

Proposed amendments to the IDO for O-23-77

April 12th

Land Use, Planning and Zoning Committee Meeting

Motion	Amendment	Topic
Fail	A1	Non-Residential Conversions
Pass	A2	Demolition Review
Pass	A3	Commercial Parking Requirements
Pass	A4	Preliminary Plats
Fail	A5	Cannabis Retail
Not Moved	A6	Site Plan - Council

Published April 5, 2022

Check the webpage for the latest version of the amendment packet:
<https://ido.abc-zone.com/ido-annual-update-2022>

A1 – Non-residential conversions

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

April 12, 2023

COMMITTEE AMENDMENT NO. _____ TO O-23-77

AMENDMENT SPONSORED BY COUNCILOR Renee Grout

1. On page 467 of Exhibit A to O-23-77, strike 4-3(B)(8)(e) in it's entirety and renumber subsequent sections as necessary.

Explanation: The purpose of this requested amendment is to remove the use-specific standard for Multi-Family development that allows for conversions of non-residential uses into multi-family residential uses to provide a lesser kitchen. The result of this amendment would be that any conversion from non-residential to residential would be required to provide a full kitchen as defined by the IDO. All multi-family housing should conform to standards that seek to protect the health, safety, and welfare of occupants for residential whether the project is affordable or not to contribute positively to quality of life for residents and the surrounding area.

A2 – Demolition Review

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

April 12, 2023

COMMITTEE AMENDMENT NO. _____ TO O-23-77

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

1. On page 467 of Exhibit A to O-23-77, amend 6-6(B)(1) as follows,

6-6(B)(1) Applicability

This Subsection 14-16-6-6(B) applies to demolition of any structure listed on the State and/or national historic register or that is a contributing structure in a State or national registered historic district, or]demolition of structures that are at least 50 years old [located within the following small areas], regardless of whether they are registered on a State or national historic register or are eligible for listing. If a structure is of unknown age, it shall be presumed that it is over 50 years old for the purposes of this Subsection 14-16-6-6(B).

2. On page 467 of Exhibit A to O-23-77, amend 6-6(B)(1) to unstrike subsections (a) through (e) so that they remain in the IDO.

Explanation: This amendment proposes to reduce the scope in which review of demolition permits would be required to be considered by historic preservation staff and then potentially the Landmarks Commission. As originally drafted, any demolition of a building in Albuquerque over 50 years of age would require it to be first considered by historic preservation staff with the potential for the request to be heard by the Landmarks Commission. This amendment reduces that scope to any structure that is on the State and/or national historic register or a contributing structure in a state or national registered historic district. IDO currently provides for demolition review of neon signs along Central, within the Downtown core, the Downtown Neighborhood Area CPO, the East Downtown CPO, and the Nob Hill Highland small mapped area. Demolitions within Historic Protection Overlays are treated differently from this demolition review section.

A3 – Commercial parking requirements

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

April 12, 2023

COMMITTEE AMENDMENT NO. _____ TO O-23-77

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

1. On page 271 of Exhibit A to O-23-77, amend parking requirements 5-5(1) as follows in red text, retaining footnotes as necessary. Blue text indicates a change made by the EPC that is unrelated to this amendment:

General Retail Grocery Store	<p>1 space / [200] <u>[260]</u> sq. ft. GFA for establishments of no more than 10,000 sq. ft.</p> <p>1 space / [225] <u>[292.5]</u> sq. ft. GFA for establishments of more than 10,000 sq. ft. and no more than 50,000 sq. ft.</p> <p>1 space / [300] <u>[390]</u> sq. ft. GFA for establishments of more than 50,000 sq. ft. GFA</p> <p>UC-MS-PT: 2.5 spaces / [1,000] <u>[1,300]</u> sq. ft. GFA [Maximum (UC MS PT): 4 spaces / 1,000 sq. ft. GFA for primary buildings of more than 100,000 sq. ft. GFA]</p>
Restaurant	<p>8 spaces / [1,000] <u>[1,300]</u> sq. ft. GFA</p> <p>UC-MS-PT: 5 spaces / [1,000] <u>[1,300]</u> sq. ft. GFA</p>
Nightclub	<p>8 spaces / [1,000] <u>[1,300]</u> sq. ft. GFA</p> <p>UC-MS-PT: 5 spaces / [1,000] <u>[1,300]</u> sq. ft. GFA</p>
Tap room or tasting room	<p>8 spaces / [1,000] <u>[1,300]</u> sq. ft. GFA</p> <p>UC-MS-PT: 5 spaces / [1,000] <u>[1,300]</u> sq. ft. GFA</p>

Explanation: This amendment proposes to decrease parking requirements for general retail, grocery stores, restaurants, nightclubs, and tap rooms or tasting rooms by 30%.

