

PLANNING DEPARTMENT  
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## OFFICIAL NOTIFICATION OF DECISION

September 15, 2022

Titan Development  
6300 Riverside Plaza Lane #200  
Albuquerque NM, 87120

**Project # PR-2022-007219**  
SI-2022-01478– Site Plan – Major Amendment  
VA-2022-00235-Variance- EPC

### **LEGAL DESCRIPTION:**

Consensus Planning, agent for Titan Development, requests a Site Plan- Major Amendment for all or a portion of Tracts A-1-A, A-1-B, A-1-C-1, A-1-D-1, A-1-E-1, A-1-F Los Pastores Shopping Center, and a Variance of 9.5 feet to the 15-foot minimum landscape edge buffer requirement for all or a portion of Tracts A-1-A and A-1-E-1 Los Pastores Shopping Center, located at 4615 Wyoming Blvd. NE, between Montgomery Blvd. NE and Osuna Rd. NE, zoned MX-M, approximately 6.5 acres (F-19)  
Staff Planner: Leroy Duarte

On September 15, 2022, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2022-007219, SI-2022-01478 Site Plan-Major Amendment, VA-2022-00235 Variance of 9.5 feet to the 15-foot minimum landscape edge buffer, based on the following Findings and Conditions of Approval:

### **FINDINGS - Site Plan – Major Amendment**

1. The request is for a Site Plan EPC-Major Amendment of a Pre IDO-Approval for an approximately 6.5-acre site legally described as all or a portion of Tracts A-1-A, A-1-B, A-1-C-1, A-1-D-1, A-1-E-1, A-1-F Los Pastores Shopping Center, located at 4615 Wyoming Blvd. NE, between Montgomery Blvd. NE and Osuna Rd. NE zoned MX-M.
2. The subject site is within the controlling Los Pastores Shopping Center Site Development Plan for Subdivision (project#1010550), which has design standards. The subject site would remain in the Los Pastores controlling Site Development Plan for Subdivision but will adopt IDO standards when design standards are silent.
3. The controlling Los Pastores Shopping Center Site Plan for Subdivision intended uses are for office, retail, and restaurants within the subject site. The approval of this request would allow the proposed development of approximately 102 multi-family dwelling units (see attached Site Plan exhibits).

4. The EPC is hearing this request because IDO Section 1-10(A) Pre-IDO Approvals states that any approvals granted prior to the effective date of the IDO shall remain valid, subject to expiration. Major Amendments of Pre-IDO Approvals return to the original decision-making body pursuant to 14-16-6-4(Z)(1)(b).
5. The subject site is in an area that the Comprehensive Plan designated an Area of Change. It is located along a Major Transit Corridor and Multi-Modal Transit Corridor but is not located in a Center as designated by the Comprehensive 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 consistent with the following, additional goals and policies from Comprehensive Plan Chapter 5: Land Use:

- A. Goal 5.1 Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

The request would facilitate development that would grow as a community by adding 102 multi-family dwelling units to the area that would be connected by Montgomery Boulevard- a Major Transit Corridor and Wyoming- a Multi-Modal Transit Corridor that are well served by public transportation and run along activity and employment centers.

- B. Sub-Policy (g)- 5.1.1 Desired Growth: Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership.

The request would encourage residential infill through the development of 102 multi-family dwelling units within the Los Pastores Shopping Center Site Development Plan for Subdivision. The request would be adjacent to the Montgomery Major Transit Corridor and Wyoming Multi-Modal Transit Corridor.

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

The request would foster corridors that prioritize high-frequency transit service with pedestrian-oriented development through the infill development of 102 multi-family dwelling unit. The proposed development would be located in the Los Pastores Shopping Center that offers a mix of commercial services and retail that would be accessible through the Major Transit Corridor (Montgomery Boulevard) and Multi-Modal Transit Corridor (Wyoming Boulevard) which have high-frequency transit service.

- D. 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 a healthy and sustainable community because it would facilitate future development in an area with a mix of uses including commercial retail, commercial services, low-density residential, and multi-family residential. Furthermore, the subject site is along a Major Transit Corridor (Montgomery Boulevard) and a Multi-Modal Transit Corridor (Wyoming Boulevard) with access to existing paved sidewalks that have connections to the surrounding neighborhoods.

- E. Sub-Policy (d) 5.2.1- Land Use: Encourage development that broadens housing options to meet a range of incomes and lifestyles.

The request would facilitate the development of multi-family dwelling units that would target/capture middle-income renters who do not qualify for low-income housing or cannot afford market rate housing, thus broadening the range of housing options to meet a range of incomes and lifestyle.

- F. Sub-Policy(n) 5.2.1-Land Uses: Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The subject site is located along a Major Transit Corridor, the request would encourage a productive use of what currently exists as an under-utilized lot to facilitate the development of approximately 102 multi-family dwelling units. The multi-family development would provide housing and would be more beneficial to the community than its current state.

