



Legislation Details (With Text)

File #: O-24-11
Type: Ordinance
File created: 3/18/2024
Status: In Council - Reported from Committee
In control: Land Use, Planning, and Zoning Committee
Final action:
Enactment date:
Enactment #:
Title: Adopting A Small Area Text Amendment To The Integrated Development Ordinance For The Volcano Heights Urban Center To Allow Drive-Throughs In Mixed-Use Zone Districts (Lewis, by request)
Sponsors: Brook Bassan (By Request)
Indexes:
Code sections:
Attachments: 1. O-11, 2. O-11 Supporting Documents PR-2018-001843_RZ-2023-00044_VHUC

Date	Ver.	Action By	Action	Result
5/15/2024	1	Land Use, Planning, and Zoning Committee	Sent to Council Without Recommendation	Pass
4/10/2024	1	Land Use, Planning, and Zoning Committee	Postponed	Pass
3/18/2024	1	President	Referred	
3/18/2024	1	City Council	Introduced and Referred	

CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-11 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis, by request

ORDINANCE

Adopting A Small Area Text Amendment To The Integrated Development Ordinance For The Volcano Heights Urban Center To Allow Drive-Throughs In Mixed-Use Zone Districts (Lewis, by request)

WHEREAS, the City Council adopted an update to the Albuquerque/Bernalillo County Comprehensive Plan (“Comp Plan”) in 2017 via R-16-108 (Enactment No. R-2017-026); and

WHEREAS, the Comp Plan designated and mapped the Volcano Heights Urban Center (VHUC) in an area surrounding the intersection of Paseo del Norte and Unser Boulevard and

west of the Petroglyph National Monument; and

WHEREAS, the Comp Plan adopted goals and policies that establish Urban Centers as walkable, pedestrian-oriented, and mixed-use areas of the city; and

WHEREAS, the Comp Plan adopted goals and policies that acknowledge the significance of the Petroglyph National Monument as a cultural and natural landscape; and

WHEREAS, the Comp Plan adopted goals and policies that encourage context-sensitive development that respects the unique landscape surrounding the Petroglyph National Monument; and

WHEREAS, the Comp Plan adopted goals and policies that encourage economic development, providing more services and jobs near residents; and

WHEREAS, the City Council adopted the Integrated Development Ordinance (IDO) to implement Comp Plan Goals and Policies; and

WHEREAS, the VHUC includes properties zoned Non-residential Business Park (NR-BP), Mixed-use Medium Intensity (MX-M), and Mixed-use High Intensity (MX-H); and

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

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

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

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

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

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

WHEREAS, the IDO requires an Amendment to IDO Text - Small Area to be reviewed by the

Environmental Planning Commission (EPC) and decided as a quasi-judicial action by City Council as the City's zoning authority in §14-16-6-7(E)(2)(c) and (d); and

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

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

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

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

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

~~[10. Volcano Heights Urban Center~~

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

SECTION 2. 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 provision being declared unconstitutional or otherwise invalid.

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

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

