



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

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

APPLICATION INFORMATION

Applicant: ABQ LAND USE CONSULTING LLC - CARL GARCIA		Phone: 505.306.6289
Address:		Email:
City:	State:	Zip:
Professional/Agent (if any): ABQ LAND USE CONSULTING LLC - CARL GARCIA		Phone: 505.306.6289
Address: 6300 RIVERSIDE PLAZA LN NW STE 100		Email: CARLGAR@GMAIL.COM
City: ALBUQ.	State: NM	Zip: 87120
Proprietary Interest in Site: Agent	List all owners: DEREK KULACH	

BRIEF DESCRIPTION OF REQUEST

ADMINISTRATIVE AMENDMENT REPEAL REQUEST

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

Lot or Tract No.: A1 AND UNPLATTED	Block:	Unit: 101905702751221911 101905705851221914
Subdivision/Addition: GOOD AND UNPLATTED PAPER PLATS	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): K-19	Existing Zoning: MX-M	Proposed Zoning: ---
# of Existing Lots: 2	# of Proposed Lots: 1	Total Area of Site (acres): 3.803

LOCATION OF PROPERTY BY STREETS

Site Address/Street: **7210/7220 Lomas NE** Between: **Lomas** and: **LOUISIANA**

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

1004849, 7-1364/AG-95-96, 1008286, 1007674

Signature: Carl A. Garcia	Date: 1-30-2022
Printed Name: CARL A. GARCIA	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:			Fee Total:		
Staff Signature:		Date:	Project #		

FORM P3: ADMINISTRATIVE DECISIONS AND MINOR AMENDMENTS

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

☒ INFORMATION REQUIRED FOR ALL ADMINISTRATIVE DECISIONS OR AMENDMENTS

- ☒ Letter of authorization from the property owner if application is submitted by an agent
- ☒ Zone Atlas map with the entire site clearly outlined and labeled

☐ ARCHEOLOGICAL CERTIFICATE

- ☐ Archaeological Compliance Documentation Form with property information section completed
- ☐ Only the information above is required unless the City Archaeologist determines that the application does not qualify for a Certificate of No Effect, in which case a treatment plan prepared by a qualified archaeologist that adequately mitigates any archeological impacts of the proposed development must be submitted and reviewed for a Certificate of Approval per the criteria in IDO Section 14-16-6-5(A)(3)(b)

☒ MINOR AMENDMENT TO SITE PLAN - ADMIN, EPC, or DRB

- ☒ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-4(Y)(2)
- ☒ The approved Site Plan being amended
- ☒ Copy of the Official Notice of Decision associated with the prior approval
- ☒ The proposed Site Plan, with changes circled and noted
- ☒ Refer to the Site Plan Checklist for information needed on the proposed Site Plan.
- ☒ Completed Site & Building Design Considerations Form in accordance with IDO Section 5-2(D) for new commercial and multifamily development except if the development is industrial or the multifamily is less than 25 units

Minor Amendments must be within the thresholds established in IDO TABLE 6-4-4. Any amendment beyond these thresholds is considered a Major Amendment and must be processed through the original decision-making body for the request.

☐ MINOR AMENDMENT TO SITE DEVELOPMENT PLAN APPROVED PRIOR TO THE EFFECTIVE DATE OF THE IDO

- ☐ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-4(Z)(1)(a)
- ☐ The approved Site Development Plan being amended
- ☐ Copy of the Official Notice of Decision associated with the prior approval
- ☐ The proposed Site Development Plan, with changes circled and noted
- ☐ Refer to the Site Plan Checklist for information needed on the proposed Site Plan.
- ☐ Completed Site & Building Design Considerations Form in accordance with IDO Section 5-2(D) for new commercial and multifamily development except if the development is industrial or the multifamily is less than 25 units

Minor Amendments must be within the thresholds established in IDO TABLE 6-4-4. Any amendment beyond these thresholds is considered a Major Amendment and must be processed through the original decision-making body for the request.

