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1 WHEREAS, the IDO currently prohibits drive-through and drive-up uses in
2 Mixed-use zone districts within the VHUC; and

3 WHEREAS, the IDO allows drive-through and drive-up uses in Non-
4 residential zone districts within the VHUC; and

5 WHEREAS, Councilor Lewis proposed a small area text amendment for the
6 VHUC to lift the prohibition on drive-throughs in Mixed-use zone districts; and

7 WHEREAS, the City held public review meetings for proposed amendments
8 in the 2023 IDO Annual update, including small area amendments, on October
9 12, October 13, and November 17, 2023; and

10 WHEREAS, the City offered a Pre-submittal Neighborhood Meeting as
11 required by the IDO and held the meeting on October 17, 2023 to present and
12 discuss the proposed change to the Volcano Heights Urban Center, respond
13 to questions, and gather feedback; and

14 WHEREAS, the City provided all required notice for an Amendment to IDO
15 Text – Small Area, including publishing a legal ad in the Albuquerque Journal,
16 emailing two representatives of each neighborhood organization registered
17 with the Office of Neighborhood Coordination (ONC), mailing property owners
18 within the small area and within 100 feet, and posting notice on the Planning
19 Department website and on the project website; and

20 WHEREAS, the IDO requires an Amendment to IDO Text – Small Area to be
21 reviewed by the Environmental Planning Commission (EPC) and decided as a
22 quasi-judicial action by City Council as the City’s zoning authority in §14-16-6-
23 7(E)(2)(c) and (d); and

24 WHEREAS, the EPC held a study session for the 2023 IDO Annual Update
25 on December 7, 2023, and considered this request on February 15, 2024; and

26 WHEREAS, the EPC, following study and consideration, found that this
27 proposed amendment does not further and conflicts with the spirit and intent
28 of the ABC Comp Plan, including applicable goals and policies related to
29 Community Identity, Land Use, Transportation, Urban Design, and Heritage
30 Conservation and therefore does not satisfy the review and decision criteria
31 for an Amendment to IDO Text – Small Area in §14-16-6-7(E)(3); and

32 WHEREAS, the EPC forwarded to the City Council a recommendation of
33 denial subject to the findings in the record.

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1 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
2 ALBUQUERQUE:

3 SECTION 1. Amend IDO §14-16-4-3(F)(5) to delete text in §14-16-4-3(F)(5)(f)
4 as follows:

5 ~~[10. Volcano Heights Urban Center~~

6 ~~This use is prohibited in the Mixed-use zone districts in this Center as~~
7 ~~mapped in the ABC Comp Plan, as amended.]~~

8 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
9 clause, word or phrase of this ordinance is for any reason held to be invalid or
10 unenforceable by any court of competent jurisdiction, such decision shall not
11 affect the validity of the remaining provisions of this ordinance. The Council
12 hereby declares that it would have passed this ordinance and each section,
13 paragraph, sentence, clause, word or phrase thereof irrespective of any
14 provision being declared unconstitutional or otherwise invalid.

15 SECTION 3. COMPILATION. Section 1 of this ordinance shall be
16 incorporated in and made part of the Revised Ordinances of Albuquerque,
17 New Mexico, 1994.

18 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect after
19 publication by title and general summary upon the sooner of the effective date
20 of the 2023 IDO Annual Update or January 31st, 2025.

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