

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 mapped~~
7 ~~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.

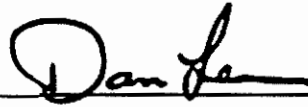
15 SECTION 3. COMPILATION. Section 1 of this ordinance shall be
16 incorporated in and made part of the Revised Ordinances of Albuquerque,
17 New Mexico, 1994.

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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1 PASSED AND ADOPTED THIS 17th DAY OF June, 2024
2 BY A VOTE OF: 6 FOR 3 AGAINST.

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4 For: Baca, Bassan, Champine, Grout, Lewis, Peña

5 Against: Fiebelkorn, Rogers, Sanchez
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11 _____
12 Dan Lewis, President
13 City Council
14

15 APPROVED THIS _____ DAY OF _____, 2024
16

17
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19 Bill No. O-24-11
20 _____

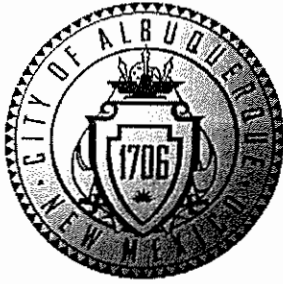
21
22 Timothy M. Keller, Mayor
23 City of Albuquerque
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26 ATTEST:

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28 _____

29 Ethan Watson, City Clerk
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CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

February 23, 2024

TO: Dan Lewis, President, City Council

FROM: Timothy M. Keller, Mayor *TJK*

SUBJECT: Project #2018-001843 – RZ-2023-00044 (Amendment to IDO Text – Small Area – Volcano Heights Urban Center): Adopting a Small Area Text Amendment to the Integrated Development Ordinance (IDO) for the Volcano Heights Urban Center in Conjunction with the 2023 IDO Annual Update

The attached legislation would adopt a text amendment to the Integrated Development Ordinance (IDO) for a small area – the Volcano Heights Urban Center (VHUC), as mapped and designated in the Albuquerque-Bernalillo County Comprehensive Plan – to lift a prohibition on drive-through uses in Mixed-use zone districts. This amendment is in conjunction with the 2023 IDO Annual Update.

BACKGROUND

IDO §14-16-6-3(D), which requires Annual Updates of the IDO, establishes a regular cycle of discussion among residents, businesses, City Staff, and decision-makers to consider any suggested changes to the IDO identified over the course of the preceding year.

Portions of these required Annual Updates may take one of two types of text amendments outlined in the IDO: Amendments to IDO Text – Citywide [§14-16-6-7(D)] and Amendments to IDO Text – Small Area [§14-16-6-7(E)].

- Citywide text amendments for the 2023 Annual Update (RZ-2023-00040) apply generally throughout the City and are to be reviewed and decided as legislative changes.
- The small area text amendment for the VHUC (RZ-2023-00044) – the subject of this memo – would only apply in a specific Small Area within the city and must be publicly heard using a quasi-judicial process.

The Volcano Heights Urban Center surrounds the intersection of Paseo del Norte and Unser

Boulevard and is west of the Petroglyph National Monument. VHUC is currently undeveloped and includes properties that are zoned Mixed-use Medium Intensity (MX-M) and Mixed-use High Intensity (MX-H). VHUC also includes properties zoned Non-residential Business Park (NR-BP), where drive-through uses are allowed permissively.

REQUEST

This request is a small area text amendment to the IDO that would lift a prohibition in IDO §14-16-4-3(F)(5) on drive-through and drive-up uses in Mixed-use zone districts within the VHUC.

At a hearing on February 15, 2024, the Environmental Planning Commission (EPC) recommended denial based on findings elaborated in the Official Notification of Decision. The EPC found that the request does not further, and conflicts with, a preponderance of applicable Comprehensive Plan Goals and policies that pertain to community identity, land use, transportation, urban design, and heritage conservation.

NOTIFICATION

Pursuant to the IDO, the required notice for small area text amendments must be emailed, mailed, published, and posted on the web. The City published the required notice in the newspaper and emailed notice to two representatives of each registered neighborhood organization. Mailed notice was sent to property owners within the small area and within 100 feet, as well as to neighborhood representatives without email addresses, as required. The City posted notice on the Planning Department website and on the IDO update project website: <https://abq-zone.com/ido-annual-update-2023>.

In addition to the required notice, email notice was sent to the approximately 9,500 subscribers on the ABC-Z project email list on October 27, 2023; November 3, 2023; November 29, 2023; and January 5, 2024.

Staff received written comments in support and opposition.

- Five (5) commenters expressed support, citing the importance of additional convenient services in the area.
- Sixteen (16) expressed opposition, citing conflicts with Comp Plan goals and policies for the Urban Center as a walkable, pedestrian-oriented, and mixed-use area and goals and policies for Premium Transit Corridors for transit-supportive and transit-oriented development.

