

1 Plan, which call for its development as a Neighborhood Activity Center that is
2 a “pleasant and inviting place that draws people to park and walk and sit.”

3 (C) In order to address this lack of detail and to otherwise address the impact
4 of developments throughout the 12th and Menaul area, the City Council
5 commissioned land use and transportation studies of the site and abutting
6 streets that included significant engagement with community stakeholders
7 and the public.

8 (D) The City’s “12TH & MENAUL STUDY,” a policy document that laid the
9 groundwork for City roadway and streetscape improvements in the area, was
10 produced as part of this effort and is not affected by this ordinance or its
11 exhibits.

12 (E) A site development plan, building height and setback plan, and documents
13 containing street cross sections, design standards and regulations affecting
14 the former Albuquerque Indian School Property also were produced as part of
15 this effort and adopted as exhibits to Council Bill F/S O-05-98 to guide
16 development of the site.

17 (F) F/S O-05-98 also established SU-1 for C-2 zoning with a list of specific
18 permitted uses for the “Commercial Tract.”

19 (G) F/S O-05-98 delegated approval of Site Plans for Building Permit (for
20 individual projects on the site) to the Development Review Board.

21 (H) F/S O-05-98 required that any “non-minor” amendments to the Site
22 Development Plan, including design standards and permitted uses, be
23 presented to the City Council for consideration.

24 (I) In the years since the adoption of F/S O-05-98, several changes have
25 occurred internal and external to the Site which require changes to the Site
26 Development Plan and associated design guidelines, including:

- 27 1. In 2012, the 19 New Mexico Pueblos for which the former Albuquerque
28 Indian School property is held in trust dissolved the original corporation
29 created to develop the site and transferred responsibility for developing
30 the site to a different corporation, Indian Pueblos Marketing, Inc.
- 31 2. The City of Albuquerque has revised its plans for reconfiguring 12th
32 Street where it passes by the Commercial Tract and has eliminated
33 previously planned on-street parking which had been a key

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- 1 consideration in design regulations for building frontages and
2 entrances.
- 3 3. The City also has revised plans for the signalized intersection and
4 pedestrian crossing on 12th Street half way between Indian School Road
5 and Menaul Blvd NW, across from the Indian Pueblo Cultural Center’s
6 main entrance.
- 7 4. IPMI has found that the 2005 Site Development Plan’s building
8 footprints, street and parking lot layout, and other characteristics do not
9 comport with current trends in retail and restaurant development, and
10 are not flexible enough to accommodate the plans of possible tenants
11 on the site.
- 12 5. IMPI has found that the 2005 boundary for the office tract and the
13 restriction to build only offices for Federal and Native American tenants
14 do not allow the flexibility necessary to fully develop the office tract.
- 15 (J) Council and Planning Department Staff have noted a lack of clarity in the
16 documents adopted as regulations and design standards by F/S O-05-98,
17 especially with regard to what language constitutes regulations, rather than
18 guidelines.
- 19 (K) In 2015, the City Council adopted O-13-59 to amend design standards for a
20 3.5-acre portion of the Commercial Tract regulating sidewalks, glazing, signs
21 and other development characteristics as requested by IPMI to facilitate
22 development of a structure on the site for a tenant, which has since been built
23 and occupied.
- 24 (L) IPMI has requested that regulations be updated similarly for the entire site,
25 and has submitted updated exhibits, including Site Development Plan,
26 Building Height and Setback Plan, Design Standards, Design Guidelines, and
27 Authorized Uses for a review and recommendation by the Environmental
28 Planning Commission prior to consideration for approval by the City Council.
- 29 (M) IMPI has requested that the development review and approval process for
30 the site, as required by the Development Agreement and F/S O-05-98, be
31 streamlined, allow for administrative changes and reduce requirements for
32 City Council review.

