

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



OFFICIAL NOTIFICATION OF DECISION

August 19, 2021

El Encato Inc. (Bueno Foods)
PO BOX 293
Albuquerque NM, 87103

Project #2021-005679
SI-2021- 00967, VA-2021-00253
Site Plan and Variance-EPC

LEGAL DESCRIPTION:

Consensus Planning Inc., agent for El Encanto Inc. (Bueno Foods), requests the above action for all or a portion of Tracts A1A1 and B1A, South Barelás Industrial Park and Tract CA-1-A, Municipal Addition No. 6, zoned NR-GM, located at 1901/2001 4th St. SW, between 2nd St. SW and the Albuquerque Riverside Drain, approximately 26.3 acres (L-14-Z).

Staff Planner: Silvia Bolivar

On August 19, 2021, the Environmental Planning Commission (EPC) voted to APPROVE Project #2021-005679, SI-2021- 00967, VA-2021-00253, Site Plan and Variance-EPC, based on the following Findings:

FINDINGS: 2021-00967 Site Plan – EPC

1. The request is for a Site Plan-EPC for Tracts A1A1 and B1, South Barelás Industrial Park and Tract CA-A-1, Municipal Addition No. 6, located at 1901/2001 4th Street SW, containing approximately 26.3 acres (the “subject site”).
2. The applicant wishes to expand the manufacturing and warehousing facility by adding a new, refrigerated, cold storage building with white panels.
3. The request requires Site Plan-EPC approval because the subject site is over 5 acres and adjacent to Major Public Open Space (MPOS). Compliance with IDO Section 5-2 Site Design and Sensitive Lands and a Cumulative Impacts Analysis are required.
4. Adjacency to an MPOS requires EPC approval of the proposed site plan but since the site plan requirement did not apply prior to the IDO, there is not a previous approval on file with the Planning Department for the existing building. Development on the subject site was permissively allowed by the underlying zoning and approved via the building permit process.
5. Under the Use-Specific Standards in IDO Section 4-3(E)(4)(f), each of these uses requires Conditional Use Approval within 330 feet of an MPOS. However, Section 4-1(E), Previously Allowed Uses applies to this site. Therefore, no conditional use approvals are required.

6. The subject site is zoned NR-GM (Non-Residential – General Manufacturing Zone District, IDO 14-16-2-5(D)) which was assigned upon adoption of the IDO based upon prior zoning and land use designations M-2 (Industrial/Wholesale/Manufacturing). Warehousing, wholesaling, distribution centers, and light manufacturing are Permissive in the NR-GM zone.
7. The subject site is located in an Area of Change as designated by the Comprehensive Plan and is part of the Central Albuquerque Community Planning Area (CPA).
8. The subject site is within 1,320 feet (1/4 mile) of a Main Street Corridor (4th Street SW). 4th Street SW is classified as a Major Transit Corridor as designated by the Comprehensive Plan. The subject site is located in the South Barelás Industrial Park.
9. 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.
10. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 5: Land Use pertaining to desired growth and employment centers.

- A. Policy 5.1.1 – Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development.

The request would facilitate the capture of regional growth in Centers and Corridors by allowing the facility to expand at this location, create new jobs, and generate tax revenues. Although the subject site is not located in a designated Activity Center, the subject site is located along 4th Street SW, both a Major Transit and main Street Corridor as designated by the Comprehensive Plan. The request would facilitate development that would reinforce these corridors. Moreover, the subject site is located in an Area of Change where policies allow for development that benefit the creation of jobs. The additional freezer capacity would allow the applicant to produce all products throughout the year and generally help shape the built environment into a sustainable development pattern.

- B. Subpolicy 5.1.1(i): Locate industrial development in Employment Centers or in existing industrial zones within the I-25 and I-40 Corridors.

The request would further this policy by allowing an existing light industrial and warehousing facility located in an industrial zone and near the I-25 corridor to expand its' operations.

- C. 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 request would contribute to creating a healthy and sustainable community because it would facilitate further development in an area with a mix of uses that include light and heavy manufacturing, high and low intensity mixed-use, single-family zones, and commercial services while creating new jobs that would be conveniently accessible from surrounding neighborhoods. The development made possible by the request would contribute to the distinct character of the surrounding industrial area.

11. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 5: Land Use pertaining to infill development and efficient development patterns.

- A. Goal 5.3 – Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The request furthers this Goal because the expansion of the facility to include additional warehouse/storage capacity on the south side of the existing development would be served by existing infrastructure and public facilities. The development made possible by the request would promote efficient development patterns and use of land.

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

The proposed expansion would occur on the southern portion of the site that is currently vacant. Infill development generally occurs on vacant and underused lots in developed areas. The request would support additional growth in an area that is served by existing infrastructure and is within walking distance of public transportation and bicycle routes/paths.

- C. Subpolicy 5.2.1(h): Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request furthers this subpolicy because the proposed expansion of the facility would be constructed on vacant, infill land and would be compatible in form and scale to the immediately surrounding development that consists of light and heavy manufacturing.

- D. Subpolicy 5.2.1(n): Encourage more productive use of vacant lands and under-utilized lots, including surface parking.

The request furthers this subpolicy because the proposed expansion of the facility would be constructed on a vacant and underutilized portion of a lot allowing more productive use of the under-utilized lot.

12. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 5: Land Use pertaining to Areas of Change.

- A. 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 intent behind this policy is to direct growth and more intense development to Centers, Corridors, and industrial and business parks. The expansion of the warehouse facility would further this policy as it is located in the South Barelás Industrial Park where more intense development and growth is encouraged and within 4th Street, a Major Transit/Main Street Corridor.

- B. Subpolicy 5.6.2(b): Encourage job development that expands employment opportunities.

The request would allow expansion of the current facility. The additional freezer/warehouse would allow the applicant to expand its production facility and would create 49 jobs over a five-year period and temporary construction jobs.

- C. Subpolicy 5.6.2(e): Encourage job creation in business and industrial parks, near freight routes, and where adequate transitions and buffers can be provided to protect abutting residential uses.

The addition of the storage facility would allow the applicant to expand its production and create 49 jobs over a five-year period and temporary construction jobs. The request would facilitate job creation in a light manufacturing facility located in the South Barelás Industrial Park near freight routes. The nearest residential uses are located over 600 feet to the east, across the railroad tracks, which is a significant transition and buffer from the subject site.

- D. Policy 5.7.1 – Coordinated Public Investment: Prioritize public investments and program funding by the City and County to be consistent with and to implement Comprehensive Plan land Use Goals and Policies.

Industrial Revenue Bonds and Local Economic Development Act (LEDA) funding are being utilized for the requested expansion of the facility that prioritizes public investments and program funding while implementing Comprehensive Plan land use Goals and policies.

13. The request is consistent with the following Comprehensive Plan Goals and Policies from 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 proposed expansion of the facility would encourage economic development efforts that would bring 49 jobs over a five-year period and temporary construction jobs over nine months. The additional jobs would improve the quality of life for new and existing residents as it is anticipated that the majority of the jobs would be filled by local residents thereby allowing for a robust, resilient, and diverse economy.

- B. Subpolicy 8.1.2(b): Encourage the production, local sale, and export of locally-grown and made goods.

The current facility which is in use to manufacture New Mexican products would be linked to the new freezer/warehouse and would allow for locally grown products to be exported while increasing production and sales of local products.

- C. Subpolicy 8.1.2(c): Prioritize local job creation, employer recruitment, and support for local development projects that hire local residents.

The request would result in temporary construction jobs and 49 new positions over a five-year period that would prioritize local job creation as it is anticipated that 100% of the jobs would be local hires.

- D. Subpolicy 8.1.2(d): Grow the community's economic base through recruitment, retention/expansion, and new business start-ups to bring additional income into the region

The community's economic base would grow through the retention and expansion of the manufacturing facility and thereby bring additional jobs and income into the region as new employees would reinvest in the community by supporting local businesses. The request would allow the applicant to expand sales outside of New Mexico as the request would facilitate production of all products throughout the year.

- E. Policy 8.1.3 – Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending.

The request would strengthen and diversify the economic base by allowing for local residents to be employed in different positions throughout the facility thereby reducing reliance on government spending.

- F. Subpolicy 8.1.3(a): Promote and support local export-based businesses (e.g. manufacturing) as a way to stimulate local economic activity.

