



May 30, 2024

Mr. Jonathan R. Hollinger, Chair
Environmental Planning Commission
600 Second NW
Albuquerque, NM 87102

**RE: ZONING MAP AMENDMENT – MX-L TO PD
TR D-2 PLAT FOR TRACTS D-1, D-2, D-3 & D-4 ALBUQUERQUESOUTH UNIT 1
BEING A REPLAT OF TRACT D ALBUQUERQUESOUTH UNIT 1 CONT 2.6205 AC
IDO ZONE ATLAS PAGE L-14-Z**

**SITE PLAN EPC FOR PD
UNSER AND SAGE: TRACTS 483, 484 AND 485, UNIT NUMBER 7 ATRISCO
GRANT, AND TRACT D-2 PLAT FOR TRACTS D-1, D-2, D-3, AND D-4
ALBUQUERQUE SOUTH UNIT 1, BEING A REPLAT OF TRACT D ALBUQUERQUE
SOUTH UNIT 1 ZONE ATLAS PAGE: M-10-Z**

Dear Mr. Hollinger:

Tierra West LLC, on behalf of Amirhamzeh Enterprises, LLC respectfully requests a zone map amendment from MX-L (Mixed-Use – Low Intensity) to PD (Planned Development) for a subject site located at the southwest corner of the intersection of Unser Blvd and Sage Rd, between Sage Rd and Arenal Rd. The legal description of the subject site is TR D-2 PLAT FOR TRACTS D-1, D-2, D-3 & D-4 ALBUQUERQUESOUTH UNIT 1 BEING A REPLAT OF TRACT D ALBUQUERQUESOUTH UNIT 1 CONT 2.6205 AC. The current zoning of this parcel is MX-L.

As part of the Zone Map Amendment, Tierra West is also submitting a Site Plan – EPC request for the associated PD zone map amendment request and adjacent property to the north (already zoned as PD). The Site Plan – EPC would cover an approximately 18-acre site known as Tracts 483, 484 and 485, Unit Number 7 Atrisco Grant, and Tract D-2 Plat for Tracts D-1, D-2, D-3, and D-4 Albuquerque South Unit 1, being a replat of Tract D Albuquerque South Unit 1 (the “subject site”). The subject site consists of two tracts: the northern portion (approximately 15 acres) and the southern portion (approximately 3 acres).

The EPC is hearing this zone map request per IDO Provision **14-16-6-7(G)(1)(a)3**, as a portion of this request is to amend the Official Zoning Map to change less than 20 gross acres of land located entirely in an Area of Change to a zone district other than NR-PO-B. Furthermore, the EPC is hearing this Site Plan request per IDO Provision **14-16-6-6(I)(1)(c)2**, as the Site Plan request involves development in a site zoned PD – the northern portion of the site is already zoned PD, and the associated zone map request for the southern portion of the site aims to create a contiguous PD zoning across the 18-acre subject site.

Notification Requirements and Facilitated Meeting Request

As required by the IDO, neighborhood association representatives and neighbors within 100 feet of the site were contacted. The Stinson Tower Neighborhood Association (STNA) has requested a post-submittal facilitated meeting, which will be held on Wednesday, June 5th.

Proposed Development

Amirhamzeh Enterprises, LLC intends to develop this property as a mixed-use area containing a variety of uses. Lot 1 will contain a light vehicle fueling station with incidental uses of liquor sales and convenience store. Lot 2 will contain any use that is permissible in the MX-M zone. Lot 3 will contain any use that is permissible in the MX-L zone. Lot 4 will contain residences (single-family detached homes, duplexes, and townhomes). Lot 5 currently contains a cell phone tower, which will not be disturbed or relocated during this development.

Planning Context

The subject site is in the Westgate area of the Southwest Mesa, a developing area characterized by single-family homes on small lots. There is also vacant land, some of which is in unincorporated Bernalillo County, and a few, very limited commercial retail uses such as a retail pharmacy and a dollar store. Historically, the Southwest Mesa has been and continues to be underserved by non-residential retail, service, restaurant, office, and employment uses. This request aims to provide a mid-density residential development consisting of detached single-family residences, two-family detached dwellings (duplexes), and townhomes, with commercial services (including but not limited to light vehicle fueling station with alcohol sales and convenience store as incidental uses) on the remaining portion of the site plan.

North of the subject site, across Sage Rd. SW, is vacant land in the unincorporated County. South of the subject site is a retail pharmacy and single-family homes. To the west are single-family homes and a church. To the east, across Unser Blvd. SW, are more single-family homes and a dollar store.

The subject site is not located in a designated Activity Center. Unser Blvd. SW is a Commuter Corridor. Sapphire Rd. SW/Arenal Rd. SW is a Major Transit Corridor.