- G. 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 would facilitate future development on vacant land that would support the public good by providing a housing option that would maximize the existing infrastructure already in place within the Los Pastores Shopping Center and also utilize public facilities and transportation that is along the subject site.

- H. 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 along a Major Transit and Multi-Modal Transit Corridor, where change is desired. A multi-family development would create a mix of uses and growth within the Los Pastores Shopping Center.

8. The request is consistent with the following policy from Comprehensive Plan Chapter 7: Urban Design:

- A. Goal 7.2 Pedestrian-Accessible Design: Increase walkability in all environments, promote pedestrian-oriented development in urban contexts, and increase pedestrian safety in auto-oriented contexts.

The request would facilitate development of multi-family dwelling units that would increase walkability in all environments and promote pedestrian-oriented development due to its location and proximity to commercial retail and services within the Los Pastores Shopping Center Site Development.

- B. Policy 7.3.4- Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The subject site is located in an Area of Change and along a designated Major Transit Corridor, a prime infill location as highlighted by the Comprehensive Plan. The request would facilitate multi-family development. The subject site would remain in the controlling Los

Pastores Shopping Center Site Plan for Subdivision and be required to follow the design standards. The request would promote infill that blends in style with the surrounding development.

9. The request is consistent with the following policy from Comprehensive Plan Chapter 9: Housing:
  - A. Policy 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

The request would facilitate development of multi-family dwelling units that would support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households by targeting middle-class tenants and a variety of bedroom unit options which vary based on income and household size.
  - B. Policy 9.1.2 Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable and mixed income housing options throughout the area.

The request would facilitate development of multi-family dwelling units that would provide housing for mixed-income neighborhoods by encouraging high-quality, affordable and mixed income housing options specifically to the subject site, which consists of commercial retail and services, but would also be surrounded by single-family development to the east and west of the site.
10. 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-based analysis (see above), the request is consistent with applicable Comprehensive Plan Goals and policies.
  - B. 14-16-6-6(J)(3)(b) The subject site is zoned MX-M. Therefore, the above criterion does not apply. The Site Development Plan for Subdivision includes design standards, when design standards are silent the IDO standards will be followed.
  - C. 14-16-6-6(J)(3)(c) The proposed major amendment is to facilitate development of approximately 102 multi-family dwelling units. The subject site is within the controlling Site Development Plan for Subdivision Los Pastores Shopping Center, which has design standards. The request would comply with all applicable provisions of the IDO (when design standards are silent), DPM, and Los Pastores Design Standards.
  - D. 14-16-6-6(J)(3)(d) The City's existing infrastructure has adequate capacity for the proposed development made possible by this request. The applicant has stated that the request is in an infill location and surrounded by fully built-out infrastructure. Should any additional improvements be needed, the applicant has stated the developer would take responsibility.
  - E. 14-16-6-6(J)(3)(e) The applicant has demonstrated that the request would not negatively impact the surrounding area based on the responses to applicable Comp Plan Goals and Policies. The proposed major amendment would facilitate the development of approximately 102 multi-family dwelling units on the subject site. The subject site is zoned MX-M in which multi-family dwellings are already permissive. The proposed development would comply with the design standards the controlling Site Development Plan for Subdivision and the IDO landscape buffer provisions and height stepdown requirements (when standards are silent),

mitigating any significant adverse impacts on the surrounding area to the maximum extent practicable.

F. 14-16-6-6(J)(3)(f) The subject property is not within a Master Development Plan. It is within the boundaries of the Los Pastores Shopping Center Site Development Plan for Subdivision and is zoned MX-M. The request to facilitate the development of approximately 102 multi-family dwelling units on the subject site is permissible under this zone district pursuant to IDO 14-16-2-4-(C). The future development would meet applicable design standards and IDO standards when the design standards are silent.

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, the above criterion does not apply.

11. No affected neighborhood organizations were required to be notified. Property owners within 100 feet of the subject site were notified as required.

12. 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 plan to the Site Plan-DRB Process as per IDO Section 14-16-6-6(I)(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 prior to submitting for building permit 14-16-6-6(I)(2).

3. Major Amendment: the applicant shall provide an updated top sheet of the controlling site plan for subdivision with a note and a text box explaining the major amendment.

4. Site Plan:

A. Address parking calculations, proposed spaces and required spaces do not equal each other.

B. Note that development shall comply with the Design Standards and IDO.

C. Label all crossing on site plan.

5. Pedestrian Access:

All pedestrian crossings must comply with design standards and be labeled on site plan.