A4 – Preliminary plats

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

April 12, 2023

COMMITTEE AMENDMENT NO. _____ TO O-23-77

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones and Isaac Benton,
by request

1. On page 427 of the IDO EPC Redline of the IDO Annual Update 2022, in Subsection 14-16-6-4(U)(1), revise the existing text as follows

[A decision on any application type other than Subdivision of Land – Major Preliminary Plat by any decision-making body shown in Table 6-1-1 is final unless appealed, in which case it is not final until the appeal has been decided by the last appeal body. For Subdivision of Land – Major, only a Preliminary Plat decision may be appealed; a Sketch Plat or a Final Plat is not subject to appeal. As a preliminary approval, a Preliminary Plat is not considered a final decision that can be appealed.]

Explanation: This amendment proposes to allow appeals of Preliminary Plat decisions during the review/decision of a major subdivision. After a Preliminary Plat is approved, an Applicant is required to pay for and install all public and private improvements necessary to address the impacts of their proposed development or otherwise provide financial security to the City to ensure installation of required infrastructure through an Infrastructure Improvements Agreement (IIA).

If a party with standing believes an error or mistake was made by the decision-making body on a subdivision request, it is most appropriate to hear that appeal and resolve any related issues prior to the Applicant expending funds on infrastructure for their project.

Further, the Preliminary Plat is the stage at which the decision-making body is determining “if it complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property.” The only decision criterion for a Final Plat is to determine that “it includes all changes, conditions, and requirements contained in the Preliminary Plat approval.”

This amendment would remove the risk that infrastructure, such as streets and/or utilities, would need to be removed if an appeal overturned an approval.

A5 – Cannabis Retail

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

April 12, 2023

COMMITTEE AMENDMENT NO. _____ TO O-23-77

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton and Tammy Fiebelkorn

1. In Exhibit A to O-23-77, on page 179, amend 4-3(D)(35)(d) as follows:

4-3(D)(35)(d) ~~[This use is prohibited within 300 feet of any school or child day care facility.]~~ If located within 300 feet of any school or child day care facility, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).]

Explanation: This amendment proposes to allow Cannabis Retail facilities to locate within 300 feet of a school or child day care facility if a Conditional Use Approval is granted. Today, this use is prohibited within 300 feet of a child day care or school.

A6 – Site Plan - Council

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

April 12, 2023

COMMITTEE AMENDMENT NO. _____ TO O-23-77

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton, Tammy Fiebelkorn,
Pat Davis

In Exhibit A to O-23-77, amend the IDO to create a new Site Plan approval process in which the City Council is the final decision-making body. These Site Plan – Council requests shall be required for applications of the following:

1. Development of Extraordinary Facilities (as defined by the IDO) within Major Public Open Space
2. Development of structures (as defined by the IDO) within Major Public Open Space

In these matters, the Environmental Planning Commission shall be the recommending body and the hearings shall occur as quasi-judicial proceedings. Appeals of these matters would be considered by district court, as is the case with all final decisions of the City Council.

Explanation: This amendment proposes to create a new review and approval process called “Site Plan – Council” that would hear requests for development within Major Public Open Space. Today, facilities within Major Public Open Space that *are not* Extraordinary Facilities are administered through a Site Plan – Administrative process where city staff is the final decision-making authority and there is no public hearing associated with the request. Facilities that *are* Extraordinary Facilities are considered through a Site Plan – EPC process where the EPC is the final decision-making authority and there is a public hearing associated with the request. As a result of this amendment, all facilities, whether Extraordinary or not, would be finally considered by the City Council.

Extraordinary Facilities are defined by the Rank II Open Space Facilities Plan, as referenced to in the IDO, and generally includes the following:

- Pavilion
- Restroom
- Wildlife blind
- Bridge
- Viewing Platform
- Shade Structure

A6 – Site Plan - Council

- Benches
- Picnic Table
- Boardwalk
- Artwork (First reviewed by the Arts Board and then to the Open Space Advisory Board)
- Culvert

“Structure” is defined by the IDO as:

Structure

Anything constructed or erected above ground level that requires location on the ground or attached to something having a location on the ground but not including a tent, vehicle, vegetation, trash can, bench, picnic table, or public utility pole or line. Swimming pools are considered structures, whether above-ground or in-ground.