

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT ADMINISTRATION

600 2nd Street NW, 3rd Floor

Albuquerque, NM 87102

Tel: (505) 924-3339



July 24, 2023

Mr. Jason Engel,
Optumcare
900 Bren Road East
Minnetonka, MN 55343

Mr. Engel:

Greetings! On May 23, 2023 the Planning Department approved a Minor Amendment (SI-2023-00766/PR-2023-008456) for 2901 Transport Street SE. This Minor Amendment proposes to change the access and circulation to the subject site on an EPC approved Site Plan. Upon retrospective review of the Minor Amendment request and approval, it has been determined that while the Minor Amendment request required little physical change to existing site infrastructure, the re-designation of the Emergency Access to general access is not compliant with the original Environmental Planning Commission (EPC) findings and conditions of approval that explicitly designated the secondary access emergency access only due to intense neighborhood traffic safety concerns. Upon review it was determined that this change fails to meet criteria 1 and 3 contained in Integrated Development Ordinance (IDO) Subsection 14-16-6-4(Z)(1)(a). Changing the site's emergency access is a major change in the site's existing traffic flow and was not anticipated to be on Mulberry Street. According to the City Engineer, this action will create traffic safety issues for the public resulting from the change.

Pursuant to IDO Subsection 14-16-6-9(C)(1)(b), a permit, license, or certificate issued in conflict with the provisions of the IDO is void. Furthermore, IDO Subsection 14-16-6-9(C)(1)(d)3. provides that the City has the power *"to revoke permits and approvals after giving the property owner or applicant notice of intent to revoke the permit or approval."* This correspondence serves as the City of Albuquerque's notice of intent to revoke the approval of the Minor Amendment (SI-2023-00766/PR-2023-008456) for 2901 Transport Street SE. Pursuant to IDO Section 14-16-6-4(Z) a Major Amendment to Site Plan and an updated Traffic Impact Study is the appropriate approval process for this request.

PROJECT BACKGROUND

- In August 2015, the Environmental Planning Commission (EPC) approved a site plan for a 90,000 square foot medical facility at 2901 Transport St SE (EPC Case #1009090).
- The EPC approved the Site Plan with two access points – one designated as general access that would be open at all times and a second access point that was carefully negotiated at EPC to be an emergency-only access point that would not be available to the general public.
- The EPC Notice of Decision contains findings and conditions (Findings 14-18; Condition 8) related to this emergency-only access point, and it is designated on the approved Site Plan as an emergency-only access point.
- On May 23, 2023 the Planning Department approved a Minor Amendment (SI-2023-00766/PR-2023-008456) for 2901 Transport Street SE. This Minor Amendment proposes to change the access and circulation to a site on an EPC approved Site Plan, which is contrary to the EPC's original conditions of approval.

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The initial review of the Minor Amendment request determined that the proposed actions required little physical change to existing site infrastructure. Furthermore, staff were also not aware of the specific findings and conditions contained in the EPC's Notice of Decision from 2015 at the time of review. Once made aware of this matter by Council Services, a retroactive review of the request and previous approvals for the subject property was conducted. The proposed re-designation of the Emergency Access to general access is found to not follow the original EPC findings and conditions of approval that explicitly designated the secondary access as emergency access only due to intense neighborhood traffic safety concerns. Additional discussion with the City Engineer also revealed the traffic safety issues brought to light by the change in access on the site. Once this information was ascertained, the ZEO determined that the Minor Amendment request approval is in conflict with the IDO and therefore void. Pursuant to IDO Subsection 14-16-6-9(C)(1)(b), a permit, license, or certificate issued in conflict with the provisions of the IDO is void. Furthermore, IDO Subsection 14-16-6-9(C)(1)(d)3. provides that the City has the power *"to revoke permits and approvals after giving the property owner or applicant notice of intent to revoke the permit or approval."*

CONCLUSION

Your Minor Amendment request (SI-2023-00766/PR-2023-008456) for 2901 Transport Street SE has been issued in conflict with the provisions of the Integrated Development Ordinance and therefore is void. This correspondence serves as the City of Albuquerque's notice of intent to revoke the approval of the Minor Amendment for the subject site. Upon additional review, pursuant to Section 14-16-6-4(Z) of the IDO, your request qualifies as a Major Amendment. Major Amendments to pre-IDO approvals are required to be reviewed by the original decision-making body. In this case, the EPC would be the review and approval body. Please contact Development Review Services for any questions and assistance submitting a Major Amendment application. More information about the EPC and application forms are available on the Planning Department's webpage:

<https://www.cabq.gov/planning/download-forms-applications/urban-design-development-epc-forms#site-plans---master-development-plans>.

Respectfully,

A handwritten signature in black ink, appearing to read 'J.M. Aranda'.

James M. Aranda, MCRP

Deputy Director and Zoning Enforcement Officer,
Albuquerque Planning Department

Cc: Albuquerque APL MP, LLC
Steven Garcia, Little Diversified Architectural Consulting