they can't see it advantageous to having a packaged liquor store there. Of course we need more -- more steers and, you know, Olive Garden would be great and stuff like that. But not a packaged liquor store.

COMMISSIONER PECK: You do realize that there's zoning -- and Olive Garden is -- would be part of what could be built here?

MR. GALLEGOS: Yeah, that would be great, but --

COMMISSIONER PECK: It's not strictly a packaged liquor store. It could be a restaurant, like an Olive Garden or an Applebee's or something like that.

MR. GALLEGOS: Right. I think it's a big difference in going to dinner and having a drink and going and having a package -- like I said before, the Walgreens on Central and Coors, there's people out there asking for money, they're -- they're -- if you drive down there right now, you'd probably see a bunch of people just laying around.

And it doesn't affect me, because maybe I'm ignorant about that, but my wife and younger kids it does affect quite a bit.

COMMISSIONER PECK: Okay. Thanks.

EPC Minutes
July 9, 2015

CHAIRMAN NICHOLLS: Anything else, Commissioners?

Thank you for coming in, sir.

MR. GALLEGOS: Thank you.

CHAIRMAN NICHOLLS: Who's next?

MS. HENRY: Emilio Chavez, followed by Dan Sosa.

CHAIRMAN NICHOLLS: Good morning, sir. If you'd state your name and address for the record, please.

MR. CHAVEZ: Good morning. My name is Emilio Chavez. I'm the president of Stinson Tower Neighborhood Association, and my address is 3670 Tower Road, Southwest, Albuquerque, New Mexico, 87121.

(Witness sworn.)

CHAIRMAN NICHOLLS: And are you representing that association today?

MR. CHAVEZ: I am.

CHAIRMAN NICHOLLS: I'm going to give you five minutes.

MR. CHAVEZ: Okay. I would like to say that we appreciate it that Mr. Dineen and Mr. -- I hope I don't mess up your name -- Daskalos, were willing to meet with us.

As far as the facilitated meeting, unfortunately, as Matthew mentioned, it was bad timing for this issue. And I think if it hadn't been some bad timing and it had gone under the radar, you would have probably other neighborhood associations definitely opposed to this. Evaluations, schools out, taking care of the kids, setting up the whatever activities, whatever, bad timing.

I had problems trying to get a meeting in discussion of this because of everybody's vacations, graduations, everything. But I finally did, and the facilitated meeting schedule was at a bad week, when they said, "Okay. We need to do it this week of." Totally bad week for all of us.

Anyway, I tried my best. We met. And I appreciate that they did meet with us in our group. We discussed issues. There were concerns that were brought up. And some of these concerns and issues were likelihood of increased DWI issues in that residential area. We really need development, but it's not developed. It's residential right now.

We, in fact -- I had a nephew -- nephew killed, he was nine years old, on Father's Day, right at that intersection. DWI driver ran a stop sign. Anyway, I don't know where they bought the liquor. I'm not saying they bought it there. They could have bought it anywhere. But Albuquerque has issues with DWI.

Allowing this packaged liquor is opening the doors to other development there for the same type of packaged liquor. We know that there's full sales liquor that can happen in restaurants. That's a different type of clientele you're talking about there. We have no problem. I go to restaurants from Nick & Jimmy's and El Patron. But these are different kinds of environments.

We saw it as a possible spike and climb. And if you don't mind, I'd like to hand you something -- the statistics that I got on the Giant station, which is the closest similar-type operation,

EPC Minutes
July 9, 2015

service station, convenience store, packaged liquor. And if you don't mind, I'd like to just --

CHAIRMAN NICHOLLS: I think you could just read those into the record.

MR. CHAVEZ: Pardon me?

CHAIRMAN NICHOLLS: Just read it into the record, please.

MR. CHAVEZ: Okay. This was -- I received this from the Bernalillo County Crime Analysis Unit, and do I put it here? I don't know.

CHAIRMAN NICHOLLS: You can put it on there, yes.

MR. CHAVEZ: Okay. That is a Giant Station, which is the closest one to this location, actually. As you can see, there was a grand -- these are calls that the Bernalillo County Sheriff's Department had to respond to. A total of 149 calls during that time frame, and that is very significant.

One of our members said that they'd driven many times by this area and you see a lot of undesirables. You know, would that happen if there wasn't packaged liquor there? I think not. You know, they're not going to be hanging around there. You know, you have a business, a gas station, you go get gas and you're gone, but, you know. Disturbances, 53 disturbance calls for that time frame.

Now, I don't think these are everyday good citizens that are arguing for the last bag of Cheetos on the shelf and who's going to get it. I don't think so, you know. So anyway, we have concerns about that.

Also, there's a Walgreens down the street, one block away, and that Walgreens did meet opposition about packaged liquor. And they agreed not to have packaged liquor. They're doing fine. They're been there for years. I don't think it's necessary that you have to have packaged liquor to make a business work.

So we are -- no doubt, we need more commercial development in the area. We were excited when we heard about commercial development, but very turned off when we found out about the packaged liquor.

CHAIRMAN NICHOLLS: How much more time do you need, sir?

MR. CHAVEZ: Maybe one minute.

CHAIRMAN NICHOLLS: Go ahead.

MR. CHAVEZ: Okay. So we don't want or need development that's going to be detrimental to our neighborhood. We need development, but not detrimental type. If it's a station they want to put there with the convenience, fine. You know, it would probably do very well. But I don't think we need packaged liquor.

There's been a history of other businesses in the area where they've not -- they've been opposed to packaged liquors. As I mentioned, Walgreens, Bridge and Old Coors. Circle K wanted to do exactly the same thing, convenience store, gas pumps, packaged liquor. The SWAN Neighborhood Association had a big opposition to that and they didn't do it.

EPC Minutes
July 9, 2015

So anyway, there's a history of opposition to that. If it hadn't been bad timing and this thing gone under the radar, I think you would have had probably a couple more neighborhood associations up here. And I'm sure that they are opposed to it, you know.

CHAIRMAN NICHOLLS: All right. Thank you, sir.

Any questions for the gentleman?

Thank you for coming in, sir.

MR. CHAVEZ: Okay.

CHAIRMAN NICHOLLS: Who was the last speaker?

MS. HENRY: Ron Sosa.

CHAIRMAN NICHOLLS: Good morning, sir. If you would state your name and address for the record, please.

