

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

November 16, 2023

Jason Skarsgard
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Project # PR-2023-008619
SI-2023-00871- Site Plan- EPC

LEGAL DESCRIPTION:

Consensus Planning, agent for Jason Skarsgard, requests a Site Plan-EPC for all or a portion of Tract A-2, Block 2 Mandell Addition No. 2 (Replat of Tract A block 2) and the Eastern 50-feet of Lot 4, Block 2, Mandell Addition No. 2 (Amended & Supplemental plat of Blocks 2, 3, 6, 7, 10 & 11), located at 2601 Second St. NW, on the northwest corner of Menaul Blvd. NW and Second St. NW, approximately 1 acre (H-14)
Staff Planner: William Steele

On November 16, 2023 the Environmental Planning Commission (EPC) voted APPROVE Project # PR-2023-008619, SI-2023-00871- Site Plan- EPC based on the following Findings and subject to the following Conditions of Approval:

FINDINGS

1. The request is for a Site Plan-EPC for Tract A-2, Block 2 Mandell Addition No. 2 (Replat of Tract A block 2) and the East 50-feet of Lot 4, Block 2, Mandell Addition No. 2 (Amended & Supplemental plat of Blocks 2, 3, 6, 7, 10 & 11), located at the northwest corner of Menaul Blvd. and 2nd St NW containing approximately 1 acre. (the "subject site").
2. The subject site is zoned MX-M (Mixed-Use Medium Intensity Zone District), is located in an Area of Change as designated by the Comprehensive Plan and is within 1,320 feet (1/4 mile) of the 4th Street Main Street Corridor, and the 4th Street Major Transit Corridor as designated by the Comprehensive Plan.
3. The EPC is hearing this case as required by IDO section 14-16-6-6(I)(1)(c)5. for development within ½ a mile of the Railroad and Small Spur Small Area, which requires a Cumulative impact analysis pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements). A cumulative impacts analysis was included with this request (see attachments).

4. The applicant is requesting a new Site Plan for the development of a car wash facility which includes vacuums and an accessory building. The proposed site plan includes landscaping, grading and drainage, building elevations, utilities, and site details.
5. Staff reviewed the Site Plan drawings pursuant to IDO section 5: Development standards for development within an MX-M zone district and Use Specific Standards for the proposed car wash use. No other City divisions have reviewed the drawings as part of the EPC-Site Plan. Future DFT reviewers shall check the Site Plan for compliance with the DPM and all development standards for the use. Staff has placed conditions of approval on the site plan.
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 generally consistent with Comprehensive Plan Goal 4.1 Character from Chapter 4: Community Identity, to Enhance, protect, and preserve distinct communities.

The request would enhance, protect, and preserve the North 4th Corridor (CPO-9) because the proposed Site Plan would facilitate development that is consistent with the previous land use on the subject site and with the surrounding land uses (commercial retail, commercial service). The site plan would be developed *pursuant* to IDO development standards for the MX-M zone district and CPO-9 development standards.

The subject site is in an Area of Change as designated by the Comp Plan, where new development is desired. By directing growth to Areas of Change, there is less pressure on established neighborhoods to absorb the types of growth that would negatively impact their character. The proposed Site Plan would enhance the surrounding area by facilitating similar commercial development.

8. The request is consistent with the following Comprehensive Plan Policies from Chapter 5: Land Use pertaining to Centers and Corridors and Complete Communities.
 - A. Policy 5.1.1 – Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

This request would facilitate the capturing growth in Centers and Corridors by creating new jobs and generating tax revenues. The project site is within ¼ mile of the Main Street Corridor and centrally located thus making it easily accessible by customers with vehicles who are working or traveling in the area and which helps accomplish a more sustainable development pattern. Additionally, because the project site resides in an Area of Change, it allows for a high-quality redevelopment.

- 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 contribute to creating a healthy and sustainable community because the car wash is a convenient service-oriented use that will provide job opportunities for those in the

nearby surrounding areas. It also contributes to the mix of uses that exist and are conveniently accessible to the surrounding neighborhoods. Further, the request would encourage the use of an under-utilized lot.

9. The request is consistent with the following Comprehensive Plan Goal and Policies from Chapter 5: Land Use pertaining to Efficient Development Patterns and City Development Areas.

