

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

May 21, 2021

Jarrold Likar
Butterfly Holdings, LLC
333 Rio Rancho Blvd.
Suite 202
Rio Rancho, NM 87124

Project #2019-002309
SI-2021-00370—Site Improvement, Major Amendment to
Site Plan

LEGAL DESCRIPTION:

Consensus Planning Inc., agents for Butterfly Holdings LLC, requests the above action for all or a portion of Lot 1-A-1 and 5-A-1, La Mirada Subdivision (being comprised of Lots 1-A and 5-A), zoned MX-M, located at 4315 Wyoming Blvd. NE, between Montgomery Blvd. NE and La Mirada Pl. NE, approximately 15.5 acres

(G-19)

Staff Planner: Sergio Lozoya

On May 20, 2021, the Environmental Planning Commission (EPC) voted to Approve Project # 2019-002309/SI-2021-00370, a Site Plan – EPC, Major Amendment, based on the following Findings and subject to the following conditions of approval:

1. The request is for a Major Amendment of a Prior Approved Site Development Plan for a property legally described as Lot 1-A-1 and 5-A-1, La Mirada Subdivision (being comprised of Lots 1-A and 5-A), located at 4315 Wyoming Blvd. NE between Montgomery Blvd. NE and La Mirada Pl, NE, approximately 15.5 acres.
2. The applicant proposes to amend the prior approved site development plan in the following manner:
 - A. Redevelop the southwestern portion of the subject site (approx. 8.5 acres) with a Townhouse subdivision. This area will be reviewed using a new site plan, which will go through the Development Review Board (DRB) process.
 - B. Remove the remainder of the subject site from the governing site development plan and allow for future redevelopment to be subject to IDO regulations.
3. The subject site is zoned MX-M (Mixed Use – Medium Intensity). The purpose of the MX-M zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors. Allowable uses are shown in IDO Table 4-2-1. Townhouses are a permissive use in the MX-M zone district.

4. The EPC is hearing this case pursuant to IDO section 14-16-6-4(Z) Amendments of Pre-IDO Approvals. 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(Z)(1)(b).
5. The subject site is located in an Area of Change and at the intersection of a Multi-Modal Corridor (Wyoming Blvd NE) and Major Transit Corridor (Montgomery Blvd NE).
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 is consistent with the following Comprehensive Plan Goals and Policies from Chapter 4: Community Identity:

A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

The request would enhance, protect, and preserve this distinct community by providing residential uses, which would replace a currently underutilized commercial development consisting largely of asphalt surface parking and vacant buildings.

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

The request would facilitate the development of 66 townhouses on a site that is largely underused and unoccupied. The development would abut a multi-family development, and is also near single-family dwellings. The proposed Townhouses would provide an appropriate scale (in between multi-family and single family), proper location of development, and a mix of housing options.

C. Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The proposed site plan would generally enhance, protect, and preserve the nearby neighborhood because it would facilitate the development of a largely vacant site and an underutilized parking lot. Developing this space to be townhomes would enhance the area, protect housing values, and preserve the neighborhood. The development of the site and subsequent occupancy promotes the areas long term health and vitality.

8. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 5: Land Use
- A. Goal 5.1: Centers and Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The subject site sits along two designated corridors; Montgomery Blvd NE is designated as a Major Transit Corridor, and Wyoming Blvd NE is designated as a Multi-Modal corridor by the Comprehensive Plan. The subject site is not in a designated Activity Center. However, the

request would facilitate residential development along two designated Corridors, and generally low-density residential development is intended outside of Centers.

- B. Policy 5.1.10 Major Transit Corridors: Foster corridors that prioritize high-frequency transit service with pedestrian-oriented development.

The request would facilitate the development of 66 townhouses which would activate nearby Corridors with more residents using transit and walking to nearby commercial services. The proposed Site Plan includes walkways for residents and pedestrian access from the surrounding site. The request would encourage residential development and makes the nearby transit service accessible.

9. The request furthers the following, additional policies regarding Centers and Corridors from Comprehensive Plan Chapter 5: Land Use.