MR. SOSA: My name is Dan Sosa. My address is 3615 Tower, Southwest.

(Witness sworn.)

CHAIRMAN NICHOLLS: And who are you representing today, sir?

MR. SOSA: I'm representing -- well, I'm a member of the board of the Stinson Tower Neighborhood Association. I'm also representing my family.

CHAIRMAN NICHOLLS: I'm going to give you two minutes.

MR. SOSA: Okay. And I will be brief. Well, you know, we have lived in the area for -- since 1993, 22 years, and we've seen it develop from a dirt road, Tower Road, and Tower and Unser was tires and everything. Well, right now, at this point, I think we're basically talking about infill. I don't see how they can say it's on the edges of development. But we don't see a need for -- for a liquor license at this location either.

My family and I -- you know, we have plenty of liquor licenses in the area. We have a problem with alcohol, abuse of alcohol in the neighborhood. There is -- there is a Giant Gas Station within a mile and a half. There's one -- you know, we've gone on about that, how close. But it seems like, I don't know, the developers think that liquor is what sells. In that area, they want to sell and leave.

My family has lived there, as I say, for over 20 years, and we plan on living there for the rest of our lives. This is just right across the street from our neighborhood. We don't need it in our neighborhood. It's available other places and we don't need it in our neighborhood. The reason I wasn't able to attend a facilitated meeting was because I was out of town, you know. I got e-mails. It wasn't convenient for me. And I don't know what we would accomplish there, because they just want the ability to sell liquor.

CHAIRMAN NICHOLLS: Commissioners, any questions?

Thank you for coming in, sir.

MR. SOSA: Thank you.

CHAIRMAN NICHOLLS: Well, let's go ahead and hear from the

EPC Minutes
July 9, 2015

applicant in closing, please.

MR. DINEEN: Thank you, Mr. Chairman, Commissioners. I want to say a couple words. We did -- on two occasions, we asked for a facilitated meeting, which they were contacted for a facilitated meeting. We did not receive any response to that.

Emilio called me several times and said that he had concerns, but he had not really -- these were personal concerns about it. There was no -- no polling taken of the association either for either one of these. So we don't know -- the officers are speaking, but I don't know if they really -- if they really tried to find out from their constituents how they felt about it.

We have a petition from eight people that live in the area that are in support of this, and I would like to get that in the record. And so we -- we only pulled that together in a day or so. There was no one here that lives immediately and near this thing, not on any of the developed lots there. And they're all developed at this point.

So we really wonder about this 11th-hour thing and the excuses we've heard here today about why. And, you know, the city's policy of giving people a chance to facilitate and come to a conclusion and not wait till the 11th hour, which put us all in a very tight spot, is the right approach to take to this.

All that aside, we still think that we've justified this under not necessarily what was referred to here, under the this is better for the community, based upon the policies. And I didn't hear anything based upon a challenge of those policies that we did hear from the neighborhood association.

We look at this as a -- as is said here, as an incidental use. It's not the primary use. We're in the trying to do anything that is going to create crime. Some of these statistics here, you looked at that as a very -- it's a very much of a slice of a pie of one place. It doesn't compare convenience centers to other areas. It picks out a location that in itself may be a higher crime area. So we challenge whether that is really worthwhile data. Also, you saw there that there -- there was drunk driving, but I would still mention that it's just 143 incidents.

So we really respectfully request the commission consider our application for a zone change, and we'd ask you to act in our favor and not do a continuance on this, if possible.

I'm going to ask my client if he would like to say a few words.

CHAIRMAN NICHOLLS: Good morning, sir. If you'd state your name and address for the record, please.

MR. DASKALOS: Jimmy Daskalos, 6300 Jefferson, Northeast.

(Witness sworn.)

CHAIRMAN NICHOLLS: I'm going to give you two minutes.

MR. DASKALOS: Thank you. We just respectfully ask that the commission approve our zoning change. We've owned this property for ten years, and we'd love to bring services to the southwest area. It's direly needed.

Unfortunately, without the C-2 zoning use, there's been no interest in the property. We'd like to develop it. As you know,

EPC Minutes
July 9, 2015

it's been almost seven years, five years already in the plan. And the only interest that has come in there is C-2 uses, whether it's restaurants, whether it's convenience stores. Those are the issues.

I've talked to numerous people that live in the area that are very supportive of this. Unfortunate, they couldn't be here this morning because we didn't get the objections till Monday and they couldn't change their plans to get here. I wish I could have had them here. But there is more support in the neighborhood for having something close. They don't like driving out of their area to get everything.

The examples that they're using, they're using on Central and Coors, which is a higher traffic area and higher crime area, and the Walgreens at 98th and Gibson that does sell liquor there does not have those problems and we think this area would be the same situation there. And we thank you for your consideration.

CHAIRMAN NICHOLLS: Commissioners? Commissioner Hudson

COMMISSIONER HUDSON: Thank you, Mr. Chair.

Mr. Daskalos, I might ask you the question or your marketing expert, but it is possible, since Walmart and Walgreens both developed in the area with no liquor, can a convenience store do such a thing, or would they not consider it because of that?

MR. DASKALOS: They won't consider it

COMMISSIONER HUDSON: They won't consider it.

MR. DASKALOS: And Walgreens no longer does. I believe they no longer do stores without liquor. When they did that store, they had actually started a plan of getting rid of the liquor and they reversed course on that. They no longer do stores without liquor, I believe.

The Walmart is a unique situation. There's really no other grocery stores like that that will go into a neighborhood. That you know, is a great find for the neighborhood, it's a good store for the neighborhood. But there's not another competitor that does a small grocery store like that that we could get down there to help, you know, compete with Walmart there. There's just no interest to that.

COMMISSIONER HUDSON: Can a C store do limited alcohol sales if possible, like eliminating miniatures or something like that?

MR. DASKALOS: We're not opposed to that. You know, we discussed that in the meeting that we met with the -- with the neighborhood, that small meeting that we had, that we would consider eliminating miniatures, because that seems to be where the issues are. It's not the package as far as -- and we don't want a standalone packaged liquor store either. But, you know, the regular sales outside of miniatures, we're okay limiting that. I don't have a problem with that. That's not -- you know, and I think the C stores would probably be okay with that, too. But the overall liquor sales is what they want

COMMISSIONER HUDSON: Mr. Dineen also, he referred to, I'm not familiar with it, fortified wines. So is that something also that could be eliminated?