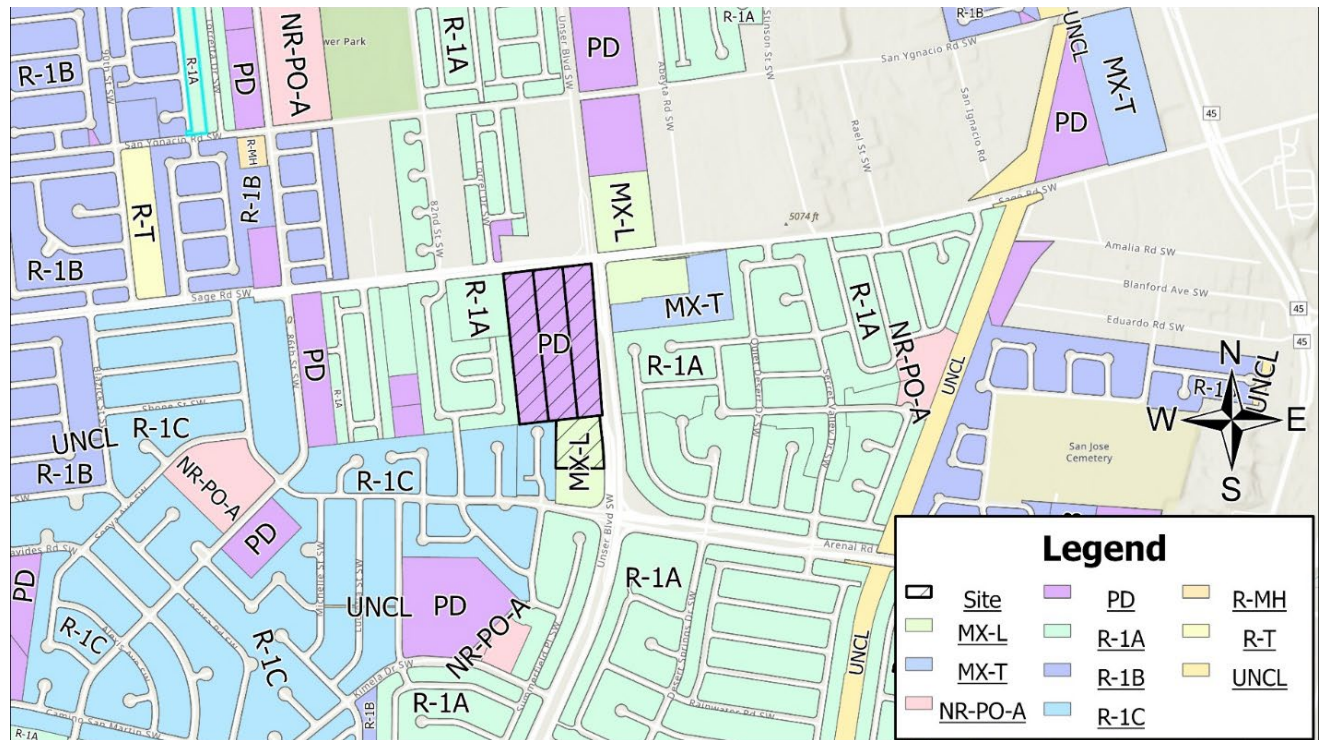


Figure 1: Zoning of subject site and nearby area.

Table 1. Surrounding Zoning		
North	PD, R-1A	Planned Development Residential – Single Family
East	MX-T MX-L R-1A	Mixed-Use - Transition Mixed Use – Low Intensity Residential – Single Family
South	R-1C MX-L	Residential – Single Family Mixed Use – Low Intensity
West	R-1A	Residential – Single Family
Subject Site	PD MX-L	Planned Development Mixed-Use, Low Intensity