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

The request would facilitate the development of the subject site with 66 Townhouses, which would provide additional opportunities for residents to live, work, and shop in the area. The request would foster complete communities where residents can live and work together because the proposed development would be within walking distance of surrounding commercial development, and ABQ Ride Route 5 and 31.

- B. 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 create healthy, sustainable and distinct communities with a mix of uses by locating the residential development near a mix of commercial uses. The location of the subject site near existing commercial development would generally promote walkability, which contributes to the health of the community. There are three pedestrian access points from the subject site to surrounding development, which promote convenience and accessibility.

- C. Sub Policy 5.2.1 a: Encourage development and redevelopment that brings goods, services, and amenities within walking distance of neighborhoods and promotes good access for all residents.

The proposed boundary for the Site Plan would allow the surrounding lots to be developed under the IDO MX-M Zone District standards. The development under the original site plan was largely underutilized and has not changed for several years. The request facilitates development under MX-M standards, which would bring goods, services, and amenities, all of which are within walking distance from the proposed Townhouses and the surrounding neighborhoods.

- D. Sub Policy 5.2.1 e: Create healthy, sustainable communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The subject site location along two designated corridors promotes convenient accessibility to commercial services. The surrounding sites release from Site Plan regulation to the IDO MX-M zone district guidelines will facilitate the development of a mix of uses that are conveniently accessible from surrounding neighborhoods.

- E. Sub Policy 5.2.1 n: Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request would encourage more productive use of the currently under-utilized lot which is comprised of largely vacant commercial space and surface parking by facilitating the development of 66 Townhouses.

- 10. The request furthers the following, additional polices regarding Centers and Corridors from Comprehensive Plan Chapter 5: Land Use.

- 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 subject site is already served by existing infrastructure and public facilities, so the redevelopment made possible by the request would generally 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 subject site is an infill site located in an area already served by existing infrastructure and public facilities. The request would support additional growth along two established Corridors.

- C. Policy 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The request would facilitate the development where infrastructure and public facilities already exist. And would be infill development as opposed to fringe development where there is no infrastructure.

- D. Goal 5.4 Jobs-Housing Balance: Balance jobs and housing by encouraging growth near employment across the region and prioritizing job growth west of the Rio Grande.

The request would facilitate residential development at a site that is near existing commercial and office development, which are often where jobs are located. The subject site is served well by transit and residents living there would have access to jobs in the area. However, the request does not prioritize job growth west of the Rio Grande.

- E. 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, where growth is expected and desired the request would encourage, enable, and direct growth to it.

11. The request is consistent with the following Comprehensive Plan Goals and Policies from Chapter 9: Housing

- A. Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

The request would facilitate the development of approximately 66 Townhouses, which ensures a sufficient supply and range of high-quality housing types. The subject site is located at the intersection of two designated Corridors (Multi-Modal, and Major Transit) and near multi-family and single-family housing. The addition of Townhouses provides ensures that the area will meet current and future needs at a variety of price levels to ensure more balanced housing options.

- B. Goal 9.3 Density: Support increased housing density in appropriate places with adequate services and amenities.

The request would allow and support development of residential uses, among them the slightly denser Townhouse residential development. The subject site is an appropriate place for such development because it is located along a Major Transit Corridor.

- C. Policy 9.3.1 Centers & Corridors: Encourage higher density, multi-unit housing and mixed-use development in Downtown, Urban, Activity, and Village Centers, and along Premium and Major Transit Corridors to capture growth, relieve development pressure at the edge of the urban footprint, and maintain low densities in rural areas.

The request would allow residential uses, specifically Townhouses (mixed-use development) to develop near appropriate uses such as jobs and services, and along a Major Transit Corridor. The release of the surrounding geography to the IDO MX-M regulation could facilitate additional mixed-use development along a Major Transit Corridor.

12. 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 MX-M; therefore, this criterion does not apply.
- C. 14-16-6-6(J)(3)(c) With the application of conditions of approval, the site plan will comply with all applicable provisions of the IDO. The request will need to be reviewed by the Development Review Board (DRB) to ensure compliance with applicable provisions of the Development Process Manual (DPM). As per the IDO, the EPC will determine whether any deviations from typical Mixed-Use development are acceptable in this proposed major amendment.

