

CITY of ALBUQUERQUE

TWENTY SECOND COUNCIL

COUNCIL BILL NO. C/S O-16-22 ENACTMENT NO. 0-2016-019

SPONSORED BY: Isaac Benton, by request

1 **ORDINANCE**

2 **REPEALING F/S O-05-98; PURSUANT TO THE DEVELOPMENT AGREEMENT**
3 **BETWEEN THE CITY OF ALBUQUERQUE (CITY) AND INDIAN PUEBLOS**
4 **MARKETING, INC. (IPMI) AS SUCCESSOR TO THE INDIAN PUEBLOS**
5 **FEDERAL DEVELOPMENT CORPORATION: APPROVING AN AMENDED SITE**
6 **DEVELOPMENT PLAN FOR APPROXIMATELY 47 ACRES, MORE OR LESS,**
7 **LOCATED ON 12TH STREET NW BETWEEN INDIAN SCHOOL ROAD NW AND**
8 **MENAU BLVD NW; ADOPTING UPDATED DEVELOPMENT DESIGN**
9 **STANDARDS FOR THE COMMERCIAL AND OFFICE TRACTS; ADOPTING**
10 **UPDATED DEVELOPMENT DESIGN GUIDELINES; AND ADOPTING UPDATED**
11 **AUTHORIZED USES FOR THE COMMERCIAL AND OFFICE TRACTS.**
12 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
13 **ALBUQUERQUE:**

14 **Section 1 FINDINGS ADOPTED. The City Council adopts the following**
15 **findings:**

16 **(A) Planning in the early 2000s for development of the former Albuquerque**
17 **Indian School Property, by following a narrow interpretation of the City's site**
18 **plan for subdivision requirements, did not provide sufficient detail regarding**
19 **uses, site design, building heights and other characteristics of urban**
20 **development.**

21 **(B) A detailed site plan specifying such aspects of anticipated development of**
22 **the site was deemed necessary at the time for the City to design off-site**
23 **transportation facilities, site access points and a compatible streetscape; and**
24 **to ensure that development of the site meets the goals and policies of the**
25 **Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area**

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1 Plan, which call for its development as a Neighborhood Activity Center that is
2 a “pleasant and inviting place that draws people to park and walk and sit.”

3 (C) In order to address this lack of detail and to otherwise address the impact
4 of developments throughout the 12th and Menaul area, the City Council
5 commissioned land use and transportation studies of the site and abutting
6 streets that included significant engagement with community stakeholders
7 and the public.

8 (D) The City’s “12th & MENAUL STUDY,” a policy document that laid the
9 groundwork for City roadway and streetscape improvements in the area, was
10 produced as part of this effort and is not affected by this ordinance or its
11 exhibits.

12 (E) A site development plan, building height and setback plan, and documents
13 containing street cross sections, design standards and regulations affecting
14 the former Albuquerque Indian School Property also were produced as part of
15 this effort and adopted as exhibits to Council Bill F/S O-05-98 to guide
16 development of the site.

17 (F) F/S O-05-98 also established SU-1 for C-2 zoning with a list of specific
18 permitted uses for the “Commercial Tract.”

19 (G) F/S O-05-98 delegated approval of Site Plans for Building Permit (for
20 individual projects on the site) to the Development Review Board.

21 (H) F/S O-05-98 required that any “non-minor” amendments to the Site
22 Development Plan, including design standards and permitted uses, be
23 presented to the City Council for consideration.

24 (I) In the years since the adoption of F/S O-05-98, several changes have
25 occurred internal and external to the Site which require changes to the Site
26 Development Plan and associated design guidelines, including:

27 1. In 2012, the 19 New Mexico Pueblos for which the former
28 Albuquerque Indian School property is held in trust dissolved the original
29 corporation created to develop the site and transferred responsibility for
30 developing the site to a different corporation, Indian Pueblos Marketing, Inc.

31 2. The City of Albuquerque has revised its plans for reconfiguring 12th
32 Street where it passes by the Commercial Tract and has eliminated previously

1 planned on-street parking which had been a key consideration in design
2 regulations for building frontages and entrances.

3 3. The City also has revised plans for the signalized intersection and
4 pedestrian crossing on 12th Street half way between Indian School Road and
5 Menaul Blvd NW, across from the Indian Pueblo Cultural Center's main
6 entrance.

