

DISTRICT 6 COALITION
July 16, 2024
Zoning Report

On June 17th, Council passed all four IDO cases. There were 10 amendments heard at LUPZ; three were withdrawn to be heard at Full Council, two failed (but were reintroduced as ‘B’ amendments at Council). The Citywide amendment package was Legislative, the Small Area Amendments were Quasi-judicial, thus requiring notification of neighbors. See the entire process here: <https://abq-zone.com/ido-annual-update-2023>

- O-24-13 Citywide Text Amendments for the 2023 IDO Annual Update
- O-24-11 Small Area Text Amendment for VHUC to allow drive-throughs in Mixed Use
- O-24-12 Small Area Text Amendment for VPO-2 to refer applications to Tribal Reps.
- O-24-17 Small Area Text Amendment for Rail Trail development standards.

O-24-13 Citywide Text Amendments for the 2023 IDO Annual Update. Of the 60+ originally proposed amendments, the spreadsheet on the City website shows—I think—approximately 35 items that the Environmental Planning Commission (EPC) recommended approval. The Land Use Planning and Zoning Committee (LUPZ) “A” amendments and Council “B” amendments were voted on as follows:

IDO 2023 Annual Update - LUPZ Proposed Amendments

Council Floor Amendments 2023 IDO Annual Update

Revised to show the outcome of the LUPZ Hearing on 5/15/2024

Proposed Amendments to the IDO – All Bills		
May 19 th , 2024 Land Use, Planning and Zoning Committee Meeting		
O-24-13		
Amendment	Topic	Action
A1	Animal Welfare	Pass
A2	Areas of Change and Consistency	Pass
A3	Boat and RV Parking	Pass
A4	Cottage Development Maximum	Pass
A5	Duplexes	Failed
A6	Energy Storage Systems	Withdrawn (To be heard at Full Council)
A7	Front Yard Walls and Fences (Residential)	Failed
A8	Landscaping Applicability	Pass
A9	Overnight Shelters	Withdrawn (To be heard at Full Council)
A10	Pre-Application Facilitated Meetings	Withdrawn (To be heard at Full Council)
O-24-17		
Amendment	Topic	Action
1	Rail Trail	Withdrawn (To be heard at Full Council)

Proposed Amendments to the IDO – All Bills		
June 3, 2024 City Council Meeting		
O-24-13		
Amendment	Topic	Action
B1	Alleyway Lighting	Pass
B2	Duplexes	Failed
B3	Energy Storage Systems	Pass
B4	(a) Facilitated Meetings, option 1	B4(a) Pass
(a) or (b)	(b) Facilitated Meetings, option 2	
B5	Tribal Meeting Facilitation	Pass
B6	Front Yard Walls and Fences (Residential)	Failed
B7	Overnight Shelters	Failed
O-24-17		
Amendment	Topic	Notes
1	Rail Trail	Pass

The results of Council votes on each of the B amendments is tallied on the meeting minutes; but with no description of what the amendment is, only its number. The following diagram is a detailed tally of each amendment vote.

O-24-13 Council Amendments		Baca	Bassan	Champine	Fiabelkorn	Grout	Lewis	Pena	Rogers	Sanchez	Result
#	Topic										
B1	Alleyway Lighting	✓	✓	✓	✓	✓	✓	✓	✓	✓	Pass, 9-0
B2	Duplexes	✓	X	X	✓	X	X	X	✓	X	Fail, 3-6
B3	Energy Storage Systems	✓	✓	✓	✓	✓	✓	✓	✓	✓	Pass, 9-0
B4	Facilitated Mtgs Opt.1	✓	✓	✓	X	✓	✓	X	X	X	Fail, 4-5
B5	Tribal Mtg Facilitation	✓	✓	✓	✓	✓	✓	✓	✓	✓	Pass, 9-0
B6	Front Yard Walls/Fences	X	X	X	X	X	X	✓	X	X	Fail, 1-8
B7	Overnight Shelters	✓	X	X	✓	X	X	X	✓	X	Fail, 3-6

After voting on these 7 amendments, Council unanimously approved O-24-13 (at 11:47 p.m.). Many of these changes have the potential for serious unintended consequences. These include but are not limited to: permissive approval of BESS (Battery Energy Storage Systems) in R-1, the removal of Pre-Submittal Facilitated meetings, and the change in the definition of “Adjacent”.

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Zoning Report

Page 2

The votes on the Small Area Text Amendments are as follows:

O-24-11 Small Area Text Amendment for VHUC to allow drive-throughs in Mixed Use; passed. The Volcano Heights Urban Center, defined in the Comprehensive Plan as one of only two Urban Centers (in addition to Downtown), had a ban on drive-throughs in the Mixed-Use zone districts. (An Urban Center, by definition, emphasizes walkability.) The EPC agreed with this assessment and recommended denial. This case had been deferred twice because of notification errors. (Because Small Area Amendments are quasi-judicial, rather than legislative, mailed notification of neighbors is required.) Council reversed EPC's recommendation and approved this on a 6-3 vote (Councilors Fiebelkorn, Rogers, and Sanchez voted in opposition to removing the ban.)

O-24-12 Small Area Text Amendment for VPO-2 to refer applications to Tribal Representatives; passed. This amendment proposed adding Tribal Representatives as Commenting Agencies for development in the Northwest Mesa Escarpment View Protection Overlay Zone (VPO-2). EPC had recommended denial, Council unanimously and rightly reversed that and approved this on a 9-0 vote.

O-24-17 Small Area Text Amendment for Rail Trail development standards; passed. There was one B amendment removing a building stepdown requirement for properties with two or more street frontages. That amendment, and the subsequent ordinance, passed unanimously.

All three of the Small Area Amendments were heard very late at night, some after midnight. Many citizens who had signed up to speak had given up by then. Making major changes to the City's zoning code—in a text amendment process, **and literally in the dark of night**—is not good government.

One very positive change is an amendment I submitted last fall regarding Sec. 6-3(D) ANNUAL UPDATES TO THE IDO: to change the update cycle from Annual to Biennial. So, now this insanity will only happen every other year!

Respectfully submitted,



Patty Willson, D6 Zoning Committee Chair