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- D. 14-16-6-6(J)(3)(d) The request will be reviewed by the Development Review Board (DRB), 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(J)(3)(e) The future, proposed development will be required to comply with the decisions made by two bodies- the EPC and the DRB. The EPCs' conditions of approval will improve compliance with the IDO, which contains regulations to mitigate site plan impacts to surrounding areas. The DRB's conditions will ensure infrastructure is adequately addressed so that a proposed development will not burden the surrounding area.
 - 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 not within the Railroad and Spur Area and no cumulative impact analysis is required, therefore this criterion does not apply.
13. The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding Centers and Corridors (Major Transit and Multi-Modal Corridors), infill and efficient development patterns, and jobs-housing balance, and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals, and general welfare.
14. The affected, registered neighborhood organizations are the Loma Del Rey NA, District 4 Coalition of Neighborhood Associations, and District 7 Coalition of Neighborhood Associations. Property owners within 100 feet of the subject site were also notified as required.
15. A pre-application neighborhood meeting was requested and held on March 4, 2021 with members of the Loma Del Rey NA. The public was generally supportive of the proposal as indicated in the facilitated meeting minutes.
16. As of this writing, Staff has not been contacted and is unaware of any opposition.

Conditions:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB) to ensure all technical issues are resolved. The DRB is responsible for ensuring that technical EPC Conditions have been satisfied and that other applicable City requirements have been met.
2. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

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3. The applicant shall meet with the Staff planner prior to applying to the DRB to ensure that all conditions of approval are addressed and met. Upon receiving sign-off from the DRB, the applicant shall submit a finalized version of the site plan for filing at the Planning Department.
4. Pedestrian Access & Circulation:
 - A. There will be a pedestrian entrance in addition to pedestrian access at the main gate. Clarification of keyed note three shall be provided. Emergency access shall be called out on the Site Plan.
 - B. Proposed sidewalks within development to be dimensioned to ensure compliance with DPM standards, pursuant to IDO subsection 14-16-5-3(D)(1)(a).
5. Parking & Circulation:
 - A. Parking calculations shall be shown clearly on site plan, and shall comply with IDO table 5-5-1.
 - B. Transit stops within 330' shall be shown and dimensioned to demonstrate eligibility for parking reductions, pursuant to IDO subsection 14-16-5-5(C)(5)(c)2.
 - C. Turning template provided by the applicant to be reviewed and approved by Transportation Development Services.
6. Landscaping:

All street trees must be planted in accordance to IDO Section 14-16-5-6(D)(1)(c).
7. Walls:

Pursuant to IDO table 5-7-1 Maximum Wall Height, maximum wall height in Mixed Use zone districts is 8 feet. Currently, wall sections show terraced walls with a range of up to 12 feet in height. Any wall that is proposed to be higher than 8 feet will need additional approval from the City Engineer, pursuant to IDO Subsection 14-16-5-7(F)(1)(a).
8. Lighting:

Provide a note on the Site Plan stating that lighting shall be provided in accordance with IDO section 14-16-5-8 Outdoor and Site Lighting.
9. Clarification:
 - A. A typical dimension for building setbacks shall be shown on Site Plan, pursuant to IDO subsection 14-16-5-1(D).
 - B. Provide a note on the Site Plan stating that all design standards shall be met pursuant to IDO section 14-16-5-11(C) Low-Density Residential Development.

10. Conditions from Transportation Development Review Services:

- A. This project is part of an overall project that involves a required Traffic Impact Study to determine off-site improvements. Traffic Impact Study recommendations shall be placed onto an infrastructure list.
- B. Based on the number of units, show a second access for emergency purposes. If sharing access with an adjacent parcel, a shared access agreement is required.
- C. Per new DPM requirements, a 5-foot sidewalk is required on each side of the proposed roadway. This would need the proposed overall easement width to be widened.
- D. The applicant will work with the City Transportation Engineer for approval of the proposed 50' turning radius.
- E. Provide turning template to ensure that turn-around space is sufficient in front of the proposed gate location.
- F. Minimum sidewalk width requirements on La Mirada shall be met.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **June 4th, 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(V) 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 Brennon Williams
Planning Director

BW/SL

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