

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

May 18, 2023

Gravity Pad Towers, LLC
440 Alamos Road
Corrales, NM 87048

Project # PR-2018-001577
SI-2023-00537 - EPC - Major Amendment

LEGAL DESCRIPTION:

ABQ Land Use Consulting LLC c/o Carl Garcia, agent for Gravity Pad Towers LLC, requests a Site Plan- Major Amendment for all or a portion of Tracts A, C, D-1-A2, E, F, K, N, S-1-A, S-2, Lands of Double Eagle II Airport, located at 7401 Atrisco Vista Blvd. NW, at the intersection of Atrisco Vista Blvd. NW and Shooting Range Access Rd., zoned NR-SU, approximately 4500 acres (E-5)
Staff Planner: Megan Jones

On May 18, 2023 the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2018-001577, SI-2023-00537 - Site Plan- Major Amendment, based on the following Findings and subject to the following Conditions of approval:

FINDINGS - Double Eagle II Text Amendment

1. The request is for text amendments to the Double Eagle II (DEII) Airport Master Plan. DEII is located on an approximately (\approx) 4,500-acre site at 7401 Atrisco Vista Blvd., between Atrisco Vista Blvd. and Shooting Range Access Rd., bounded by the Petroglyph National Monument, the City of Rio Rancho, and unincorporated Bernalillo County land (the "subject site"). The subject site is twenty miles north by northwest of Downtown Albuquerque.
2. The DEII Airport Master Plan is a Rank 3 Plan and contains standard elements such as a facilities inventory, a needs assessment, a forecast, development alternatives, and a Capital Implementation Plan (CIP) with a 20-year horizon. A Rank 3 Plan is developed and approved by an implementing City department to guide the development maintenance, and operation of individual public resources or facilities.
3. The DEII Airport is zoned Non-residential – Sensitive use (NR-SU). Prior to the effective date of the IDO in May 2018, the subject site was zoned SU-1 for Airport and Related Facilities.
4. The proposed text amendments would add Wireless Telecommunication Facilities (WTFs) as a Facility Requirement and land use in the Master Plan and Airport Layout. WTFs are a permissive accessory use in the NR-SU zone district.

5. Approval of this request would facilitate development of a future WTF, which is subject to a separate administrative review and approval process.
6. The request (the text amendments) constitutes a Major Amendment to a prior approval (the DEII Master Plan). Pursuant to IDO 14-16-6-4(Y), Amendment of Prior Approvals, if a request exceeds the thresholds for Minor Amendments in 14-16-6-4(Y)(2)(a), then it is a Major Amendment.

In this case, the request would affect property in the Airport Protection Overlay Zone and the existing Employment Center District [6-4(Y)(2)(a)(11)], and approves a land use that was not originally authorized by the original approval on the subject site [6-4(Y)(2)(a)(12)]. Therefore, it is a Major Amendment.

7. The EPC was the original reviewing body of the controlling 2018 Master Plan and the City Council was the approving body. Pursuant to the Federal Aviation Administration (FAA), Master Plans are required to be approved through a public hearing process by the governmental agency or authority that owns or operates the airport (See FAA Land Use Compatibility & Airports). Pursuant to IDO 14-16-6-3(C), implementing City departments may choose to have Rank 3 Plans reviewed by the EPC and/or accepted by the City Council when additional input is desired.

In this case, the Aviation Dept. is requesting the EPC as the review and approval body for the proposed amendments.

8. The subject site is located in the developing DEII Airport Employment Center and along the Arroyo Vista Commuter Corridor as designated by the Comp Plan. The majority of the subject site (approximately three-quarters) is located in an Area of Change. The exception is the airfield areas, which are an Area of Consistency and account for approximately one-quarter of the subject site.
9. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
10. The request is generally consistent with the following Comprehensive Plan Goals and policies regarding Development Patterns from 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 DEII Airport Master Plan addresses landside facilities that support aviation functions, such as the administration buildings, fuel farm, and hangars. The request to add the WTF land use as a landside facility could maximize the utility of existing infrastructure at the airport, and contribute to the efficient use of land to generally support the public good.

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

The request would facilitate development of a future WTF, which would support growth at the DEII airport which has existing infrastructure to support the use. DEII is a public facility that may benefit from the WTF land use for the needs of the Airport and surrounding area.

- C. Policy 5.3.7 - Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

The request would help ensure that the WTF land use, an objectionable use to immediate neighbors, is located at the DEII Airport. DEII is located away from immediate development and is surrounded by undeveloped land, aside from the ABQ Shooting Range. Additionally, the request would facilitate development of a WTF on the West side of Albuquerque, which is useful to society.

