

0-2024-020

**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

FROM: Isaac Padilla, Director of Council Services MM/For IEP
6/27/24

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. O-24-11 Adopting A Small Area Text Amendment To The Integrated Development Ordinance For The Volcano Heights Urban Center To Allow Drive-Throughs In Mixed-Use Zone Districts (Lewis, by request), which was passed at the Council meeting of June 17, 2024, by a vote of 6 FOR AND 3 AGAINST.

For: Baca, Bassan, Champine, Grout, Lewis, Peña
Against: Fiebelkorn, Rogers, Sanchez

In accordance with the provisions of the City Charter, your action is respectfully requested.

1 **WHEREAS, the IDO currently prohibits drive-through and drive-up uses in**
2 **Mixed-use zone districts within the VHUC; and**

3 **WHEREAS, the IDO allows drive-through and drive-up uses in Non-**
4 **residential zone districts within the VHUC; and**

5 **WHEREAS, Councilor Lewis proposed a small area text amendment for the**
6 **VHUC to lift the prohibition on drive-throughs in Mixed-use zone districts; and**

7 **WHEREAS, the City held public review meetings for proposed amendments**
8 **in the 2023 IDO Annual update, including small area amendments, on October**
9 **12, October 13, and November 17, 2023; and**

10 **WHEREAS, the City offered a Pre-submittal Neighborhood Meeting as**
11 **required by the IDO and held the meeting on October 17, 2023 to present and**
12 **discuss the proposed change to the Volcano Heights Urban Center, respond**
13 **to questions, and gather feedback; and**

14 **WHEREAS, the City provided all required notice for an Amendment to IDO**
15 **Text – Small Area, including publishing a legal ad in the Albuquerque Journal,**
16 **emailing two representatives of each neighborhood organization registered**
17 **with the Office of Neighborhood Coordination (ONC), mailing property owners**
18 **within the small area and within 100 feet, and posting notice on the Planning**
19 **Department website and on the project website; and**

20 **WHEREAS, the IDO requires an Amendment to IDO Text – Small Area to be**
21 **reviewed by the Environmental Planning Commission (EPC) and decided as a**
22 **quasi-judicial action by City Council as the City’s zoning authority in §14-16-6-**
23 **7(E)(2)(c) and (d); and**

24 **WHEREAS, the EPC held a study session for the 2023 IDO Annual Update**
25 **on December 7, 2023, and considered this request on February 15, 2024; and**

26 **WHEREAS, the EPC, following study and consideration, found that this**
27 **proposed amendment does not further and conflicts with the spirit and intent**
28 **of the ABC Comp Plan, including applicable goals and policies related to**
29 **Community Identity, Land Use, Transportation, Urban Design, and Heritage**
30 **Conservation and therefore does not satisfy the review and decision criteria**
31 **for an Amendment to IDO Text – Small Area in §14-16-6-7(E)(3); and**

32 **WHEREAS, the EPC forwarded to the City Council a recommendation of**
33 **denial subject to the findings in the record.**

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1 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
2 ALBUQUERQUE:

3 SECTION 1. Amend IDO §14-16-4-3(F)(5) to delete text in §14-16-4-3(F)(5)(f)
4 as follows:

5 ~~[10. Volcano Heights Urban Center~~
6 ~~This use is prohibited in the Mixed-use zone districts in this Center as mapped~~
7 ~~in the ABC Comp Plan, as amended.]~~

8 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
9 clause, word or phrase of this ordinance is for any reason held to be invalid or
10 unenforceable by any court of competent jurisdiction, such decision shall not
11 affect the validity of the remaining provisions of this ordinance. The Council
12 hereby declares that it would have passed this ordinance and each section,
13 paragraph, sentence, clause, word or phrase thereof irrespective of any
14 provision being declared unconstitutional or otherwise invalid.

15 SECTION 3. COMPILATION. Section 1 of this ordinance shall be
16 incorporated in and made part of the Revised Ordinances of Albuquerque,
17 New Mexico, 1994.

18 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect after
19 publication by title and general summary upon the sooner of the effective date
20 of the 2023 IDO Annual Update or January 31st, 2025.
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1 PASSED AND ADOPTED THIS 17th DAY OF June, 2024
2 BY A VOTE OF: 6 FOR 3 AGAINST.

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4 For: Baca, Bassan, Champine, Grout, Lewis, Peña
5 Against: Fiebelkorn, Rogers, Sanchez
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10 _____
11 Dan Lewis, President
12 City Council
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15 APPROVED THIS _____ DAY OF _____, 2024
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19 Bill No. O-24-11
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22 Timothy M. Keller, Mayor
23 City of Albuquerque
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26 ATTEST:

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29 Ethan Watson, City Clerk
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