7 4. IPMI has found that the 2005 Site Development Plan's building
8 footprints, street and parking lot layout, and other characteristics do not
9 comport with current trends in retail and restaurant development, and are not
10 flexible enough to accommodate the plans of possible tenants on the site.

11 5. IPMI has found that the 2005 boundary for the office tract and the
12 restriction to build only offices for Federal and Native American tenants do not
13 allow the flexibility necessary to fully develop the office tract.

14 (J) Council and Planning Department Staff have noted a lack of clarity in the
15 documents adopted as regulations and design standards by F/S O-05-98,
16 especially with regard to what language constitutes regulations, rather than
17 guidelines.

18 (K) In 2015, the City Council adopted O-13-59 to amend design standards for a
19 3.5-acre portion of the Commercial Tract regulating sidewalks, glazing, signs
20 and other development characteristics as requested by IPMI to facilitate
21 development of a structure on the site for a tenant, which has since been built
22 and occupied.

23 (L) IPMI has requested that regulations be updated similarly for the entire site,
24 and has submitted updated exhibits, including Site Development Plan,
25 Building Height and Setback Plan, Design Standards, Design Guidelines, and
26 Authorized Uses for a review and recommendation by the Environmental
27 Planning Commission prior to consideration for approval by the City Council.

28 (M) IPMI has requested that the development review and approval process for
29 the site, as required by the Development Agreement and F/S O-05-98, be
30 streamlined, allow for administrative changes and reduce requirements for
31 City Council review.

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1 (N) IPMI has also recently begun negotiation with the City on a Revised
2 Development Agreement with the City reflecting the new developer and
3 changed conditions since the previous agreement was reached.
4 (O) This is a request for a revised Site Development Plan, Building Height and
5 Setback Plan, and Design Guidelines for an approximately 47-acre site located
6 on 12th Street and Menaul Blvd., and revised Design Standards for the
7 Commercial Tract, a 12.57-acre portion on the west side of the site, revised
8 Design Standards for the office tract, the remainder of the property to the east
9 of the site, and updated Authorized Uses for both the Commercial and Office
10 Tracts.
11 (P) This request generally furthers Albuquerque/Bernalillo County
12 Comprehensive Plan policies for providing quality, visually pleasing urban
13 environments in the Central Urban area and development of the Indian School
14 Community Activity Center as called for in the Comprehensive Plan's Activity
15 Center Goal.

16 Section 2. REPEAL OF EXISTING ORDINANCE. F/S O-05-98 is hereby
17 repealed.

18 Section 3. CURRENT ZONING REMAINS. SU-1/C-2 zoning established on
19 the Commercial Tract as shown in the updated Site Development Plan (Exhibit
20 A-1) is retained.

21 Section 4. EXHIBITS ADOPTED FOR THE COMMERCIAL TRACT.
22 Development in the Commercial Tract shall be governed by the following
23 exhibits to this ordinance: Exhibit A-1 (Site Development Plan); Exhibit A-2
24 (Building Height and Setback Plan); Exhibit B-2 (Development Design
25 Standards for IPMI Commercial Tract); Exhibit B-1 (Development Design
26 Guidelines); and Exhibit C (Authorized Uses).

27 Section 5. EXHIBITS ADOPTED FOR THE OFFICE TRACT. Development on
28 the Office Tract as shown in the updated Site Development Plan shall be
29 governed by Exhibit A-1 (Site Development Plan); Exhibit A-2 (Building Height
30 and Setback Plan); Exhibit B-1 (Development Design Guidelines); Exhibit B-3
31 (Development Design Standards for IPMI Office Tract); and Exhibit C
32 (Authorized Uses).

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Section 6. DEVELOPMENT REVIEW AND APPROVAL PROCESS FOR THE COMMERCIAL TRACT. Pursuant to the current and any successor Development Agreement between IPFDC or IPMI and the City of Albuquerque, the following development review process shall apply.

(A) The development standards set forth in this plan are mandatory. The Planning Director and/or the director's designee may, on a project by project basis, approve requests for minor changes or deviations from any dimensional standard that is less than or equal to 10%. Any deviation greater than 10% and up to 25% from any dimensional standard shall be reviewed by the EPC, which may approve or disapprove the request. Decisions by the Planning Director and by the EPC shall be appealable to the City Council through the normal process of appeals.

(B) All other requests for changes shall be reviewed by the EPC and approved or disapproved by the City Council.

