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PLANNING DEPARTMENT

OFFICIAL NOTIFICATION OF DECISION

November 18, 2021

SMI-ABQ Assets LLC
1000 Louisiana St.
Suite 4000
Houston TX, 77002-5005

Project #2021-005426
SI-2021-01685 Site Plan- Major Amendment
RZ-2021-00045 Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Consensus Planning Inc., agent for SMI-ABQ Assets LLC, requests a zoning map amendment from NR-LM to NR-SU and Site Improvement for all or a portion of the South 100 Feet of the North 330 Feet of West ½ of Tract J, of Cole's Industrial Subdivision No. 2, located at 3300 Vassar between Candelaria Rd NE and Aztec Rd NE, approximately 0.5 acre (G-16-Z)

Staff Planner: Sergio Lozoya

On November 18, 2021, the Environmental Planning Commission (EPC) voted to Approve PR-2021-005426/SI-2021-01685/RZ-2021-00045, a Site Plan- EPC, Zoning Map Amendment (Zone Change), based on the following Findings and subject to the following Conditions of Approval:

FINDINGS

1. The request is for a zoning map amendment (zone change) and an associated, required Site Plan – EPC for an approximately 0.5-acre site, legally described as the South 100 Feet of the North 330 Feet of West ½ of Tract J, of Cole's Industrial Subdivision No. 2, located at 3300 Vassar between Candelaria Rd. NE and Aztec Rd. NE (the subject site).
2. The subject site is zoned NR-LM (Non-Residential – Light Manufacturing). The applicant is requesting a zone change to NR-SU (Non-Residential – Sensitive Use) in order to facilitate the change of use and future development of the subject site.
3. Rezoning to the NR-SU district requires an associated Site Plan – EPC that specifies uses, site standards, and development standards, to be reviewed and decided by the EPC in conjunction with the zone change request pursuant to Subsection 14-16-2-5(E)(3)(a) (Eligibility for Rezoning to NR-SU).
4. The subject site is in an Area of Consistency as designated by the Comprehensive Plan and is in the Mid-Heights Community Planning Area (CPA). The subject site is not within any Centers or along any Corridors

5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
6. The request furthers the following policy from Chapter 5: Land Use, pertaining to Locally Unwanted Land Uses:

Policy 5.3.7 – Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are born fairly across the Albuquerque area.

The request is for a zone map amendment for Non-Residential – Sensitive Use for a Crematorium. Uses under the NR-SU zone can generally be considered as highly specialized uses and can be objectionable to immediate neighbors. The location of a crematorium/moratorium in an industrial area would generally help to ensure that the sensitive land use is located carefully and equitably.

7. The request furthers the following Goals and policies from Chapter 5: Land Use, pertaining to City Development Areas:

A. 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.

The request would facilitate development of the subject site, which is located in an Area of Consistency. The land uses in this Area of Consistency are generally high intensity and are industrial in character; a crematorium would maintain the intensity and character of the surrounding area.

- B. Policy 5.6.3 – Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The subject site is located within an Area of Consistency and is outside of any Centers or Corridors. The area is characterized by intense, industrial land uses. The request would protect and enhance the character of the area by repurposing an existing building and site, and the proposed crematorium would maintain the industrial character of the area.

8. The request furthers the following policy from Chapter 7 Urban Design:

Policy 7.3.1 – 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 request would facilitate the change in use of an existing building that is located in an industrial area. The change in zone from NR-LM and approval of the site plan would promote infill that maintains the style of the surrounding structures and would enhance the streetscape of

the block with new landscape features.

9. The request furthers the following policy from Chapter 8: Economic Development:

Policy 8.1.2 – Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

The request would encourage economic development efforts that would foster a resilient and diverse economy by facilitating the development of a crematorium/mortuary. This use is considered to be highly specialized and would provide an essential service to new and existing Albuquerque residents.

10. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

A. Criterion A: The applicant's policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding city development areas, locally unwanted land uses and infill, and does not present any significant conflicts with the Comprehensive Plan. The request is generally consistent with the City's health, safety, and morals and general welfare.