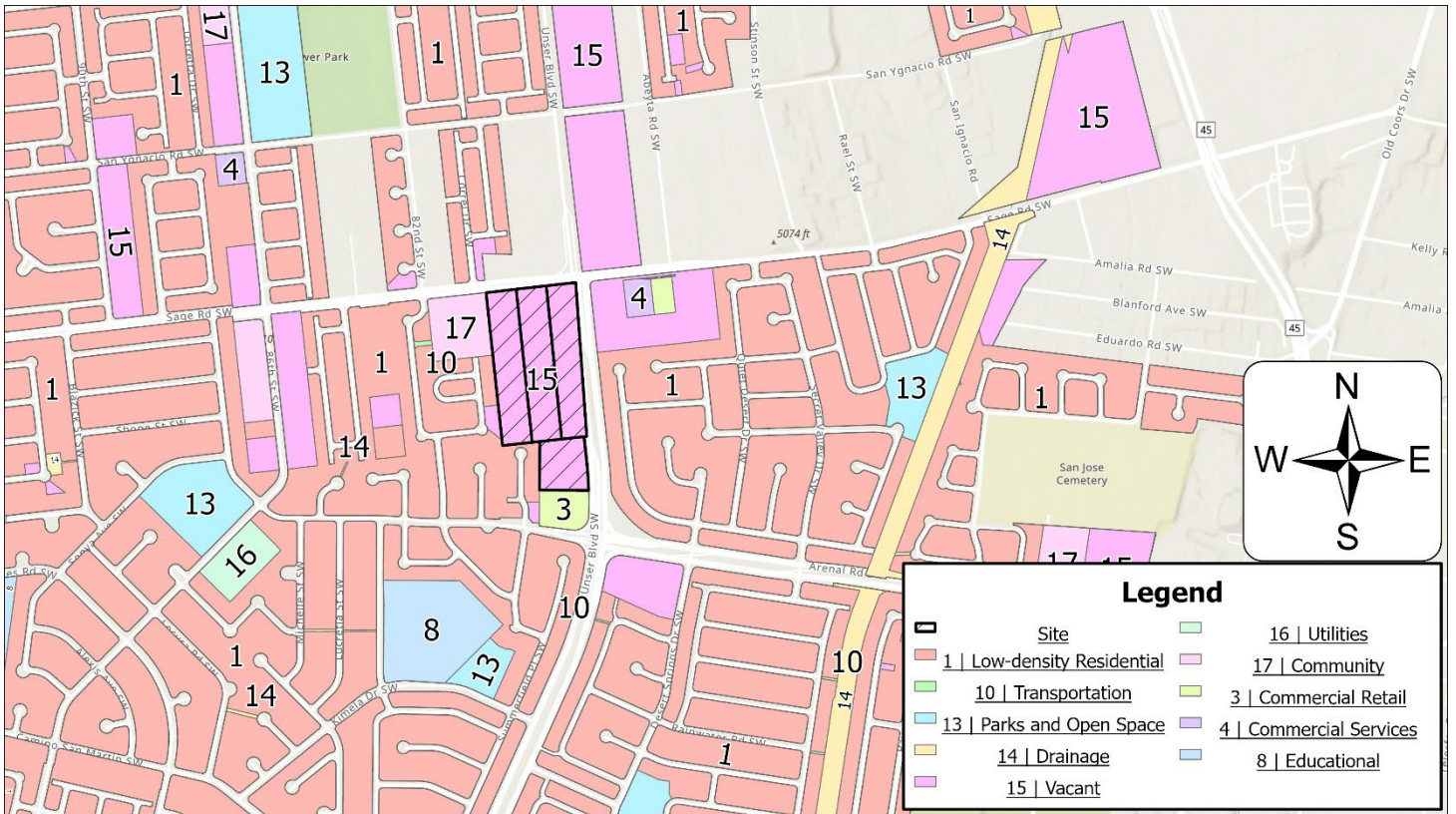


Figure 2: Land uses of the subject site and surrounding area.

Table 2. Surrounding Land Use Categories	
North	1 Low Density Residential
East	3 Commercial Retail 15 Commercial Services
South	3 Commercial Retail 1 Low Density Residential
West	1 Low Density Residential 10 Transportation 17 Community
Subject Site	15 Vacant

History

The subject site was part of a much larger annexation of land. Over two thousand acres were annexed in October 1960. Prior to the IDO, the southern portion of the site that is the subject of the Zone Map Amendment request was zoned SU-1 (Special Use), as was the northern portion. The entire site's special use zoning allowed for C-1 (Commercial) uses, and the northern portion of the site's C-1 uses included permission of a restaurant with a full-service liquor license.

In 1998, mobile home subdivision was requested on the northern portion of the site but was indefinitely deferred by the EPC. In 1999, a zone change request for SU-1 for R-LT, SU-1, and office zoning occurred across approximately 8 acres of the northern site.

In 2002, a two-part request for a site development plan for subdivision and a site development plan were approved by the EPC for a 10-acre site approximately located between Quartz Dr. and Unser Blvd SW, which contains the approximately 3-acre southern portion of this site. This facilitated the development of a retail pharmacy nearby, on the northwest corner of the Unser Blvd and Arenal Rd intersection.

Finally, two separate Administrative Amendments were approved, one in 2002 and one in 2006, to allow for the development of a monopole, a type of Wireless Telecommunications Facility. This monopole was not built prior to the proposed Zone Map Amendment in 2020 but has been constructed since then.

Finally, in 2020, a Zone Map Amendment was proposed for the entire property, including the southern portion of the lot a zone map amendment is currently being proposed for, proposing the entire property be zoned MX-T. Staff recommended denial based on the request's conflicts with the Albuquerque/Bernalillo County Comprehensive Plan. Staff asserted that the MX-T zoning would not foster complete communities as all resulting development would be residential in an underserved area of the City – overall, the request for homogenous residential zoning conflicted with the need for jobs-housing balance, especially in the West Side. The request was ultimately withdrawn by the applicant.

Proposed Site Development Standards

Below is a table of proposed site development standards for this project. The table is divided into five lots, which correspond to the five lots delineated on the site plan. Uses permitted within a certain lot apply only to that lot as identified on the site plan. Lots 3 and 4 currently do not have a designated use and therefore have allowable uses listed as all permissive uses in their relative zone district. Any use permitted on this site must abide by all Use Specific Standards related to that use. Furthermore, resulting development will be beholden to all standards within the IDO, even those that are not directly referenced in this table.

Table of Applicable Standards for Development on PD Zoned Property	
Lot 1	
Model Zone	MX-M
Allowable Uses	Light vehicle fueling station with incidental uses of liquor sales and convenience store
Use Specific Standards	IDO Provision 14-16-4-3(D)(18)
Dimensional Standards	Per IDO Table 5-1-2: Mixed-use Zone District Dimensional Standards
Site Design and Sensitive Lands	No sensitive lands present
Access and Connectivity	Per IDO Section 14-16-5-3: Access and Connectivity
Subdivision of Land	Per IDO Section 14-16-5-4: Subdivision of Land
Parking and Loading	Per IDO Section 14-16-5-5: Parking and Loading
Landscaping, Buffering, and Screening	Landscape per proposed Landscape Plan
Walls and Fences	Per IDO Section 14-16-5-7: Walls and Fences
Outdoor and Site Lighting	Per IDO Section 14-16-5-8: Outdoor and Site Lighting