(C) Notice of any applications to be heard administratively by the Planning Director shall be provided by IPMI via certified mail to all recognized neighborhood associations within 600 feet of the property at least 15 days prior to submittal of the application. Affected neighborhood associations shall have 15 days after notice is provided to submit written comments to the Planning Director. A copy of the Planning Director's decision shall be provided by IPMI via email or letter to all affected neighborhood associations.
(D) For applications to be heard by the EPC or City Council, notice and public hearings shall be provided according to the normal process.

(E) The applicant shall submit a written justification for all requests for changes or deviations from the development standards that describes consistency with the goals of the plan as well as compatibility with surrounding development. Deviations from the requirements of this plan are to be reviewed by the Planning Director, the EPC, or the City Council, and not through application to the Zoning Hearing Examiner.

(F) Site development plans for building permit shall be reviewed and approved by the DRB, whose decisions shall be appealable to the City Council through the normal process of appeals. Notice by letter of all DRB hearings shall be

1 provided by IPMI to all recognized neighborhood associations within 600 feet
2 of the property.

3 Section 7. PARKING REQUIREMENTS FOR COMMERCIAL TRACT. A 25%
4 reduction in required off-street parking shall be permitted for all properties
5 within the Commercial Tract. Parking spaces constructed on internal streets in
6 the Commercial Tract shall be considered when calculating off-street parking
7 requirements.

8 Section 8. AMENDMENTS TO COME BEFORE CITY COUNCIL.

9 Amendments to this ordinance and/or to its requirements as set forth in
10 Exhibits A-1, A-2, B-1, B-2, B-3, and C, shall be reviewed by the EPC and
11 approved or disapproved by the City Council. Application for amendments to
12 this ordinance and/or exhibits by IPMI or its successors shall be made to the
13 Planning Department for a hearing in accordance with the EPC's application
14 and hearing schedule.

15 Section 9. DEVELOPMENT REVIEW AND APPROVAL PROCESS FOR THE
16 OFFICE TRACT. City development review processes shall not apply to the
17 Office Tract.

18 Section 10. RESPONSIBILITIES FOR TRANSPORTATION
19 INFRASTRUCTURE. The IPMI or its successors shall not be responsible for
20 permanent improvements to the transportation facilities outside and up to the
21 boundary set by the current and any amended License and Use Agreement for
22 Transportation Related Improvements between the City and IPMI. IPMI or its
23 successors shall not be responsible for off-site traffic signals, median
24 improvements or other traffic devices or off-site improvements on City streets,
25 which shall be the responsibility of the City. IPMI shall be responsible for on-
26 site transportation infrastructure that is not within the License and Use
27 Agreement boundary.

28 Section 11. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
29 clause, word or phrase of this ordinance is for any reason held to be invalid or
30 unenforceable by any court of competent jurisdiction, such decision shall not
31 affect the validity of the remaining provisions of this ordinance. The Council
32 hereby declares that it would have passed this ordinance and each section,

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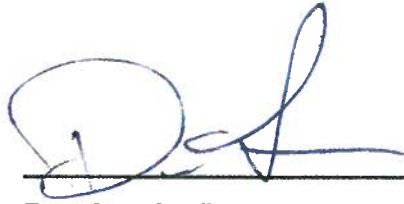
1 paragraph, sentence, clause, word or phrase thereof irrespective of any
2 provisions being declared unconstitutional or otherwise invalid.

3 Section 12. EFFECTIVE DATE AND PUBLICATION. This ordinance shall
4 take effect five days after publication by title and general summary.

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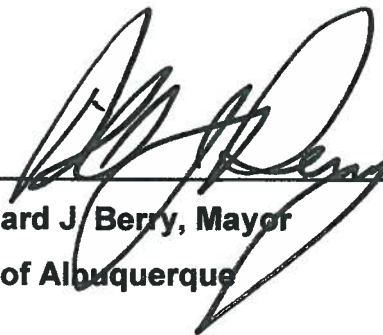
1 PASSED AND ADOPTED THIS 19th DAY OF September, 2016
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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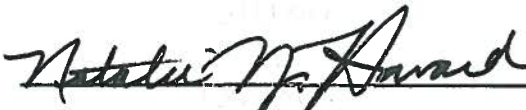
8 Dan Lewis, President
9 City Council

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12 APPROVED THIS 29th DAY OF September, 2016
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18 Bill No. C/S O-16-22

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22 Richard J. Berry, Mayor
23 City of Albuquerque
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26 ATTEST:

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29 Natalie Y. Howard, City Clerk
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