

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

April 20, 2023

WFC Wyoming NM llc
C/O Westwood Financial Corp
Property Management
1233 W Loop S Suite 1500
Houston, TX 77027-9108

Project # PR-2021-005461
SI-2023-00513 - Site Plan- Major Amendment

LEGAL DESCRIPTION:

Modulus Architects & Land Use Planning Inc., agent for WFC Wyoming NM LLC c/o Westwood Financial, requests a Major Amendment to an existing Site Development Plan for all or a portion of Parcel 5-A of the amended summary plat of the Wyoming Mall parcels 1 thru 6; Parcel 3 and Parcel 6 summary plat Wyoming Mall; Parcel 1-A, 1-B, 1-C, 4-A and 5-A Plat of Parcel 1-A, 1-B, 1-C, 4-A & 5-A Wyoming Mall, zoned MX-M, located between Wyoming Blvd. NE and Lester Dr. NE, and north of Northeastern Blvd. NE, approximately 32 acres (H-20)
Staff Planner: Leroy Duarte

On April 20, 2023 the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2021-005461/Case# SI-2023-00513 - Site Plan- Major Amendment, based on the following Findings and subject to the following Conditions of Approval:

1. The request is for a major amendment for a property legally described as Parcel 5-A of the amended summary plat of the Wyoming Mall parcels 1 thru 6; Parcel 3 and Parcel 6 summary plat Wyoming Mall; Parcel 1-A, 1-B, 1-C, 4-A and 5-A Plat of Parcel 1-A, 1-B, 1-C, 4-A & 5-A Wyoming Mall, zoned MX-M located on Wyoming Blvd. NE, located between Wyoming Blvd. NE and Lester Dr. NE, and north of Northeastern Blvd. NE approximately 32 acres.
2. The applicant requests to amend the controlling site development plan to redevelop part of parcel 5-A of the site into a drive-through restaurant. A drive-thru restaurant already exists on Parcel 5-A and the request would facilitate development of another one.
3. The EPC is hearing this case pursuant to IDO section 14-16-6-4(Y)(3) Major Amendment. Major amendments shall be reviewed by the decision-making body that issued the permit or approval being amended, following the procedures for the most closely equivalent decision in Part 14-16-6 (Administration and Enforcement). The amendment exceeds the thresholds found in IDO table 6-4-4: Allowable Minor Amendments, therefore it is classified as a Major Amendment pursuant to IDO section 14-16-6-4(Y)(2)(a)(8).

4. The subject site is zoned MX-M (Mixed Use- Medium Intensity). The applicant is requesting a major amendment to amend the controlling site development plan to redevelop a parcel of the site, to facilitate future development as allowed by the MX-M zone.
5. The subject site is in an Area of Change and is along the Wyoming Multi-modal Corridor and in the Hoffmantown Activity Center.
6. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. The request furthers the following policy from Comprehensive Plan Chapter 4: Community Identity.

Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The major amendment request would protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of future development and would facilitate a new drive-through use; keeping the uses generally consistent with the existing commercial development within the area.

8. The request furthers the following goals, policies, and sub-policies from Comprehensive Plan Chapter 5: Land Use.

- A. Policy 5.1.2 Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The major amendment request would direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within the Hoffmantown Shopping Center.

- B. Policy 5.1.6 Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.

The major amendment request would foster mixed-use centers of activity with a range of services and amenities that support and meet the needs of nearby residents and businesses within the Hoffmantown Shopping Center because future development would offer a range of MX-M uses..

- C. Goal 5.2 – Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

The major amendment request would allow for development that would be generally consistent with the surrounding community and would foster opportunities to work, learn, shop, and play together. Abutting the site for the proposed major amendment lies Inez Park to the west, Snow Heights Park to the south, along with residential developments adjacent to both parks that are within walking distance of the subject site..

- D. Policy 5.2.1 – Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The major amendment request would create a mix of uses that are conveniently accessible from surrounding neighborhoods. However, the request would also not create healthy, sustainable uses due to the drive-through promoting vehicle usage and does not encourage pedestrian activity.

- E. Policy 5.3.1 – Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The surrounding area is developed and served by existing infrastructure. Future development would support additional growth and utilize existing infrastructure.

9. The request furthers the following goal, policy, and sub-policy from Comprehensive Plan Chapter 5: Land Use.

- A. Goal 5.6. City Development areas: Encourage and direct growth to Areas of Change where it is expected and desired to ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located in an Area of Change. The major amendment request would direct and encourage growth to the surrounding area by facilitating redevelopment of a commercial use, which would allow growth of the same consistency to occur.

- B. Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The major amendment request would allow development to occur along the Wyoming Blvd. Multi-modal Corridor and within the Hoffmantown Activity Center which is located in an area of change where new growth and development is generally desired.