☐ ACCELERATED EXPIRATION SITE PLAN

- ☐ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-4(X)(2)(c)
- ☐ Site Plan to be Expired

☐ ALTERNATIVE SIGNAGE PLAN

- ☐ Proposed Alternative Signage Plan compliant with IDO Section 14-16-5-12(F)(5)
- ☐ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-5(C)(3)(b)
- ☐ Required notices with content per IDO Section 14-16-6-4(K)
- ☐ Office of Neighborhood Coordination notice inquiry response and proof of emailed notice to affected Neighborhood Association representatives
- ☐ Sign Posting Agreement

☐ ALTERNATIVE LANDSCAPE PLAN

- ☐ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-5-6(C)(16)
- ☐ Landscape Plan

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature:

Date:

Printed Name:

☐ Applicant or ☐ Agent

FOR OFFICIAL USE ONLY

Project Number:

Case Numbers

-

-

-

Staff Signature:

Date:





ABQ Land Use Consulting LLC

Planning & Zoning Process Specialists

ADMINISTRATIVE AMENDMENT REPEAL REQUEST

1-30-2022

My name is Carl Garcia with ABQ Land Use Consulting LLC and I'm representing SMPC Architects and 7100 Lomas LLC with this request.

On behalf of my clients, I respectfully request a repeal of 2 Administrative Amendments - Project # 1004849 and Z-1364/AA-95-96 at subject property 7210 (aka 7100) Lomas Blvd NE, Albuquerque NM 87108 – UPC # 101905702751221911 and 7220 Lomas Blvd. NE, Albuquerque, NM 87108 -UPC 101905705851221914 zoned MX-M with an (SC) Zoning Description. (See below)

IDO Zoning

4 of 6

X

IDO Zoning

IDO Zone District: MX-M

IDO District Definition: Moderate Intensity

IDO Zoning Description: (SC)

IDO Category: Mixed-Use

Old Zoning Designation: C-2

Old Zoning Description: (SC)

Old Zoning Category: COMMERCIAL

[Link to Allowable Use Table](#)

[Remove from Results](#) [View Additional Details](#)

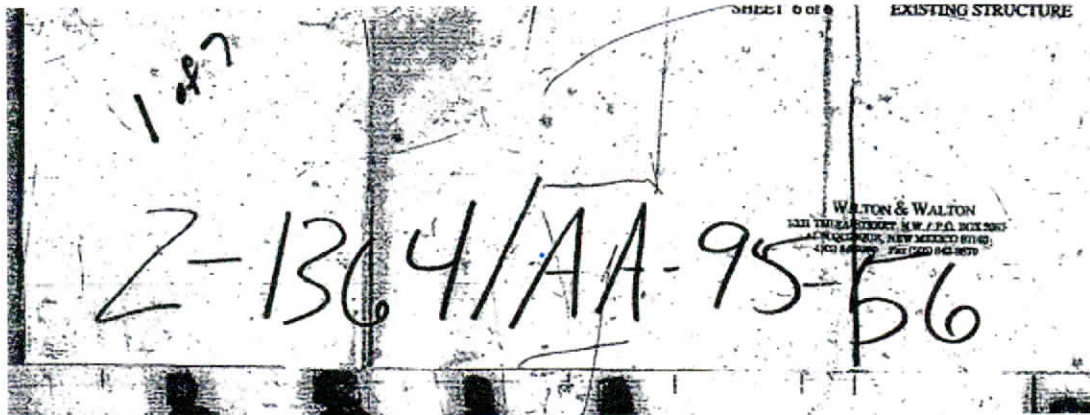
ADMINISTRATIVE AMENDMENT	
FILE # <u>11-10075</u>	PROJECT # <u>1004849</u>
<u>add a second independant</u>	
<u>auto dealership</u>	
<u>CMarone</u>	<u>5/26/11</u>
APPROVED BY	DATE



ABQ Land Use Consulting LLC

Planning & Zoning Process Specialists

Administrative Amendment Z-1364/AA 95-56 was previously approved in 1995. According to the IDO section 1-10 (A)(3) the most recent approval applies, therefore, AA 1004849 above applies to a portion of subject property.



7100 (aka 7210) and 7220 Lomas Blvd NE are in the process of being replatted to one lot for a proposed development of a new auto dealership valued over 10 million dollars.

The reasons for this request are:

1. For the newly replatted property to be solely under the guidelines of the MX-M zone category in the IDO and abolish the 2 existing AA's.
2. This property is not part of a shopping center and never truly was.
3. Current AA and previous AA cause confusion and extensive wasted research time.
4. The old K-Mart, the property immediately to the South of subject property was bought by APS and is now owned by the State of NM which is not enforceable by the IDO according to section 1-4(D).
5. The Cooperage, the property immediately to the East was demolished and is being replatted to make 1 larger lot for the proposed auto dealership.
6. This area looks completely different from the time the current AA was approved, and the community would be better served under the sole governance of the IDO.
7. The existing AA serves of no benefit to the community, and the IDO has more and stricter guidelines and development standards.



