

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

November 12, 2020

Via Development LLC
13105 Dover
Lubbock, Texas 79424

Project #2020-004021
SI-2020-00992-Site Improvement

LEGAL DESCRIPTION:

Consensus Planning, agent for Via Development LLC, requests the above action for all or a portion of Tracts A-1A and A1-B, Blocks 16 & 17, Zuni Addition (being a Replat of Tract A-1, Blocks 16 & 17, Zuni Addition), located at 7400 Menaul Blvd. NE, between Menaul Blvd. NE and Mesilla St. NE, approximately 4.2 acres (H-19-Z)
Staff Planner: Shawn Watson

On November 12, 2020, the Environmental Planning Commission (EPC) voted to Approve Project # 2020-004021/SI-2020-00992, a Site Plan – EPC, Major Amendment based on the following Findings and subject to the following Conditions of Approval:

FINDINGS:

1. The request is for a Major Amendment for a Site Development Plan for Subdivision for a property described as Tracts A-1A and A1-B, Blocks 16 & 17, Zuni Addition (Being a Replat of Tract A-1, Blocks 16 & 17, Zuni Addition), located at 7400 Menaul Boulevard NE, approximately 4.2 acres.
2. The subject site is zoned MX-M (Mixed-Use Medium Intensity Zone District). Primary land uses are moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors.
3. The subject site was formerly zoned SU-1 for C-2 Permissive Uses, including a full service liquor license only in conjunction with a restaurant, excluding the sale of alcohol for off-site consumption and excluding off-premise signs. This specific use listed on the site development plan for subdivision remains valid pursuant to IDO Section 14-16-1-10(A).
4. The subject site is within an Area of Change and along a Multi-Modal Corridor, Menaul Boulevard, as designated by the Comprehensive Plan.
5. The applicant proposes to split Tract A-1B into two tracts, which will shift the eastern ingress/egress access point to the east by approximately 20 feet and create a cross access on the north end of the proposed Tract A-1B-1 (1.335 acres) and Tract A-1B-2 (1.032 acres).

OFFICIAL NOTICE OF DECISION

Project #2020-004021

November 12, 2020

Page 2 of 6

6. The request is being considered pursuant to IDO Section 14-16-6-4(Y)(1)(b)1, which states that Major Amendments shall be reviewed and decided by the decision-making body that issued the approval being amended. The EPC approved the controlling site development plan for subdivision prior to effective date of the IDO. This request would have been processed as a Subdivision of Land – Minor if it had not been an EPC approved site development plan for subdivision prior to adoption of the IDO.
7. 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.
8. The request is consistent with the following Comprehensive Plan goals and policies from Chapter 5: Land Use, related to Infill Development and Areas of Change:

Policy 5.1.1.c: Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for development at the urban edge.

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

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.

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 request would encourage employment density, compact development, and infill along a Corridor that can accommodate growth over time and discourage the need for development at the urban edge (Policy 5.1.1.c). The Comp Plan designates Menaul Boulevard as a Multi-Modal Corridor, which is intended to encourage the redevelopment of aging auto-oriented commercial strip development to a more mixed-use, pedestrian-oriented environment. The request would also direct growth to an Area of Change where development is more appropriate (Goal 5.6 and Policy 5.6.2). This site is also served by existing infrastructure and public facilities that can support infill development (Policy 5.3.1). The request is consistent with Policy 5.1.1.c, Policy 5.3.1, Goal 5.6, and Policy 5.6.2.

Policy 5.6.2.h: Encourage development in areas with a highly connected street grid and frequent transit service.

The request for a Major Amendment would encourage development in an Area of Change with a highly connected street grid and frequent transit service. The Comp Plan designates Menaul Boulevard as a Multi-Modal Corridor, which, in part, is intended focus on providing safe, multi-modal transportation options. The site is served by ABQ Ride Route #8 (Menaul), which offers service Monday through Sunday with a peak frequency of 20 minutes during the weekdays and 30-minute peak frequency on weekends. There is a bus stop directly in front of the site on Menaul Boulevard. The request is consistent with Policy 5.6.2.h.

9. The request is consistent with the following Comprehensive Plan policy from Chapter 6: Transportation, related to Auto Network.

OFFICIAL NOTICE OF DECISION

Project #2020-004021

November 12, 2020

Page 3 of 6

Policy 6.2.8.e: Coordinate vehicle circulation throughout development sites, clearly define access points, and provide safe and convenient pedestrian walkways.

The request would coordinate vehicle circulation throughout the development site through the creation of a cross access easement across proposed Tract A-1B-1 in addition to the existing shared access with Main Bank on Tract A-1A. The request would also clearly define access points by providing three access points to the subject site, including a second access point along Menaul Boulevard that would move east approximately 20 feet to accommodate the proposed subdivision. Lastly, the request would provide safe and convenient pedestrian walkways as the site development plan for subdivision design standards denote requirements for circulation, including regulations for pedestrian walkways. For example, pedestrian walkways must be 6-foot wide, unobstructed, and clearly demarcated as well as having pedestrian connections to the existing transit stop. The request is consistent with Policy 6.2.8.e.

