



Legislation Details (With Text)

**File #:** O-16-22  
**Type:** Ordinance **Status:** Enacted  
**File created:** 8/15/2016 **In control:** City Council  
**Final action:** 9/19/2016  
**Enactment date:** 9/30/2016 **Enactment #:** O-2016-019

**Title:** C/S Repealing F/S O-05-98; Pursuant To The Development Agreement Between The City Of Albuquerque (City) And Indian Pueblos Marketing, Inc. (IPMI) As Successor To The Indian Pueblos Federal Development Corporation: Approving An Amended Site Development Plan For Approximately 47 Acres, More Or Less, Located On 12th Street NW Between Indian School Road NW And Menaul Blvd NW; Adopting Updated Development Design Standards For The Commercial And Office Tracts; Adopting Updated Development Design Guidelines; And Adopting Updated Authorized Uses For The Commercial And Office Tracts (Benton, by request)

**Sponsors:** Isaac Benton (By Request)

**Indexes:**

**Code sections:**

**Attachments:** 1. O-22.pdf, 2. O-22 Exhibits.pdf, 3. O-22 Approved Committee Substitute.pdf, 4. O-22 Exhibits to Approved Committee Substitute.pdf, 5. CS O-22Enacted

Date	Ver.	Action By	Action	Result
9/30/2016	3	City Clerk	Published	
9/29/2016	3	Mayor	Signed by the Mayor	
9/22/2016	2	City Council	Sent to Mayor for Signature	
9/19/2016	2	City Council	Accepted with a Recommendation Do Pass, as Substituted, as Amended (Immediate Action)	
9/19/2016	1	City Council	Passed	Pass
9/14/2016	1	Land Use, Planning, and Zoning Committee	Substituted	Pass
9/14/2016	1	Land Use, Planning, and Zoning Committee	Amended	Pass
9/14/2016	1	Land Use, Planning, and Zoning Committee	Sent to Council with a recommendation of Do Pass, as Substituted, as Amended	Pass
9/14/2016	1	Land Use, Planning, and Zoning Committee	Sent to Council for Immediate Action	Pass
8/15/2016	1	President	Referred	
8/15/2016	1	City Council	Introduced and Referred	

**CITY of ALBUQUERQUE**  
**TWENTY SECOND COUNCIL**

COUNCIL BILL NO. C/S O-16-22 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Isaac Benton, by request

## ORDINANCE

C/S Repealing F/S O-05-98; Pursuant To The Development Agreement Between The City Of Albuquerque (City) And Indian Pueblos Marketing, Inc. (IPMI) As Successor To The Indian Pueblos Federal Development Corporation: Approving An Amended Site Development Plan For Approximately 47 Acres, More Or Less, Located On 12th Street NW Between Indian School Road NW And Menaul Blvd NW; Adopting Updated Development Design Standards For The Commercial And Office Tracts; Adopting Updated Development Design Guidelines; And Adopting Updated Authorized Uses For The Commercial And Office Tracts (Benton, by request)

REPEALING F/S O-05-98; PURSUANT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ALBUQUERQUE (CITY) AND INDIAN PUEBLOS MARKETING, INC. (IPMI) AS SUCCESSOR TO THE INDIAN PUEBLOS FEDERAL DEVELOPMENT CORPORATION: APPROVING AN AMENDED SITE DEVELOPMENT PLAN FOR APPROXIMATELY 47 ACRES, MORE OR LESS, LOCATED ON 12<sup>TH</sup> STREET NW BETWEEN INDIAN SCHOOL ROAD NW AND MENAUL BLVD NW; ADOPTING UPDATED DEVELOPMENT DESIGN STANDARDS FOR THE COMMERCIAL AND OFFICE TRACTS; ADOPTING UPDATED DEVELOPMENT DESIGN GUIDELINES; AND ADOPTING UPDATED AUTHORIZED USES FOR THE COMMERCIAL AND OFFICE TRACTS.