ABQ Land Use Consulting LLC

Planning & Zoning Process Specialists

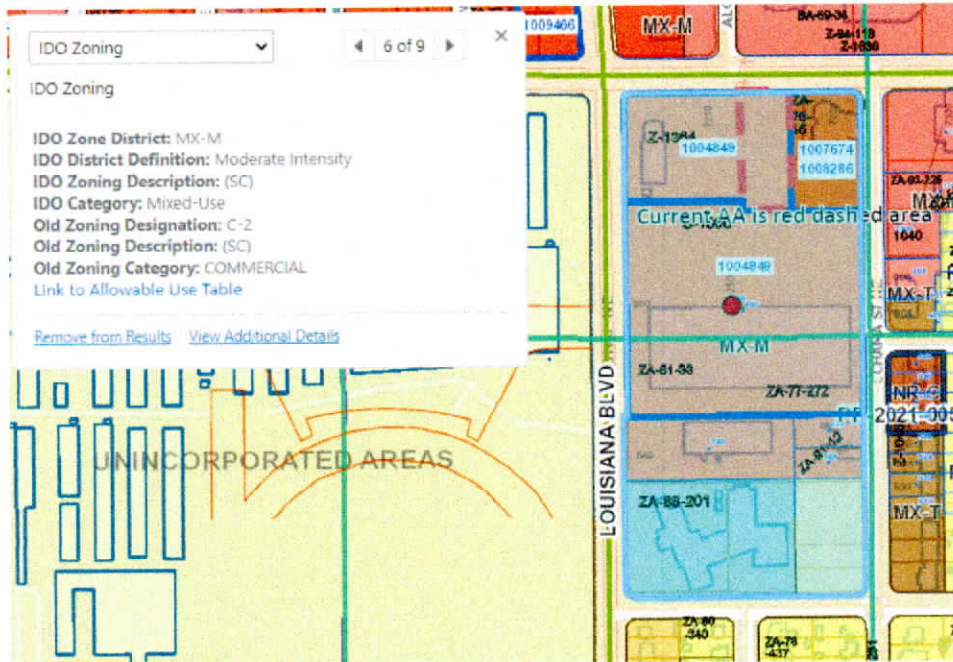
8. No Site Development Plan exists or ever existed for the site designated (SC) and bounded by Louisiana, Lomas, Chama and Marquette.
9. Causes customers interested in this property to spend unnecessary dollars and time researching and amending existing AA.
10. The current AA only encompasses a portion of the lots to be combined and it would not be fair to my clients to force them to submit another AA to encompass the entire replatted lot when they are already willing to abide by the stricter IDO standards.
11. The existing AA does not benefit economic development in this area, the larger surrounding community, or the City of Albuquerque.
12. The new development will create jobs and the existing AA is of no benefit to jobs in the community.
13. There is currently no consistency in the area encompassed by the (SC) designation and bounded by Louisiana, Lomas, Chama, and Marquette. Site Development Plans typically maintain consistency and an AA would ensure consistency. There are currently apartments, The Post 99 and the APS food and nutrition building and there is absolutely no consistency or continuity of any of the buildings on the block.
14. The proposed land use is consistent with existing development along Lomas Blvd, there are several auto dealerships on Lomas.
15. The design of the proposed building complies with the Urban Design section of the Comprehensive Plan and no additional regulation is necessary.
16. It does not make sense from a land use standpoint to have an AA pertain only a portion of a lot.