6. Refuse enclosure:

A. Enclosure shall not exceed 8 feet in height (design standards)

B. A site plan approved for access by the Solid Waste Department will be required.

7. Landscape Plan:

A. Revise calculations regarding the proposed number of total trees and total required trees do not equal one-another.

- B. Dimension tree spacing.
8. Walls and fences:
- A. #15 Parking Screening CMU retaining wall shall not exceed a height of 3 feet.
  - B. Walls shall not exceed a height of 8’.
9. Lighting:
- A. Show locations of light poles on the site plan.
  - B. Provide light pole detail indicating height, color, and finish.
  - C. Lighting shall comply with design standards.
10. Signage:
- Signage area calculations shall be provided.
11. Conditions from PNM:
- A. Applicant will coordinate with PNM regarding any existing easements that have to be revisited and/or new easements that need to be created for any electric facilities as determined by PNM.
  - B. Any existing and/or new PNM easements and facilities need to be reflected on any resulting future Site Plan or Plat.
  - C. Perimeter and interior landscape design should abide by any easement restrictions and not impact PNM facilities. Any trees within or near PNM easements including any required Street Trees should comply with IDO Section 5-6(C) (10) as applicable.
12. Condition from AMAFCA:
- Site will have to show it conforms with the approved Drainage Management Plan for the Los Pastores Shopping Center.

### **FINDINGS – Variance- EPC**

1. The request is for a variance of 9.5 feet to the 15-foot minimum landscape edge buffer requirement for all or a portion of Tracts A-1-A and A-1-E-1 Los Pastores Shopping Center, located at 4615 Wyoming Blvd. NE, between Montgomery Blvd. NE and Osuna Rd. NE,
2. The subject site is zoned MX-M (Mixed-use – Medium intensity), a zoning designation received upon adoption of IDO in May 2018.
3. The subject site is within the controlling Los Pastores Shopping Center Site Development Plan for Subdivision (project#1010550), which has design standards. The subject site would remain in the Los Pastores controlling Site Development Plan for Subdivision but will adopt IDO standards when design standards are silent.

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4. The EPC is hearing this request because IDO Section 1-10(A) Pre-IDO Approvals states that any approvals granted prior to the effective date of the IDO shall remain valid, subject to expiration.
5. The subject site is in an area that the Comprehensive Plan designated an Area of Change. It is located along a Major Transit Corridor and Multi-Modal Transit Corridor but is not located in a Center as designated by the Comprehensive 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 meets the Variance-EPC Review & Decision Criteria in IDO Section 14-16-6-6(N)(3)(a) as follows:

- A. 14-16-6-6(N)(3)(a)(1) The applicant has expressed the impacted landscaping buffer and the subject properties' narrowness would make it challenging to develop with all the standards required by the IDO, DPM, and other city laws. The space available for the proposed development and landscaping would be constrained when all the design standards are applied.

The applicant has explained the IDO's criteria for the landscape buffer and neighborhood perimeter were not in place when the constrained lots in question were platted. The alley remains 20 feet wide along the property to the south and a smaller dedication was accepted on the north side of the site, the property owner was required to dedicate an additional 10 feet to the alley along the west side of the property in order to create a 30-foot-wide alley on this edge when the existing site development plan was approved in 2016.

The applicant has expressed the necessity to provide an additional 10 feet toward a paved lane on the west side of the site. The required buffer width would limit the design and widths or the parking required by the IDO. Granting the request would provide the required dimensions in order for the development to proceed.

- B. 14-16-6-6(N)(3)(a)(2) The applicant has demonstrated the public safety, health, or welfare would not be materially harmed by the variance request. The alley would remain a 20-foot right-of-way as along the property to the south, and the variance would not permit any portion of the proposed development to be built closer to the single-family development west of the subject site. The proposed development would be separated by more than 35 feet when the alley width is applied, which would satisfy the IDO's requirement for use separation. To further screen the proposed development from the adjacent single-family development, the applicant would implement necessary buffer trees inside the remaining landscape buffer.
- C. 14-16-6-6(N)(3)(a)(3) The applicant has demonstrated the variance request would not have a significant negative effect on the infrastructure improvements or surrounding properties. Existing infrastructure would support the proposed multi-family development. Any new development that might have a negative impact on traffic, flooding, or other factors would not be permitted under the variance. Due to the increased alley width that has produced the unique conditions relevant to the property, the effective width of the landscape buffer would continue to be greater. The remaining landscape space would be planted in accordance to the IDO's requirements, and a separation of more than 35 feet would remain.
- D. 14-16-6-6(N)(3)(a)(4) This variance request would not materially undermine the intent and purpose of the IDO or MX-M zone districts. The request would not eliminate the landscape

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buffer or the related plantings, but reduce it consistent with the amount of additional right-of-way dedication that was required. The proposed development and the adjacent single-family lot exceed 35 feet, which is the minimum distance required by the IDO if there were no alley on the western edge.

- E. 14-16-6-6(N)(3)(a)(5) The variance request if approved would be the minimum necessary in order to avoid exceptional hardships and practical difficulties. The requested deviations are required for the proposed development to meet all other development standards.
- 8. No affected neighborhood organizations were required to be notified. Property owners within 100 feet of the subject site were notified as required.
- 9. As of this writing, Staff has not been contacted and is unaware of any opposition.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **September 30, 2022**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> 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/LD/CL

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