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

Section 1 FINDINGS ADOPTED. The City Council adopts the following findings:

(A) Planning in the early 2000s for development of the former Albuquerque Indian School Property, by following a narrow interpretation of the City's site plan for subdivision requirements, did not provide sufficient detail regarding uses, site design, building heights and other characteristics of urban development.

(B) A detailed site plan specifying such aspects of anticipated development of the site was deemed necessary at the time for the City to design off-site transportation facilities, site access points and a compatible streetscape; and to ensure that development of the site meets the goals and policies of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan, which call for its development as a Neighborhood Activity Center that is a "pleasant and inviting place that draws people to park and walk and sit."

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

(D) The City's "12<sup>th</sup> & MENAUL STUDY," a policy document that laid the groundwork for City roadway and streetscape improvements in the area, was produced as part of this effort and is not affected by this ordinance or its exhibits.

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

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

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

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

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

1. In 2012, the 19 New Mexico Pueblos for which the former Albuquerque Indian School property is held in trust dissolved the original corporation created to develop the site and transferred responsibility for developing the site to a different corporation, Indian Pueblos Marketing, Inc.

2. The City of Albuquerque has revised its plans for reconfiguring 12<sup>th</sup> Street where it passes by the Commercial Tract and has eliminated previously planned on-street parking which had been a key consideration in design regulations for building frontages and entrances.

3. The City also has revised plans for the signalized intersection and pedestrian crossing on 12<sup>th</sup> Street half way between Indian School Road and Menaul Blvd NW, across from the Indian Pueblo Cultural Center's main entrance.

4. IPMI has found that the 2005 Site Development Plan's building footprints, street and

parking lot layout, and other characteristics do not comport with current trends in retail and restaurant development, and are not flexible enough to accommodate the plans of possible tenants on the site.

5. IPMI has found that the 2005 boundary for the office tract and the restriction to build only offices for Federal and Native American tenants do not allow the flexibility necessary to fully develop the office tract.

(J) Council and Planning Department Staff have noted a lack of clarity in the documents adopted as regulations and design standards by F/S O-05-98, especially with regard to what language constitutes regulations, rather than guidelines.

(K) In 2015, the City Council adopted O-13-59 to amend design standards for a 3.5-acre portion of the Commercial Tract regulating sidewalks, glazing, signs and other development characteristics as requested by IPMI to facilitate development of a structure on the site for a tenant, which has since been built and occupied.

(L) IPMI has requested that regulations be updated similarly for the entire site, and has submitted updated exhibits, including Site Development Plan, Building Height and Setback Plan, Design Standards, Design Guidelines, and Authorized Uses for a review and recommendation by the Environmental Planning Commission prior to consideration for approval by the City Council.

(M) IPMI has requested that the development review and approval process for the site, as required by the Development Agreement and F/S O-05-98, be streamlined, allow for administrative changes and reduce requirements for City Council review.

(N) IPMI has also recently begun negotiation with the City on a Revised Development Agreement with the City reflecting the new developer and changed conditions since the previous agreement was reached.

(O) This is a request for a revised Site Development Plan, Building Height and Setback Plan, and Design Guidelines for an approximately 47-acre site located on 12<sup>th</sup> Street and Menaul Blvd., and revised Design Standards for the Commercial Tract, a 12.57-acre portion on the west side of the site, revised Design Standards for the office tract, the remainder of the property to the east of the site, and updated Authorized Uses for both the Commercial and Office Tracts.

(P) This request generally furthers Albuquerque/Bernalillo County Comprehensive Plan policies for providing quality, visually pleasing urban environments in the Central Urban area and development of the Indian School Community Activity Center as called for in the Comprehensive Plan's Activity Center Goal.

Section 2. REPEAL OF EXISTING ORDINANCE. F/S O-05-98 is hereby repealed.

Section 3. CURRENT ZONING REMAINS. SU-1/C-2 zoning established on the Commercial Tract as shown in the updated Site Development Plan (Exhibit A-1) is retained.