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1 (N) IPMI has also recently begun negotiation with the City on a Revised
2 Development Agreement with the City reflecting the new developer and
3 changed conditions since the previous agreement was reached.
4 (O) This is a request for a revised Site Development Plan, Building Height and
5 Setback Plan, and Design Guidelines for a 46.11-acre site located on 12th
6 Street and Menaul Blvd., and revised Design Standards for the Commercial
7 Tract, a 12.57-acre portion on the west side of the site, revised Design
8 Standards for the office tract, the remainder of the property to the east of the
9 site, and updated Authorized Uses for both the Commercial and Office Tracts.
10 (P) This request generally furthers Albuquerque/Bernalillo County
11 Comprehensive Plan policies for providing quality, visually pleasing urban
12 environments in the Central Urban area and development of the Indian School
13 Community Activity Center as called for in the Comprehensive Plan's Activity
14 Center Goal.
15 Section 2. REPEAL OF EXISTING ORDINANCE. F/S O-05-98 is hereby repealed.
16 Section 3. CURRENT ZONING REMAINS. SU-1/C-2 zoning established on the
17 Commercial Tract as shown in the updated Site Development Plan (Exhibit A-
18 1) is retained.
19 Section 4. EXHIBITS ADOPTED FOR THE COMMERCIAL TRACT. Development
20 in the Commercial Tract shall be governed by the following exhibits to this
21 ordinance: Exhibit A-1 (Site Development Plan); Exhibit A-2 (Building Height
22 and Setback Plan); Exhibit B-2 (Development Design Standards for IPMI
23 Commercial Tract); Exhibit B-1 (Development Design Guidelines); and Exhibit
24 C (Authorized Uses).
25 Section 5. EXHIBITS ADOPTED FOR THE OFFICE TRACT. Development on the
26 Office Tract as shown in the updated Site Development Plan shall be governed
27 by Exhibit A-1 (Site Development Plan); Exhibit A-2 (Building Height and
28 Setback Plan); Exhibit B-1 (Development Design Guidelines); Exhibit B-3
29 (Development Design Standards for IPMI Office Tract); and Exhibit C
30 (Authorized Uses).
31 Section 6. DEVELOPMENT REVIEW AND APPROVAL PROCESS FOR THE
32 COMMERCIAL TRACT. Pursuant to the current and any successor

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- 1 Development Agreement between IPFDC or IPMI and the City of Albuquerque,
2 the following development review process shall apply.
- 3 (A) The development standards set forth in this plan are mandatory. The
4 Planning Director and/or the director's designee may, on a project by
5 project basis, approve requests for minor changes or deviations from any
6 dimensional standard that is less than or equal to 10%. Any deviation
7 greater than 10% and up to 25% from any dimensional standard shall be
8 reviewed by the EPC, which may approve or disapprove the request.
9 Decisions by the Planning Director and by the EPC shall be appealable to
10 the City Council through the normal process of appeals.
- 11 (B) All other requests for changes shall be reviewed by the EPC and approved
12 or disapproved by the City Council.
- 13 (C) Notice of any applications to be heard administratively by the Planning
14 Director shall be provided by IPMI via certified mail to all recognized
15 neighborhood associations within 600 feet of the property at least 15 days
16 prior to submittal of the application. Affected neighborhood associations
17 shall have 15 days after notice is provided to submit written comments to
18 the Planning Director. A copy of the Planning Director's decision shall be
19 provided by IPMI via email or letter to all affected neighborhood
20 associations.
- 21 (D) For applications to be heard by the EPC or City Council, notice and public
22 hearings shall be provided according to the normal process.
- 23 (E) The applicant shall submit a written justification for all requests for
24 changes or deviations from the development standards that describes
25 consistency with the goals of the plan as well as compatibility with
26 surrounding development. Deviations from the requirements of this plan
27 are to be reviewed by the Planning Director, the EPC, or the City Council,
28 and not through application to the Zoning Hearing Examiner.
- 29 (F) Site development plans for building permit shall be reviewed and approved
30 by the DRB, whose decisions shall be appealable to the City Council
31 through the normal process of appeals. Notice by letter of all DRB hearings
32 shall be provided by IPMI to all recognized neighborhood associations
33 within 600 feet of the property.

1 (G) Rights of third parties, if any, to seek review by any court shall be governed
2 by the Development Agreement between IPMI and the City of Albuquerque.
3 Section 7. AMENDMENTS TO COME BEFORE CITY COUNCIL. Amendments to
4 this ordinance and/or to its requirements as set forth in Exhibits A-1, A-2, B-1,
5 B-2, and C, shall be reviewed by the EPC and approved or disapproved by the
6 City Council.
7 Section 8. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
8 clause, word or phrase of this ordinance is for any reason held to be invalid or
9 unenforceable by any court of competent jurisdiction, such decision shall not
10 affect the validity of the remaining provisions of this ordinance. The Council
11 hereby declares that it would have passed this ordinance and each section,
12 paragraph, sentence, clause, word or phrase thereof irrespective of any
13 provisions being declared unconstitutional or otherwise invalid.
14 Section 9. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take
15 effect five days after publication by title and general.

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