MR. DASKALOS: That we could discuss also, sure. I don't know what's the value of that to the stores. I mean, obviously I'm

EPC Minutes
July 9, 2015

not in that business. But those are two things that we could definitely consider putting some kind of restriction on.

COMMISSIONER HUDSON: Okay. Thank you.

CHAIRMAN NICHOLLS: And let's hear from staff in closing.

Oh, I'm sorry. Go ahead, Commissioner Beserra.

COMMISSIONER BESERRA: I'll listen to the staff.

CHAIRMAN NICHOLLS: Okay.

COMMISSIONER BESERRA: And then I'll ask my question from that.

MS. GOULD: Mr. Chair, Commissioners, I don't really have anything further. I believe the language, if you were going to look at eliminating the miniatures, we have a language from a previously approved case. It was the Walmart at Unser and Ladera where they had language that was crafted very, very specifically and they worked with our code enforcement and they worked with legal. And I believe we could find that Notice of Decision.

CHAIRMAN NICHOLLS: I guess just for our education, if you will, we're looking at a site development plan for subdivision, correct?

MS. GOULD: Mr. Chair, we're looking at a request for a zone map amendment.

CHAIRMAN NICHOLLS: Zone map amendment

MS. GOULD: But that zone map amendment is tied to the site plan for subdivision.

CHAIRMAN NICHOLLS: Okay. But we do not have a site development plan for building permit at this point, right?

MS. GOULD: That is correct.

CHAIRMAN NICHOLLS: And what I'm trying to get at is, would these issues be more pertinent to the site development plan for building permit compared to the zone map amendment we're talking about today?

MS. GOULD: Mr. Chair, the zone map amendment before us today is what will create the future uses on this tract, and then design of buildings and related site infrastructure will be governed by the site plan for subdivision.

CHAIRMAN NICHOLLS: That's what I was getting it.

MS. GOULD: Yeah.

CHAIRMAN NICHOLLS: I wanted to just make sure there was a logical train here.

Commissioner Hudson.

COMMISSIONER HUDSON: Just to piggyback on that, I heard you earlier say, though, even though this is an SU-1 zone, should we approve it, that it will go to DRB. It will not come back to the EPC; is that correct?

MS. GOULD: The way that it -- the way that the site plan for subdivision was adopted is it sends these tracts back to DRB for

EPC Minutes
July 9, 2015

an advertised public hearing. And I will defer to counsel as to other -- if you wanted to impose that as a condition.

COMMISSIONER HUDSON: Yeah, I'd like to know if that could be a possible just as a consideration for the commission.

MR. WHITCOMB: Mr. Chair, Commissioner Hudson, as far as its uses go, that wouldn't go to DRB. It would be more the subdivision development of these lots. There's not -- as far as I'm aware, there's not a site plan attached to today's request. It's simply a zone change request, which really isn't within the purview of the DRB. Does that make -- does that answer your question?

COMMISSIONER HUDSON: It does. And thank you, but earlier -- I'm not sure you were here, but earlier it was discussed, if I'm not mistaken, that this was going to be -- so if there's going to be a site plan for building permit, because it's SU-1, will we be hearing it again?

MS. GOULD: As it stands now, no. So was your question is that a condition that the EPC can impose on that zone map amendment?

COMMISSIONER HUDSON: Yes.

MS. GOULD: And for that I'm (inaudible).

MR. WHITCOMB: Mr. Chair, Commissioner Hudson, this request with the change for SU zoning really opens up the process. And I think you could put whatever conditions you felt were appropriate on the site.

CHAIRMAN NICHOLLS: And I think, to clarify again, that was exactly why I asked the question, because SU-1s normally routinely come back to this commission. And I wanted to make sure that we cover that point, and that was why I asked the question, why are we doing SU-1.

But the fact that we are asking for -- that the applicant is asking for SU-1 implies, at least from my understanding, that that then brings that back as part of the SU-1 zoning to bring it back before EPC, not direct to DRB.

MR. WHITCOMB: Mr. Chair, and I think you're generally correct. There's one small caveat within this plan that typically SU-1 parcels go directly to DRB, unless I'm mistaken on that.

MS. GOULD: Mr. Chair, Commissioners, and Mr. Whitcomb, it's the existing adopted site plan for subdivision that sends parcels to DRB for approval. But it's my understanding from this conversation that as part of the process of imposing the SU-1 zone, it is within the purview of the commission to impose conditions on the granting of that SU-1 zone.

CHAIRMAN NICHOLLS: That's what I was getting at, yes. Thank you for that clarification.

Commissioner McCoy -- Commissioner Beserra, did you have --

COMMISSIONER BESERRA: Yes, I did.

CHAIRMAN NICHOLLS: Commissioner McCoy first, then Commissioner Beserra.

COMMISSIONER MCCOY: Thank you, Mr. Chair.

In the previous findings discussed for the limitation of

EPC Minutes
July 9, 2015

miniatures and fortified wines, have you shared that with the applicant?

MS. GOULD: Mr. Chair, Commissioner McCoy, we've discussed the existence of that language, but they don't have it. And I can -- as I said, I can grab a copy of that Notice of Decision.

COMMISSIONER MCCOY: I think I would appreciate that. I think I tend to generally prefer imposing that limitation at this step than not in an attempt to perhaps pacify some of the concerns I've heard. This is a much-needed development site, but there are some concerns that I think I would like addressed.

CHAIRMAN NICHOLLS: And Commissioner Beserra

COMMISSIONER BESERRA: Thank you, Mr. Chair.

First of all, let me applaud the developers for working on this project. This area is distressed for retail and commercial businesses, and I support that.

I also feel that I -- I support the idea of selling liquor or alcoholic beverages in restaurants. I think that's a great idea as well. What I don't support is packaged liquors. And packaged liquors, especially coming from a Circle K gas station, would be a problem for me. The reason being is, I'm very familiar with the area because I live in this area. I've seen a number of problems with criminal elements going on every -- everywhere from Blake and Coors all the way to Bridge. There's been maybe four different establishments, gas stations as well, who have attempted to sell packaged liquors and they have been blocked. And there's a reason for that.

The reason being is it does attract the criminal element. And it's not so much that they buy their liquor and move on, what they do is they move on to the neighborhoods. And that's been a problem. We've already seen statistical data that supports this argument.