11. The request is consistent with the following Comprehensive Plan Goal and policies regarding City development areas from Chapter 5:

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

The request to add WTFs as a land use and Facility Requirement in the Master plan would facilitate development of a WTF in the proposed area of change at the DEII Airport. The Airfield areas are in an Area of Consistency, which is not envisioned to change.

- 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.

Policy 5.6.3- Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The subject site is primarily designated as an Area of Change. The majority of the subject site is undeveloped and is to be used for airport and airport-related expansion and businesses in the future and is designated as an Area of Change. The airfield areas, which are a relatively small portion of the subject site, are not envisioned to change much except for updates to meet Federal safety requirements and is designated as an Area of Consistency. In general, airport expansion and non-aviation growth would be directed to Areas of Change where it is expected and desired, and the Areas of Consistency would remain constant because growth is not desired there. The request would add the WTF land use as a facility requirement, in an Area of Change.

12. The request is generally consistent with Goal 12.1 Infrastructure: Plan, coordinate, and provide for efficient, equitable, and environmentally sound infrastructure to support existing communities and the Comp Plan's vision for future growth (Chapter 12-Infrastructure, Community Facilities, and Services).

The request to add a WTF land use as a landside requirement in the DEII Master Plan would provide infrastructure that would support the existing DEII Airport and surrounding area because the Master plan does not currently include WTFs as a land use. The purpose of the request would approve the use and facilitate development of a future WTF, which is subject to a separate approval process which would ensure efficient, equitable and environmentally sound infrastructure. This request generally supports the Comp Plans vision for growth.

13. The request for a Major Amendment meets the Site Plan-EPC Review & Decision Criteria in IDO Section 14-16-6-6(J)(3):

- A. 6-6(J)(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 generally consistent with applicable Comprehensive Plan Goals and policies.

- B. 6-6(J)(3)(b) The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the property and any related development agreements and/or regulations.

The subject site is zoned NR-SU and is within the Double Eagle II Airport Master Plan. The Master Plan is silent on development standards and regulations for Wireless Telecommunication Facilities (WTF). Therefore, the request to allow a WTF land use in the DEII Master Plan shall be consistent with all applicable regulations of the NR-SU zone district, IDO Wireless Telecommunication Facility Regulations, and FAA regulations. The request would not change any existing development agreements or regulations associate with the DEII Master Plan.

- C. 6-6(J)(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 proposed text amendment would allow the WTF land use as a facility requirement in the DEII Master Plan, which is required to comply with the NR-SU standards in the IDO. The request would facilitate future development of a WTF which would be subject to a separate application process and all applicable provisions of the IDO, DPM, and all FAA and WTF regulations. Conditions of approval are recommended to ensure compliance with NR-SU standards, DEII development standards, and to create consistency within the DEII Master Plan exhibits/maps.

- D. 6-6(J)(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 extent practicable.

The requested amendments would not impact existing infrastructure and public improvements. The applicant has agreed to coordinate with utility providers to mitigate any potential burdens on the power grid and will be responsible for the construction of the proposed access road for the proposed future WTF made possible by this request, and will ensure that all DPM and IDO guidelines are met.

- E. 6-6(J)(3)(e) The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.

The proposed text amendments to allow a WTF land use as a landside facility at DEII Airport would not significantly impact the subject site or surrounding area. As the applicant has demonstrated, the future WTF made possible by this request would be required to meet all WTF

and FAA regulations, which will generally ensure provision of adequate infrastructure to mitigate site-specific impacts on the surrounding area.

- F. 6-6(J)(3)(f) If the subject property 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.

Not applicable. The subject site is not a part of a Master Development Plan; it is within the DEII Master Plan which is a Rank 3 Plan.

- G. 6-6(J)(3)(g) If a cumulative impact analysis is required in the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (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 expected impacts.

Not applicable. The Level A Plan area is not in a designated Railroad and Spur Area.

14. Upon approval of this request WTFs are an allowable use in the DEII Master plan and any future WTF applications would not be subject to another amendment of the DEII Master Plan.
15. Minor conditions and amendments are needed to provide clarification and create consistency with the DEII Master Plan moving forward.
16. There are no affected neighborhood organizations. Property owners within 100 feet of the subject site were notified as required. A facilitated meeting was neither requested nor held. Staff has not been contacted or received any written comments. There is no known opposition.

CONDITIONS OF APPROVAL

1. Upon approval of the Major Amendment and the subsequent approval of a Wireless Telecommunication Facility (WTF) at DEII Airport, the applicant shall update the Master Plan maps/exhibits with the final approved WTF location.
2. Map/Exhibits shall be updated with the approved, final WTF location within 6 months of the approval.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **June 2, 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/MJ

cc: Gravity Pad Towers, LLC, sean@thefsg.com
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EPC File