The request would facilitate promotion and support of a local export-based business by allowing it to expand its current warehouse/manufacturing facility that current exports 55% of their products.

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

- A. 14-16-6-6(J)(3)(a) - As demonstrated by the policy analysis of the site plan, the request is consistent with applicable Comprehensive Goals and Policies.
- B. 14-16-6-6(J)(3)(b) - The subject site is zoned NR-GM; therefore, this criterion does not apply.
- C. 14-16-6-6(J)(3)(c) - With the application of conditions of approval, the site plan would comply with all applicable provisions of the IDO.
- D. 14-16-6-6(J)(3)(d) - The proposed expansion of the facility to add warehousing and cold storage space is utilizing utilities found adjacent to the property and no changes are being made to existing site access points, parking, or other vehicular circulation patterns. The City's existing infrastructure has adequate capacity for the proposed development.
- E. 14-16-6-6(J)(3)(e) - The future, proposed development would be required to comply with the decisions made by the EPC. The EPCs' conditions of approval would improve compliance with the IDO, which contains regulations to mitigate site plan impacts to surrounding areas.

- F. 14-16-6-6(J)(3)(f) - The subject property is not within an approved Master Development Plan; therefore, this criterion does not apply.
- G. 14-16-6-6(J)(3)(g) – The subject property is within a Railroad and Spur Area but the Applicant has provided a Cumulative Impact Analysis memorandum as part of the application where applicable mitigation efforts are identified.
15. The subject site is adjacent to Major Public Open Space and is therefore subject to all of the regulations in IDO Section 5-2(J)(2), Lots Adjacent to Major Public Open Space.
16. Pursuant to IDO Section 5-2(C)(1) both the subdivision and site design process shall begin with an analysis of the constrains related to sensitive lands. There are no arroyos, floodplains, special flood hazard areas, irrigation facilities, rock outcroppings, significant archaeological sites, steep slopes and escarpments or wetlands. There are no large stands of mature trees that would be impacted by this project. The IDO defines this as “a collection of 5 or more trees 30 years or older or having trunk diameters averaging at least 16 inches in diameter.” The trees that exist in the area where the freezer expansion is proposed on the site plan were not in existence in aerial photography dating back to 11/2012 and are considered newer trees that have grown over the past 10+/- years.
17. There are no archaeological sites on the subject site. A Certificate of No Effect was issued on June 2, 2021 by the Acting City Archaeologist.
18. Pursuant to IDO Section 5-2(E)(1)(a), development or redevelopment meeting all of the criteria of Subsection 14-16-5-4(E)(a) shall mitigate any negative cumulative impacts (#11 – Light Manufacturing). No changes are being proposed to the existing access, circulation, parking, and loading areas. The nearest primary access to the property is located off of Southern Avenue, which is over 1,000 feet to the nearest residentially zoned land on the other side of the railroad tracks. The existing site lighting is located more than 660 feet from any residential uses. The proposed freezer building would not include any hazardous materials and there is no anticipated impact to any residential uses with no outdoor storage visible to any residential uses. The new freezer building would not increase noise generated from the property since all uses are indoors.
19. Pursuant to IDO Section 6-4(H), a cumulative impacts analysis is required prior to approval of a Site Plan-EPC for any development in the Railroad and Spur Area and are to be submitted as part of the application. Other uses that are within 660 feet in any direction of the subject site include many light industrial uses located in the area between 2nd Street and the railroad tracks. The property is surrounded by a combination of institutional, industrial, office, recreational, and open spaces. The proposed freezer expansion does not require any modifications to the access, circulation, and parking for the facility and a traffic impact study is not required. No hazardous materials are stored on the property and an approved Grading and Drainage Plan is provided as part of the EPC Site Plan application. No significant changes to the volume and nature of the stormwater discharge are anticipated. There is an existing stormwater pond on the site. Water consumption would not change. Bueno Foods consumes an average of 1.5 million gallons per month during non-peak processing periods and in the peak season, consumes an average of 8 million gallons per month. The operating hours of the facility would not change due to the freezer expansion. A list of and copies of all permits required for the use were provided in a separate transmittal.

