

CABQ PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



OFFICIAL NOTICE OF DECISION

September 19, 2024

D & B Limited Trust, LLC.
1128 Atrisco Dr. NW
Albuquerque, NW 87105

Project # PR-2024-010761
SI-2024-01139 – Major Amendment,
Master Development Plan

LEGAL DESCRIPTION:

Consensus Planning Inc, agent for D&B Limited Trust, LLC., requests a Major Amendment to the Clifford Business Park Master Development Plan, for all or a portion of Tract B & Lot 5, located the northwest corner of the intersection of Unser Blvd. NW and Bluewater Rd. NW between Unser Blvd. and Oliver Ross Dr. NW, approximately 14 acres.

(K-9) (K-10)

Staff Planner: William Steele

On September 19, 2024, the Environmental Planning Commission (EPC) voted to APPROVE PR-2024-010761/SI-2024-01139 – Major Amendment to a Master Development Plan, based on the following findings:

FINDINGS – SI-2024-01139 – Major Amendment, Master Development Plan

1. This is a request for a Major Amendment to the Clifford Business Park Master Development Plan, for all or a portion of Tract B & Lot 5, located the northwest corner of the intersection of Unser Blvd. NW and Bluewater Rd. NW between Unser Blvd. and Oliver Ross Dr. NW, approximately 14 acres.
2. The purpose of the request is to remove the building site coverage requirements on the approximately 6-acre subject site, which is currently vacant, to facilitate the development of light vehicle sales. The Master Development Plan establishes a minimum of 10 percent and maximum 50 percent building site coverage. The remaining properties would continue to be subject to the building site coverage design standards in the controlling Master Development Plan.
3. In 1997, the EPC approved a zoning map amendment from SU-1 to IP for the area now within the boundary of the Clifford West Business Park Master Development Plan. At that time, IP required a Master Development Plan, so one of the conditions of approval was to create a Master Development Plan based on the approved findings and graphics in an associated private Declaration of Protected Covenants. These private covenants formed the basis of the Master Development Plan / Site Development Plan approved by the Development Review Board in 1997 (DRB-97-138).
4. The former IP zoning designation was converted to NR-BP on the effective date of the IDO in 2018.

5. The request exceeds the thresholds found in IDO Table 6-4-4: Allowable Minor Amendments; therefore, this request is a Major Amendment pursuant to IDO §14-16-6-4(Y)(1)(b). Major amendments are to be reviewed by the decision-making body that issued the original approval, following the procedures for the most closely equivalent decision in IDO Part 14-16-6 (Administration and Enforcement). EPC was the original decision-making body to approve the Clifford West Business Park, and the IDO established the EPC as the appropriate review body for Master Development Plans, so this request is to be reviewed and decided pursuant to IDO §14-16-6-6(F) Master Development Plan.
6. The IDO establishes a building site coverage maximum of 50 percent for the NR-BP zone district in Table 5-1-3. If the request is approved, the subject site would be subject to the maximum building site coverage established by the IDO.
7. The Master Development Plan's Landscape Area development standards refer to the Atrisco Business Park Master Development Plan planting palette, which was developed in the 1990s and is outdated by today's speciation standards.
8. Light vehicle sales is a permissive use in the NR-BP zone district.
9. As required by IDO §14-16-6-6(F)(3)(a), the request is consistent with the following Comprehensive Plan Goals and Policies regarding land use and desired growth from Chapter 5: Land Use.

- 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.

The request could facilitate development and capture regional growth on the subject site, which is located on Major Transit Corridor, because the subject site is located in a business park that is easily accessible to potential consumers. Additionally, locating light vehicle sales on the subject site could capture regional growth through development of a business promoting transportation by utilizing corridors and centers. Locating growth within centers and corridors promotes sustainable development patterns, specifically a sustainable economy, according to the Comprehensive Plan.

- 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 generally contribute to the creation of healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from the surrounding neighborhoods, because it would facilitate future development of the subject site in an area with a mix of uses within an established business park. The subject site is conveniently accessible by a nearby residential neighborhood through the existing sidewalk, bikeway, and transit networks. The request would generally encourage more productive use of the subject site, since it is currently vacant and underutilized.

- C. SUB-POLICY 5.2.1 m): Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request is consistent with the sub-policy by encouraging a more productive use of two vacant and under-utilized lots within an existing business park. The future development of the subject site into a light vehicle sales business could generate economic development in the area and could contribute to the creation of healthy, sustainable, and distinct communities.

10. The request is consistent with the following Comprehensive Plan Goals and Policies regarding efficient development patterns and development areas from Chapter 5: Land Use.

- A. **POLICY 5.3.1 INFILL DEVELOPMENT:** Support additional growth in areas with existing infrastructure and public facilities.