10. The request is consistent with the following Comprehensive Plan policy from Chapter 8: Economic Development, related to Resilient Economy.

Goal 8.1 Placemaking: Create places where business and talent will stay and thrive.

The request would create a place where business and talent can stay and thrive by facilitating the future development of the vacant portion of the subject site. The smaller proposed tracts can attract appropriately sized commercial development. The request is consistent with Goal 8.1.

Policy 8.1.2.c: Prioritize local job creation, employer recruitment, and support for development projects that hire local residents.

The request would facilitate future subdivision that would split Tract A-1B into two tracts that are more appropriately sized to attract commercial development to this vacant site. New infill development would create opportunities for employer recruitment and local job creation. The request is consistent with Policy 8.1.2.c.

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

- A. 6-6(H)(3)(a) The Site Plan is consistent with the ABC Comp Plan, as amended.

As demonstrated by the policy analysis of the site development plan for subdivision, the request is consistent with applicable Comprehensive Plan Goals and policies.

- B. 6-6(H)(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.

Criterion B is not applicable. The subject site does not have any terms, conditions, or development agreements related to NR-SU or PD zoning.

OFFICIAL NOTICE OF DECISION

Project #2020-004021

November 12, 2020

Page 4 of 6

- C. 6-6(H)(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 controlling site development plan for subdivision has design standards that apply to the subject site and remain valid pursuant to IDO Section 14-16-1-10(A). If the site development plan for subdivision is silent, applicable provisions in the IDO apply. 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).

- D. 6-6(H)(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 request will be reviewed by the Development Review Board (DRB), which is responsible for addressing infrastructure and ensuring that infrastructure such as streets, sidewalks, and drainage systems have sufficient capacity to serve the subject site.

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

Future development on the subject site will be required to comply with the decisions made by the EPC and the DRB. The DRB will ensure infrastructure is adequately addressed so that a proposed development will not burden the surrounding area. Future development will also be required to comply with the site development plan for subdivision design standards as well as applicable provisions in the IDO where the site development plan for subdivision is silent.

The subject site is regulated by the IDO's Neighborhood Edges (14-16-5-9) and Edge Buffer Landscaping requirements. Under the Neighborhood Edges provision, the subject site is a Regulated Lot, which would require future development to comply with specific provisions for building height, screening and buffering, and parking, drive-throughs, and loading areas to mitigate potential adverse impacts to the residential neighborhood to the south.

The site development plan for subdivision design standards also require a 6-foot wall along Prospect Avenue, which is currently incomplete. Future development of the proposed tracts would complete the wall for the adjacent residential neighbors.

12. Conditions of Approval are included for clarification and to ensure compliance with all applicable regulations.
13. The affected neighborhood organizations are the Classic Uptown Neighborhood Association, ABQ Park Neighborhood Association, and District 7 Coalition of Neighborhood Associations which were notified as required. Property owners within 100 feet of the subject site were also notified as required.
14. Staff has not received any comments from neighborhood associations or nearby property owners.

OFFICIAL NOTICE OF DECISION

Project #2020-004021

November 12, 2020

Page 5 of 6

CONDITIONS:

1. The EPC delegates final sign-off authority of this site development plan for subdivision 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 development plan for subdivision 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.
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 development plan for subdivision for filing at the Planning Department.
4. Conditions of Approval from City Engineer, Transportation Development:
 - a. Get access easement in place through DRB action.
 - b. For proposed changed access off of Menaul Boulevard, ensure that curb radius does not cross in front of adjacent lot to the west.
 - c. To meet DPM requirements and to allow for queuing, place access a minimum of 75 feet south of Menaul Boulevard on Mesilla for any future development.
5. Condition of Approval from Albuquerque Bernalillo County Water Utility Authority (ABCWUA):
 - a. As a condition of approval request an Availability Statement at the following link https://www.abcwua.org/Availability_Statements.aspx. Request shall include a Fire Marshal approved Fire 1 Plan, zone map showing the site location, and a Utility Plan. Please note that the Site Plan shall show the domestic water, sanitary sewer, and proposed fire protection.
6. Conditions of Approval from the Public Service Company of New Mexico (PNM):
 - a. The applicant shall identify all electric facilities, including structures and poles, on the property and adjacent to the property and then clearly note them on the site plan and any future site plan.
 - b. It is the applicant's obligation to determine if existing and new utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **November 30, 2020**. 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

OFFICIAL NOTICE OF DECISION

Project #2020-004021

November 12, 2020

Page 6 of 6

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/SW

cc: EPC file

avarela@cabq.gov

Via Development LLC, derrick@7bdev.com

Consensus Planning, cp@consensusplanning.com, delgado@consensusplanning.com

Classic Uptown NA, Robert Lah, robtlah@yahoo.com

Classic Uptown NA, David Haughawout, davidh.d7@comcast.net

ABQ Park NA, Shirley Lockyer, shirleylockyer@gmail.com

ABQ Park NA, Steve Randall, srandall52@comcast.net

District 7 Coalition of Neighborhood Associations, Lynne Martin, lmartin900@aol.com

District 7 Coalition of Neighborhood Associations, David Haughawout, davidh.d7@comcast.net