- 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 promotes development patterns that maximize the utility of existing infrastructure and the efficient use of land by redeveloping and existing property that is underutilized and contributes to blight in the neighborhood. The proposed project will maximize the utility use existing infrastructure such the existing sanitary sewer system, an existing fire hydrant and existing water distribution and/or service mains. Additionally, the proposed development will improve the subject site with a new building and by simplifying access and circulation patterns that promote efficiency on and off the property.

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

The development will support additional growth because it will utilize the existing utilities that run along and to the subject site. The car wash will contribute to infill development in an area that is along Major and Multi-Modal corridors. The efficient use of this infill property for this development project supports additional growth through the expansion of jobs and increases in gross receipts taxes.

- C. 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.

This development is in an Area of Change where there is a need for redevelopment of a subject site with a vacant gas station, car wash, and convenient store. The car wash facility will encourage growth and possible future development in the surrounding area because it complements the character and intensity of surrounding commercial retail uses.

- D. 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 direct growth and more intense development to a site in an Area of Change. The subject site is an established area of the city located within the Main Street Corridor, Major Transit Corridor, and along a multi-modal corridor. It is situated amongst industrial and commercial uses and would be an appropriate location for a business that is similar development of surrounding land uses.

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

- A. 6-6(I)(3)(a) The site plan is consistent with the ABC Comp Plan, as amended. As demonstrated by the policy-based analysis of the proposed site plan, the request is consistent with applicable Comprehensive Plan Goals and policies.
- B. 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 property and any related development agreements and/or regulations.

The subject site is zoned MX-M therefore, the above criterion does not apply.

- C. 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.

With the application of conditions of approval, the site plan would comply with all applicable provisions of the IDO for the MX-M zone district and for all Cumulative Impacts for development in a Railroad and Spur Small Area. The proposed project has received pre-approval of the Grading and Drainage Plan, and a Traffic Circulation Layout as required by the Transportation division.

- D. 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 extent practicable.

The City's existing infrastructure and public improvements including street, drainage and sidewalk systems have adequate capacity to serve the proposed development. The proposed car wash would utilize the existing utilities adjacent to the property.

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

The Applicant has designed the site to mitigate significant adverse impacts on the surrounding area to the maximum extent practicable. The location of the proposed car wash is situated to limit the amount of noise pollution for the surrounding area. Also, the proposed building design allows for entrance into the car wash through Woodland Ave. only and the exit onto Menaul Blvd. to allow for a smoother and safer traffic flow. The vacuums are located between the car wash building and adjacent building to the west to buffer any potential noise generated from their use.

The applicant has provided a cumulative impact analysis, which demonstrates that the proposed development would not have any adverse effects on the surrounding area.

- F. 6-6(I)(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.

The subject property is not within an approved Master Development Plan; therefore, the above criterion does not apply.

- G. 6-6(I)(3)(g) If a cumulative impact analysis is required in the Railroad and Spur Small 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 would 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.

The subject site requires a Cumulative Impacts Analysis and Cumulative impacts pursuant to subsection 14-16-5-2(E) and 14-16-6-4(H) because the subject property is located in the Railroad and Spur Small Area. The applicant has provided a Cumulative Impact Analysis memorandum as part of the application and incorporates mitigations for all identified cumulative impacts. The proposed development will comply with all standards in the IDO, DPM, and other applicable City standards.

11. Pursuant to IDO 14-16-6-4(H)(1) A cumulative impacts analysis is required prior to approval of a Site Plan-EPC for any development in the Railroad and Spur Small Area that meets the criteria in Subsection 14-16-5-2(E)(1). Staff's analysis of the provided Cumulative Impact Analysis is as follows:

- A. 6-4(H)(2)(a) A list of other uses listed in Subsection 14-16-5-2(E)(1)(c) that are within 660 feet in any direction of the subject property.

The property is within an established commercial area with many light industrial uses located in the area between 2nd Street and the railroad tracks. As evidenced by the City's GIS Land Use mapping, there is an existing light vehicle fueling station, wholesaling and distribution center, light vehicle repair and manufacturing within 660 feet of the property, triggering this cumulative impact analysis.

- B. 6-4(H)(2)(b) A Traffic Impact Study, pursuant to Subsection 14-16-5-2(E)(2)(c).

A traffic impact study was obtained due to the requirements of a cumulative impact analysis. The TIS determined that the proposed car wash not require any modifications to the access, circulation, and parking for the facility.

- C. 6-4(H)(2)(c) A list, estimated amount, and storage location of hazardous materials, as defined by federal regulation, to be used for operations, including but not limited to fuels.