The request would facilitate development because the lots are served by existing infrastructure such as direct access to Unser Blvd NW, a Commuter Corridor and public utilities such as water and sewer, that can accommodate additional growth. The request would support additional growth by facilitating future development of two of the last few vacant lots within the Clifford Business Park Master Development Plan.

- B. **POLICY 5.4.2 WEST SIDE JOBS:** Foster employment opportunities on the West Side.

The subject site is on the West Side and its development could foster employment opportunities on a side of Albuquerque which needs more jobs according the Comprehensive Plan. Because the proposed development is within an existing business park and along the Unser Blvd. Commuter Corridor, it's easily accessible by various modes of transportation and could provide opportunities for employment on the West Side.

- C. **SUB-POLICY 5.4.2 d):** Promote the clustering of employment opportunities within business parks or industrial parks served by transit.

The subject site is within an existing business park with a variety of businesses clustered together in a business park. Access to the business park and future development in the business park would be easily served by nearby transit. The proposed future development of light vehicle sales would contribute to the clustering of additional employment opportunities in a business park served by transit by being located less than .25 miles from the Central and Unser Transit Center (Park and Ride).

- D. **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 reinforce the character and intensity of the surrounding area.

The project site is in a designated Area of Change where growth is expected and desired. The request would encourage development of the subject site, which would enable and direct growth to an Area of Change.

- E. **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 facilitate development of the subject site which is in an Area of Change, located in a business park and adjacent to a Commuter Corridor. Future development of the subject site would direct growth and more intense development to a business park and corridor where change is encouraged.

- F. **SUB-POLICY 5.6.2 b):** Encourage development that expands employment opportunities.

The request would encourage development by enabling the subject site to be developed with a new business upon approval to amend the building site standards on the Master Development Plan. The development of a light vehicle sales business would expand employment opportunities and direct more growth in an Area of Change along the Unser Blvd. Commuter Corridor.

G. POLICY 5.7.4: STREAMLINED DEVELOPMENT: Encourage efficiencies in the development review process.

The request would encourage efficiencies in the development review process, because it would remove the minimum building size design standards on the Master Development Plan and allow future development of the subject site to adhere to IDO standards for building coverage in the NP-BP zoning district. This would assist in supporting the proposed development to be streamlined in the development review process.

11. The request is consistent with the following Comprehensive Plan Goals and Policies regarding placemaking and available land from Chapter 8: Economic Development.

A. GOAL 8.1: PLACEMAKING: Create places where business and talent will stay and thrive.

This request is consistent with the goal of placemaking, because the future development will be located in an existing business park where other businesses are located. Though there is no guarantee of talent staying and thriving in this location, there is the possibility that locating a business in a business park with an intended permissive use such as light vehicle sales may contribute to a positive outcome by sustaining the establishment.

B. POLICY 8.1.5 AVAILABLE LAND: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

The request maintains sufficient land appropriately zoned to accommodate projected employment growth in target areas, because the subject site consists of two vacant lots, zoned NR-BP, which is a permissive use for light vehicle sale. The subject site is within a Master Development Plan created to accommodate employment growth within a business park.

12. After meeting the Conditions of Approval, the development standards in the Master Development Plan will conform with the IDO, the DPM, and all other applicable City planning documents, as required by IDO §14-16-6-6(F)(3)(b).

13. The Master Development Plan's Landscape Area development standards refer to the Atrisco Business Park Master Development Plan planting palette, which was developed in the 1990s and is outdated by today's speciation standards, according to the City Forester in the City Parks and Recreation Department. The City maintains an Official Albuquerque Plant Palette with a list of acceptable tree species. Future development will require a site plan that includes a landscaping plan that conforms with the Official Albuquerque Plant Palette, Street Tree Ordinance §6-6-2-5, and landscaping standards in IDO §14-16-5-6.

14. As required by IDO §14-16-6-6(F)(3)(c), the Clifford West Business Park is already served by existing infrastructure and public improvements that have adequate capacity to serve the proposed development. Any future capacity needs and mitigation would be addressed by the applicant through the site plan and/or building permit process.

15. As required by IDO 14-16-6-6(F)(3)(d), the Master Development Plan mitigates any significant adverse impact on the surrounding area. The removal of the Master Development Plan building site coverage design standards for the subject site and complying with the dimensional standards of the IDO for the NR-BP zone district will allow for a building smaller than allowed by the Master Development Plan to be built on the subject site. Future significant adverse impacts on the surrounding area would be mitigated through the site plan and/or building permit process.