B. Criterion B: The subject site is located wholly in an Area of Consistency. A zone change from NR-LM to NR-SU would permit development that would clearly reinforce and strengthen the established character of the surrounding area. The NR-SU zoning would be more advantageous to the community, and the greater Albuquerque area as demonstrated in the applicant's policy-based analysis (see response to criteria A).

C. Criterion C: The subject site is located wholly in an Area of Consistency.

D. Criterion D: The size of the site would prevent many of the allowed uses in the NR-SU zone from developing. However, the NR-SU process requires a Site Plan – EPC (designed for a specific use) to be reviewed in conjunction with the zone change request and would help mitigate potential harm to the surrounding area.

E. Criterion E: The subject site is an infill site that is adequately served by existing infrastructure (requirement 1) and that it is part of an established area. Any improvements required by the IDO or DPM will be fulfilled by the developer (requirement 3) and will ensure adequate capacity.

F. Criterion F: The subject site is not located on a major street. Vassar St. NE is a local street and the subject site is located along it.

G. Criterion G: Economic considerations are a factor, but the applicant's justification is not completely or predominately based upon them. Rather, the applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.

H. Criterion H: The request would result in a spot zone because it would apply a zone that is

different from the properties to the north, east, and west of the subject site. However, the NR-SU zone is inherently a “spot zone” and is to be reviewed in conjunction with a Site Plan – EPC to ensure compatibility and minimization of harmful impacts to the surrounding area.

11. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-6(J)(3)-Review and Decision Criteria for Site Plan - EPC, as follows:
 - A. Criterion A: As demonstrated by the policy analysis of the site plan (see above), the request is consistent with applicable Comprehensive Plan Goals and policies.
 - B. Criterion B: This site plan is being reviewed in conjunction with a zone change request from the NR-LM zone to the NR-SU zone. Applicable terms and conditions will be established during this process
 - C. Criterion C: With the application of conditions of approval, the site plan will comply with all applicable provisions of the IDO. The subsequent request be reviewed via the DRB to ensure compliance with applicable provisions of the Development Process Manual (DPM).
 - D. Criterion D: The request will be reviewed via the DRB process, which is charged with addressing infrastructure and ensuring that infrastructure such as streets, trails, sidewalks, and drainage systems has sufficient capacity to serve a proposed development.
 - E. Criterion E: The future, proposed development will be required to comply with the decisions made by two bodies- the EPC and the DRB process. The EPC’s conditions of approval will improve compliance with the IDO, which contains regulations to mitigate impacts to surrounding areas. The DRB review will ensure infrastructure is adequately addressed so that a proposed development will not burden the surrounding area.
12. The affected neighborhood organization is the District 7 Coalition of Neighborhood Associations, which was notified as required. Property owners within 100 feet of the subject site were also notified as required.
13. As of this writing, Staff has not received any comments in support or opposition to the request.
14. Conditions of approval are needed to ensure that the site plan, upon which the zoning is dependent pursuant to Subsection 14-16-2-5(E)(3)(a), shows sufficient information for a Site Plan-EPC and to determine which standards are being met and which are being varied from.
15. The EPC voted to waive requirements regarding IDO Section 5-3(D)(3) – On Site Pedestrian Connections.
16. The EPC voted to waive requirements regarding IDO section 5-5 – Parking for motorcycle and bicycle parking.

CONDITIONS

1. The EPC delegates final sign-off authority of this site plan to the Development Review Board (DRB) to ensure all technical issues are resolved. The DRB is also responsible for ensuring that

the EPC Conditions of Approval have been satisfied and that other applicable City requirements have been met.