Section 4. EXHIBITS ADOPTED FOR THE COMMERCIAL TRACT. Development in the Commercial Tract shall be governed by the following exhibits to this ordinance: Exhibit A-1 (Site Development Plan); Exhibit A-2 (Building Height and Setback Plan); Exhibit B-2 (Development Design Standards for IPMI Commercial Tract); Exhibit B-1 (Development Design Guidelines); and Exhibit C (Authorized Uses).

Section 5. EXHIBITS ADOPTED FOR THE OFFICE TRACT. Development on the Office Tract as shown in the updated Site Development Plan shall be governed by Exhibit A-1 (Site Development Plan); Exhibit A-2 (Building Height and Setback Plan); Exhibit B-1 (Development Design Guidelines); Exhibit B-3 (Development Design Standards for IPMI Office Tract); and Exhibit C (Authorized Uses).

Section 6. DEVELOPMENT REVIEW AND APPROVAL PROCESS FOR THE COMMERCIAL TRACT. Pursuant to the current and any successor Development Agreement between IPFDC or IPMI and the City of Albuquerque, the following development review process shall apply.

(A) The development standards set forth in this plan are mandatory. The Planning Director and/or the director's designee may, on a project by project basis, approve requests for minor changes or deviations from any dimensional standard that is less than or equal to 10%. Any deviation greater than 10% and up to 25% from any dimensional standard shall be reviewed by the EPC, which may approve or disapprove the request. Decisions by the Planning Director and by the EPC shall be appealable to the City Council through the normal process of appeals.

(B) All other requests for changes shall be reviewed by the EPC and approved or disapproved by the City Council.

(C) Notice of any applications to be heard administratively by the Planning Director shall be provided by IPMI via certified mail to all recognized neighborhood associations within 600 feet of the property at least 15 days prior to submittal of the application. Affected neighborhood associations shall have 15 days after notice is provided to submit written comments to the Planning Director. A copy of the Planning Director's decision shall be provided by IPMI via email or letter to all affected neighborhood associations.

(D) For applications to be heard by the EPC or City Council, notice and public hearings shall be provided according to the normal process.

(E) The applicant shall submit a written justification for all requests for changes or deviations from the development standards that describes consistency with the goals of the plan as well as compatibility with surrounding development. Deviations from the requirements of this plan are to be reviewed by the Planning Director, the EPC, or the City Council, and not through application to the Zoning Hearing Examiner.

(F) Site development plans for building permit shall be reviewed and approved by the DRB, whose decisions shall be appealable to the City Council through the normal process of appeals. Notice by letter of all DRB hearings shall be provided by IPMI to all recognized neighborhood associations within 600 feet of the property.

Section 7. PARKING REQUIREMENTS FOR COMMERCIAL TRACT. A 25% reduction in required off-street parking shall be permitted for all properties within the Commercial Tract. Parking spaces constructed on internal streets in the Commercial Tract shall be considered when calculating off-street parking requirements.

Section 8. AMENDMENTS TO COME BEFORE CITY COUNCIL. Amendments to this ordinance and/or to its requirements as set forth in Exhibits A-1, A-2, B-1, B-2, B-3, and C, shall be reviewed by the EPC and approved or disapproved by the City Council. Application for amendments to this ordinance and/or exhibits by IPMI or its successors shall be made to the Planning Department for a hearing in accordance with the EPC's application and hearing schedule.

Section 9. DEVELOPMENT REVIEW AND APPROVAL PROCESS FOR THE OFFICE TRACT. City development review processes shall not apply to the Office Tract.

Section 10. RESPONSIBILITIES FOR TRANSPORTATION INFRASTRUCTURE. The IPMI or its successors shall not be responsible for permanent improvements to the transportation facilities outside and up to the boundary set by the current and any amended License and Use Agreement for Transportation Related Improvements between the City and IPMI. IPMI or its successors shall not be responsible for off-site traffic signals, median improvements or other traffic devices or off-site improvements on City streets, which shall be the responsibility of the City. IPMI shall be responsible for on-site transportation infrastructure that is not within the License and Use Agreement boundary.

Section 11. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of

this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

Section 12. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect five days after publication by title and general summary.

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