20. The affected, registered neighborhood organization is the Barelás Neighborhood Association, which was notified as required. Property owners within 100 feet were also notified as required.
21. A pre-submittal neighborhood meeting was held on July 13, 2021 in person at La Esquinita at 4th and Coal and via Zoom. An overview was presented of the history of Bueno Foods and their long-standing relationship with the Barelás Community. The current facility does not have enough freezer storage capacity and they must ship products to other locations for cold storage and then ship them back. The new freezer expansion would eliminate the need to do that. The application and IDO requirements were reviewed along with landscape plans that call for street trees and a sidewalk extension along 2nd Street. The Variance request and potential mitigation opportunities were discussed.
22. As of this writing, Staff has received a letter of support from the Barelás Neighborhood Association.

CONDITIONS OF APPROVAL – SI-2021-00967

1. The EPC delegates final sign-off authority of this site development plan to the Site Plan-Administrative Process as per IDO Section 6-5(G)(1). The reviewer will be responsible for ensuring that the EPC Conditions have been satisfied and that other applicable City requirements have been met.
2. The applicant shall coordinate with the Staff planner as the project moves along through the Site Plan-Administrative Process.
3. Conditions from the Transportation Development Review Services shall be addressed at the time of building permitting (most of which have been addressed already):
 - A. List parking calculations
 - B. Show road radii for the fire access road, and provide turning template design to ensure the road is adequate for a fire truck.
 - C. Identify handicapped parking and all ADA pathways from the handicapped parking to the building and from the building to the right-of-way.
 - D. Label existing sidewalk widths within public right-of-way. Ensure that current DPM requirements are met with respect to sidewalk widths based on the roadway classification. Any new sidewalk infrastructure shall be placed on an infrastructure list.
4. Landscaping:
 - A. The shrubs and groundcovers on the southwestern boundary shall be reconfigured to satisfy the 5 shrubs for every 20 feet of lot line as per IDO Section 5-6(E)(4)(b)(2).
 - B. The Parks and Recreation Division has noted that the applicant could choose Desert Willows as the buffering tree if the Ash are too large or too water consumptive.

FINDINGS: VA-2021-00253, Variance-EPC

1. The request is for a Variance-EPC for Tracts A1A1 and B1, South Barelás Industrial Park and Tract CA-A-1, Municipal Addition No. 6, located at 1901/2001 4th Street SW, containing approximately 26.3 acres (the “subject site”).
2. The applicant is requesting approval of a variance of 24% to the 50% maximum light reflective value (LRV) for properties within 330 feet of a Major Public Open Space (MPOS). The applicant is requesting 74 light reflective value (LRV) in order to allow the new building expansion to match the existing facility and utilize a white exterior panel system that would reduce thermal bowing.
3. A Variance-EPC is required because subject site is within 330 feet of a Major Public Open Space (MPOS) pursuant to IDO Section 5-2(J)(1)(d).
4. Adjacency to an MPOS requires EPC approval of the proposed site plan but since the site plan requirement did not apply prior to the IDO, there is not a previous approval on file with the Planning Department for the existing building. Development of the subject site was permissively allowed by the underlying zoning and approved via the building permit process.
5. Under the Use-Specific Standards in IDO Section 4-3(E)(4)(f), each of these uses requires Conditional Use Approval within 330 feet of an MPOS. However, Section 4-1(E), Previously Allowed Uses applies to this site. Therefore, no conditional use approvals are required.
6. The subject site is zoned NR-GM (Non-Residential – General Manufacturing Zone District, IDO 14-16-2-5(D)) which was assigned upon adoption of the IDO based upon prior zoning and land use designations M-2 (Industrial/Wholesale/Manufacturing). Warehousing, wholesaling, distribution centers, and light manufacturing are Permissive within the NR-GM zone.
7. The subject site is located in an Area of Change as designated by the Comprehensive Plan and the subject site is part of the Central Albuquerque Community Planning Area (CPA).
8. The subject site is within 1,320 feet (1/4 mile) of a Main Street Corridor (4th Street SW). 4th Street SW is classified as a Major Transit Corridor as designated by the Comprehensive Plan. The subject site is located in the South Barelás Industrial Park.
9. 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.
10. Pursuant to IDO Section 6-6(N)(1) The request meets Variance-EPC Review and Decision Criteria 6-6(N)(3).
 - A. There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties results from strict compliance with the minimum standards.