So the only restriction I would have is selling packaged liquors in a gas station, whether it's Circle K, Valero, whatever it may be. I think that's a big -- that's going to be a problem for me to support. And that would be my stance on this. Thank you.

CHAIRMAN NICHOLLS: Anything else for us in closing?

Let's go ahead then and close the floor.

Discussion, Commissioners?

Ms. Gould, while we're doing that, you if you could look up those -- that previous case.

Go ahead, Commissioner Hudson.

COMMISSIONER HUDSON: Thank you, Mr. Chair.

So we heard from the applicant and the marketing folks and the neighborhoods, and everyone is in agreement that this neighborhood needs to be developed. And it's sorely needed for development. We're also hearing obviously the issue with packaged liquor.

What I would hate to do is hold the developer up from being able to do other type of uses here because we're talking about one specific type use that we've continued talking about, and that's

EPC Minutes
July 9, 2015

about a convenience store with packaged liquor. And it would be a shame to hold them up for both the neighbors and the developer to not be able to do an Olive Garden or to do an Applebee's or to do other type of developments like that because we're being held up on this convenience store with liquor issue.

So it would really be good if we could come to some compromise somehow that the developer could go forward with his development, but limit the -- limit or exclude, as we just heard from Commissioner Beserra, any kind of packaged liquor.

I think it would be a good thing for the neighborhood for them to go forward with doing the other development. We're only talking about three sites, but it does sound from Mr. Sherman that there is definitely interest from convenience stores. So I'd sure like to be able to see a convenience store go in there and be able to sell cokes and chips and candy and bread and everything else. It would be nice if they didn't sell liquor as well.

So I'm torn between the two, and I'd like to see what the decision was previously. And I think it's unfortunate that the neighbors were unable to get together for a facilitated meeting. But perhaps if we could do something to where this came back to EPC for a site plan for building permit, it would give the neighbors, then, an opportunity to perhaps have a facilitated meeting. So I'd like to see a compromise here, if possible.

CHAIRMAN NICHOLLS: Commissioner McCoy.

COMMISSIONER MCCOY: Thank you, Mr. Chairman.

I indeed applaud the developer for attempting to bring some services to a much needed area. Interestingly enough, during my site visit, I found myself in need of gasoline for my car and became just absolutely cognizant of how few C stores, other things there are in this particular area.

I'm not sure statistically we know how limiting miniatures or fortified wines or other things like that improve the at least perceived issue here. But I think a compromise is in order, and I would certainly be supportive of two I guess it would be called conditions. One would be a limitation for miniatures and fortified wines, and the second being a return to the EPC for the building permit part of this development to allow at least public input and notification as the neighborhoods are familiar with.

CHAIRMAN NICHOLLS: Anyone else?

Commission Peck.

COMMISSIONER PECK: Thank you, Mr. Chair.

I'm in agreement with Commissioner McCoy on the limitations on the fortified wines and the miniatures. I think that is probably part of some of the issues. Citing the Walgreens up and Central, again, I think that's a totally different neighborhood than where we're looking at here. And, again, the services are sorely needed.

My biggest concern is, I do understand the time of year and that people have other things. But I think if you're that passionate about being involved in the development process in your neighborhood that you kind of make a -- you probably should have taken a facilitated meeting.

EPC Minutes
July 9, 2015

I'm also concerned that out of 25 home sites along Quiet Desert and Windsong, we didn't hear from one person who lives along that border, which is a direct impact on their -- where they live.

So I guess I would like to see, you know, the condition of site plan for building permit coming back along with those conditions Commissioner McCoy mentioned.

CHAIRMAN NICHOLLS: Commissioner Beserra, did you have anything for us in closing?

COMMISSIONER BESERRA: Mr. Chair, the only thing I would say is that I agree with Commissioner McCoy's argument. And I, too, am kind of torn between this, because I do want to see the area developed.

I know Mr. Daskalos and -- has had a number of successful businesses. I'm sure he'll make this one a successful business. The main stickler here is this packaged liquor being sold from a gas station. Regardless of what most people's ideas are, I do believe that drives those gas stations, liquor sales. And we have a Valero located on Bridge and Old Coors without the packaged liquor, and they're doing fine. That place is packed with vehicles every single day. Same goes for the standard station just down the road.

So I'm -- with that, I'd like to just say that I support the project, I support the -- the development, and with some -- these restrictions, and if we can get to view those developments in the future, I would -- I would agree with this.

CHAIRMAN NICHOLLS: Commissioner McCoy.

COMMISSIONER MCCOY: Thank you, Mr. Chair.

I just want to repeat several other commissioners' comments. This discussion seems to go back directly to the opposition of a gas station selling liquor, which we have no requests for, proposal for or what you have you. So I don't want our focus and our record to be inaccurate.

There could be other types of situations where this would be advantageous to limit the liquor sales, but we are not discussing, at this point, I believe, a C store or gas station with liquor sales as the point of discussion.

CHAIRMAN NICHOLLS: So let me just ask Commissioner McCoy. You're saying that you would prefer to defer that issue instead of it coming back as part of the request for site development plan for building permit?

COMMISSIONER MCCOY: I believe I want two things. I believe I concur with the way you said that, however, what I would like to do in this request, if I were the only one making the decision, is to put two limitations on the approval.

Number 1, limiting type of alcohol sales by eliminating miniatures and wine. And an Number 2, coming back to the site development plan for building permit so the public has some input.

CHAIRMAN NICHOLLS: Commissioner Hudson.

COMMISSIONER HUDSON: Thank you, Mr. Chair. I'd like to throw out one other spot that maybe the applicant will consider, because I know the EPC process sometimes can be lengthy and it

EPC Minutes
July 9, 2015

takes a little more time to come through EPC before DRB.

So I'd like to know, if possible, if the applicant would consider just excluding all liquor sales, packaged liquor sales on the site, and then forgo coming back to the EPC and then just going directly to DRB. So that's two things. One, you don't have any packaged liquor sales, but then you don't have to come back to EPC.

And I'm just throwing it out there. I'm not proposing it, but I'd like to hear from the applicant, if I may, Mr. Chair, if that's something that could be considered.

CHAIRMAN NICHOLLS: I'm willing to open the floor up to answer that specific question.

Mr. Daskalos.