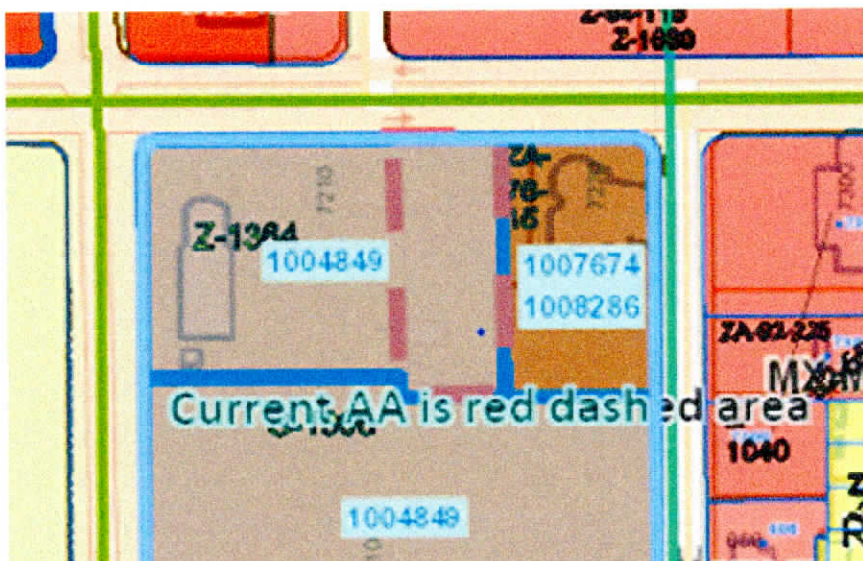
ABQ Land Use Consulting LLC

Planning & Zoning Process Specialists

The entire area shaded in blue and bounded by Louisiana, Chama, Marquette and Lomas NE is encompassed with the (SC) designation. (See AGIS map below)



The area hash-marked in red is the area of the existing AA # 1004849

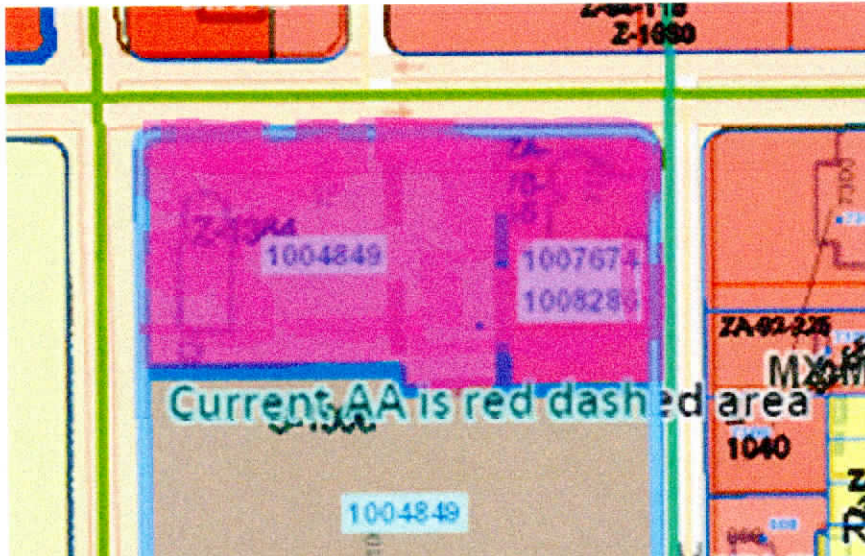




ABQ Land Use Consulting LLC

Planning & Zoning Process Specialists

The area highlighted in pink below will be the area of the subject lot once the replat is final. The lot to the South was the old K-mart and is now the APS Food and Nutrition building.



I understand this is a first request of this type. This request is unique because a Site Development Plan (SDP) does not exist for this area even though there is a designation of (SC) which typically has a full SDP.

IDO SECTIONS

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

1-10(A) PRE-IDO APPROVALS

1-10(A)(3) When referencing pre-IDO approvals, the most recent approval, including any amendments, shall apply unless specified otherwise.

6-4(Z) AMENDMENTS OF PRE-IDO APPROVALS

1. Except as noted in Subsection 2 below, major amendments



ABQ Land Use Consulting LLC

Planning & Zoning Process Specialists

shall be reviewed and decided by the decision-making body that issued the permit or approval being amended, following the procedures for the most closely equivalent decision in Part 14-16-6 (Administration and Enforcement), including any required application fee, public notice, referral to commenting agencies, and public meeting or hearing.

6-2(B)(1)(c) Zoning Enforcement Officer

1. The Zoning Enforcement Officer (ZEO) is a member of the City Planning Department staff and has authority to interpret this IDO pursuant to Subsection 14-16-6-4(A) (Interpretation).
2. The ZEO has responsibility for making formal determinations as to how this IDO applies to specific situations, proposed development projects, and lots.
3. The ZEO is the formal issuing authority for those permits, approvals, licenses, or certificates that may be issued by the City Planning Department without review or approval by a higher authority.