The Applicant has been in business for more than 35 years in an area located near the Bosque MPOS and cites how the existing manufacturing and warehousing buildings long-predate the limitations on color and light reflective value (LRV) in building design. The special circumstances applicable to the subject site are not self-imposed and do not apply generally to other property in the same zone district and vicinity, and which create practical difficulties. Staff finds that these aspects post an extraordinary hardship. Staff finds that citing the building expansion over 300 feet from the west property line that is adjacent to the MPOS and setback farther than the existing building, limits effects on surrounding properties while managing the risk of thermal bowing if a darker color were to be used that would absorb more heat energy and increase this risk.

- B. The Variance would not be materially contrary to the public safety, health, or welfare.

The Applicant states that the Variance request would not be materially contrary to public safety, health or welfare. The Variance allows for the proposed expansion to match the color of the existing building (white) and corrects a nonconforming issue for the existing structures on the property that have the same white color. The existing color has existed on the property for over 20 years and has not proven to create any adverse impacts on the public safety, health or welfare.

- C. The variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.

The Applicant states that the Variance would not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.

To the north and east are of the subject site are areas zoned NR-GM with a land use of light manufacturing. To the south are parks and recreation land uses, zoned NR-PO-A and to the west are is the Major Public Open Space. Because there are no residential uses, the request would not materially adversely affect these properties.

- D. The Variance would not materially undermine the intent and purpose of this IDO or the applicable zone district.

Staff finds the request would not materially undermine the intent and purpose of this IDO because it implements the subsections found in 14-16-1-3, Purpose.

The purpose of the NR-GM zone district is to accommodate a wide variety of industrial, manufacturing, and heavy commercial uses, particularly those with noise, glare, or heavy traffic impacts. The primary land uses are manufacturing, fabrication, and assembly as well as agriculture.

In general, the Variance would not materially undermine the intent and purpose of the applicable zone district because it provides for an expansion of an existing manufacturing business and would not materially undermine the intent and purpose of the MPOS regulations because there are not many food-based businesses that require large warehousing and cold storage facilities near MPOS.

- E. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

The Applicant states that the Variance is the minimum necessary to avoid extraordinary hardship or practical difficulties. Staff finds the site hardship supports the Variance to allow the new building expansion to match the existing facility and utilize a white exterior panel system, which is typical of refrigerated cold storage facilities. The light reflective value (LRV) of the proposed panel system is 74, whereas the IDO requirement for properties within 330 feet of MPOS is to limit colors to those between 20 and 50 percent.

11. The EPC finds that the request for a Variance to light reflective value (LRV) (IDO Section Section 5-2(J) Major Public Open Space Edges) shall be 24% over the required maximum of 50% for a total of 74%.
12. The affected, registered neighborhood organization is the Barelas Neighborhood Association, which was notified as required. Property owners within 100 feet were also notified as required.
13. A pre-submittal neighborhood meeting was held on July 13, 2021 in person at La Esquinita at 4th and Coal and via Zoom. An overview was presented of the history of Bueno Foods and their long-standing relationship with the Barelas Community. The current facility does not have enough freezer storage capacity and they must ship products to other locations for cold storage and then ship them back. The new freezer expansion would eliminate the need to do that. The application and IDO requirements were reviewed along with landscape plans that call for street trees and a sidewalk extension along 2nd Street. The Variance request and potential mitigation opportunities were discussed.
14. As of this writing, Staff has received a letter of support from the Barelas Neighborhood Association.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **September 3, 2021**. 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(U) of the 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 EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

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 City Zoning Code must be complied with, even after approval of the referenced application(s).

Sincerely,

for Alan M. Varela,
Planning Director

AV/SB

cc: El Encanto, Inc. (Bueno Foods), PO Box 293, Albuquerque, NM 87103
Consensus Planning, vos@consensusplanning.com
Barelas Neighborhood Association, Lisa Padilla, lisa@swop.net
Barelas Neighborhood Association, Courtney Bell, liberty.c.bell@icloud.com
Legal, kmorrow@cabq.gov
EPC file