MR. DASKALOS: We would -- although that's an option, we would prefer to do the limitation as Commissioner McCoy has stated. That would create for interest for the C stores.

COMMISSIONER HUDSON: Okay.

MR. DASKALOS: I don't believe they have the interest without doing the package. But I don't think it's a problem limiting it to what Commissioner McCoy said.

COMMISSIONER HUDSON: Okay. I just thought it would be an option for you to consider to just expedite the process.

CHAIRMAN NICHOLLS: And I think I agree with the comments that have been made by my fellow commissioners. I do think that limiting the liquor sales in miniatures and fortified wines is not a bad idea.

I think there's a little bit of misconception that our fortified wines, which, shall we call them adulterated, have added alcohol into them just to boost their alcohol content. I would also classify fortified wines, such as Port and Sherry, I know because my wife is a port expert and she's cost me dearly over the time, but those are also fortified wines. But I just want to be sure that we're thinking along the same lines as to what we are trying to limit here. But I do agree that that is not unreasonable.

I think I also strongly agree with the concept that any site development plan for building permit therefore does come back to the EPC. And part of my reasoning there is because the request was for an SU-1 zone, which implies that it should do that.

So, Ms. Dicome and Ms. Gould, do we have some language that we could hear? Okay. You need to take a couple minutes?

MS. GOULD: Yes.

CHAIRMAN NICHOLLS: Let's re-close the floor, but, again, thank you for clarifying that for us.

Ms. Dicome, Ms. Gould, can I just ask one question before we proceed on this any further?

In the middle you've got a finding, correct? Should that drop up to the regular section of findings. But we want to make sure these are both -- the other two pieces are conditions of approval.

EPC Minutes
July 9, 2015

MS. GOULD: Okay.

CHAIRMAN NICHOLLS: All right. And the applicant -- yeah. That was all I needed.

MS. GOULD: Mr. Chair, the first, there would be an additional finding added to clarify that the applicant agrees to this. And then the new zone category would be as listed there in that paragraph, SU-1 for C-2 uses, excluding the sale of distilled spirits, as defined in the New Mexico Liquor Control Act in any package that contains less than 450 milliliters, and fortified wines with a volume of alcohol of more than 13 and a half percent.

And then there would be a condition that says: Site development plans for building permit for Tracts A-2, A-3 and A-4 will be reviewed by the EPC.

CHAIRMAN NICHOLLS: Okay.

Commissioner Hudson.

COMMISSIONER HUDSON: Just a question for staff. So the only -- the only alcohol we're limiting of more than 13.5 percent there are wines, or like -- you know, so the one that comes to my mind is like a rum that's 151. Does that fall under there, or no?

MR. WHITCOMB: Mr. Chair, Commissioner Hudson, actually, we're only limiting fortified wines, which is just a type of wine, a wine which has liquor added to it to increase the alcohol content. We were speaking with the applicant during the break and they were a little scared because certain wines, like Petite Sirah, have over 13.5 percent alcohol naturally, but those aren't fortified wines, they're just wines that happen to have that alcohol content.

So that's the only prohibition on any type of wine. The more general prohibition is distilled spirits, which I think 151 would fall under. We're not -- you can sell distilled spirits, but not in any package smaller than 450 milliliters, which is roughly just smaller than a quart. Your typical miniature, according to my quick research here, is 50 milliliters. The quart is 470 milliliters. So this would larger packages of distilled alcohol, but no miniatures, which I think is one of the big concerns of the neighborhood.

And, Mr. Chair, I understand that we've shut down the floor, but I would like to have on the record if possible, reopen the floor and have the applicants say that they agree with these conditions before we invoke it, if we do, if that would be okay with the commission.

CHAIRMAN NICHOLLS: I think without even opening the floor, Mr. Daskalos, if you'd just step up to the podium. For the record, do you agree with Finding Number 12 and then the two conditions that we're going to apply, if that is the will of the commission?

MR. DASKALOS: Yes, I do.

CHAIRMAN NICHOLLS: Thank you, sir.

Commissioner Hudson.

COMMISSIONER HUDSON: Thank you, Mr. Chair. I have another question for legal.

EPC Minutes
July 9, 2015

How is this enforced? I saw our zoning enforcement officer was here, but he's not here. How is this enforced?

MR. WHITCOMB: Code enforcement will enforce it like any other zoning condition, which can be a specific one for this. And I think not this specific condition, but conditions of this type have been created for plenty of sites that they enforce -- enforce specific conditions per site.

COMMISSIONER HUDSON: Okay. Thank you.

CHAIRMAN NICHOLLS: I think at this point I believe we are ready for a motion.

Commissioner McCoy -- I'm sorry. Commissioner McCoy.

COMMISSIONER MCCOY: Thank you, Mr. Chair.

Regarding Project 1008203/15EPC-40020, I move approval based upon Findings 1 through 11 in the staff report, plus new Finding 12, with an added condition as displayed on our screen and previously read into the record.

UNIDENTIFIED COMMISSIONER: Second.

COMMISSIONER MCCOY: Okay. I've just -- forgive me, I've been corrected. Two conditions. One condition being the excluding certain distilled spirits and fortified wines, and that the second condition be site development plan returning to EPC.

MS. GOULD: Mr. Chair, Commissioner McCoy, I believe that because the zoning actually contains that prohibition within it, we don't need an additional condition.

MR. WHITCOMB: Mr. Chair, I agree with staff, the SU-1 for C-2, with the limitations into it, is the actual zoning. It's not the condition. The condition then would be site development plan for building permit to come back.

CHAIRMAN NICHOLLS: Okay. So that actually is part of the SU-1 for C-2 uses?

MR. WHITCOMB: Correct.

CHAIRMAN NICHOLLS: Okay. All right. I think we're good. Thank you.

Was there a second?

UNIDENTIFIED COMMISSIONER: Second.

CHAIRMAN NICHOLLS: A motion and a second. Any discussion on the motion? Hearing none, those in favor say aye

ALL MEMBERS: Aye.

CHAIRMAN NICHOLLS: Those against, say no.

Motion carries unanimously. Thank you.

(5-0 vote. Motion approved.)

(Conclusion of recording.)