JUSTIFICATION

According to section 6-4(Z)1. Below: major amendments shall be reviewed by the original decision-making body.

Since a Site Plan cannot be located and only 2 Administrative Amendments were located, the decision-making body is the ZEO.

This would not go to EPC because I do not have a plan signed off and approved by them.



ABQ Land Use Consulting LLC

Planning & Zoning Process Specialists

According to section 6-2(B)(1)(c): the ZEO has the responsibility for making formal determinations as to how this IDO applies to specific situations, proposed development projects and lots. Therefore, I request that the ZEO repeal AA # 1004849 and that this property be governed by the IDO. The rationale for this request is that there is no other decision-making body that can decide this request and it would be unfair to my clients to force them to submit another AA for the entire replatted property. Also, keeping an AA for only a portion of the lot makes no sense from a land use perspective.

This could be memorialized with a letter from the ZEO, and a note placed next to the (SC) designation on AGIS stating "Repealed".

The word "Repealed" could also be placed on AA # 1004849 and Z-1364/95-56 for future reference similar to the way "Repealed" was placed on Sector Development Plans when they no longer applied.

These actions will make this process straight forward and easy to navigate in the future.

This process is consistent and complies with sections 1-10(A), 6-4(Z), 6-2(B)(1)(c) and the Definition of Amendment.

This is a time-sensitive request; therefore, I respectfully request a determination be made as soon as possible.

I am making this request to James Aranda – ZEO, and will cc Mikaela Renz-Whitmore - Planning Manager, and Nicole Sanchez - Planning Attorney for the purpose of expediting this request.

For the record Project # 1008286 at 7220 Lomas Blvd NE, was a previous ZHE case and has no bearing on this case, see below:

51.	10ZHE-80119	Project# 1008286	PACIFIC REALTY (LES GUTIERREZ, AGENT) request(s) a special exception to Section 14-16-3-17(A)(16)(b): a VARIANCE of 1' 7" to the 9' high solid wall requirement for a proposed 10' 7" high solid wall surrounding a wireless telecommunications facility on all or a portion of Lot(s) UNPLATTED, UNPLATTED PACIFIC REALTY zoned C-2 (SC), located at 7220 LOMAS BLVD NE (K-19)
-----	--------------------	-----------------------------------	---

Also, Project # 1007674 was a replat and has no bearing on this case.



ABQ Land Use Consulting LLC
Planning & Zoning Process Specialists

A letter of authorization is included and all other documentation is also included.

This letter has provided adequate information to repeal the two previous AA's, therefore, I respectfully request that Amendments - 1004849 and Z-1364/AA-95-96 be repealed and that the IDO apply to properties mentioned above.

Respectfully,

Carl A. Garcia

ABQ Land Use Consulting LLC



ABQ Land Use Consulting LLC
Planning & Zoning Process Specialists

AGENT AUTHORIZATION FORM

Address: 7210 AKA 7100 AND 7220 LOMAS BLVD. NE

Property Legal Description: LOT: A1, GLOBE SUBDIVISION AND
LOT: UNPLATTED, UNPLATTED/PACIFIC REALTY CO.

Property Owner 1: DEREK KULACH - FIESTA AUTO GROUP

Property Owner 2: _____

The undersigned, registered property owner(s) of the above noted property, do hereby authorize Carl Garcia of ABQ Land Use Consulting LLC and/or representatives of ABQ Land use consulting LLC to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and all standard and special conditions attached. We certify that all information submitted in this application is true and accurate to the best of our knowledge.

Property owner(s) Address (if different from above): 7300 LOMAS BLVD NE.