No hazardous materials, as defined by federal regulation, are stored on the property.

D. 6-4(H)(2)(d) A summary of sewer and storm water discharge, including volumes.

A pre-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 with this expansion and the drainage plan shall comply with the DPM for stormwater discharge.

E. 6-4(H)(2)(e) A Letter of Availability from the ABCWUA, including estimate of volume of water to be used annually for operations.

It is predicted that a total of 85% of the total amount of water used in the carwash operation is recycled through below ground tanks and filtration systems. The Water Authority provided comments which state that a water availability statement was issued which provides conditions for getting new service to the redevelopment. This statement expired April 24, 2023 and an updated statement must be requested unless the conditions of service have been met.

F. 6-4(H)(2)(f) The operating hours of the facility, including but not limited to times when there may be delivery or movement of freight vehicles to and from the property and activities that generate noise and occur outdoors.

The hours of operation of the carwash facility are proposed to be from 9 am until 9 pm. All activities associated with the car wash would be indoors except for the vacuum stalls which would not generate additional noise impacts that would exceed allowed decibel levels, pursuant to the applicant.

G. 6-4(H)(2)(g) A list of and copies of all permits required for the use.

The applicant did not provide a list and there is not a separate permit required for the car wash aside from EPC approval, DFT final sign off, and the building permit.

12. Pursuant to IDO 5-2(E)(2)(c) A traffic impact study has been provided pursuant to Article 7-5(D) of the Development Process Manual, notwithstanding the thresholds or mitigation requirements in the Development Process Manual, which the EPC may use as the basis to require mitigation of the traffic generated by the use through conditions of approval.

The TIS has been scoped, prepared, reviewed and approved by the City Traffic Engineer. It was determined that the proposed car wash not require any modifications to the access, circulation, and parking for the facility.

13. 5-2(E)(2)(d) The site plan is being reviewed by the Environmental Planning Commission (EPC), pursuant to Subsection 14-16-6-6(I).
14. 5-2(E)(2)(e) The site plan is being submitted for review and approval by the EPC at the November 16, 2023 EPC Hearing. Any conditions of approval that the EPC deems necessary would be included as part of the site plan approval.
15. The affected, registered neighborhood organizations are the Near North Valley Neighborhood Association and North Valley Coalition, which were notified as required. Property owners within 100 feet were also notified as required.

16. A pre-submittal neighborhood meeting was held on July 13, 2023. The request was presented to community members and there was discussion about the function of the car wash and its appearance. Additionally, the cumulative impacts according to IDO 16-16-6-4(H) were discussed and how it meets compliance. Community members voiced support of the proposed development after their questions and concerns were discussed.
17. As of this writing, Staff has not received any comments in support or opposition to the request.

CONDITIONS

1. After approval by the Environmental Planning Commission (EPC), the applicant shall submit the proposed site plan to the Development Facilitation Team (DFT) for final sign-off. The reviewer will be responsible for ensuring that all EPC Conditions have been satisfied and that the IDO, DPM, and all other applicable City requirements have been met.
2. The applicant shall coordinate with the Staff Planner prior to submitting to the DFT to ensure that the EPC Conditions in the Official Notification of Decision have been met. The staff planner will provide a post-EPC memo to the DFT.
3. Site Plan Sheet
 - A. The legal description shall include the 0.06-acre tract on the northeast corner of the subject site.
 - B. The proposed sidewalk along 2nd St. NW shall be reflected as 8' instead of 6' pursuant to IDO Section 14-16-5-3(D)(3) and IDO Table 5-3-1 Required Walkway Width, unless a waiver has been obtained.
4. Elevation Sheet: A schedule of colors and materials shall be provided on the Elevation sheet.
5. Detail Sheet: A detail shall be provided for the 3-foot CMU screen wall.
6. Grading and Drainage Plan: The drainage plan shall comply with the DPM for stormwater discharge.
7. Landscape Plan: Street trees shall be 25-feet on center pursuant to IDO Section 14-16-5-6(D)(1)(a).
8. ABCWUA Condition:
Statement #230333 was issued which provides conditions for getting new service to the redevelopment. This statement expires April 24, 2023 and an updated statement shall be requested unless the conditions of service have been met.
9. PNM Condition: Any existing and/or new PNM easements and facilities shall be reflected on any Site Plan and any resulting Plat.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **December 4, 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,

for Alan M. Varela,
Planning Director

AV/CL/WS

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