EPC Minutes
July 9, 2015

RE: CITY OF ALBUQUERQUE EPC
MEETING MINUTES OF JULY 9, 2015

TRANSCRIPTIONIST'S AFFIRMATION

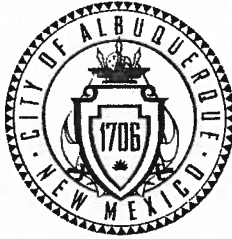
I HEREBY STATE AND AFFIRM that the foregoing is a correct transcript of an audio recording provided to me and that the transcription contains only the material audible to me from the recording and was transcribed by me to the best of my ability.

IT IS ALSO STATED AND AFFIRMED they am neither employed by nor related to any of the parties involved in this matter other than being compensated to transcribe said recording and they have no personal interest in the final disposition of this matter.

DATED this 9th day of August 2015.

Kelli A. Gallegos

~~Kelli A. Gallegos~~-----



ENVIRONMENTAL PLANNING COMMISSION AGENDA

**Thursday, July 9, 2015
8:30 a.m.**

**Plaza Del Sol Hearing Room, Lower Level
600 2nd Street NW**

MEMBERS

**Peter Nicholls, Chair
Karen Hudson, Vice-Chair**

**Maia Mullen
Bill McCoy
James Peck**

**Moises Gonzalez
Derek Bohannon
Victor Beserra**

NOTE: A LUNCH BREAK AND/OR DINNER BREAK WILL BE ANNOUNCED AS NECESSARY

Agenda items will be heard in the order specified unless changes are approved by the EPC at the beginning of the hearing; deferral and withdrawal requests (by applicants) are also reviewed at the beginning of the hearing. Applications with no known opposition that are supported by the Planning Department are scheduled at the beginning of the agenda; these cases are noted with an asterisk (*). Applications deferred from a previous hearing are normally scheduled at the end of the agenda.

There is no set time for cases to be heard. However, interested parties can monitor the progress of the hearing by calling the Planning Department at 924-3860. All parties wishing to address the Commission must sign-in with the Commission Secretary at the front table prior to the case being heard. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak. **In the interest of time, presentation times are limited as follows, unless otherwise granted by the Commission Chair: Staff – 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each. An authorized representative of a recognized neighborhood association or other organization may be granted additional time if requested. Applicants and members of the public with legal standing have a right to cross-examine other persons speaking per Rule B.12 of the EPC Rules of Conduct.**

All written materials – including petitions, legal analysis and other documents – should ordinarily be submitted at least 10 days prior to the public hearing, ensuring presentation at the EPC Study Session. The EPC strongly discourages submission of written material at the public hearing. Except in extraordinary circumstances, the EPC will not consider written materials submitted at the hearing. In the event the EPC believes that newly submitted material may influence its final decision, the application may be deferred to a subsequent hearing.

**NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER
HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.**

143

Call to Order:

- A. Pledge of Allegiance
- B. Announcement of Changes and/or Additions to the Agenda
- C. Approval of Amended Agenda
- D. Swearing in of City Staff

1. Project# 1008203

15EPC-40020 Amendment to Zone Map
(Zone Change)

Richard Dineen, agent for Unser & Sage, LLC, requests the above action for all or a portion of Tracts A-2, A-3 & A-4, Unser & Sage Marketplace, zoned C-1, to SU-1 for C-2 Uses, located on Unser Boulevard SW, between Sage Road SW and Arenal Road SW, containing approximately 3.5 acres. (M-10)
Staff Planner: Maggie Gould

2. Project# 1005517

15EPC-40021 Site Plan for Subdivision

Tierra West LLC, agent for Argus Jefferson Partners, LLC, requests the above action for Lots 2-A-1 and 2-A-2, Tract B, Plat of Lots 2-A-1 and 2-A-2, Enviroco Tract (being a replat of Lot 2-A, Tract B), zoned M-1, located on Jefferson Street NE, between Osuna Road NE and Ellison Street NE, containing approximately 7.2 acres. (E-17)
Staff Planner: Catalina Lehner

3. Project# 1001620

15EPC-40022 Text Amendment to the Zoning Code

COA Planning Department requests the above action to amend the Zoning Code Sections 14-16-3-10 (Landscape Regulations), 14-16-3-1 (Off-Street Parking Regulations), 6-6-2-4 (Required Street Trees), 6-6-2-5 (Street Tree Policies), 6-6-2-6 (Street Tree Programs), 6-6-2-7 (More Detailed Regulations) and 6-6-2-8 (Waivers and Variances) to establish standards that enhance, improve and maintain the quality of the public environment. City-Wide.
Staff Planner: Vicente Quevedo

4. OTHER MATTERS:

- A. Approval of May 14, 2015 Revised Minutes
- B. Approval of June 11, 2015 Minutes
- C. ART Update from Transit Department

5. ADJOURNED:



ENVIRONMENTAL PLANNING COMMISSION ACTION SHEET

Thursday, July 9, 2015
8:30 a.m.

Plaza Del Sol Hearing Room, Lower Level
600 2nd Street NW

MEMBERS

Peter Nicholls, Chair
Karen Hudson, Vice-Chair

Maia Mullen
Bill McCoy
James Peck

Moises Gonzalez
Derek Bohannon
Victor Beserra

NOTE: A LUNCH BREAK AND/OR DINNER BREAK WILL BE ANNOUNCED AS NECESSARY

Agenda items will be heard in the order specified unless changes are approved by the EPC at the beginning of the hearing; deferral and withdrawal requests (by applicants) are also reviewed at the beginning of the hearing. Applications with no known opposition that are supported by the Planning Department are scheduled at the beginning of the agenda; these cases are noted with an asterisk (*). Applications deferred from a previous hearing are normally scheduled at the end of the agenda.

There is no set time for cases to be heard. However, interested parties can monitor the progress of the hearing by calling the Planning Department at 924-3860. All parties wishing to address the Commission must sign-in with the Commission Secretary at the front table prior to the case being heard. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak. **In the interest of time, presentation times are limited as follows, unless otherwise granted by the Commission Chair: Staff – 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each. An authorized representative of a recognized neighborhood association or other organization may be granted additional time if requested. Applicants and members of the public with legal standing have a right to cross-examine other persons speaking per Rule B.12 of the EPC Rules of Conduct.**

All written materials – including petitions, legal analysis and other documents – should ordinarily be submitted at least 10 days prior to the public hearing, ensuring presentation at the EPC Study Session. The EPC strongly discourages submission of written material at the public hearing. Except in extraordinary circumstances, the EPC will not consider written materials submitted at the hearing. In the event the EPC believes that newly submitted material may influence its final decision, the application may be deferred to a subsequent hearing.

NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.

145

Call to Order: 8:33 a.m.

- A. Pledge of Allegiance
- B. Announcement of Changes and/or Additions to the Agenda
- C. Approval of Amended Agenda
- D. Swearing in of City Staff

1. Project# 1008203

15EPC-40020 Amendment to Zone Map
(Zone Change)

Richard Dineen, agent for Unser & Sage, LLC, requests the above action for all or a portion of Tracts A-2, A-3 & A-4, Unser & Sage Marketplace, zoned C-1, to SU-1 for C-2 Uses, located on Unser Boulevard SW, between Sage Road SW and Arenal Road SW, containing approximately 3.5 acres. (M-10)
Staff Planner: Maggie Gould (**APPROVED**)

2. Project# 1005517

15EPC-40021 Site Plan for Subdivision

Tierra West LLC, agent for Argus Jefferson Partners, LLC, requests the above action for Lots 2-A-1 and 2-A-2, Tract B, Plat of Lots 2-A-1 and 2-A-2, Enviroco Tract (being a replat of Lot 2-A, Tract B), zoned M-1, located on Jefferson Street NE, between Osuna Road NE and Ellison Street NE, containing approximately 7.2 acres. (E-17)
Staff Planner: Catalina Lehner (**DEFERRED TO THE AUGUST 13, 2015 HEARING**)

3. Project# 1001620

15EPC-40022 Text Amendment to the Zoning
Code

COA Planning Department requests the above action to amend the Zoning Code Sections 14-16-3-10 (Landscape Regulations), 14-16-3-1 (Off-Street Parking Regulations), 6-6-2-4 (Required Street Trees), 6-6-2-5 (Street Tree Policies), 6-6-2-6 (Street Tree Programs), 6-6-2-7 (More Detailed Regulations) and 6-6-2-8 (Waivers and Variances) to establish standards that enhance, improve and maintain the quality of the public environment. City-Wide.
Staff Planner: Vicente Quevedo (**DEFERRED TO THE AUGUST 13, 2015 HEARING**)

5. OTHER MATTERS:

- A. Approval of June 11, 2015 Minutes
- B. ART Update from Transit Department

6. ADJOURNED: 10:48 A.M.



NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, July 9, 2015 @ 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:

Distribution of the Planning Department's staff reports regarding the following items will occur at a **Case Distribution Session on Wednesday, July 2, 2015 at 3:00 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM.

Project# 1008203

15EPC-40020 Amendment to Zone Map
(Zone Change)

Richard Dineen, agent for Unser & Sage, LLC, requests the above action for all or a portion of Tracts A-2, A-3 & A-4, Unser & Sage Marketplace, zoned C-1, to SU-1 for C-2 Uses, located on Unser Boulevard SW, between Sage Road SW and Arenal Road SW, containing approximately 3.5 acres. (M-10)

Staff Planner: Maggie Gould

Project# 1005517

15EPC-40021 Site Plan for Subdivision

Tierra West LLC, agent for Argus Jefferson Partners, LLC, requests the above action for Lots 2-A-1 and 2-A-2, Tract B, Plat of Lots 2-A-1 and 2-A-2, Envirco Tract (being a replat of Lot 2-A, Tract B), zoned M-1, located on Jefferson Street NE, between Osuna Road NE and Ellison Street NE, containing approximately 7.2 acres. (E-17)

Staff Planner: Catalina Lehner

Project# 1001620

15EPC-40022 Text Amendment to the Zoning Code

COA Planning Department requests the above action to amend the Zoning Code Sections 14-16-3-10 (Landscape Regulations), 14-16-3-1 (Off-Street Parking Regulations), 6-6-2-4 (Required Street Trees), 6-6-2-5 (Street Tree Policies), 6-6-2-6 (Street Tree Programs), 6-6-2-7 (More Detailed Regulations) and 6-6-2-8 (Waivers and Variances) to establish standards that enhance, improve and maintain the quality of the public environment. City-Wide.

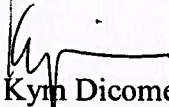
Staff Planner: Vicente Quevedo

Details of these applications may be examined at 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 924-3860. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should call 924-3860.

Peter Nicholls, Chair
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL JUNE 17, 2015.

APPROVED



Kym Dicome
Urban Design & Development
Planning Department

Planning Department

Suzanne Lubar, Director

Development Review Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102

NOTICE OF APPEAL

July 31, 2015

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on July 24, 2015. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal please contact Dora Henry, Planning Administrative Assistant at (505) 924-3883.

Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-15-5

**PLANNING DEPARTMENT CASE FILE NUMBER: 1008203
15EPC-40020**

**APPELLANT: Matthew Archuleta
1628 Summerfield S.W.
Albuquerque NM 87121**

**Emilio Chavez
3670 Tower Rd S.W.
Albuquerque NM 87121**

cc:

Unser & Sage LLC, 6300 Jefferson NE, Albuquerque, NM 87109
Richard Dineen, 2811 Bosque del Sol Ln NW, Albuquerque, NM 87120
Evangeline Pavlakos, 4333 Pan American Freeway NE, Albuquerque, NM 87107
Stv Siterman, 4333 Pan American Fwy NE, Albuquerque, NM 87107
James Gallegos, 3666 Tower Rd SW, Albuquerque, NM 87121
Dan Sos, 3615 Tower Rd SW, Albuquerque, NM 87121
Blake Whitcomb, Legal, city County Bldg – 4th Floor
Crystal Ortega, Clerk to the Council, city County Bldg – 9th Floor
EPC File