Neighborhood Edges	Per IDO Section 14-16-5-9: Neighborhood Edges
Solar Access	Per IDO Section 14-16-5-10: Solar Access
Building Design	Per IDO Provision 14-16-5-11(E)
Signs	Per IDO Section 14-16-5-12: Signs
Operation and Maintenance	Per IDO Section 14-16-5-13: Operation and Maintenance
Lot 2	
Model Zone	MX-M
Allowable Uses	Any allowable use in the MX-M zone district per IDO Table 4-2-1: Allowable Uses
Use Specific Standards	Any Use Specific Standard in IDO Section 14-16-4-3: Access and Connectivity
Dimensional Standards	Per IDO Table 5-1-2: Mixed-use Zone District Dimensional Standards
Site Design and Sensitive Lands	No sensitive lands present
Access and Connectivity	Per IDO Section 14-16-5-3: Access and Connectivity
Subdivision of Land	Per IDO Section 14-16-5-4: Subdivision of Land
Parking and Loading	Per IDO Section 14-16-5-5: Parking and Loading
Landscaping, Buffering, and Screening	Landscape per proposed Landscape Plan
Walls and Fences	Per IDO Section 14-16-5-7: Walls and Fences
Outdoor and Site Lighting	Per IDO Section 14-16-5-8: Outdoor and Site Lighting
Neighborhood Edges	Per IDO Section 14-16-5-9: Neighborhood Edges
Solar Access	Per IDO Section 14-16-5-10: Solar Access
Building Design	Per IDO Provision 14-16-5-11(E)
Signs	Per IDO Section 14-16-5-12: Signs
Operation and Maintenance	Per IDO Section 14-16-5-13: Operation and Maintenance
Lot 3	
Model Zone	MX-L
Allowable Uses	Any allowable use in the MX-L zone district per IDO Table 4-2-1: Allowable Uses
Use Specific Standards	Any Use Specific Standard in IDO Section 14-16-4-3
Dimensional Standards	Per IDO Table 5-1-2: Mixed-use Zone District Dimensional Standards
Site Design and Sensitive Lands	No sensitive lands present
Access and Connectivity	Per IDO Section 14-16-5-3: Access and Connectivity
Subdivision of Land	Per IDO Section 14-16-5-4: Subdivision of Land
Parking and Loading	Per IDO Section 14-16-5-5: Parking and Loading
Landscaping, Buffering, and Screening	Landscape per proposed Landscape Plan
Walls and Fences	Per IDO Section 14-16-5-7: Walls and Fences
Outdoor and Site Lighting	Per IDO Section 14-16-5-8: Outdoor and Site Lighting
Neighborhood Edges	Per IDO Section 14-16-5-9: Neighborhood Edges
Solar Access	Per IDO Section 14-16-5-10: Solar Access
Building Design	Per IDO Provision 14-16-5-11(E)
Signs	Per IDO Section 14-16-5-12: Signs

Operation and Maintenance	Per IDO Section 14-16-5-13: Operation and Maintenance
Lot 4	
Model Zone	R-T
Allowable Uses	Single-family detached, two-family detached (duplex), townhomes
Use Specific Standards	IDO Provision 14-16-4-3(B)(6)
Dimensional Standards	Per IDO Table 5-1-1: Residential Zone District Dimensional Standards
Site Design and Sensitive Lands	No sensitive lands present
Access and Connectivity	Per IDO Section 14-16-5-3: Access and Connectivity
Subdivision of Land	Per IDO Section 14-16-5-4: Subdivision of Land
Parking and Loading	Per IDO Section 14-16-5-5: Parking and Loading
Landscaping, Buffering, and Screening	Landscape per proposed Landscape Plan
Walls and Fences	Per IDO Section 14-16-5-7: Walls and Fences
Outdoor and Site Lighting	Per IDO Section 14-16-5-8: Outdoor and Site Lighting
Neighborhood Edges	Per IDO Section 14-16-5-9: Neighborhood Edges
Solar Access	Per IDO Section 14-16-5-10: Solar Access
Building Design	Per IDO Provision 14-16-5-11(E)
Signs	Per IDO Section 14-16-5-12: Signs
Operation and Maintenance	Per IDO Section 14-16-5-13: Operation and Maintenance
Lot 5	
Model Zone	PD
Allowable Uses	Existing Cell Phone Tower (WTF Facility)
Use Specific Standards	IDO Provision 14-16-4-3(E)(12)
Dimensional Standards	Unchanged from approved WTF plans
Site Design and Sensitive Lands	No sensitive lands present
Access and Connectivity	Per IDO Section 14-16-5-3: Access and Connectivity
Subdivision of Land	Per IDO Section 14-16-5-4: Subdivision of Land
Parking and Loading	Per IDO Section 14-16-5-5: Parking and Loading
Landscaping, Buffering, and Screening	Landscape per proposed Landscape Plan
Walls and Fences	Per IDO Section 14-16-5-7: Walls and Fences
Outdoor and Site Lighting	Per IDO Section 14-16-5-8: Outdoor and Site Lighting
Neighborhood Edges	Per IDO Section 14-16-5-9: Neighborhood Edges
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Building Design	Per IDO Provision 14-16-5-11(E)
Signs	Per IDO Section 14-16-5-12: Signs
Operation and Maintenance	Per IDO Section 14-16-5-13: Operation and Maintenance

Zoning Map Amendment - EPC and Site Plan - EPC Justification

The proposed zone change from MX-L to PD and associated Site Plan - EPC, if approved, would advance a multitude of Goals and Policies within the Albuquerque/Bernalillo County

Comprehensive Plan (ABC Comp Plan), as detailed in the subsequent analysis. This analysis describes how the suggested Zone Map Amendment aligns with Goals and Policies concerning Character, Centers & Corridors, Complete Communities, Jobs-Housing Balance, City Development Areas, and Placemaking. These objectives and policies are bolstered as the request facilitates potential development that would maximize the use of available lot space while delivering amenities to nearby residential areas, including the residential community that would be built within the subject site. Furthermore, the site is wholly within the Southwest Mesa Community Planning Area, which has been and continues to be underserved by non-residential, commercial and employment uses. Finally, the majority of the southern portion and a small portion of the northern portion of the subject site sit within the Arenal/86th/Benavides Major Transit Corridor, making for ready access to and from the site for both residents and visitors. These designations identify the subject site as a prime candidate for mixed-use development that creates both community and employment opportunities.