2. A letter shall accompany the submittal, specifying all revisions that have been made to the site plan 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 plan for filing at the Planning Department.
4. Pursuant to IDO section 2-5(E)(3), the applicant shall provide a Site Plan EPC that specifies uses, site standards, and development standards for staff review. This includes the standards shown in IDO table 2-5-9. Applicant may use NR-LM as a base for setting standards for the proposed site plan (i.e. demonstrate where it meets NR-LM and where it varies, clearly on the site plan).
5. Dimensional Standards:
 - A. The site plan shall clearly identify dimensional standards proposed, and how they vary or conform to the NR-LM standards, pursuant to IDO section 5-1(E)(2)(b) – NR-SU zone district.
 - B. The site plan shall clearly dimension the building footprint.
6. Parking: The site plan shall clearly and correctly dimension parking lot aiseways.
7. Landscaping - General:
 - A. Landscape calculations shall be updated to reflect the accurate overall lot size.
 - B. The site plan shall show which IDO provision was used to determine the appropriate landscaped area, i.e., pursuant to IDO subsection 5-6(C)(2) the minimum landscaped area shall be 15% of the net lot area.
 - C. Calculations shall demonstrate how the net lot size was determined
 - D. A note shall be added stating that requirements under IDO section 5-6(C)(10) – Planting Near Utilities shall be met.
 - E. The note regarding depressed areas shall add the relevant IDO citation, IDO section 5-6(C)(13) – Stormwater Management.
 - F. The plant list shall be updated to clarify that only female Buffalo Juniper shall be used.
 - G. No turf is shown on the landscape plan, language discussing the amount of watering for turf shall be removed, or the turf shall be clearly shown on the landscape plan.

8. Site Plan – Clean Up:

- A. The note regarding depressed landscaped areas shall be removed from sheet one of the site plan, it is only needed on the landscape plan.
- B. The square footage calculations shall be shown per floor, i.e., total square footage for 1st floor and total square footage for 2nd floor.
- C. The refuse enclosure shall incorporate at least 1 of the primary colors and materials of the existing building pursuant to IDO section 5-6(G)(3)(e).
- D. The total square footage for the proposed porch cover shall be accurately shown on the site plan. Staff found that 44.2' x 23.9' is equal to 1,056.38 square feet, which is more than 1,000 square feet. The site plan shows the proposed porch at under 1,000 square feet.
- E. The proposed porch cover shall be clearly dimensioned.

9. Grading and Drainage: A conceptual grading and drainage plan shall be provided, should it be required by the City's Hydrology department.

10. Utilities: A conceptual utility plan shall be provided, should it be required by Albuquerque Bernalillo County Water Utility Authority (ABCWUA).

11. Elevations:

- A. Complete elevation drawings shall be provided, to include any intended changes to the façade as part of the proposed tenant improvements.
- B. The proposed porch cover shall be shown on the west elevation, and any other relevant views.
- C. Accurate building heights shall be shown on all elevations to determine compliance with proposed dimensional standards pursuant to IDO section 5-1(E)(2)(b) – Dimensional Standards, NR-SU Zone District.
- D. Building color and materials shall be clearly identified.
- E. Pursuant to IDO section 5-6(G)(1) – Screening of Mechanical Equipment, proposed screening for new and existing mechanical equipment shall be clearly shown on the elevation drawings.
- F. Pursuant to IDO table 5-12-2, all signage for NR-SU is per approved plan. Proposed signage shall be shown on relevant elevation drawing for the EPC's review, and to establish signage standards.

12. CONDITIONS FROM SOLID WASTE MANAGEMENT DEPARTMENT:

- A. A site plan to scale approved for access will be required by the Solid Waste Department.
- B. The trash enclosure will have to meet City of Albuquerque minimum requirements.

C. An apron to the trash enclosure will be required.

D. Landscape plan – The proposed Urbanite Ash (tree) will have to be relocated. It cannot overhang the trash enclosure.

13. CONDITIONS FROM ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY ABCWUA:

Should the indicated renovations or amended building use change the Fire Flow requirements for the site then a new Availability Statement request should be made to address any utility improvements necessary. Requests can be made at the link below: <https://www.abcwua.org/info-for-builders-availability-statements/>. The request shall include a City Fire Marshal approved Fire 1 Plan, a zone map showing the site location, and the proposed Utility Plan.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **December 3, 2021**. 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 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/SL

cc:
SMI-ABQ Assets LLC, wfibich@plcorp.com
Consensus Planning, cp@consensusplanning.com
District 7 Coalition of Neighborhood Associations, Darcy Bushnell, dmc793@gmail.com
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EPC file