16. The subject site is not with 660 feet of Tribal Lands or Major Public Open Space.

17. The subject site is not within an Overlay Zone.
18. The applicant notified the Los Volcanes Neighborhood Association (NA), South West Alliance of Neighborhoods (SWAN Coalition), and Westside Coalition of Neighborhood Associations as identified by the Office of Neighborhood Coordination. Property owners within 100 feet of the subject site were also notified as required. A facilitated meeting was not requested or held.
19. Staff received one phone call from a representative of a church adjacent to the subject site. The church may be against this development, because it's concerned about the car dealership proximity to the church and adjacent church school but they need more information from the applicant. In particular, they are concerned about the type of people that may be drawn to the area and the heightened safety risk of their students. The applicant's agent has notified the applicant, so contact can be made with the church and their concerns can be expressed and resolved. No other comments or opposition regarding the request is known by Staff.
20. The City of Albuquerque is in the process of eliminating non-functional turf grasses due to high water requirements compared to the function they serve.

CONDITIONS OF APPROVAL – SI-2024-01139

Project #: 2024-010761 / SI #: 2024-01139, request for a Major Amendment to remove the building site coverage requirements from the Clifford Business Park Master Development Plan.

1. Pursuant to IDO §14-16-6-6(F)(2)(e) Master Development Plans shall be reviewed administratively for compliance with conditions of approval, zoning standards, and DPM standards prior to the issuance of a building permit. The applicant shall coordinate with the Staff Planner to ensure that EPC Conditions have been met prior to submitting a vetted, final version to the staff planner for filing at the Planning Department. A Site Plan application for the subject site shall not be accepted until a final version of the Master Development Plan has been submitted.
2. Pursuant to IDO §14-16-6-4(O)(4) any conditions shall be met within 1 year of the approval. If any conditions are not met within that time, the approval is void. The Planning Director may extend the time limit up to an additional 1 year
3. Amendment Note #4 on the Master Development Plan shall be updated to read, "Remove Building Site Coverage requirements for Lot 5 and Tract B. For those lots, Building Site Coverage shall be required pursuant to IDO §14-16-5-1(E) and IDO Table 5-1-3 for the NR-BP zone district."
4. All references to building coverage shall be correspondently updated so building coverage for Lot 5 and Tract B follows IDO standards. The building site coverage design standards in the controlling Master Development Plan will continue to apply on the remaining properties.
5. Parks & Rec. – Urban Forestry:
 - (A) Street trees are required to be provided pursuant to the City's Street Tree Ordinance §6-6-2-5 STREET TREE POLICIES.
 - (B) Street trees shall be selected from the species in the Official Albuquerque Plant Palette and Sizing List maintained by the City Forester. Pursuant to IDO §14-16-5-6(D)(1)(b), only trees selected from the Official Albuquerque Plant Palette of low water use, drought tolerant, or xeric species and shown on a landscape plan can count toward the requirements of this Subsection 14-

16-5-6(D) (Street Frontage Landscaping), except those existing trees that are 8 inch caliper or larger may count toward street tree requirements, regardless of whether they appear on one of those lists.

6. The Master Development Plan shall comply with the General Regulations of the IDO and all other applicable design regulations, except as specifically approved by the EPC. Pursuant to IDO §14-16-2-5(B)(3)(c)2, the site-specific standards shall not conflict with or reduce other standards in this IDO. Pursuant to IDO §14-16-2-5(B)(3)(d), where the Master Development Plan is silent, other IDO standards apply.
7. Revise the following language in the Master Development Plan:
~~“A minimum of twenty (20%) of the provided Landscape Areas shall be covered in turf grasses. Areas of turf should be located at the most prominent visual points, such as streetscapes and vehicular entries to the site. The areas of turf help to create visual corridors into specific sites.”~~

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC’s decision or by **October 4, 2024**. 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 IDO §14-16-6-4(U) (Appeals). A non-refundable filing fee will be charged and must be paid at the time the appeal is filed.

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,

/ Mikaela Renz-Whitmore /

for Alan M. Varela,
Planning Director

AV/MRW/WS

CC:

Applicant, D&B Limited Trust, LLC, dblimitedtrust@gmail.com
Agent, James Strozier, cp@consensusplanning.com
Los Volcanes NA, Ted Trujillo, nedcarla@live.com
Los Volcanes NA, Doug Cooper, douglascooper@hotmail.com
South West Alliance of Neighborhoods, Geraldine Ulibarri, gerulibarril@gmail.com
South West Alliance of Neighborhoods, Lorenzo Otero, housealbchrome@gmail.com
Westside Coalition of NA, Rene Horvath, aboard111@gmail.com
Westside Coalition of NA Elizabeth Haley, elizabethkayhaley@gmail.com
Legal, acon@cabq.gov
EPC file