ENVIRONMENTAL PLANNING COMMISSION
SIGN-IN SHEET

AGENDA ITEM NO: 1 DATE: July 9, 2015

CASE #: 1008203 – 15EPC-40020 – Unser & Sage LLC

PLEASE PRINT CLEARLY

3rd

2nd

1. Name: MATTHEW ARCHULETA
Address: 1628 SUMMERFIELD SW
ALBU. N.M. 87121
City State Zip

2. Name: STV SIERMAN
Address: 4333 Pan American Freeway
Alb NM 87107
City State Zip

4th

3. Name: James Galleas
Address: 3666 Tower Rd. SW
Albuq. N.Mex 87121
City State Zip

1st

4. Name: Evangeline Evangelina Pavlakis
Address: 4333 Pan American Freeway
Albuq NM 87107
City State Zip

5th

5. Name: Emilio Chavez
Address: 3670 Tower Rd. SW
Albuquerque N.M. 87121
City State Zip

8. Name: _____
Address: _____
City State Zip

6th

6. Name: DAN SOSA
Address: 3615 TOWER SW
City State Zip

9. Name: _____
Address: _____
City State Zip

7. Name: _____
Address: _____
City State Zip

10. Name: _____
Address: _____
City State Zip

Albuquerque Publishing Company
 7777 Jefferson N.E. Albuquerque, New Mexico 87109
 P.O. Drawer J-T Albuquerque, New Mexico 87103
 (505) 823-7777

Account Number

1007583

Ad Order Number

0001226065

Ad Proof / Order Confirmation

CITY OF ALB-PLANNING DEPT
 ATTN VANESSA LUJAN
 PO BOX 1293
 ALBUQUERQUE NM 87103

<u>Ordered By</u>	DORA HENRY	<u>Customer Phone</u>	505-924-3358	<u>Pickup #</u>
<u>Customer EMail</u>		<u>PO Number</u>	C-18244	<u>Joint Ad #</u>
<u>Ad Cost</u>	\$66.78	<u>Sales Rep</u>	bfaith	
<u>Tax Amount</u>	\$4.67	<u>Order Taken by:</u>	dnoel	
<u>Total Amount</u>	\$71.45	<u>Payment Method</u>		
<u>Amount Due</u>	\$71.45	<u>Payment Amount</u>	\$0.00	

Product Albuquerque Journal
Ad Number 0001226065-01
Ad Type APC-Legals
Ad Size : 1.0 X 106 Li
Color <NONE>
Run Dates 6/17/2015

Placement Legal Notices
Classification Government-0000
Sort Text NOTICEOFPUBLICHEARINGNOTICEIS
 HEREBYGIVENTHATTHECITYOFALBU

Affidavits

0

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a Public Hearing on Thursday, July 9, 2015 @ 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:

Distribution of the Planning Department's staff reports regarding the following items will occur at a Case Distribution Session on Wednesday, July 2, 2015 at 3:00 p.m., in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM.

Project# 1008203
 15EPC-40020 Amendment to Zone Map (Zone Change)
 Richard Ginn, agent for Unser & Sage, LLC, requests the above action for all or a portion of Tracts A-2, A-3 & A-4, Unser & Sage Marketplace, zoned C-1, to SU-1 for

151

Peter Nicholls, Chair
Environmental Planning
Commission

APPROVED
Kym O'Keefe
Urban Design & Development
Planning Department
Journal: June 17, 2015



**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT**

INTER-OFFICE MEMORANDUM

TO: ENVIRONMENTAL HEALTH – Paul Olson
LEGAL DEPARTMENT – Tyson Hummell
PARKS & RECREATION:
PARK DESIGN – Carol Dumont
OPEN SPACE DIVISION – Sarah Browne
CITY FORRESTER – Joran Viers
PLANNING:
LONG RANGE PLANNING – Carrie Barkhurst
METROPOLITAN REDEVELOPMENT – Rebecca Velarde
HYDROLOGY – Curtis Cherne
NEIGHBORHOOD COORDINATION – Stephani Winklepleck
TRANSPORTATION DEV. SERVICES – Jean Wolfenburger
ZONING – Ben McIntosh
ABC WATER UTILITY AUTHORITY – Allan Porter
POLICE DEPARTMENT – Steve Sink
FIRE DEPARTMENT – Antonio Chinchilla
SOLID WASTE MANAGEMENT DEPARTMENT – Michael Anaya
TRANSPORTATION PLANNING – John MacKenzie
TRANSIT DEPARTMENT – Shabih Rizvi
ALBUQUERQUE PUBLIC SCHOOLS – April Winters
AMAFCA – Lynn Mazur
COUNTY OF BERNALILLO – Nano Chavez
MID-REGION COUNCIL OF GOVERNMENTS – Maida Rubin
MIDDLE RIO GRANDE CONSERVANCY DISTRICT – Subhas Shah
NM DEPARTMENT OF TRANSPORTATION – Nancy Perea
NM GAS COMPANY –
PETROGLYPH NATIONAL MONUMENT – Diane Souder
PUBLIC SERVICE COMPANY OF NEW MEXICO – Laurie Moye

FROM: Russell Brito, Urban Design and Development Division, Planning Department

SUBJECT: ENVIRONMENTAL PLANNING COMMISSION CASE DISTRIBUTION

Attached are the legal descriptions, applications, and related materials for the cases scheduled for public hearing before the Environmental Planning Commission on **July 9, 2015**.

Please remember that all agency comments are due NO LATER THAN June 12, 2015.

COMMENTS TO: Maggie Gould (mgould@cabq.gov)
Vicente Quevedo (vquevedo@cabq.gov)
Catalina Lehner (clehner@cabq.gov)

Project# 1008203

15EPC-40020 Amendment to Zone Map
(Establish Zoning/Zone Change)

Richard Dineen, agent for Unser & Sage, LLC, request the above actions for all or a portion of Tracts A-2, A-3 & A-4, Unser & Sage Marketplace, zoned C-1 to SU-1 for C-2 Uses, located on Unser Boulevard SW, between Sage Rd SW and Arenal Rd SW, containing approximately 3.48 acres. (M-10)
Staff Planner: Maggie Gould

Project# 1005517

15EPC-40021 Site Plan for Subdivision

Tierra West LLC, agent for Argus Jefferson Partners, LLC, Jeff Jesionowski, request the above actions for all or a portion of Lots 2-A-1 & 2-A-2 of Tract B Plat of Lots 2-A-1 & 2-A-2, Envirco Tract, Zoned M-1, located on Jefferson St, between Osuna Rd and Ellison St, containing 7.1472 acres. (E-17)
Staff Planner: Catalina Lehner

Project# 1001620

15EPC-40022 Text Amendment to the Zoning
Code/Landscape regulations

COA Planning Department, agent for COA Council Services, requests the above actions to amend the Zoning Code to define and regulate landscape requirements that enhance, improve, and maintain the quality of the public environment. City-Wide
Staff Planner: Vicente Quevedo