ALBUQUERQUE, NM 87108

Phone 1: 505-715-2442

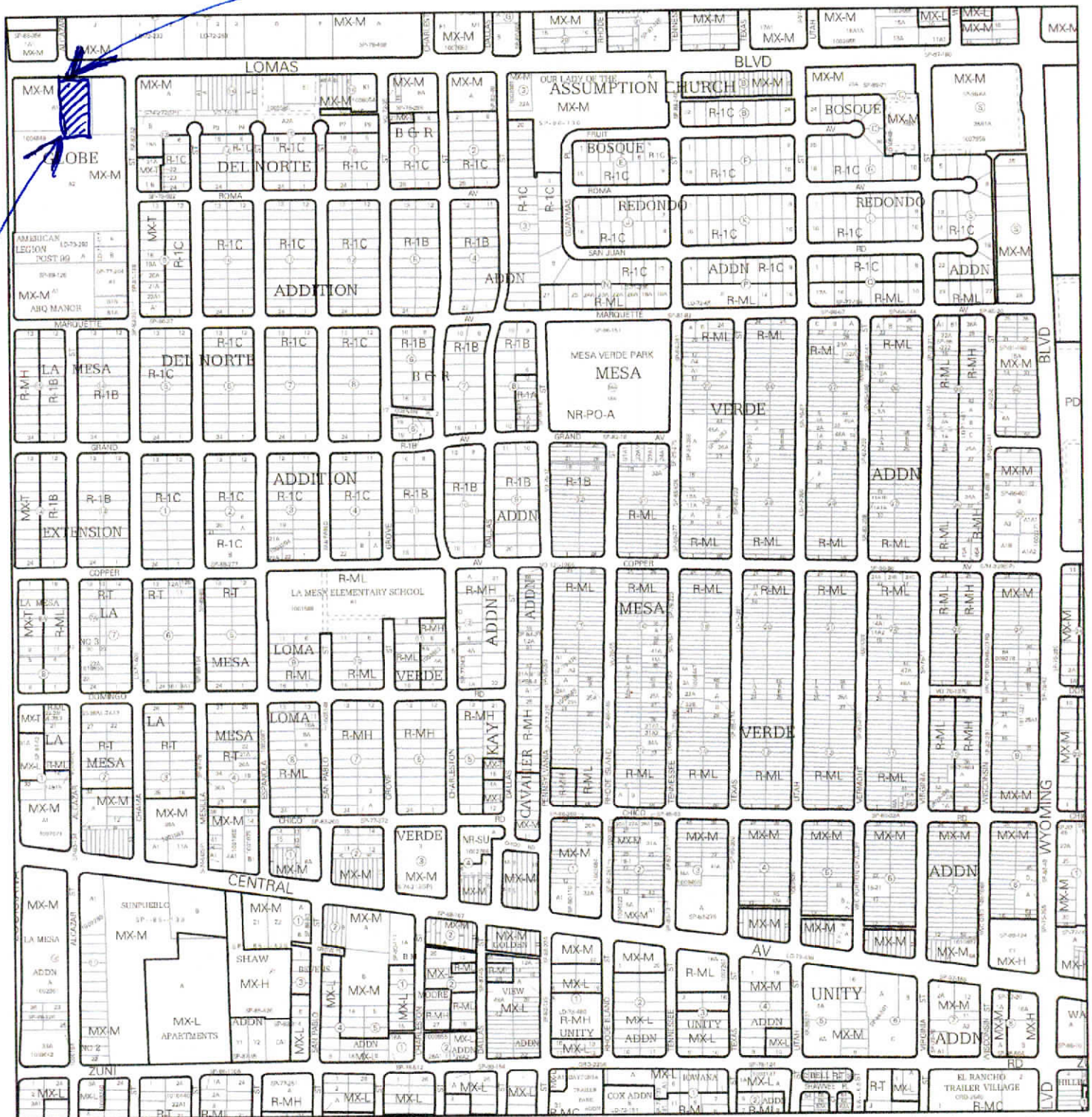
Phone 2: _____

Email 1: DEREK@FIESTAUTOGROUP.COM

Email 2: _____

Authorized Signature 1: [Signature] Date: 1.27.2022

Authorized Signature 2: _____ Date: _____

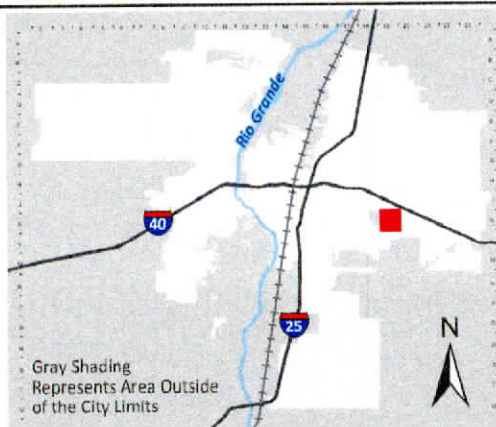


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).



Zone Atlas Page:

K-19-Z

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

0 250 500 1,000 Feet