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

This rezoning would facilitate development of this lot that would enhance, protect, and preserve distinct communities by further reinforcing the character of the area surrounding the Unser Blvd/Sage Rd intersection, which is generally characterized by a majority of residential uses and scattered non-residential amenities. The area of Unser Blvd bounded by Tower Rd and Arenal Rd is characterized by vacancy and a lack of non-residential amenities, both of which would be alleviated by the development facilitated by this zone change to PD. Therefore, the distinct communities nearby the subject site would be not just preserved and protected but also enhanced. The mixed-intensity, mixed-use character of this community is distinct to that of other nearby communities, as the general area, including similarly sized intersections, is characterized primarily by low-intensity residential uses rather than non-residential uses. This zone change and associated site plan would therefore enhance, protect, and preserve the distinct mixed-intensity, mixed-use character by encouraging development appropriate for the area. This request furthers Goal 4.1 – Character.

Policy 4.1.1, Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

The proposed zone map amendment and associated site plan would encourage quality development that is consistent with the distinct character of communities by introducing high-quality amenities to the surrounding community. Furthermore, the mixed-use nature of this proposed planned development potentially qualifies it as its own distinct community, with residential and non-residential uses allowed on the same site. This differs from other intersections in this area, which are primarily characterized by only single-family residences. The quality development proposed within would be consistent with the distinct character of the created community. The request furthers Policy 4.1.1 – Distinct Communities.

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

The proposed zone map amendment and associated site plan would protect the identity and cohesiveness of surrounding neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design because the design standards outlined for this project are directly taken from the IDO, ensuring that the development is in line

with existing and future developments. Furthermore, the scale and location of the development are appropriate, as all uses are well-placed and the overall site's location at a major intersection makes the site easy to access for both future residents and business patrons. This request would facilitate the development of a site within a mixed-use Planned Development zone district with a variety of uses, including light vehicle fueling station and single-family residence. Furthermore, the character of the resulting building design would be regulated by the IDO, as shown on site specific standard tables within this application, ensuring that it is in line with Albuquerque building and design standards. The request furthers Policy 4.1.1 – Identity and Design.

Goal 5.1, Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

This request, if approved, would further Albuquerque's growth as a community of strong Centers connected by a multi-modal network of Corridors because the subject site is partially within the Arenal/86th/Benavides Major Transit Corridor. This mixed-use development would strengthen a major stop along the Arenal/86th/Benavides Major Transit Corridor, therefore strengthening the Corridor as a whole. The request furthers Goal 5.1 – Centers & Corridors.

Policy 5.1.10, Major Transit Corridors: Foster corridors that prioritize high-frequency transit service with pedestrian-oriented development.

The approval of this zone map amendment and related site plan would foster a corridor that prioritizes high-frequency transit service with pedestrian-oriented development because it would facilitate development on a currently vacant 18-acre site along the Arenal/86th/Benavides Major Transit Corridor. This development would foster a pedestrian-oriented development along this Major Transit Corridor because it would create a mixed-use destination with a multitude of uses easily accessible by foot. This would encourage both Arenal/86th/Benavides Corridor users and nearby residents to visit the future development by foot. The request furthers Policy 5.1.10 – Major Transit Corridors.

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

The proposed zone map amendment and accompanying site plan would support Goal 5.2 through fostering a community where residents can live, work, learn, shop, and play together because it would encourage development of a currently vacant lot into a mixed-use planned development with residential and multiple non-residential uses in a shared space. This development would provide housing for new residents via single-family housing while also providing services and amenities for both new residents and existing community members. Overall, the mixed-use nature of the planned development encourages the fostering of a community where residents can live, work, learn, shop, and play together. The request furthers Goal 5.2 – Complete Communities.

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

The proposed zone map amendment and associated site plan would support Policy 5.2.1 by facilitating development in a healthy, sustainable, distinct community. The proposed development is a mixed-use development that provides both housing and services to Albuquerque, and this development would potentially create a new, distinct community within

the 18-acre subject site. Furthermore, the site's location along the Arenal/86th/Benavides Major Transit Corridor means that resulting development would be conveniently accessible from surrounding neighborhoods. The introduction of increased residential development within walking distance of multiple amenities would bolster the surrounding community, and the introduction of a variety of uses new to the direct area would make the community healthier and more sustainable. The request furthers Policy 5.2.1 – Land Uses.

Goal 5.4, Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

The proposed zone map amendment and associated site plan would further balance jobs and housing by encouraging residential growth near employment across the region. Furthermore, this request prioritizes job growth west of the Rio Grande because it would facilitate the development of a planned development site west of the Rio Grande that would both create new businesses (and therefore employment opportunities) and residences near these businesses. The request furthers Goal 5.4 – Jobs-Housing Balance.