- C. Sub-policy (h): Encourage development in areas with a highly connected street grid and frequent transit service.

The major amendment request would encourage development in the Hoffmantown Activity Center which is highly connected to the surrounding area by the grid pattern of streets in the NE Heights. The Wyoming Corridor which has frequent transit service by ABQ Ride Route-31 Wyoming route and the ABQ Ride Route- 98 Wyoming Commuter Route.

10. The request furthers the following policy from Comprehensive Plan Chapter 7: Urban Design.

- Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The major amendment request would promote infill that enhances the built environment in style and building materials by facilitating future development according to the IDO standards which will contrast with the current Wyoming Mall. In addition, Use-Specific standards will also be implemented to help mitigate any potential detrimental impacts this development could have on the surrounding

area, while also keeping the use consistency similar to other uses within the Hoffmantown Shopping Center.

11. The request furthers the following policy and sub-policy from Comprehensive Plan Chapter 8: Economic Development.

- A. Policy 8.1.2 Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

The major amendment request would facilitate development that would offer residents a specific type of goods and services that differentiates itself from the other restaurants in the surrounding area, contrasting to economic diversity and choice for the existing residents.

- B. Sub-policy (c): Prioritize local job creation, employer recruitment, and support for development projects that hire local residents.

The major amendment request would facilitate development that would create jobs and could employ residents from the surrounding neighborhoods.

12. The request meets the Site Plan-EPC Review & Decision Criteria in IDO Section 14-16-6-6(I)(3) as follows:

- A. 14-16-6-6(I)(3)(a) The site plan is consistent with the ABC Comp Plan, as amended.

As demonstrated by the policy analysis (see above), the request is consistent with applicable Comprehensive Plan Goals and policies.

- B. 14-16-6-6(I)(3)(b) The site plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the subject property and any related development agreements and/or regulations.

Subject site is zoned MX-M, so the above criterion does not apply.

- C. 14-16-6-6(I)(3)(c) The site plan complies with all applicable provisions of this IDO, the DPM, other adopted City Regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.

The site plan would comply with all applicable provisions of the IDO. The subsequent request will be reviewed via the Site Plan - Admin Process to ensure compliance with applicable provisions of the Development Process Manual (DPM) and other City regulations.

- D. 14-16-6-6(I)(3)(d) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the maximum extent practicable.

The request will be reviewed via Site Plan-Admin process, which is charged with addressing infrastructure and ensuring that infrastructure such as streets, trails, sidewalks, and drainage systems has sufficient capacity to serve a proposed development.

- E. 14-16-6-6(I)(3)(e) The application mitigates any significant adverse impacts on the project site and the surrounding area to the maximum extent practicable.

The future, proposed development will be required to comply with the decisions made through the EPC and the Site Plan – Admin Process. The EPC’s conditions of approval will improve compliance with the IDO, which contains regulations to mitigate site plan impacts to surrounding areas. The Site Plan- Admin review will ensure infrastructure is adequately addressed so that a proposed development will not burden the surrounding area.

- F. 14-16-6-6(I)(3)(f) If the subject site is within an approved Master Development Plan, the Site Plan meets any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.

The subject site is not located within an approved Master Development Plan.

- G. 14-16-6-6(I)(3)(g) If a cumulative impact analysis is required in the Railroad and Spur Area pursuant to Subsections 14-16-5-2(F) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements), the Site Plan incorporates mitigation for all identified cumulative impacts. The proposed development will not create material adverse impacts on water quality or other land in the surrounding area through increases in traffic congestion, parking congestion, noise, vibration, light spillover, or other nuisances without sufficient mitigation or civic or environmental benefits that outweigh the impacts.

The subject property is not within the Railroad and Spur Area and no cumulative impact analysis is required. Therefore, the above criterion does not apply.

13. The affected, registered neighborhood organizations are the District 7 Coalition of Neighborhood Associations, North Eastern Association of Residents, and the Inez Neighborhood Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
14. As of this writing, Staff has not been contacted and is unaware of any opposition.

CONDITIONS OF APPROVAL – SI-2023-00513

1. The EPC delegates final sign-off authority of this site development plan to the DFT.
2. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Facilitation Team (DFT).
3. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
4. The double trash enclosure must meet city of Albuquerque’s minimum requirements.
5. Any new connections to this infrastructure will require supporting documentation and discussion with ABCWUA.

6. Perimeter and interior landscape design should abide by any easement restrictions and not impact PNM facilities. Any trees within or near PNM easements should comply with IDO Section 5-6(C)(10). Shrubs and ground cover and smaller trees are generally acceptable within PNM easements.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **May 5, 2023**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the IDO must be complied with, even after approval of the referenced application(s).

Sincerely,

Catalina Lehner

for Alan M. Varela,
Planning Director

AV/CL/LD

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