EPC PROCESS

The EPC deferred this case at hearings on December 14, 2023 and January 11, 2024 in order to correct error in the required mailed notice to property owners.

On February 15, 2024, EPC reviewed the proposed amendment, heard public testimony, and

voted to recommend DENIAL to the City Council with findings in the Official Notification of Decision.

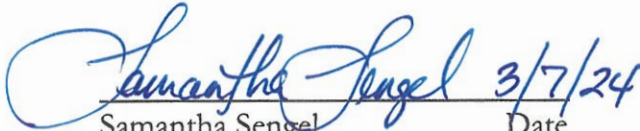
CONCLUSION

Regarding Project #2018-001843, RZ-2023-00044, Adopting a Small Area Text Amendment to the Integrated Development Ordinance (IDO) for the Volcano Heights Urban Center in Conjunction with the 2023 IDO Annual Update, the EPC is forwarding a recommendation of DENIAL.

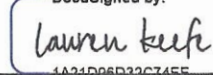
Because the EPC recommended denial, this request is not reflected in a redline draft of the IDO that incorporates the EPC's conditions included in the transmittal of the record for the 2023 IDO Annual Update. Instead, the proposed amendment is incorporated in the adopting ordinance sponsored by Councilor Lewis for City Council's consideration.

Title/ Subject of Legislation: Project #2018-001843 – RZ-2023-00044 (Amendment to IDO Text – Small Area – Volcano Heights Urban Center): Adopting a Small Area Text Amendment to the Integrated Development Ordinance (IDO) for the Volcano Heights Urban Center in Conjunction with the 2023 IDO Annual Update.

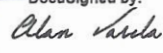
Approved:


Samantha Sengel 3/7/24
Chief Administrative Officer Date

Approved as to Legal Form:

DocuSigned by:
 2/26/2024 | 11:50 AM MST
1A24D06D32C74EE...
Lauren Keefe Date
City Attorney

Recommended:

DocuSigned by:
 2/26/2024 | 9:17 AM MST
947D8BB6EF4C443...
Alan Varela Date
Director

Cover Analysis

1. What is it?

This legislation would amend the Integrated Development Ordinance (IDO) related to a small area – the Volcano Heights Urban Center – to allow drive-through and drive-up uses in Mixed-use (MX) zone districts.

2. What will this piece of legislation do?

This legislation would lift a prohibition on drive-throughs in MX zone districts in the Volcano Heights Urban Center.

3. Why is this project needed?

This amendment is requested by Councilor Lewis to encourage development that could provide convenient services on the West Side.

4. How much will it cost and what is the funding source?

There is no cost to the City.

5. Is there a revenue source associated with this contract? If so, what level of income is projected?

There is no revenue expected from this legislation.

6. What will happen if the project is not approved?

The IDO would remain as is and not be amended. Without the amendment, drive throughs would remain allowed in the Non-residential Business Park (NR-BP) zone district surrounding Paseo del Norte and Unser Boulevard and remain prohibited in the MX-M and MX-H zone districts in the Volcano Heights Urban Center.

7. Is this service already provided by another entity?

No.

FISCAL IMPACT ANALYSIS

TITLE: Adopting an IDO Small Area Text Amendment for the Volcano Heights Urban Center in Conjunction with the 2023 IDO Annual Update
 R: FUND: 110
 O: DEPT: 4926000

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2024	Fiscal Years 2025	2026	Total
Base Salary/Wages				-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses				-
Property			-	-
Indirect Costs	-			-
Total Expenses	\$ -	\$ -	\$ -	\$ -
<input checked="" type="checkbox"/> Estimated revenues not affected				
<input type="checkbox"/> Estimated revenue impact				
Amount of Grant	-			-
City Cash Match	-	-	-	-
City Inkind Match	-	-	-	-
City IDOH *15.30	-			-
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

* Range if not easily quantifiable.

Number of Positions created 0

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

This legislation would amend the IDO text with a small area change vetted during the 2023 annual update process. This amendment would allow drive-throughs in Mixed-use zone districts in the Volcano Heights Urban Center.

PREPARED BY:

Debbie Dombroski 2.21.2024
 FISCAL MANAGER (date)

APPROVED BY:

Alan Sandy 26/2024 | 9:17 AM MST
 DIRECTOR (date)

REVIEWED BY:

Evelyn Torres 2/26/2024 | 9:18 AM MST
 EXECUTIVE BUDGET ANALYST (date)

DocuSigned by:

Annexa Davis 2/26/2024 | 10:12 AM MST
 BUDGET OFFICER (date)

DocuSigned by:

Christina Baker 2/26/2024 | 10:16 AM MST
 CITY ECONOMIST (date)