Policy 5.4.2, West Side Jobs: Foster employment opportunities on the West Side.

The proposed zone map amendment and related site plan would foster employment opportunities on the West Side by facilitating the development of three new businesses, each of which would create employment opportunities on the West Side of the city. The proposed development and its related requests further Policy 5.4.2 – West Side Jobs.

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

The site of the proposed zone map amendment and associated site plan is fully within an Area of Change. The approval of this zone map would encourage and direct growth to a vacant lot wholly within an Area of Change, where it is expected and desired. The subject site is almost surrounded by Areas of Consistency, with low- to moderate-intensity uses such as Commercial Retail and Commercial Services, and a significant amount of residential development. The proposed development contains the single-family detached, two-family detached (duplex), townhouse, and light vehicle fueling station uses, with space for additional medium-intensity development that falls within MX-M regulations. This development would match and therefore reinforce both the intensity and character of the surrounding area. The request furthers Goal 5.6 – City Development Areas.

Policy 5.6.2, Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The proposed zone map amendment and related site plan would direct growth and more intense development to the Arenal/86th/Benavides Major Transit Corridor, as the proposed development includes both (relatively) high-density single-family residences and higher-intensity commercial uses, such as light vehicle fueling station. This site is located in an Area of Change, where growth is expected and desired. The Unser Blvd/Sage Rd intersection is underdeveloped for its size and location, and the approval of this request would encourage

development in and direct growth to an underserved area along this Major Transit Corridor. The request furthers Policy 5.6.2 – Areas of Change.

Policy 5.6.4, Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

The subject site is abutted by Areas of Consistency on all sides minus the south and provides transitions from the Area of Change to the abutting Areas of Consistency by providing adequate setbacks, buffering, and limits on building height and massing based on relevant sections of the IDO. The higher-intensity commercial developments sit on the northeastern corner of the site, which abuts the Unser Blvd/Sage Rd intersection, while the lower-intensity residential developments sit along the western and southern peripheries of the site. The Areas of Consistency to the west and south, as well as east across Unser Blvd, are primarily residential, and the lower-intensity residential developments would provide an adequate transition to these lower-intensity developments within Areas of Consistency that abut the site. All residential development in this PD zone, if it were approved, would follow R-T zone district standards, including setbacks, buffering, and limits on building height and massing. These standards are included within this application. This request for a zone map amendment and associated site plan furthers Policy 5.6.4 – Appropriate Transitions.

Goal 8.1, Placemaking: Create places where business and talent will stay and thrive.

The proposed zone map amendment and related site plan would assist in creating a place where business and talent will stay and thrive by allowing for consistent zoning within the lot, facilitating the future redevelopment of the lot by the landowner(s). In particular, the PD zone allows for specification of uses, in this case, residential and commercial. The PD zone facilitates the creation of a unique development with a mixture of uses across the site. Any commercial development would be supported by the residential development that would occur because of this approval. Furthermore, the increase in housing encourages long-term residency in an area that has steadily been gaining employment opportunities. The request furthers Goal 8.1 – Placemaking.

Policy 8.1.1, Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

If approved, this zone map amendment and associated site plan would foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale. PD is a unique zone that provides for specified uses, and this zone change would facilitate in creating an interesting place with unique character in terms of intensity, density, uses, and building scale. The resulting development would vary in nature from nearby developments primarily by being a unique planned development that is truly mixed-use, which would be an interesting place that is unique to the area. This rezone would allow for investment in the area, contributing to a variety of employment opportunities for a range of occupational skills and salary levels. The request furthers Policy 8.1.1 – Diverse Places.

Policy 8.1.2, Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

This zone map amendment and associated site plan would encourage economic development efforts that improve quality of life for new and existing residents by facilitating development of a currently vacant lot. The development of this lot in the PD zone would allow for business development that can improve the quality of life for new and existing residents, especially compared to the current lack of utilization of the lot. The resulting business development, such as the proposed light vehicle fueling station, along with any resulting uses that would be allowed in the MX-M zone, would then contribute to the local economy, fostering a robust, resilient, and diverse economy. The request furthers Policy 8.1.2 – Resilient Economy.

Zone Map Amendment – Review and Decision Criteria

The request is supported by the Comprehensive Plan Goals and policies and meets the requirements for a Zoning Map Amendment – EPC Per IDO Section 14-16-6-7(G)(3) Review and Decision Criteria a – h as follows:

6-7(G)(3)(a): The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

As discussed above, the requested zone map amendment from MX-L to PD will benefit the surrounding neighborhood by furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the previous analysis. The proposed redevelopment of this lot is consistent and not in conflict with the health, safety, and general welfare of the City. The analysis describes how the proposed Zone Map Amendment furthers Goals and Policies concerning Character, Centers & Corridors, Complete Communities, Jobs-Housing Balance, City Development Areas, and Placemaking.

6-7(G)(3)(b): If the subject property is located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is appropriate because it meets any of the following criteria.

1. There was a typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City Plan(s)

The subject site is located wholly within an Area of Change, so the above criterion does not apply.

6-7(G)(3)(c): If the subject property is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets any of the following criteria.

1. There was a typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City Plan(s).

The subject property is located wholly within an Area of Change, as shown in the ABC Comp Plan, and meets criteria 3, as the requested zone map amendment from MX-L to PD will benefit the surrounding neighborhood by furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan, as shown in the analysis above. The analysis describes how the proposed Zone Map Amendment furthers Goals and Policies regarding Character, Centers and Corridors, Complete Communities, City Development Areas, and Placemaking. These Goals and policies are supported because the request will facilitate development of a vacant lot with residences and needed amenities. Further, the subject site is within 600 feet of the Arenal/86th/Benavides Major Transit Corridor, and the PD zone and resulting development would be more advantageous to the communities that frequent this transit corridor.

6-7(G)(3)(d): The requested zoning does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 14-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Change In Uses From MX-L to PD – Adapted from IDO Table 4-2		
Residential Uses		
Use	MX-L	PD
Dwelling, single-family detached		P
Dwelling, two-family detached (duplex)		P
Dwelling, townhouse	P	P
Dwelling, live-work	P	
Dwelling, multi-family	P	
Assisted living facility or nursing home	P	
Community residential facility, small	P	
Community residential facility, large	P	
Dormitory	P	
Group home, small	P	
Group home, medium	P	
Civic and Institutional Uses		
Adult or child day care facility	P	
Community center or library	P	
Elementary or middle school	P	
High school	P	
Museum	P	
Parks and open space	P	
Religious institution	P	
Sports field	C	
University or college	C	

Commercial Uses		
Community garden	P	
Kennel	P	
Veterinary hospital	P	
Other pet services	P	
Auditorium or theater	A	
Bar	C	
Health club or gym	P	
Mobile food truck court	P	
Residential community amenity, indoor	P	
Restaurant	P	
Tap room or tasting room	C	
Other indoor entertainment	P	
Hotel or motel	P	
Car wash	P	
Light vehicle fueling station	C	
Light vehicle repair	P	
Light vehicle sales and rental	C	
Paid parking lot	P	
Parking structure	P	
Bank	P	
Club or event facility	P	
Commercial services	P	
Medical or dental clinic	P	
Mortuary	C	
Office	P	
Personal and business services, small	P	
Research or testing facility	P	
Self-storage	C	
Residential community amenity, outdoor	P	
Other outdoor entertainment	A	
Art gallery	P	
Bakery goods or confectionery shop	P	
Cannabis retail	P	
Farmers' market	P	
General retail, small	P	
Grocery store	P	
Liquor retail	A	
Nicotine retail	A	
Pawn shop	C	
Park-and-ride lot	C	
Transit facility	C	
Industrial Uses		
Artisan manufacturing	P	
Cannabis cultivation	P	
Cannabis-derived products manufacturing	P	

Drainage facility	P	
Electric utility	P	
Geothermal energy generation	A	
Major utility, other	P	
Solar energy generation	P	
Wind energy generation	A	
Recycling drop-off bin facility	A	
Outdoor storage	CA	
Wireless Telecommunications Facility (WTF)		
Architecturally integrated	A	
Collocation	A	
Freestanding	P	
Non-commercial or broadcasting antenna	A	
Public utility collocation	A	
Roof-mounted	A	
Small cell	A	
Accessory and Temporary Uses		
Agriculture sales stand	A	
Animal keeping	A	
Automated Teller Machine (ATM)	A	
Drive-through or drive-up facility	A	
Dwelling unit, accessory	A	
Family care center	A	
Garden	A	
Home occupation	A	
Independent living facility	A	
Mobile food truck	A	
Mobile vending cart	A	
Outdoor animal run	CA	
Outdoor dining area	A	
Other use accessory to non-residential primary use	A	
Other use accessory to residential primary use	A	
Construction staging area, trailer, or office	T	
Dwelling, temporary	T	
Fair, festival, or theatrical performance	T	
Film production	T	
Open air market	T	
Park-and-ride facility, temporary	T	
Real estate office or model home	T	
Safe outdoor space	CT	
Seasonal outdoor sales	T	
Temporary use not listed	T	
Hot air balloon takeoff/landing	T	

The southern lot of the subject site subject to the proposed zone change would not allow for permissive uses that would be harmful to adjacent property, the neighborhood, or the community because the PD zone requires specification of uses prior to approval and therefore harmful uses are mitigated prior to development. The only uses proposed in this section of the PD development are residential (single-family detached, two-family detached, and townhouses), which is a category of low intensity use with low risk of harm to nearby properties, neighborhoods, and communities. The land-use changing table above highlights the many uses that would become non-permissible on this lot were this zone change to be approved, ensuring that many potentially harmful uses would not be allowed on the residential portions of this site.

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

1. Have adequate capacity to serve the development made possible by the change of zone.
2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement (IIA).
4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City-approved Development Agreement between the City and the Applicant.

The request meets the criteria above as described by number 3: will have adequate capacity when the applicant fills its obligations under the IDO, the DPM, and/or an IIA. The request will continue through various City application processes where infrastructure capacity will be addressed.

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

The subject site is Unser Blvd, a major street. Though the location of the subject site is appropriate for the requested Zone Map Amendment, our justification is not based predominantly on that. Rather, the justification is based on the previous thorough ABC Comp Plan analysis and shows that the request furthers a preponderance of Goals and Policies in the categories of Community Identity, Land Use, and Economic Development. These analyses highlight the benefits of the proposed zone change, many of which would apply regardless of the property's location on a major street.

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

The request is not based wholly on the cost of land nor economic considerations, rather, the request is based on the policy analysis above. This request furthers a preponderance of the ABC Comp Plan Goals and policies and would enhance the community by facilitating a zone map amendment and subsequent development on a suitable plot of land that would serve the nearby community with appropriate uses.

6-7(G)(3)(h): The Zoning Map Amendment does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the requested zoning will clearly

facilitate implementation of the ABC Comp Plan, as amended, and at least 1 of the following applies.

1. The subject property is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The subject property is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures already on the subject property makes it unsuitable for the uses allowed in any adjacent zone.

As shown in figure 1 at the beginning of this letter, this Zoning Map Amendment would not apply a spot zone. Rather, the PD zoning would match that of the northern property of the subject site that is adjacent to the north of the southern property.

Site Plan EPC – Review and Decision Criteria

The request is supported by the Comprehensive Plan Goals and policies and meets the requirements for a Site Plan – EPC per IDO **Section 14-16-6-6(l)(3)**, Review and Decision Criteria a – g, as follows:

6-6(l)(3)(a): The Site Plan is consistent with the ABC Comp Plan, as amended.

As shown in the previous analysis, the requested Site Plan - Major Amendment will benefit the surrounding neighborhood because it is consistent with and furthers the ABC Comp Plan and the applicable Goals and Policies therein. The analysis describes how the proposed Zone Map Amendment is consistent with Goals and Policies regarding Character, Centers and Corridors, Complete Communities, City Development Patterns. These Goals and policies are supported because the request will provide a variety of housing options on the westside along with much needed goods and services.

6-6(l)(3)(b): The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the subject property and any related development agreements and/or regulations.

The site plan request is for a subject site zoned PD and will establish applicable terms and conditions covering the subject property.

6-6(l)(3)(c): The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.

The proposed site plan covers a proposed development covering five (5) proposed parcels. This project will be required to go through the Development Hearing Officer DHO subdivision process. Each parcel is modeled after design standards for the zone in which they most closely resemble. No deviations or variances are included in this request. The design standards clearly outline the IDO provision which they follow. Further entitlement processes through the DHO and other controlling bodies will ensure compliance with the IDO and the DPM. The lease agreement for the cell tower easement ensures the Exclusive Agreement Area, Lot 5, is not disturbed but does not outline any other terms and conditions regarding future development on this site

6-6(I)(3)(d): The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the maximum extent practicable.

The City's existing infrastructure has adequate capacity for the proposed development. A Traffic Impact Study is currently underway for the project. The TIS will identify any adverse impacts the development would have on the existing transportation network. Prior to the development of the site, any mitigation requirements as a result of the TIS will be addressed and made a condition of issuance of the building permit. This process ensures no negative impacts to the area's transportation infrastructure. We will be making all required submittals to Hydrology, Transportation, etc. The site plan will also follow the DFT Site Plan process, in which infrastructure will be addressed.

6-6(I)(3)(e): The application mitigates any significant adverse impacts on the project site and the surrounding area to the maximum extent practicable.

The request mitigates any significant adverse impacts on the project site and the surrounding area to the maximum extent practicable. First, a sensitive lands analysis was conducted, and no sensitive lands are present on-site, ensuring no mitigation for sensitive lands is required. Second, all development shall be beholden to all applicable IDO requirements, which are designed to minimize potential adverse impacts of development. Finally, via the related Archaeological Ordinance, a certificate of no effect was issued, as the property was completely bladed between 1996 and 2002. Further entitlement processes will further ensure adverse impacts are mitigated. Specific aspects of this design further mitigate significant adverse impacts on surrounding properties. The residential uses in Lot 4 border the abutting residential areas, while the commercial areas of Lots 1, 2, and 3 are directly along the Unser Blvd/Sage Rd intersection. This is an appropriate transition of intensity which protects existing residential areas. These factors show that this application mitigates any significant adverse impacts, both on the project site and the surrounding area to the maximum extent practicable.

6-6(I)(3)(f): If the subject property is within an approved Master Development Plan, the Site Plan meets any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.

The subject site is not within any Master Development Plan boundaries.

6-6(I)(3)(g): If a cumulative impact analysis is required in the Railroad and Spur Small Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements), the Site Plan incorporates mitigation for all identified cumulative impacts. The proposed development will not create material adverse impacts on water quality or other land in the surrounding area through increases in traffic congestion, parking congestion, noise, vibration, light spillover, or other nuisances without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

A cumulative impact analysis is not required in this location because it does not fall within a Railroad and Spur Small Area.

Conclusion

The requested zone map amendment from MX-L to PD, and associated site plan would benefit the surrounding neighborhood by furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as shown in the preceding analysis. The proposed Zone Map Amendment furthers these Goals and Policies regarding Character, Centers & Corridors, Complete Communities, Jobs-Housing Balance, City Development Areas, and Placemaking. Further, the subject site is within 600 feet of the Arenal/86th/Benavides Major Transit Corridor and is wholly contained within an Area of Change, both places where this type of development is desired.

Tierra West, on behalf of Fazal Amirhamzeh Enterprises, LLC, respectfully requests a zone map amendment from MX-L to PD, for the southern portion of the subject site located at the southwest intersection of Unser Blvd and Sage Rd.

Additionally, Tierra West requests approval of the associated Site Plan – EPC for the entire site which would be zoned wholly PD should the above request be approved.

Thank you for taking this zone map amendment into consideration.

If you have any questions, or need additional information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'AJ', with a stylized flourish at the end.

Adam Johnstone,
Associate Planner

JN: 2024003
AJ/sl/djb